

ITEM NO. 3A PRELIMINARY PLAT FOR LANGSTON HEIGHTS ADDITION; E SIDE OF K-10 & S OF W 6TH ST (SLD)

PP-12-00228: Consider a Preliminary Plat for Langston Heights Addition, a 70 lot subdivision that includes detached, duplex and multi-family residential lots. An original variance from Section 20-811 (c) of the Subdivision Regulations that requires sidewalks on both sides of streets was withdrawn at the December Planning Commission meeting. The property is along the east side of K-10 highway and south of W. 6th Street, north and south of Crystal Lane and Palisades Drive extended to the west. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

ITEM NO. 3B UR TO RM12D; 4.582 ACRES; N & S OF CRYSTAL LANE & PALISADES DR (SLD)

Z-12-00229: Consider a request to rezone approximately 4.582 acres from UR (Urban Reserve) to RM12D (Multi-Dwelling Residential), located north and south of Crystal Lane and Palisades Drive extended as shown in the preliminary plat of Langston Heights Addition. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

ITEM NO. 3C UR TO RS7; 9.122 ACRES; N & S OF CRYSTAL LANE & PALISADES DR (SLD)

Z-12-00231: Consider a request to rezone approximately 9.122 acres from UR (Urban Reserve) to RS7 (Single-Dwelling Residential), located north and south of Crystal Lane and Palisades Drive extended as shown in the preliminary plat of Langston Heights Addition. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

ITEM NO. 3D UR TO RM12; 9.98 ACRES; E SIDE OF K-10 & S OF W 6TH ST (SLD)

Z-12-00232: Consider a request to rezone approximately 9.98 acres from UR (Urban Reserve) to RM12 (Multi-Dwelling Residential), located along the east side of K-10 highway south of W. 6th Street and along the west side of a proposed street known as Renaissance Drive, as shown in the preliminary plat of Langston Heights Addition. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

ITEM NO. 3E UR TO RS5; 3.88 ACRES; E SIDE OF K-10 & S OF W 6TH ST (SLD)

Z-13-00015: Consider a request to rezone approximately 3.88 acres from UR (Urban Reserve) to RS5 (Single-Dwelling Residential), located along the east side of K-10 highway south of W. 6th Street and along the west side of a proposed street known as Renaissance Drive, as shown in the preliminary plat of Langston Heights Addition. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 3A-3E together.

Commissioner Liese asked about the implications of the exercise. He asked if the residents in the area count on something like that happening; a road that would relieve the tension through the neighborhood.

Ms. Day said yes, she felt they could count on Renaissance Drive being extended. She said the exact alignment would still need to be worked out.

Commissioner Liese asked if there was a contingency that the road would need to be complete before the final phase.

Ms. Day said yes, there would be a note on the Preliminary Plat as an expectation. She said when the Final Plat was submitted the additional agreements/notes would be added to ensure the public improvements were in place prior to the development of row houses.

Commissioner Josserand asked how the road extension would be financed.

Ms. Day said it would probably be at the developer's expense, depending on whether or not a segment of it was at a collector or standard street. She said the applicant could seek to request the creation of a benefit district. She said there were a number of different avenues.

Mr. McCullough said typically there was a policy that required the applicant to fund development costs. He said there was no current request for public assistance for the payment of the infrastructure. He said when studies point to the need for certain infrastructure, such as sewer, roads, or water, the development then brings that infrastructure to the site being served. He said that was why the applicant was working off site with other owners in the area to negotiate those issues.

Commissioner Burger asked if the land owners were aware of the study and/or were they within the notification area.

Ms. Day said they were within the boundary of notice and had been advised of the request. She said the exercise staff did internally was to look at the land uses, not a formal study or plan amendment, for a concept of how the area might develop. She said staff shared it with the applicant who had some contact with other property owners.

