

ITEM NO. 3A UR TO RS7; 21.54 ACRES; QUEENS RD & OVERLAND DR (SLD)

Z-13-00149: Consider a request to rezone approximately 21.54 acres from UR (Urban Reserve) District to RS7 (Single-Dwelling Residential), located on the northwest corner of Queens Road & Overland Drive. Submitted by Highland Construction Inc., for Prairie Rose Holdings, LC, property owner of record.

ITEM NO. 3B UR TO RS5; 3.34 ACRES; QUEENS RD & OVERLAND DR (SLD)

Z-13-00165: Consider a request to rezone approximately 3.34 acres from UR (Urban Reserve) District to RS5 (Single-Dwelling Residential), located on the northwest corner of Queens Road & Overland Drive. Submitted by Highland Construction Inc., for Prairie Rose Holdings, LC, property owner of record.

ITEM NO. 3C UR TO RM12; 15.89 ACRES; QUEENS RD & OVERLAND DR (SLD)

Z-13-00166: Consider a request to rezone approximately 15.89 acres from UR (Urban Reserve) District to RM12 (Multi-Dwelling Residential), located on the northwest corner of Queens Road & Overland Drive. Submitted by Highland Construction Inc., for Prairie Rose Holdings, LC, property owner of record.

ITEM NO. 3D PRELIMINARY PLAT FOR KELLYN ADDITION; QUEENS RD & OVERLAND DR (SLD)

PP-13-00148: Consider a Preliminary Plat for Kellyn Addition, an 87 lot residential subdivision containing 40.76 acres. Lots include 15.89 acres for multi-dwelling, RM12 zoning, and 21.54 acres of proposed RS7, and 3.34 acres of proposed RS5 located on the northwest corner of Queens Road and Overland Drive. Submitted by Highland Construction Inc., for Prairie Rose Holdings LC, property owner of record.

STAFF PRESENTATION

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

APPLICANT PRESENTATION

Mr. Matt Gough, Barber Emerson, said he met with staff multiple times to bring forth a clean project with no conditions. He said he sent out letters and held a neighborhood meeting but that nobody attended the public meeting. He said he was not aware of any concerns from the neighbors other than the correspondence received and included in the packet.

PUBLIC HEARING

Mr. William Gary Michle said he was visiting Lawrence from New Jersey and expressed concern about too many apartments being built in Lawrence. He also expressed concern about there not being any green space along 6th Street. He felt there needed to be a plan to make sure apartments were maintained. He suggested putting a park in the middle of an apartment complex.

COMMISSION DISCUSSION

Commissioner Liese asked staff to comment on the League of Women Voters letter.

Mr. McCullough said generally speaking the League of Women Voters had held a position for some time they want each building on its own lot. He stated staff and the Code do not hold that view and that staff does not share the same position as the League of Women Voters. He said this was not a new concern and that it typically comes up when these types of development are seen. He said it was not an unfamiliar letter to staff.

Commissioner Liese asked staff to comment about the validity of their concerns.

Mr. McCullough said there were processes that help ensure maintenance of projects.

Commissioner Liese said Planning Commission constantly thinks about the inventory of apartments. He asked the applicant to respond to that concern from the public speaker.

Mr. Gough said this was an upscale development and not intended to be student housing. He said it represented a substantial part of the developers plans for the next several years and the overall investment could represent a 10-20 million dollar investment. He said the investment wouldn't be made if the belief didn't exist that the apartments could be leased up on a profitable basis. He said there was no empirical data or information that suggests there are too few or too many apartments. He said it was not within the ambit of Planning Commission to consider such a macro issue of if there were enough apartments. He said it was a land use question and the results of that land use analysis say this is a good project.

Commissioner Josserand asked if Mr. Gough was saying that examining the issue of multi-family being overbuilt/underbuilt was not within the purview of Planning Commission.

Mr. Gough said that was his belief.

Commissioner Josserand asked on what basis it would not be a matter that the Planning Commission could consider.

Mr. Gough said if Commissioner Josserand's position was that there was a sufficient inventory of multi-family, based on subjective beliefs, he would not be able to convince him otherwise. He said if the policy of the city was to make that the rule then it was something the elected officials should do.

Commissioner Josserand said there was no rule that would prevent them from considering it.

Mr. Gough felt there was intention behind the purpose of Planning Commission and it was not to make decisions that were intended for the elected body.

