

Memorandum
City of Lawrence
Planning Department

TO: David L. Corliss, City Manager
FROM: Mary Miller, Planner
CC: Diane Stoddard, Assistant City Manager
Cynthia Wagner, Assistant City Manager
Date: For January 5th City Commission meeting
RE: Revised Conditions of Approval for Preliminary Plat (PP-10-5-09)
for a four lot commercial and residential-office on approximately
29 acres for the Mercato project located at the NE corner of K-10 &
West 6th Street (Hwy 40).

The Planning Commission voted to approve the preliminary plat referenced above at their December 14, 2009 meeting based on the findings of fact in the staff report and subject to the conditions of approval listed in the staff report with one modification, the removal of Condition No. 7.

Condition No. 7 stated that, "The preliminary plat shall be valid only upon approval of revisions to Section 16-1201 of the City Code by the City Commission." Section 16-1201 of the City Code lists access restrictions on this portion of W 6th Street which Staff interpreted to prohibit the additional access point that the applicant is requesting. Staff supports the proposed access, but is of the opinion that City Code Section 16-1201 must be revised or a waiver granted in order for the plat to be code-compliant. The applicant provided a different interpretation of the Code requirement and the Planning Commission voted to remove the requirement that the Code be revised noting that, in any event, the City Commission will weigh in on this matter with the consideration of the plat dedications.

The conditions of approval as revised and approved by the Planning Commission are listed below (with the deleted text ~~struckthrough~~):

- 1) The preliminary plat shall be revised as follows:
 - a. The dimension of the western width of right-of-way for Overland Drive shall be noted on the plat.
 - b. The plat shall be revised to clearly identify the Southern Star easement which is being proposed for vacation.
 - c. The plat shall show the relocation of the Southern Star gas line to the south rather than extending through the easement which is to be vacated.
 - d. The extension of the Southern Star gas line off-site to tie into the existing gas line to the southeast must be approved by Southern Star.

- 2) Prior to recording the final plat, the applicant shall provide the Planning Office with documentation that right-of-way for Renaissance Drive is available prior to final approval of the plat.
- 3) Prior to recording the final plat, the applicant shall provide the Planning Office with documentation that Southern Star approves the relocation of the gas line and easement between Lots 1 and 2 of Block Two and the relocation of the off-site gas line to tie into the existing line.
- 4) Prior to recording the final plat, the applicant shall provide the Planning Office with documentation that Southern Star approves the design of Renaissance Drive in relation to the gas line location.
- 5) Prior to recording the final plat for the remainder of the Mercato Development (PF-03-04-07), the applicant shall revise the previously approved preliminary plat (PP-01-02-06) and final plat (PF-03-04-07) to reflect the changes approved with this preliminary plat.
- 6) Prior to recording the final plat, the applicant shall gain approval of an access permit from the Kansas Department of Transportation to access W. 6th Street (Hwy 40).
- ~~7) The preliminary plat shall be valid only upon approval of revisions to Section 16-1201 of the City Code by the City Commission.~~
- 8) Prior to recording the final plat, the rezoning request [Z-10-17-09] from UR (RMO pending) to CC400 District shall be adopted and published.

To date, KDOT maintains that an access permit will not be granted for the proposed access unless the City accepts W 6th Street, from K-10 to Iowa Street, into its street system. Relinquishing W 6th Street to the city will create financial and maintenance consequences for the city that have not been fully analyzed at this time. The Planning Commission recognized that this was also a policy issue that the City Commission would consider.