

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** David L Corliss, City Manager

**FROM:** Mary Miller, Planning Staff

**CC:** Diane Stoddard, Assistant City Manager  
Cynthia Wagner, Assistant City Manager  
Scott McCullough, Director of Planning and Development Services

**Date:** For May 4, 2010 meeting

**RE:** Extension request for Preliminary Development Plan for Mercato  
PCD [PDP-08-08-06]

A written request for an extension of the approval for the Preliminary Development Plan for the Mercato Planned Commercial Development located N of Hwy 40 & E of Hwy K-10 was submitted prior to the expiration date of the plan, June 30, 2010.

The following table illustrates the various items which have been approved for the Mercato Development including extensions:

Item	File ID	Approved	Extensions
Preliminary Plat for Mercato Addition	PP-01-02-06	4/17/2006*	
Final Plat for Mercato Addition First Plat	PF-06-15-06	4/17/2007	4/21/2008 -- PC approved 1 year extension to 4/17/2009 3/25/2009 -- PC approved 3 year extension to 4/17/2012
Final Plat for Mercato Addition Second Plat	PF-03-04-07	5/15/2007*	4/21/2008 -- PC approved 1 year extension to 5/15/2009 3/25/2009 -- PC approved 3 year extension to 5/15/2012
Preliminary Development Plan for Mercato PCD	PDP-08-08-06	4/17/2007	3 year extension requested
Revised Preliminary Plat for Mercato	PP-10-5-09	1/5/2009 *Conditions of approval included revision of preliminary plat (PP-01-02-06) and final plat (PF-03-04-07) to reflect changes made with this revised plat	Approval valid for 18 months—7/5/2010. No extension necessary at this time.

As the Mercato Development began prior to the adoption of the 2006 Development Code, the applications were reviewed and processed with the 1966 Zoning Regulations. The 2006 Development Code was recently amended to revise the approval and extension periods for development plans and the approval of this extension request would be based upon this time table. Per Section 20-1304(d)(12) of the Development Code, approval of a Preliminary Development Plan shall expire within 24 months after final approval or within 6 months after the date shown on an approved development schedule. The Preliminary Development Plan was approved on April 17, 2007 and the approved development schedule noted that Phase I would be completed from 2007 to 2009. As the phasing schedule was the longer period, the plan approval would expire on June 30, 2010.

Section 20-1304(d)(12) also states that for good cause shown, the expiration date may be extended by the City Commission for a period not to exceed 24 months or the proposed phasing schedule may be modified to extend all dates by a period not to exceed one-half the original period allowed for development of that phase. One-half of the phasing schedule for Phase 1 would be 1.5 years.

The extension request lists the following causes for the extension request:

- Challenges associated with the time table for the construction of George Williams Way,
- The unfinished state of the sewer construction project, and
- The nature of the economy at this time.

The City Engineer explained that George Williams Way has been constructed, but the intersection at W 6<sup>th</sup> Street and George Williams Way has not yet been signalized. He indicated that it would be possible to signalize this intersection if development were to occur in the Mercato area. Currently, the sewer construction project along W 6<sup>th</sup> Street has not been completed to the Mercato area so development would not be possible at this time. The economic slowdown is recognized and was a generator for the text amendment to create longer approval and extension timeframes. In staff's opinion, the unfinished state of the sewer construction project and the general state of the economy constitute a good cause for an extension.

With this extension, the approval of the Preliminary Development Plan would be effective for up to 2 years (June 30, 2012) which is in keeping with the extended time frames for the final plats (April and May of 2012). If a Final Development Plan has not been submitted by June 30, 2012, an additional extension may be approved by the City Commission for good cause shown if a written request is provided to the Planning Office prior to the expiration date.

**Staff Recommendation:**

Staff recommends that the City Commission grant a 2 year extension of the Preliminary Development Plan approval for the Mercato PCD based on the information provided in this memo.