Mr. Josserand asked if Mr. Gough was saying by the absence of a rule Planning Commission was prohibited from considering the issue under the Golden Factors.

Mr. Gough said he was going to stop right there.

Commissioner Josserand asked how many units would be in the RM district.

Mr. Gough said the maximum number of units permitted would be 172.

Commissioner Josserand asked if it was the developers intent to fully maximize the number of units. He inquired about timing for the entire development.

Mr. Gough said his client currently had a project under construction a short distance away that was almost complete. He stated the first thing that would occur onsite was the addition of street and sewer infrastructure inside the 40 acres. He said the project would also drive the construction of Queens Road north that would connect with The Links and greatly enhance the connectivity of that development to other parts of town. He said in all likelihood there would be single-family lots for sale before ground was broken on the multi-family.

Commissioner Josserand asked if it was the intent of the developer to parcel out the RM part of the development to different people.

Mr. Gough said he had not spoken specifically to the developer about that but if it was approved those were options on the table.

Commissioner Josserand expressed concern about the amount of multi-family units. He felt if overbuilding created blight or bad impacts it was something Planning Commission should investigate and develop data.

Commissioner Rasmussen asked staff if it was typical to identify green space on a plat.

Mr. McCullough said it could be.

Commissioner Rasmussen said he did not see any green space identified on the plat. He asked if developers typically dedicate green space.

Ms. Day said green space for public purposes occurs with either a private park or public park. She said the Parks and Recreation Department was not in favor of taking on the maintenance of smaller neighborhood pocket kind of parks so they do not actively pursue them. She said public open space comes forward many times when there is a large drainage component to it. She said this project had a corner parcel that would be part of the drainage but that was the extent of it.

Mr. McCullough said for residential uses if there are environmentally sensitive lands present a certain percentage has to be maintained as open space as well. He said the RM District had a standard of 50 square feet per unit which was also provided as an amenity to the residents of the community. He said upon Site Plan development the RM parcel would provide some open space.

Commissioner Rasmussen asked if the proximity and access to public open space was considered.

Ms. Day said yes, public streets and sidewalks would take the residents to the public open spaces. She said the developer was proposing an amenity within the multi-family piece where the single-family residents would have access to that. She said it was predominately going to be the public sidewalk that connects residents from one subdivision to another.

Mr. McCullough pointed out on a map the recreation sites in the vicinity that the development would be able to take advantage of.

Commissioner Rasmussen asked if the open space areas were within a ½ mile of the development.

Mr. McCullough said yes.

Commissioner Josserand asked if the site next to the school was one of the alternative sites for the neighborhood recreation center.

Mr. McCullough said it was.

Commissioner Josserand asked if the land was being held to be used for park purposes.

Mr. McCullough said it was still owned by the City and there were no immediate plans for developing it so it was undetermined what the future build out would be.

Commissioner Denney inquired about upscale homes/apartments and wondered if that was something that at this point could be changed in the development.

Mr. McCullough said it was not and that staff did not regulate the quality, scale, or price points of development. He said staff are looking for compatibility. He said it was the applicants planned project.

Commissioner Denney asked if there were no studies showing what was appropriate density.

Mr. Gough said he was not aware of any studies of vacancy rates in Lawrence. He said there were areas of the target market that have not been met yet. He said the size of the RS7 and RS5 lots could be redone and there was nothing holding them to building upscale. He said the site plan would show the green space. He stated

everybody who got notice for this meeting would receive the site plan and anyone could provide input to staff. He said the administrative decision could also be appealed to City Commission.

Commissioner Denney said Mr. Gough mentioned the developer was finishing up a current project nearby. He asked if this development was going to be something similar to what was currently being built.

Mr. Gough said the units with garages and the clubhouse would be very similar and it was a great example of the kind of work the developer builds.

Commissioner Liese inquired about the letter received from one neighbor expressing concern about a blind spot on Queens Road.

Ms. Day said staff provided a response to the individual and the blind spot would be looked at in the public improvement process with the Final Plat. She said the applicant would be required to participate in the cost of the improvement to Queens Road.

Commissioner Liese asked staff about how much Planning Commission should consider the market of apartments.