APPLICANT PRESENTATION

Mr. Brian Sturm, Landplan Engineering, said at the December Planning Commission meeting the development group was directed to engaged in further dialogue with the neighbors, come up with a plan that increased the amount of single-family detached houses within the subdivision, reduced the traffic impact in some way or another on the existing Diamondhead neighborhood, and consider the future development of the ground to the south of the subdivision. He said in the last six weeks they had reached a fair bit of productive work. He highlighted the changes in the plat and rezoning. He showed the revised plat on the overhead. He said the most recent plat version was the result of discussions with stakeholders on all sides of the project. He said they met with representatives of the Diamondhead neighborhood twice and owners of vacant property to the north and south, City staff, KDOT, and representatives of USD 497. He said one of the big changes included an increase in single-family housing in the subdivision, specifically based on comments made from Diamondhead residents. He said they found a way to incorporate more single-family homes into the neighborhood. He said specifically the developer chose to remove 13 duplex lots and replace them with 23 single-family lots. He stated RS7 and RS5 zoning were incorporated in the plan. He said the RS5 lots provided transition from the RS7 districts to the east, RM12 & RM12D districts to the west, and RM24 district to the north. He said the change helped to solidly define the east half of the subdivision with single-family detached houses. He said it resulted in an 80% increase in single-family dwelling units over what was proposed in the previous plat. He stated the addition of the single-family homes did bear reference to the 6th Street and K-10 Nodal Plan. He said the Langston Heights addition plat facilitated development in conformance with the nodal plan. He said the majority of the residential uses in the quadrant would remain low density single-family neighborhoods. The medium density land uses proposed as part of the plat were warranted as a transition from the SLT. He said the overall density for Langston Heights addition preliminary plat remained below 6 dwelling units per acre. He said another significant difference made was regarding traffic impact. He said there were several changes made to address traffic concerns. He stated the amount and type of traffic passing from Langston Heights into the Diamondhead area was a concern. He said one measure taken was to realign the streets in the development. He said Crystal Lane and Palisades Drive no longer carried all the way through the subdivision. He said the east/west streets had been shifted which created an increase in turning maneuvers that a resident would have to make to exit through the Diamondhead neighborhood, resulting in slower and calmer traffic. He stated the street design maintained connectivity from one neighborhood to the next. Another big change the developer made was to delay the of construction of row homes on the west edge of the project until such time that Renaissance Drive was constructed and complete south to Bob Billings Parkway. A note on the plat states no building permits would be awarded for lot 1 block 1 until the road improvements were complete. This action delayed the construction of nearly 40% of the units in the subdivision until an entire ½ mile section of

road could be built. In the short term it reduced Langston Heights addition to a 98 unit subdivision, which was a smaller project than what was approved in 2006 and comprised of more than 50% single-family detached houses. He said the developer realized it would be feasible to phase the development this way after a lengthy set of negotiations with area stakeholders produced the alignment. He said the section of Renaissance Drive that runs through USD 497's property would be built as part of the K-10/Bob Billings interchange improvements slated to happen during 2014/2015. He said in conjunction with Alvamar they would complete the remainder of the street between Langston Heights and USD 497's property via a plat. He said only once the street was complete would Langston Heights addition achieve its full build out. He said in the short term Langston Heights traffic would fall by 33%, which was commensurate with the traffic generated by the row homes. He said in the long term the distribution patterns of Langston Heights traffic would be altered. Renaissance Drive would carry 1/3 of the traffic of Langston Heights, removing it entirely from the streets of Diamondhead. He said Renaissance Drive would also provide a way for Langston Heights Elementary to connect and provide a second access point for their school, which should eliminate congestion currently found in the Diamondhead neighborhood. He said they had made a number of revisions for the better.

PUBLIC HEARING

Mr. Brad Finkeldei, Stevens & Brand LLP, let the neighbors talk over a PowerPoint presentation he showed on the overhead.

Mr. Ryan Fike said the developers new proposal only had a slightly reduced density. He stated moving the higher density traffic through a lower density neighborhood was not a good idea and was unsafe for the children in the area. He said the new proposal allowed for the extension of the road to the south which was important, but it would directly increase the flow of traffic down Crystal Lane. He said the neighborhood had expectations set forth in the previous unrecorded plat. He stated the new proposal only reduced the units by 5 and he did not feel there had been real progress made. He said the neighborhood was sent the new proposal only about a week ago and he did not feel all of the neighborhood concerns had been heard. He asked for denial of the rezonings.

