

**ITEM NO. 3A RS7, RM12, PUD TO RM24-PD OVERLAY; 51.85 ACRES; 1800, 1809, 2021 CROSSGATE DR (SLD)**

**Z-14-00552:** Consider a request to rezone approximately 51.85 acres from RS7 (Single-Dwelling Residential) District, RM12 (Multi-Dwelling Residential) District, and PUD [Alvamar] (Planned Unit Development) District to RM24-PD Overlay (Multi-Dwelling Residential Planned Development Overlay) District including property located at 1800, 1809, and 2021 Crossgate Dr. Submitted by Paul Werner Architects on behalf of Alvamar Inc, property owner of record. *Deferred by Planning Commission on 2/23/15.*

**ITEM NO. 3B SPECIAL USE PERMIT FOR ALVAMAR; 1800 & 1809 CROSSGATE DR (SLD)**

**SUP-15-00389:** Consider a Special Use Permit for *Active Recreation* uses in the Alvamar Planned Development, 1800 and 1809 Crossgate Drive, proposed lots 1 and 3, including tennis courts, swimming pools, and accessory structures to community recreation uses. Submitted by Paul Werner Architects, for Alvamar Inc, property owner of record.

**ITEM NO. 3C PRELIMINARY DEVELOPMENT PLAN FOR ALVAMAR; 1809 CROSSGATE DR (SLD)**

**PDP-15-00247:** Consider a Preliminary Development Plan for Alvamar, containing approximately 50 acres and located at 1809 Crossgate Drive. The plan proposes the construction of a new entrance road from Bob Billings Parkway, *Multi-Dwelling Structures* containing 292 dwelling units, *Active and Passive Recreation* uses including a new clubhouse and event center, and *Assisted and Independent Living* uses containing 124 dwelling units. Submitted by Paul Werner Architects, for Alvamar Inc, property owner of record.

**STAFF PRESENTATION**

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

**APPLICANT PRESENTATION**

Mr. Paul Werner, Paul Werner Architects, said this plan would allow Alvamar to continue as a viable operation. He said the project was unique because it was as much about buying a business as it was land use. He said running and operating a golf course was difficult and that Alvamar had to compete with Eagle Bend, which pays little for land and water. He showed a concept plan on the overhead. He said some of the key pieces were a new clubhouse, new banquet facility, new wellness/fitness center, 2 new pools, and several ponds to deal with irrigation. He said a new street was proposed to Bob Billings Parkway. He stated nothing was being added, other than the 24 guest rooms. He said all the components being replaced or improved were already there today. He said they had no intention of a nightclub but that the City did not have language for a banquet facility. He stated they did eventually hope to develop cabins. He said not everything on the plan was answered but that they would agree to bring the Final Development Plan back to Planning Commission to allow for public comment. He said regarding staff report condition 1b for the Rezoning the office use was too specific. He said he was fine with the staff report conditions for the Special Use Permit. He said regarding the staff report conditions for the Preliminary Development Plan 1d he would like to cross out the word *approval*. He said regarding condition 1e he understood that sidewalks were required on each side of the street unless a waiver was obtained. He said regarding condition 1g (iii) he felt should be revised to not be so specific with the pool language. He felt condition 1h should be eliminated and was duplicated with 1d. He also felt that condition 1n should be eliminated.

**PUBLIC HEARING**

Mr. Doug Lawrence, 2106 Greenbrier Drive, said he understood the issue of return on investment. He said the greater share of his net worth was in his home and he wanted a good rate of return on it. He said he was not

against the project but was concerned about safety, security, and access to the center of the golf course. He felt no construction should take place until there was another access road off of Bob Billings Parkway. He stated the density of the project and the nature of construction would put a terrible hardship on those living in the neighborhood.

Mr. Paul Davis, attorney representing the Woodfield Meadows West Home Owners Association and Woodfield Meadows Condominium Association, said his clients were concerned about increased traffic and activity on their road. He said they were supportive of the new entrance to Alvamar off of Bob Billings Parkway and said the developer had been good to work with regarding that issue. He expressed concern about the existing access from Crossgate Drive onto Bob Billings Parkway. He would like that access closed. He said his clients also had concerns about construction traffic. He stated there were also existing drainage issues in the neighborhood.

Ms. Lori Haesty, 1901 Quail Run, was glad this version of the plan included the PD Overlay. She expressed concern regarding lot 1 and the setbacks. She felt the overall zoning with PD Overlay was the right direction to go. She expressed concern about the shared access and wondered how that would look. She also wondered about the phasing of development. She said she supported the rezoning with PD Overlay.

Mr. Steve Koger, 2004 Crossgate Dr, expressed concern about water drainage issues. He also expressed concern about bright lighting for parking.

Mr. Bob Johnson, 957 Coving Dr, said the shareholders group did not have the energy or resources to move Alvamar into the future as it should be moved. He felt the shareholders group had done a pretty good job of finding a new owner and felt it was the best move for Alvamar and the community.

#### **APPLICANT CLOSING COMMENT**

Mr. Werner said he understood the concerns regarding construction traffic and said most of it could be sent down the south side of Crossgate. He did not think the new road could be built at the same time but that there may be other options for access. He said he would work on a construction plan with staff.

#### **COMMISSION DISCUSSION**

Commissioner Denney asked where the street Crossgate was public and where it was private.

Ms. Day showed a map on the overhead. She said streets listed in red were private and streets listed in black were public. She said Crossgate Drive was a unique piece of access that had a public street segment that extended into a private street. She said the segment of Crossgate Drive that was north of the clubhouse all the way to Bob Billings Parkway was private.

Commissioner von Achen asked if they would have to come back for RM24 development for all four lots.

