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Planning and Development Services  
City Hall  
6 E. Sixth Street  
Lawrence, KS 66044

**Re: PDP-1-1-10 Harvest Development  
Previously Approved Waivers for Bauer Farm**

To whom it may concern,

Planning Staff has requested a statement on behalf of the Applicant, justifying a proposed “re-enactment” of a number of waivers and Subdivision Design Standard modifications granted by the Planning Commission for the Bauer Farm Preliminary Development Plan (PDP) in December 2005. At that time, four waivers and three Subdivision Design Standard modifications were granted. (A Text Amendment was also approved by the City Commission, eliminating a former 50’ setback from W. 6<sup>th</sup> Street, in June 2006.)

Based on Landplan’s assessment, two waivers (addressed in detail below) apply to the Harvest Development revisions depicted in pending PDP-1-1-10. As far as this particular PDP review is concerned, we assume all other previously approved waivers and Subdivision Design Standard modifications mentioned above will either remain in place or be re-enacted concurrently with this PDP review/approval; those that do not apply are not herein addressed, nor are any other waivers which may have been granted via separate applications by other consultants.

PDP p. 4, General Note 39, Waiver 2. Periphery Boundary, 2b states, “35 feet residential peripheral to 10’ setbacks on Overland Drive, 10’ setbacks on Folks Road...”. 3b states, “Residential front yard setbacks of approximately 10 feet, and side and rear yard setbacks less than 10 feet...” We ask that these waivers remain as previously approved and/or be re-enacted for the following reasons:

**A. Site Design**

In the context of the original waiver approval, some TND, New Urbanism and Neotraditional concepts were applied to the plan. With the revised, proposed plan, the Harvest Development retirement facility will retain these ideals by “pushing” its variegated building facade eastward, close to the 10-foot Folks Road setback, thus reducing the “sprawl” effect and contributing to an urban style streetscape along Folks Road and at the corner of Folks Road & Overland Drive.

Similarly, along Overland Drive, green spaces and active/passive recreation areas (including a pool and cabana/pump house) will be pushed toward the 10-foot Overland Drive setback, true also for a small detached garage building at the northwest corner of the site.

The west side of the site, designed with some input by Staff, will situate proposed garage buildings toward the western 10-foot setback compatibly with the existing plan depicting

residential property west of the subject site, as well as compatibly with other development possibilities to the west, if and when applicable. Here, on-site green spaces and walkways will be incorporated to complement the currently approved open space, or other development possibilities near the southwest corner of the subject site.

*Within the Bauer Farm PDP interior, along proposed Bauer Farm Drive, the building will be pushed farther away from the street to accommodate required grading, also accommodating the necessary parking and drop-off facilities required for this proposed facility; here, in addition to ample on-site walkways, public sidewalks along both sides of the street will be installed as originally planned (no specific setback conditions have been expressly defined relative to Bauer Farm Drive, although a 10' setback along Bauer Farm Drive is implied, per past Bauer Farm approvals).*

#### B. Previously Established Design Criteria

The 10-foot periphery setbacks established by the PC in 2005 are the only known/approved setback criterion associated with the subject site. Harvest Development negotiated purchase of a specific quantity of property, surveyed the boundary, produced an ALTA survey and designed the site, all in accordance with these known setbacks. To change the setbacks at this juncture would, at best, result in loss of buildable area and require re-design of the subject project, almost certainly resulting in a reduction of proposed units and parking spaces. At worst, change in previously defined setbacks could render the pending land transfer to Harvest null and void.


#### C. Previously Constructed Site Elements

Three decorative stone retaining walls and two buildings have been constructed to the reduced setback lines in the western, commercial portion of Bauer Farm, along W. 6<sup>th</sup> Street and along Wakarusa Drive (with the existing pharmacy, in-line retail building and fast food restaurant). Another decorative stone wall has been fully approved to the reduced setback line along Wakarusa Drive and is pending construction in the very near future (with the car wash). The standard of development for Bauer Farm, as relating to setbacks, is thus established.

To vary from the previously approved setbacks standards at this point would create future visual and aesthetic inconsistencies, versus what is already constructed, and would prevent implementation of a significant aspect of the pre-established setback concept.

If a re-enactment of any of the previously granted waivers or similar approvals is in fact necessary, we appreciate your affirmative recommendation. Feel free to contact me with questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim A. Herndon". The signature is stylized with a large, sweeping initial "T" and a cursive-style name.

Tim A. Herndon

cc: Dan Roach  
file