Ms. Erica Gudenkauf said there had been a lot of discussion regarding traffic. She showed a slide on the overhead of traffic flow to services in the area. She said most of the amenities that the neighborhood would visit on a regular basis were to the north so the traffic would still go through Crystal Lane. She said traffic study numbers did not take into account actual human behavior and where people travel. She said Mr. Sturm stated earlier that the revised plat would calm traffic, not reduce it. She said traffic would still go through Crystal Lane and the issue had not been resolved.

Mr. Mark Crabtree discussed neighborhood character and transitional density. He said the position of Renaissance Drive would create row homes and the character would continue to the land to the south. He said the east side of Renaissance Drive, single-family homes, was not cutting it for them. He said RS5 would be small homes. He requested denial of the project. He did not feel like positive movements were made during their discussions with the developer. He said there were other ways to make it work and the neighbors had a plan that could work too. He expressed concern about traffic flow and connectivity. He discussed transition from east to west versus north to south.

Mr. Andy Pitts did not feel the revised plan was significantly different, especially when looking at the density. He said RS5 would only be 45' wide lots. He said he presented his own idea to the developer. He felt RS5 should be replaced with RS7, and removing the fourplexes, while continuing the transition to the west. He felt it would create a different neighborhood than what was on the table tonight.

Mr. Mike Whittlesey said he also had a different plan that would hit some of the issues. He did not feel like the neighborhood ideas and concepts were considered very much by the developer. He expressed concern about traffic and wanted alternatives explored for different connectivity. He asked Planning Commission to deny this concept and allow the developer to come back with another concept.

Mr. Alan Cowles, West Lawrence Neighborhood Association, requested denial. He recommended Planning Commission give the neighbors consideration. He felt there were lots of other places in West Lawrence for high density development.

Ms. Gwen Klingenberg said that Harvard had become more dense with traffic. She felt that RS5 would result in rental property and that the houses would be too small for families. She said regarding the character of the neighborhood, there were protections in Horizon 2020 and the Development Code. She stated all the amenities were to the north and there needed to be a better way to get that high density, including RS5, out of the neighborhood to the main roads without going through single-family neighborhoods.

Mr. Finkeldei felt Planning Commission should be looking at the character of the neighborhood and how it complied with Horizon 2020. He said it was much smaller area to make that transition from east to west. He said that would end up leaving a very small section of single-family homes completely surrounded by higher density. He said the neighbors were worried about the transition from east to west. He felt there were other alternative plans that would add a lot more single-family and protect the neighborhood. He said the neighbors were not opposed to row housing but were opposed to being crammed from east to west and having a small area to reside and live.

APPLICANT CLOSING COMMENTS

Mr. Tim Herndon said one of the neighbors who spoke lived a mile away from the proposed site. He pointed out on the overhead the perimeter width of transition along 6th Street compared to the width along the Southwest Lawrence Trafficway. He said the project conformed with Horizon 2020 and staff recommended approval. He said perimeter transition zone protected the Diamondhead neighborhood and protected the interests of the developer in transitioning from single-family houses. He said all of the houses adjacent to the Diamondhead neighborhood had wider lots than Diamondhead. He said the RS5 houses, within the building envelope on RS5 lots, accommodated 2,400 sq ft on the ground floor. He said a second story addition would increase it to 4,800 sq. ft. and would be even larger with a basement. He said they were bigger houses than what was constructed in the Diamondhead neighborhood.

COMMISSION DISCUSSION

Commissioner Hird asked staff to respond to the issue of whether there was adequate space for transition from east to west. He asked how that compared to other parts of the city.

Mr. McCullough said staff had not done a full depth analysis. He said the value staff was trying to accommodate was the buffering from the highway to the interior of the neighborhood. He said there should be a transition of some land use, street, and then what was on the east side of Renaissance Drive.

Commissioner von Achen asked if the fourplexes would be delayed.

Ms. Day said no, just the row houses.

Commissioner Britton asked about the prospects of Renaissance Drive being connected to the north.

Mr. Sturm said Landplan Engineering and the development group met with the property owners to the north and they did not have plans at this point to move forward with development of the property. He stated they were interested in what would happen north of them in terms of that whole quadrant of commercial development.

