

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** Planning Commission

**FROM:** Mary Miller, Planning Staff

**CC:** Scott McCullough, Planning and Development Services Director

**Date:** For June 23, 2014 meeting

**RE:** Agenda Item No. 5: Extension request for PP-10-5-09 A Revised Preliminary Plat for lots 7, 8 and 9 Block Four and Lots 2, 3, and 4, Block Seven as shown on the approved Preliminary Plat for Mercato dated 4/26/06

**Attachments:** A—Extension Request  
B—Approved Preliminary Plat  
C—Graphic showing the area in the approved Mercato Final Plats and the area included in subject preliminary plat  
D—Table with all development approvals for the Mercato Development

#### BACKGROUND

The revised preliminary plat referenced above was submitted in 2009 in conjunction with a rezoning request for 24 acres to the CC400 District, Z-10-17-09, to allow additional commercial uses in the Mercato development. The revised preliminary plat proposed an additional access onto W 6<sup>th</sup> Street and the construction of a street along the west perimeter of the property, in the area that at that time was KDOT right-of-way for the K-10 Bypass. A copy of the revised preliminary plat is included with this memo as an attachment.

The Planning Commission approved the preliminary plat on December 14, 2009 and forwarded it to the City Commission for acceptance of dedications. The City Commission approved the rezoning to the CC400 District and accepted the dedications shown on the preliminary plat at their January 5, 2010 meeting. Attachment B contains the preliminary plat as conditionally approved by the City Commission and Attachment C shows the various plats for the Mercato development and the changes being proposed with the subject preliminary plat.

#### EXTENSION REQUEST

The applicant's extension request is included with this memo as an attachment. The preliminary plat was approved subject to the following conditions:

- 1) The preliminary plat shall be revised as follows:
  - a. The dimension of the western width of right-of-way for Overland Drive shall be noted on the plat.
  - b. The plat shall be revised to clearly identify the Southern Star easement which is being proposed for vacation.

- c. The plat shall show the relocation of the Southern Star gas line to the south rather than extending through the easement which is to be vacated.
- d. The extension of the Southern Star gas line off-site to tie into the existing gas line to the southeast must be approved by Southern Star.
- 2) Prior to recording the final plat, the applicant shall provide the Planning Office with documentation that right-of-way for Renaissance Drive is available prior to final approval of the plat.
- 3) Prior to recording the final plat, the applicant shall provide the Planning Office with documentation that Southern Star approves the relocation of the gas line and easement between Lots 1 and 2 of Block Two and the relocation of the off-site gas line to tie into the existing line.
- 4) Prior to recording the final plat, the applicant shall provide the Planning Office with documentation that Southern Star approves the design of Renaissance Drive in relation to the gas line location.
- 5) Prior to recording the final plat for the remainder of the Mercato Development (PF-03-04-07), the applicant shall revise the previously approved preliminary plat (PP-01-02-06) and final plat (PF-03-04-07) to reflect the changes approved with this preliminary plat.
- 6) Prior to recording the final plat, the applicant shall gain approval of an access permit from the Kansas Department of Transportation to access W. 6<sup>th</sup> Street (Hwy 40).
- 7) Prior to recording the final plat, the rezoning request [Z-10-17-09] from UR (RMO pending) to CC400 District shall be adopted and published.

The applicant worked with KDOT and the City to finalize the transfer of the right-of-way necessary for the construction of Renaissance Drive and the City Commission accepted the dedication of this right-of-way at their September 14, 2010 meeting. The applicant indicated that development of this area has been slower than anticipated due in part to the slow economy and the delayed construction of the South Lawrence Trafficway. The applicant is requesting a two-year extension to meet the conditions of approval and submit a final plat.

#### STAFF REVIEW

Per Section 20-809(j) of the Subdivision Regulations, Planning Commission approval of a preliminary plat shall expire within 24 months after the approval date unless a final plat has been submitted. If the cause of the failure to submit a final plat within that time frame is beyond the subdivider's control, the Planning Commission may approve a 24 month extension. The applicant noted the delay in the submittal of the final plat was due to the delayed construction of the South Lawrence Trafficway, the slow economy, and the need to install public and private improvements to serve the property.

Plat approvals have time limits so that the approvals can be reassessed to insure they remain compatible with the area as it has developed and with the current City Codes. Recent changes to the Subdivision Regulations do not impact this plat. The plat remains in compliance with the current City Code. As shown in Figure 1, there has been some development activity in the area since the Preliminary Plat was approved in 2009. Rock Chalk Park and the City Recreation Center are currently under development to the north of the subject property. Phase 1 of the Hunter's Ridge Apartments to the east has been

completed. There have been preliminary approvals for other residential development in the area and approximately 145 acres to the west was annexed into the City and rezoned to the CC600 District. The proposed Mercato development remains compatible with the development, both completed and proposed, in the area.



**Figure 1.** Development, or development approvals, since approval of the final plat.

The Preliminary Plat approval is valid until June 30, 2014 unless an extension is granted. Extension requests have been submitted for other items related to the Mercato Development (two final plats and the Preliminary Development Plan). The extension for the Final plats were approved administratively, contingent upon the extensions for the other items. The extension for the Preliminary Development Plan will be considered by the City Commission as part of their June 17, 2014 agenda.