Mr. McCullough said the apartment market was not monitored. He said the census data showed 50+% of rental units. He said one school of thought was that as new developments come online in appropriately located areas of town it forces the older ones to step it up and provide higher levels of maintenance. He stated another school of thought was that residents could flee from older apartments and leave them to decay. He said probably a little bit of both scenarios were happening. He said staff had not been tasked with the issue of looking at market vacancy and he was not sure how that information would be obtained because it was very proprietary information. He said Planning Commission's charge to date was to appropriately locate and plan for that segment of the housing population. He said Langston Heights project really tested that because in the current economy multi-dwelling business does better than the single-family business. He said if they were willing to give up what they think should be single-family in nature just because the apartment market seemed to be going somewhat strong. He said staff went into this project with the same prospective. He said staff landed in this compromised position of maintaining the link of single-family in the transition zones but allow some multi-dwelling that could act as a transition itself.

Commissioner Lamer asked why this wasn't a planned development.

Mr. McCullough said it was the applicant's decision. He said they started off with the planned development look and the applicant brought back different kinds of projects and this is the one the applicant submitted.

Commissioner Lamer asked if this had been a planned development plan would the project have included more detail.

Mr. McCullough said yes.

Mr. Gough said there was really no benefit to doing a planned development plan. He said the applicant was not asking for more height, density, or the right to add commercial; all of which were some of the advantages to doing a PD overlay. He said there were no sensitive areas in the tract. He also stated that without knowing whether the zoning would be approved it was not free to come up with detailed information. He felt the League of Women Voters wanted a planned development so that they could see a detailed plan right now in a public meeting. He said the site plan process allowed for public input.

Commissioner Lamer asked if Mr. Gough did a third party consultant market feasibility study.

Mr. Gough said he did not and the developer did not either. He said the developer was familiar with the market and was a longtime Lawrence developer.

Commissioner Rasmussen asked if the green space would be shown on the site plan instead of the plat.

Mr. Gough said the plat was a legal document that subdivides property and the site plan shows where everything is going to go. He said green space was grass, trees, shrubs, not park that was owned or operated by the City.

Commissioner von Achen said on the map with the legend on the left the subject property was in the transition area and color coded to single-family.

Ms. Day said if you look at the Northwest Area Land Use Plan as the only layer the property falls within that yellow space.

Commissioner von Achen asked about stormwater drainage and providing water to The Links.

Mr. Dean Grob, Grob Engineering, said the area on the southeast corner of the proposed Links project included a pond as a feature to one of their golf holes and there isn't much runoff for the pond. The water from this proposed 40 acres has always gone to the northwest corner and detention was proposed with the water redirected to the Links pond. He said regarding Queens Road all the property owners on both sides signed an agreement not to protest a benefit district. He said Public Works was proposing to improve Queens Road in 2014 since all the pieces were now in place.

Commissioner Rasmussen thought it was great for the applicant to work with other property owners on drainage.

ACTION TAKEN on Item 3A

Motioned by Commissioner Liese, seconded by Commissioner Graham, to approve the rezoning, Z-13-00149, of approximately 21.54 acres from UR (Urban Reserve) District to RS7 (Single-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 8-0.

ACTION TAKEN on Item 3B

Motioned by Commissioner Liese, seconded by Commissioner Graham, to approve the rezoning, Z-13-00165, of approximately 3.34 acres from UR (Urban Reserve) District to RS5 (Single-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 8-0.

ACTION TAKEN on Item 3C

Motioned by Commissioner Liese, seconded by Commissioner Graham, to approve the rezoning, Z-13-00166, of approximately 15.89 acres from UR (Urban Reserve) District to RM12 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Commissioner Josserand said he would oppose the motion in an attempt to flag the issue for the need to have more information regarding the vacancy rates for multi-family. He said there had been testimony in the past few months about too much multi-family.

Motion carried 7-1, with Commissioner Josserand voting in opposition.

ACTION TAKEN on Item 3D

Motioned by Commissioner Liese, seconded by Commissioner Graham, to approve the Preliminary Plat, PP-13-00148, of Kellyn Addition, located on the northwest corner of Queens Road and Overland Drive.

Commissioner Josserand asked if the League of Women Voters would receive formal notice of the final plat.

Mr. McCullough said no. He said they likely subscribe to the weekly submittal list serve and would receive notice of it that way.

Commissioner Josserand did not like the fact that the process cut people out.

Commissioner Rasmussen said it was a public document and did not cut anyone out.

Unanimously approved 8-0.