Commissioner Culver asked the applicant about the limitations of the conceptual plan presented as an option by the neighbors. He asked if it was a viable option.

Mr. Herndon said the first thing that jumped out at him was the block length because there needed to be connections every 800'. He stated the idea that they would create neighborhoods that were so incompatible

that would require utter severance from one another was contrary from the guiding documents and his own professional principals.

Commissioner Hird asked Mr. Finkeldei about the proposed plan by the neighbors. He asked if the neighborhoods concept plan would provide less of a transition than what was proposed by the applicant.

Mr. Finkeldei said one of the neighbors proposed plans did not have the same road issues that Mr. Herndon discussed but allowed RS7 rather than RS5 and reduced fourplexes and put in a duplex transition. He said the neighbors had come to accept that duplexes could be an appropriate transition to K-10. He said in a perfect world the neighbors would choose all single-family. He said they were trying to come up with a plan that balanced some of the needs of the developer and the desires of the neighborhood.

Commissioner Hird said he sensed there was some agreement that what backed up to the trafficway probably should be row homes. He said it would be difficult to sell single-family lots backed up to the trafficway, which was why high density housing was usually put in those locations. He said it looked like the plans proposed by the neighbors had less transition and went abruptly from single-family to high density.

Mr. Finkeldei said the only difference was instead of RS5 it had RS7. He said the RS7 would back up to duplexes. He said the original concept plan from 2006 used road buffering so no units backed up to the highway. He said there were lots of other possibilities on the table.

Commissioner von Achen inquired about Mr. Pitts proposed plan.

Mr. Pitts said his plan was the one Mr. Finkeldei showed that switched RS5 to RS7.

Commissioner von Achen asked how many other plans were presented.

Mr. Finkeldei showed several plans on the overhead. He said one plan changed RS5 to RS7 and changed the fourplexes to duplexes. He said a second plan focused on the traffic flow and still had transition of RS7 to duplexes.

Commissioner Liese said he was still struggling with the issue of transition, traffic flow, and the character of the neighborhood.

Mr. McCullough said their instructions from the last meeting were to look at whether the new plans went far enough to meet more single-family. He said in terms of traffic, the Comprehensive Plan and Subdivision Regulations advocate for connectivity. He said there would be a significant increase of traffic trips through an existing part of the neighborhood, upon development. He said single-family homes produce more traffic than multi-dwelling.

Commissioner Liese inquired about the concept of single-family homes generating more traffic.

Mr. McCullough said typically there are more people living in a single-family dwelling so they make more trips per day than multi-dwelling types. He said it was important to keep in mind the ultimate build out of the entire half section of property. He said they were planning for and anticipated Renaissance Drive would connect both north and south eventually. He said they anticipated there would be development to the north and south. He said they planned for connection east to west as well so the development would hit George Williams Way. He agreed with some of the statements made about considering driver behavior, but said they shouldn't necessarily not strive for that connectivity between the neighborhoods. He encouraged them to judge this against the plan in place. He urged them to judge it to the words of the plan and look at what the neighborhood consists of and if it had the right type of housing stock planned, as well as general compatibility of single-family to other housing types.

Commissioner Liese said a comment was made that smaller homes could attract renters.

Mr. McCullough said smaller houses could attract renters, owners, and retirees. He said they could be affordable or luxurious. He said mixing neighborhoods could be a healthier way to develop neighborhoods. He said there was an elementary school in the neighborhood which could attract families with children to the neighborhood as well.

Commissioner Liese inquired about looking at neighborhoods in the area regarding transition.

Mr. McCullough said other areas included larger areas to plan and this was cutoff with the South Lawrence Trafficway so there was a shorter distance to do some of the more traditional residential development. He said there were three different plans presented tonight which all could work.

Commissioner Josserand inquired about traffic counts regarding single-family versus multi-family. He said the traffic manuals have a lot of national data related to single-family detached use but only one study relative to looking at fourplexes. He said the nature by which Lawrence uses fourplexes and duplexes was perhaps substantially different than any kind of national average. He did not necessarily agree with the statement about more traffic being generated by single-family versus multi-family. He asked Mr. Herndon about RS5 housing and if he thought an 8,000 sq. ft. house would really be built next to a fourplex or duplex.

