

# 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 March 13, 2012 City Commission meeting

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

Attachments:

- A: Development History
- B: Written request for extension
- C: Mercato Preliminary Development Plan

The preliminary development plan for the Mercato Planned Commercial Development was approved by the City Commission on April 17, 2007. On May 4, 2010 the City Commission approved a 2 year extension to June 30, 2012. 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, 2012. (Attachment A)

Since the preliminary development plan was approved in 2007, final plats have been submitted and approved for the Mercato property. A rezoning in 2009 increased the commercial area in the development and a revised preliminary plat reconfigured the interior street layout, created additional right-of-way for a right-in/right-out on W 6<sup>th</sup> Street/Hwy 40, and provided for the construction of Renaissance Drive to the west of the subject property. The project has been on hold pending the transfer of the right-of-way for Renaissance Drive and the resolution of the right-in/right-out access with KDOT. The Planning Commission's approval of the preliminary plat in 2009 was conditioned on the revision of the final plats.

The applicant worked with KDOT and the City to finalize the transfer of the right-of-way necessary for the construction of Renaissance Drive and the City Commission accepted the dedication of this right-of-way at their September 14, 2010 meeting. The applicant indicated that development of this area has been slower than anticipated due in part to the slow economy and also to the need to get George Williams Way built, the sewer and water lines extended, and the right-in/right-out access worked out with KDOT.

The economic slowdown is recognized and was a generator for a recent text amendment to create longer approval and extension timeframes. In staff's opinion, 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 to June 30, 2014. The approvals of the final and preliminary plats were extended to June 30, 2014 to create one expiration date for all items associated with the Mercato development. If a Final Development Plan has not been submitted by June 30, 2014 the plan approval will expire; however, 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.

Per Section 20-1304(d)(12)(i) of the Development Code, approval of a Preliminary Development Plan may be extended for a period not to exceed As the applicant noted the delay in the submittal of final plat lay in the time needed to finalize access on W 6<sup>th</sup> Street, the extension of water and sewer lines, and the slow economy. The project remains compliant with the requirements of the Development Code. Very little development has occurred in this area since the Preliminary Development Plan was approved in 2007; therefore, the development proposed would remain compatible with the surrounding area.

**Staff Recommendation:**

Planning Staff recommends that the City Commission approve the 24 month extension request which would permit the Preliminary Development Plan approval to remain valid until **June 30, 2014**.

The following table lists the approvals associated with the Mercato Development and the extensions which have been granted to date.

Application	File No.	Date Approved	Description	Area (app.)
Rezoning	Z-01-10-05	May 9, 2006	A to RS7 (previous designation: RS-2)	25.82 acres
	Z-01-11-05	May 9, 2006	A to RM12D (previous designation: RM-D)	7.63 acres
	Z-01-12-05	May 9, 2006	A to RM24 (previous designation: RM-2)	12.77 acres
	Z-03-05-06	May 9, 2006	A to PCD[Mercato] PCD[Mercato]PCD-2)	45.31 acres
	Z-03-06-06	May 9, 2006	A to RMO (previous designation: RO-1A)	31.12 acres
	Z-10-17-09	Jan 5, 2010	UR to CC 400	23.96 acres
Plats	PP-01-02-06	April 27, 2006	Mercato 75 single-dwelling lots (RS7); 18 duplex lots (RM12D); 1 multi-dwelling lot (RM24); 6 residence/office lots (RMO); 9 commercial lots (PCD[Mercato])	122.65 acres 25.82 acres 7.63 acres 12.77 acres 31.12 acres 45.31 acres
	PF-06-15-06	April 17, 2007	Mercato Addition First Plat <i>Extension granted to 6/30/14 Feb 29</i> 18 duplex lots (RM12D); 75 single-dwelling lots (RS7); 1 multi-dwelling lot (RM24)	49.67 acres
	PF-03-04-07	May 15, 2007	Mercato Addition 2 <sup>nd</sup> Plat <i>Extension granted to 6/30/14</i> 6 residence/office lots (RMO); 10 commercial lots (PCD[Mercato])	72.66 acres
	PP-10-05-09	Dec 14, 2009	Revised Preliminary Plat for Lots 7, 8 and 9, block Four, and Lots 2, 3, and 4, Block Seven as shown on the approved Preliminary Plat for Mercato dated 4/26/06 <i>Extension granted to 6/30/14</i> 4 commercial lots	28.89 acres
Development Plans	PDP-08-08-06	April 17, 2007	Mercato Planned Commercial Development Extension granted to June 30, 2012 10 lots	45.31 acres

**Table 1.** Approvals associated with the Mercato Development. Subject extension request is highlighted. Extension requests for the final plats were approved by the Planning Director and the Planning Commission approved the extension request for the preliminary plat at their February 29, 2012 meeting.

**Mary Miller**

---

**From:** Jane M. Eldredge [jeldredge@barberemerson.com]  
**Sent:** Friday, February 10, 2012 5:28 PM  
**To:** Scott McCullough; Mary Miller  
**Cc:** jdssk@aol.com; Steve Schwada  
**Subject:** Mercato final plats PF-06-15-06 and PF-03-04-07

Dear Scott:

Please administratively approve the extension the two final plats (PF-06-15-06 and PF-03-04-07) for Mercato to June 30, 2014. We request these extensions due to the current economic conditions and the fact that PF-03-04-07 will have to be modified to conform to the final plat for CC 400 area which has been preliminarily platted (PP-10-05-09). Please send me a letter or e-mail approving the requested extension of each final plat.

Please also schedule our requested extension of PP-10-05-09 to June 30, 2014 on the next available Planning Commission agenda. If February is available, we would appreciate being on that agenda; otherwise, please place it on the March agenda.

We also request that the preliminary development plan (PDP-08-08-06) for the Mercato PCD be extended until June 30, 2014 and that this request be placed on the City Commission agenda two weeks after the approvals for all of the plats have been granted.

Please confirm the dates when the preliminary plat will be on the Planning Commission agenda and the preliminary development plan will be on the City Commission agenda.

The development of this area has been slower than anticipated because of the need to get George Williams Way built; the sewer and water extended and work out the right in/right out access with KDOT. We appreciate your support and help to get these public improvements in place before moving ahead with development. If there is anything further that you need from me, please let me know at your earliest convenience.

Thank you for your continuing cooperation.

Jane M. Eldredge  
Barber Emerson, L.C.  
1211 Massachusetts  
P.O. Box 667  
Lawrence, Kansas 66044  
(785) 843-6600  
(785) 843-8405 (facsimile)  
[www.barberemerson.com](http://www.barberemerson.com)  
[jeldredge@barberemerson.com](mailto:jeldredge@barberemerson.com)

