

November 19, 2018

Sent Via Email: sday@lawrenceks.org

Sandra Day, Planner II
Planning and Development Services
City of Lawrence
First Floor, 6 E. Street
Lawrence, Kansas 66044

Re: Proposed Project – W. 23rd Street
Smart Code Submission – Preliminary Plat & Other documents

Dear Sandy,

As discussed, please find attached the following documents, as applicable, to be included with the already-submitted applications: Preliminary Development Plan, Rezoning (Map Amendment) and Minor Subdivisions applications (“Applications”).

1. C1 - Site Plan
2. C2 - Grading Plan
3. C3 - Utility Plan
4. L1 - Master Street Tree Plan
5. L2 - Landscape Plan
6. Drainage Study
7. Downstream Sewer Analysis
8. Minor Plat
9. Certificate of Mailing – adjacent property owners and neighborhood associations

In addition, we have identified the following areas of the Smartcode that we would like to have approved by warrant:

Deviation 1:

21-500.5.4: Parking Standards item (f) All parking shall be located in the Third Lot Layer;

Our plan deviates by placing parking areas within the First and Second Layers.

The basis for supporting our warrant request is as follows:

- 1) Due to existing site access easements with the adjoining, eastern property owner (Natural Grocers), we must provide access at the eastern side of our property from 23rd Street and to the Natural Grocers’ parking lot at two drive access points. These cross access drive lanes now exist.
- 2) Retail Lease Space at 23rd Street Frontage: To provide reasonable and convenient parking for these retail tenants, parking is provided in Layer One at the cross-access drive lanes noted above. Apartment Leasing Visitor Parking is provided at these cross-access drive lanes at Layer Two.
- 3) Streetscreens coordinated with Landscaping Elements shall be provided at Layer One

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Deviation 2:

Table 14 Summary "B" Minimum Base Density: 30% Minimum "Other" Functions;

Our plan deviates by having an amount of "other" functions that are 19.3% of the first floor, this is less than the required 30%.

The basis for supporting our warrant request is as follows:

- 1) The practical depth for retail at this location is between 50 and 70 feet. Our plan reflects 55' to suit the smaller tenants we expect for this location.
- 2) To increase this retail space to 30% of the first floor plate, this space would have to be at a depth of around 100' and would also have to wrap down the east side of the building.
- 3) Retail space of this depth would prohibit smaller tenants as this increased depth would result in a space too narrow.
- 4) Retail space facing the eastern property would not provide the "frontage" necessary to attract customers.

Deviation 3:

Table 14 Summary "F" Lot Occupation: 150' Maximum Lot Width.

Our plan deviates by having a lot width in excess of 150'. Our lot width is 273.37'.

The basis for supporting our warrant request is as follows:

Our project type has a configuration based on residential on the upper floors and retail and amenity spaces on the first floor. This building type and stacked, horizontal layering of functions does not have a means of subdividing into two narrower lots to meet the 150' criteria.

Deviation 4:

Table 14 Summary "G" Building Disposition: Front Setback 12' maximum; West Side Setback 12'; East Side Setback 12' maximum:

Front Setback: Our plan deviates by providing a 46' front setback.

The basis for supporting our warrant request is as follows:

An existing Gas Easement pushes our building back beyond the maximum criteria; however, this deeper setback allows the addition of an outdoor terrace for the retail tenants' customers for casual seating or dining.

West Side Setback: Our plan deviates by providing a 20' setback.

The basis for supporting our warrant request is as follows:

In order to provide an accessible entrance for the retail and leasing customers on the east side of the building, a steep topography change is required at the west side. This distance of 20' is required to accommodate both the required slope and for the inlet elevations needed for stormwater drainage. Buried telephone and power easements at this side also provide complications in achieving the 12' setback.

East Side Setback: Our plan deviates by providing a 92' setback.

The basis for supporting our warrant request is as follows:

The 12' maximum at this side cannot be achieved due to the existing:

- a) cross-access agreement and associated drive lanes, and
- b) existing gas line easement.

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Please feel free to contact me if you have any questions or if you require additional information for the submission of the Applications. As indicated, we are very excited about this project and anxious to move through the process as quickly as possible.

Sincerely,



Rita D'Agostino
Director, Real Estate Development

cc: Pat Watkins, Esq.
Gary Schuberth

March 4, 2019

Sent Via Email: sday@lawrenceks.org

Sandra Day, Planner II
Planning and Development Services
City of Lawrence
First Floor, 6 E. Street
Lawrence, Kansas 66044

RE: Proposed Project – 1401 W. 23rd Street, Lawrence, KS
Smart Code Parking

Dear Sandy,

We wrote to you on November 19th, 2018, to supplement the applications associated with the development project near the intersection of 23rd and Naismith. In that letter, we identified four areas which we believed our applications had slightly deviated from the SmartCode. As allowed under the code, we requested approval of the deviations by warrant. One particular deviation related to a parking location standard designed to keep parking in the T5 zone away from the front of the building. After a recent review of that particular Smart Code provision and the specification in our submittal, we believe a warrant is not necessary because the parking location and placement is sufficiently set back from the front of the building does not deviate from the SmartCode standard. This oversight appears to be one that originated with our submittal, so we apologize for any inconvenience that may have caused.

Smart Code provision 21-500-5.4(f) calls for all on-site parking in these projects to be located in a section of the development called the 'Third Lot Layer'. Lot layers are defined in the code as "a range of depth of a lot within which certain elements are permitted, as called for in a diagram called Table 16". That table illustrates the 1st Lot Layer as the space between the front of the building to the front property line. The 2nd Layer is the first twenty feet from the front of the building back into the property. And the 3rd Layer is everything behind Lot Layer 2. When we submitted the applications, we mistakenly believed we had located parking in Lot Layers 1 and 2 and would need a warrant to comply with that code provision. Upon further review, we have no parking in Lot Layer 1 or 2. As can be seen on the attached depiction, all of the parking is situated further than 20 feet from the front of the building, and therefore does not require a warrant.

Pursuant to the SmartCode, we understand that much of the site planning and details of this project, including the warrants, will be handled in the 5b and 5c application processes after consideration by the City Commission this week. But given that this project is the first Smart Code project under consideration, we'd like to make sure that the information submitted by our team is accurate. We look forward to the opportunity to have this project heard at the City Commission meeting this Tuesday.

If you have any questions or concerns, please contact me.

Regards,



Rita D'Agostino
Director, Real Estate Development

Enclosures

cc: Pat Watkins, Esq.
Gary Schuberth, Opus
Joe Downs, Opus
Judd Claussen, Phelps Engineering