Mr. Herndon said he was pointing out the capability within the building footprint on a lot that size. He said in his previous home, about ½ mile away backing up to 6th Street, he lived with his nine single-family detached neighbors on a piece of property that was less than two acres. He said they all lived in nice homes on a lovely street.

Commissioner Josserand asked if there was a fourplex next door and row houses a ½ block away.

Mr. Herndon said next door was a proposed church and on the other side of the church was Alvadora Apartment complex.

Commissioner Josserand said RS5 use was a less intense than RS7 but the lots were so small that when put next to an area that was generally high density, they would be small homes that had the potential to become rental property.

Mr. Herndon said it would be medium density and a beautiful neighborhood.

Commissioner Blaser said he was one of the ones that asked for the study about traffic going south out to Bob Billings Way. He said he wished he would have asked about traffic going north. He asked if they deny this project when the builder could come back.

Mr. McCullough said there was a clause in the Development Code that if a zoning application was denied by City Commission, the applicant could not bring back the same application for 12 months. He said they could bring back a different application after 90 days.

Commissioner Blaser asked if there was a way to have access through without going north.

Mr. McCullough said no, it was developed.

Commissioner Hird said the revised plan did have a little more single-family and was in conformance with the Nodal Plan. He said the road reconfiguration was an improved version but did not solve all the problems. He said he liked the idea of not building row homes until the road was extended but since it was to the south that was somewhat offset by Ms. Gudenkauf's map of traffic patterns and amenities. He said transition was a key thing. He said traffic was going to be an inconvenience to the neighbors no matter what was built. He felt RS5 provided more of a transition than otherwise. He said he was not offended by the size of RS5 lots and hoped it

would provide affordable housing for young families. He said the professional staff recommendations were influential on his considerations.

Commissioner Liese wondered if there was room for additional compromise. He inquired about deferral versus denial.

Mr. McCullough said Planning Commission would need to provide specific direction for the applicant to focus on.

Commissioner Liese said traffic flow would be a specific issue for the applicant to look at.

Mr. McCullough said bringing Renaissance Drive south prior to the row houses being developed was to act as an offset to allowing the higher density transition. He said if there was compromise in the east side of Renaissance Drive on what those land uses were then maybe there was not that connectivity issue. He said the request involved delaying the row houses until Renaissance Drive was completed to the south. He said the neighbors have requested the use be changed to a less harmful use and reduce traffic. He said the points of contention were whether Renaissance Drive could be taken both north and south and/or whether the land uses could be revised to some other type of land use, such as removing the fourplex, keeping RS5, or going to all RS7, which would be from the neighborhoods perspective, less impactful and more accepting of connections of the street network.

Mr. Bob Santee, developer, said they need to look at the bigger picture and the community as a whole. He stated if it was all single-family it would be dense and smaller. He said anything built there would need to be sold and that small rentals would be foolish. He said they were committed to this piece of property.

Commissioner Liese asked Mr. Herndon to address neighbors concerns and make recommendations.

Mr. Herndon said the traffic study prepared was reviewed by professionals and approved by the City. He stated they met with neighbors two more times and reconfigured the plan twice and the reconfiguration had a remodeled traffic study which was accepted and approved by the City. He asked Planning Commission for permission to correspond with his client if they were going to design on the fly tonight.

Commissioner Liese asked if Mr. Herndon was asking for more time.

Mr. Herndon said he would need to talk to the developer.

Planning Commission took a 10 minute recess to allow the applicant to speak with the developer about possible options.

Mr. Herndon said the economic parameter of the project was being stretched to the limit. He said they were willing to substitute the 24 fourplexes for a continuation of RS5 to Renaissance Drive, all duplexes on the cul-de-sac oriented toward Renaissance Drive, taking the RS5 transition to Renaissance Drive, and substituting the fourplex with duplexes around the cul-de-sac. He said the issue of the value and size of the houses was relative to what the builder was willing to construct on the lots.

Commissioner Burger asked to see the 2006 diagram that had been referenced.

Mr. Finkeldei displayed it on the overhead.

Commissioner Lamer asked staff if they look at each zoning request or with the plat as a whole for conformance with the Comprehensive Plan.

