

ITEM NO. 13A COMMUNITY INFILL PLAN; SMARTCODE (SLD)

Consider a request to establish a Community Infill Plan associated with a SmartCode application at 1401 W 23rd St & 1300 W 24th St. Submitted by Opus Development Company LLC, for George B. Leinmiller and Marlene J. Leinmiller, property owners of record.

ITEM NO. 13B REZONING 5.2 ACRES FROM CS & RM32 TO SMARTCODE T-5; 1401 W 23RD ST & 1300 W 24TH ST (SLD)

Z-18-00536: Consider a request to rezone approximately 5.2 acres from CS (Strip Commercial) District & RM32 (Multi-Dwelling Residential) District to SmartCode T-5, located at 1401 W 23rd St & 1300 W 24th St. Submitted by Opus Development Company LLC, for George B. Leinmiller and Marlene J. Leinmiller, property owners of record.

ITEM NO. 13C PRELIMINARY DEVELOPMENT PLAN; 1401 W 23RD ST & 1300 W 24TH ST (SLD)

PDP-18-00537: Consider a Preliminary Development Plan (Community Infill Plan - SmartCode) for 23rd Street Mixed Use development including 119 residential units for a density of 27 dwelling units per acre and 8,811 square feet of retail space on property located at 1401 W 23rd St & 1300 W 24th St. Submitted by Opus Development Company LLC, for George B. Leinmiller and Marlene J. Leinmiller, property owners of record.

ITEM NO. 13D VARIANCE FOR 23RD STREET; 1401 W 23RD ST & 1300 W 24TH ST (SLD)

MS-18-00535: Consider a variance for right-of-way width for 23rd Street, associated with a Minor Subdivision for 1401 W 23rd St & 1300 W 24th St. Submitted by Opus Development Company LLC, for George B. Leinmiller and Marlene J. Leinmiller, property owners of record.

STAFF PRESENTATION

Sandra Day presented Items 13A-13D together.

APPLICANT PRESENTATION

Rita D'Agostino, Opus Development, provided background information on the company.

Patrick Watkins said it was a unique property with unique design constraints. He said using the SmartCode was a great accomplishment. He felt the SmartCode was designed specifically for properties like this one. He said incentives were not being requested. He said the developer held several neighborhood meetings and solicited input from the surrounding neighborhoods. He said they only received positive feedback. He felt there was adequate parking at the site. He asked for action as soon as possible so development could stay on target.

PUBLIC COMMENT

Michael Almon, Sustainability Action Network, felt the project could be enhanced with bikeways. He showed pictures from the letter he submitted that was included in the packet. He expressed concern about the frontage on 23rd Street not being able to accommodate a 10' wide shared-use path. He said the existing 10' wide shared-use path on Naismith conflicted with two major driveways; Natural Grocers and the proposed site. He felt the driveways should be combined into one with a shared-use cross access agreement to minimize vehicle conflict.

Nick Kuzmyak, 417 Alabama, said he supported the project but wondered why mixed-use zoning was not considered. He felt it would do everything that the SmartCode could.

APPLICANT CLOSING COMMENTS

Watkins said he was present for questions that Planning Commission may have.

COMMISSION DISCUSSION

Commissioner Carpenter asked the applicant why they chose to use the SmartCode.

Watkins said he was not involved in the project early on and did not know the exact reason. He said the project implements the elements desired in the SmartCode, such as infill, multi-modal aspects, mixed-uses, and compact design. He said Opus Development had experience with transect zoning issues across the country and had success with them.

Ben Angelo, Opus Development, said the intent would be that 23rd Street would use the SmartCode over time. He said they felt the SmartCode was a better route to take than traditional codes.

McCullough said staff talked about it being a single project use of the SmartCode. He said one of the regulating plans was for 19th and Haskell. He said it was the smallest single parcel closest to this model in the Placemaking literature developed for Lawrence. He said staff looked at the Louisiana Purchase site, Checkers area, and Iowa area. He said this would be one project within that developing area. He said the real benefit in using the SmartCode versus the Development Code was the parking requirements. He said the SmartCode was attempting to address many of the values evolving in discussions with the comprehensive plan and parking requirements. He said staff thought it was a good time to see it in action. He said if they were going to talk about reducing parking requirements to encourage less vehicle travel miles it was time to put it to a test.

Day said the SmartCode had a couple of specific chapters that dealt with site specific developments. She said had the applicant chosen a property already approved Planning Commission would likely only be seeing the rezoning. She said there were many more steps to go through.

Commissioner Sands asked what protection the SmartCode provided in giving some guarantee of the final project.

Day said it gives the same kinds of assurances that a preliminary plan or neighborhood plan would.

McCullough said the applicant would have to comply with the community infill plan.

Commissioner Willey said the T-5 concept was a great fit. She said it was maybe not as progressive as a SmartCode project should be. She felt there was too much parking. She felt it was a great location because of the grocery stores, restaurants, the University of Kansas, bicycle paths, parks, etc. She felt the civic space was too small.

Commissioner Struckhoff agreed that there was too much parking. He said parking would not bleed into the neighborhoods at this location. He said people would adapt to less parking. He liked the location to services and goods. He was excited about the project but felt there was room for tweaking it.

Commissioner Carttar thanked Michael Almon for his comments. He encouraged the applicant to take the multi-modal notion and run with it. He said the future of 23rd Street depended on increased pedestrian and bicycle traffic.

Complete audio & video from this meeting can be found online:

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Commissioner Paden said the bicycle plan was identified as a future 10' shared use path.

Commissioner Willey said there was a need for civic space on that portion of the project on 23rd Street. She asked the applicant about the terrace labeled as civic space.

Gary Schuberth, Opus Development, said the terrace would support the retail tenants by being an open outdoor terrace and could be accessed from the public sidewalk. He said regarding the parking the project exceeded the parking minimum.

Commissioner Willey suggested bioswales to mitigate water runoff from the parking lot.

Schuberth said the project met all of the stormwater management requirements.

Judd Claussen, Phelps Engineering, said he would continue to look at options to enhance the bike oasis. He said the entire site drains toward the southeast corner.

ACTION TAKEN on 13D

Motioned by Commissioner Sands, seconded by Commissioner Carttar, to approve the variance requested for a minor subdivision, MS-18-00535, reducing the right-of-way required per Section 20-810(a)(5) for a principal arterial street, from 150 feet to 110 feet in accordance with the provisions for 1401 W. 23rd Street.

Approved 9-0, with Commissioners Butler, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voting in favor.

ACTION TAKEN on Item 13B

Motioned by Commissioner Carttar, seconded by Commissioner Sands, to approve the request to rezone (Z-18-00536) approximately 5.2 acres from CS (Strip Commercial) District & RM32 (Multi-Dwelling Residential) District to SmartCode T-5 (Urban Center Zone) based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Approved 9-0, with Commissioners Butler, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voting in favor.

ACTION TAKEN on Items 13A & 13C

Motioned by Commissioner Struckhoff, seconded by Commissioner Sands, to approve the Preliminary Development Plan (PDP-18-00537)/Infill Community Plan – SmartCode, based upon the findings of fact presented in the body of the staff report, and forwarding a recommendation for approval to the City Commission with the following revisions recommended for the project:

- Optimizing multi-modal transportation.
- Making space available for a future recreation path along W. 23rd Street.
- Connecting the project via a sidewalk to Naismith Drive south of 1301 W. 23rd Street (Natural Grocer).
- Goal of reducing parking appropriately.
- Implementing best management practices for greener stormwater management, such as bioswales.

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Approved 9-0, with Commissioners Butler, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voting in favor.

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