Ms. Day said that was correct. She said there was a provision in the Development Code that potentially allowed additional density above what was approved but that was not part of this project.

Commissioner Culver said one of the public speakers mentioned the private access drive of Quail Run. He inquired about access to that drive.

Mr. McCullough said it would be addressed with the Preliminary Development Plan.

Ms. Day said it would also be addressed through the Subdivision Plat.

Commissioner Britton inquired about the timing of construction for the new road.

Mr. Werner said he would prefer to have some density and activity revenue.

Commissioner Butler asked what he meant by timing.

Mr. Werner said he meant a phasing plan with a threshold of what could be occupied before the road was done and usable.

Mr. McCullough said staff's starting point is the road goes in first and then development. He felt at least a construction type road should be in place.

Commissioner Britton was optimistic that they could work out the timing of the road construction.

### **ACTION TAKEN on Item 3A**

Motioned by Commissioner Kelly, seconded by Commissioner Liese, to approve the request to rezone (Z-14-00552) approximately 51.85 acres from RS7 (Single-Dwelling Residential) District, RM12 (Multi-Dwelling Residential) District, and PUD [Alvamar] (Planned Unit Development) District to RM24-PD (Multi-Dwelling Residential Planned Development Overlay) District based on the findings presented in the staff report subject to the following conditions:

1. Only the following non-residential uses shall be allowed as reflected in the Preliminary Development Plan:
  - a. Retail Uses as accessory to the golf course;
  - b. Office uses accessory to the direct operation of the golf course and banquet facility or management of accessory uses directly associated with the golf course;
  - c. Eating and Drinking Establishments to include a Nightclub (to be operated as a banquet/reception facility only, Fast Order Food; Quality Restaurant; and Accessory Bar uses.
  - d. Transient Accommodations to include a Hotel with not more than 24 guest rooms.

Motion unanimously approved 9-0.

### **ACTION TAKEN on Item 3B**

Motioned by Commissioner Kelly, seconded by Commissioner Liese, to approve a Special Use Permit (SUP-15-00389) for Active Recreation uses to be incorporated in the Alvamar PD located at 1800 and 1809 Crossgate Drive, proposed Lot 3 Alvamar Preliminary Development Plan, including, swimming pools and accessory structures to community recreation uses and forwarding the request to the City Commission with a recommendation of approval.

Motion unanimously approved 9-0.

### **ACTION TAKEN on Item 3C**

Motioned by Commissioner Kelly, seconded by Commissioner Liese, to approve the Alvamar Preliminary Development Plan (also serving as the Preliminary Plat) based upon the findings of fact presented in the body of the staff report and forwarding a recommendation for approval to the City Commission subject to the following conditions:

1. Provision of a revised Preliminary Development Plan to include the following notes and changes:
  - a. Proposed Zoning for all lots should be listed as "RM24-PD".
  - b. A complete list of allowed uses, as reflected in this report, shall be added to the face of the Preliminary Development Plan.
  - c. Revise plan to include a note regarding property owners waiving rights to protest changes to the plan. Lacking such note, all property owners will be required to participate in any future application or change to the approved plan.
  - d. Revised plan shall include a note that states the applicant shall submit a complete drainage study for review and approval by the City Stormwater Engineer concurrent with each Final Development Plan application for any lot or phase of the development.
  - e. Revised plan shall include a note that states sidewalks shall be required on both sides of all public and private streets.
  - f. Provision of a note on the face of the plan stating that the property owner shall maintain common open space.
  - g. Provision of a revised plan to include specific notes regarding proposed Lot 2:
    - i. Sheet two shall be revised and parking summary updated to correctly reflect total proposed units 292 residential units and 422 bedrooms for Lot 2.
    - ii. Provision of a site summary for Lot 2 that includes existing and proposed building cover, surface coverage, and open space.
    - iii. Provision of a note that states that the required recreational open space for residential uses on Lot 2 shall be satisfied with the final development plan.
  - h. Provision of a note on the plan that indicates that the Final Development Plans for this property are required to be presented to the Planning Commission for approval following the notice requirements of Section 20-1301(q).
  - i. Revision of the Preliminary Development Plan to include a note that a phasing plan shall be submitted with the first Final Development Plan for demolition of the existing clubhouse on Lot 1, construction of improvements proposed on Lots 2 and 3, and street and utility installation. Said phasing plan shall address construction routes to the development areas.
  - j. Provision of a note on the plan that shared parking review and final parking space requirements will occur with review of each Final Development Plan submission.
  - k. Provision of a note on the plan that states the banquet/reception facility shall only be used for conventional banquet/reception uses. The *Nightclub* use assigned to this facility for Development Code purposes shall not provide a right to use the facility as a *Bar or Nightclub* operation.
  - l. Provision of a note that states a revised Traffic Impact Study, stating proposed uses, shall be required with the submission of a future application for a Preliminary Development Plan for Lot 1 and Lot 4.
  - m. Provision of a revised plan to show and/or note that private parking along the golf course holes will be screened from errant golf balls per Staff approval.
2. The following notes and changes are required to meet minimum Subdivision Requirements:
  - a. Revise right-of-way for Crossgate Extension to show 60' of right-of-way for a local street.
  - b. Revise plan to add a note that roundabouts will need to be designed appropriately with Public Improvement Plans to support turning truck traffic and pedestrian crossings.
  - c. Revise drawing to show access connection to existing parking lot on Lot 1 and connection to Quail Run, the existing private street on the west side of the Crossgate Drive extension.
  - d. Revise drawing to clearly show proposed lot boundaries and existing lot boundaries of the Jayhawk Golf Training Center Addition and include a note stating the lot will be replatted with a future Final Plat that includes Lot 2 and/or Lot 3, whichever occurs first.

Motion unanimously approved 9-0.