Ms. Day said with this particular application they looked at it as a whole project, the zonings accompanied the plat because the subdivision design was what held the development to a particular density.

Commissioner Lamer asked staff to respond to the overall density with the revisions just stated by Mr. Herndon.

Ms. Day said it would probably be comparable to 6 units per acre or less.

Commissioner von Achen asked how the neighborhood felt.

Mr. Finkeldei said he did not want to answer the question for the group without talking to them. He said the connection to the north was very important to them. He said some were also concerned about traffic so they may be more concerned with making a requirement that there was a connection to the north before some of it was built. He said others were concerned about density.

Commissioner Liese said this was the most extreme compromise he had seen during his two years on Planning Commission. He was impressed with the developer's willingness to consider such a large compromise.

Commissioner von Achen asked staff how Planning Commission should proceed without a plan in front of them.

Mr. McCullough said they could proceed with the motion to revise as presented by the applicant and staff would prepare it for City Commission's consideration with the proper graphics.

ACTION TAKEN on Item 3A

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve Preliminary Plat as revised by the applicant during meeting this evening based on the findings of fact in staff report and subject to conditions set forth in the staff report.

Commissioner Britton said it was difficult when there are strong presentations from both sides. He said the neighborhood effort was organized and effective. He felt the applicant had made significant concessions that would improve the original plan from last month that would address some of the issues such as traffic, density, and egress/ingress. He felt this was a pretty good compromise and would respect and preserve the character of the neighborhood. He said he would support the motion, especially with the concession made by the applicant.

Commissioner von Achen said she would support the motion because of the changes made by the applicant. She said she would like to see Renaissance Drive extended north. She said she hoped the neighbors understood this was a compromise.

Commissioner Hird said before the compromise was made he was leaning toward approving the project because it provided transition. He was relieved the developer made concessions he made. He agreed this was the best presentation from a neighborhood group that he had seen. He felt this would be a better project with the concessions made. He said he had never seen a developer make that kind of concession on the fly during a meeting.

Commissioner Liese said he visited the neighborhood and was impressed. He said he was very impressed with the applicant's willingness to stretch as far as he could. He said he would vote in favor of the motion.

Commissioner Culver felt the neighborhood and applicant time was used wisely during the past month. He stated this was a difficult piece of development with constraints. He said it followed the nodal plan and was a feasible project that kept the character of the neighborhood in tact. He said he would support the motion. He thanked the neighbors and the applicant for going through the process of creating a better product.

Commissioner Blaser said the compromise was not perfect and he would still like to see the road go north but that he would like to see the project move forward.

Commissioner Josserand said the applicant should receive kudos for making adjustments. He said he would vote against the motion. He did not think building townhomes next to K-10 would be very attractive. He said the plat that was never filed years ago lead to expectations that were not being met.

Commissioner Lamer commended the neighborhood group for their excellent presentation. He also commended the developer for the compromise. He said his main struggle was trying to reconcile this with the nodal plan and the low density issue. He said if there had been one plan submitted instead of multiple rezonings it would have been easier. He had reservations about whether it conformed to the nodal plan. He said he would not vote in favor.

Commissioner Burger said going back to testimony of the first meeting and witnessing the traffic herself, she had concerns about the traffic already there. She said she could think of some solutions but they did not address the connectivity. She said if the neighborhood connected to a new development they would have increased traffic issues. She said regarding the argument about not building single-family homes near the highway, there were currently a lot of single family homes built along K-10 in other cities. She did not feel like it was a good argument when looking at other communities. She said the applicant comment about this project being stretched to its limit caused her concern about what type of product they would see.

Motion carried 6-3, with Commissioners Burger, Josserand, and Lamer voting in opposition.
Commissioners Blaser, Britton, Culver, Hird, Liese, von Achen voted in favor of the motion.

ACTION TAKEN on Item 3B-3E

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the four rezonings, Items 3B-3E, with the acreages revised as necessary to conform with the plan offered by the applicant this evening.

Motion carried 6-3, with Commissioners Burger, Josserand, and Lamer voting in opposition.
Commissioners Blaser, Britton, Culver, Hird, Liese, von Achen voted in favor of the motion.