#### **Staff Recommendation:**

The proposed Mercato development remains compatible with the surrounding area, is compliant with current City Codes, and the delay in the submittal of the final plat was due in large part to factors outside of the property owner's control: the economy and the delay in the construction of the South Lawrence Trafficway; therefore, Planning Staff recommends that the Planning Commission approve the 24 month extension request which would permit the plat approval to remain valid until **June 30, 2016**.

**K 10/40 DEVELOPMENT, L.C.**  
2601 Dover Square  
Lawrence, Kansas 66049

May 15, 2014

Scott McCullough, Director  
Lawrence-Douglas County Metropolitan Planning Office  
6 East Sixth Street  
Lawrence, Kansas 66044

Re: Mercato Preliminary Development Plan, Preliminary Plat (PP-10-05-09), Final  
Plat of Mercato Addition First Plat (PF-06-015-06) and Final Plat of Mercato  
Addition Second Plat (PF-03-04-07)

Dear Mr. McCullough:

We are requesting the extension of the Mercato preliminary development plan, the preliminary plat and the two final plats from June 30, 2014 to June 30, 2016. These extensions are necessary primarily because of the recession that hit our country shortly after the approvals had been granted for the Mercato property. Our recession caused a significant slow down of retail expansion in Lawrence and Douglas County, which along with the delayed completion of the SLT and the installation of the necessary private and public improvements caused us significant delays in the development of Mercato.

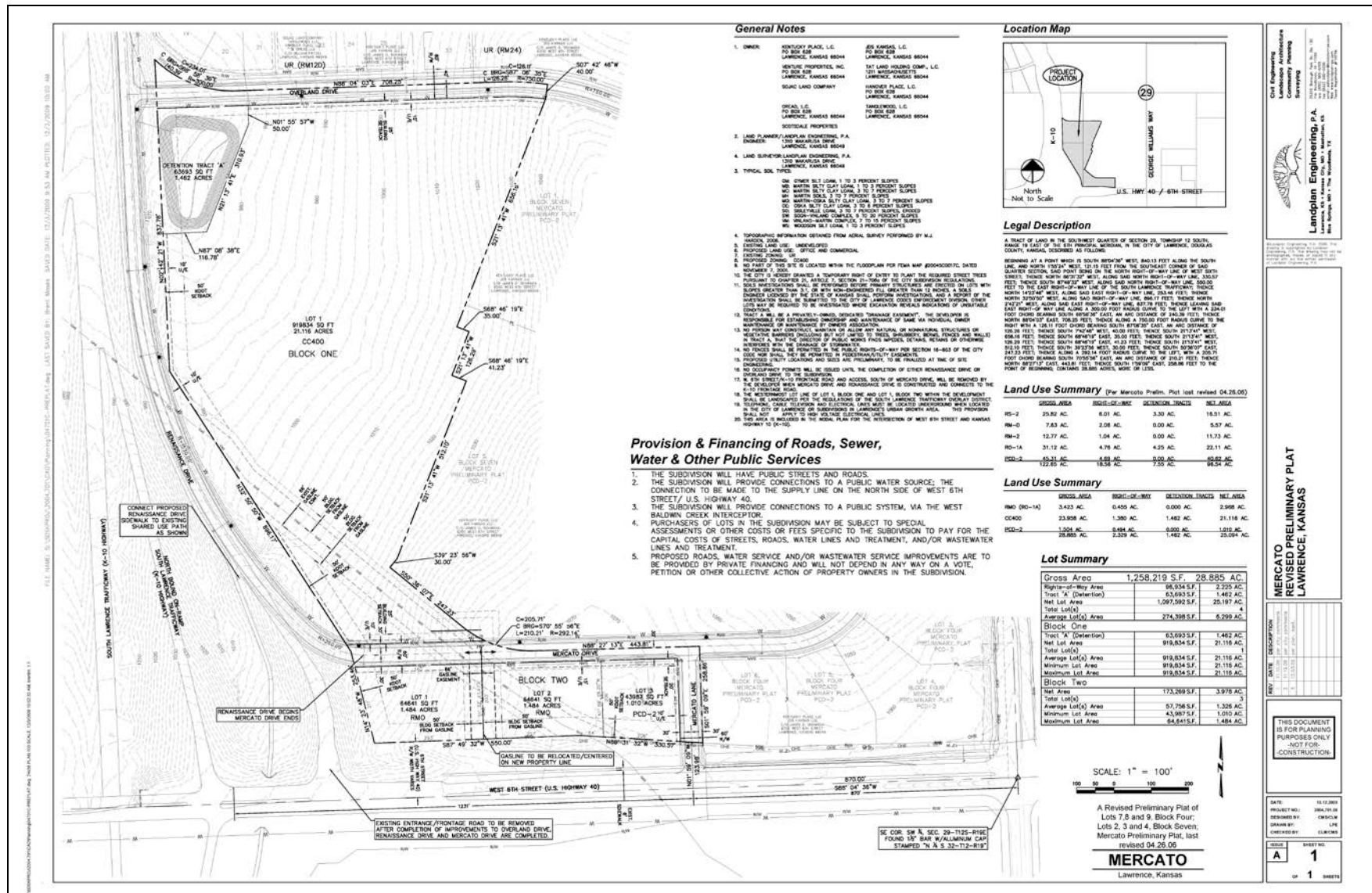
Now we must request the extension of each of the prior development approvals to June 30, 2016 in accordance with Article 13 of the Development Code and the Subdivision Regulations.

Thank you for your consideration. If you have any questions or need any additional information, please contact us.

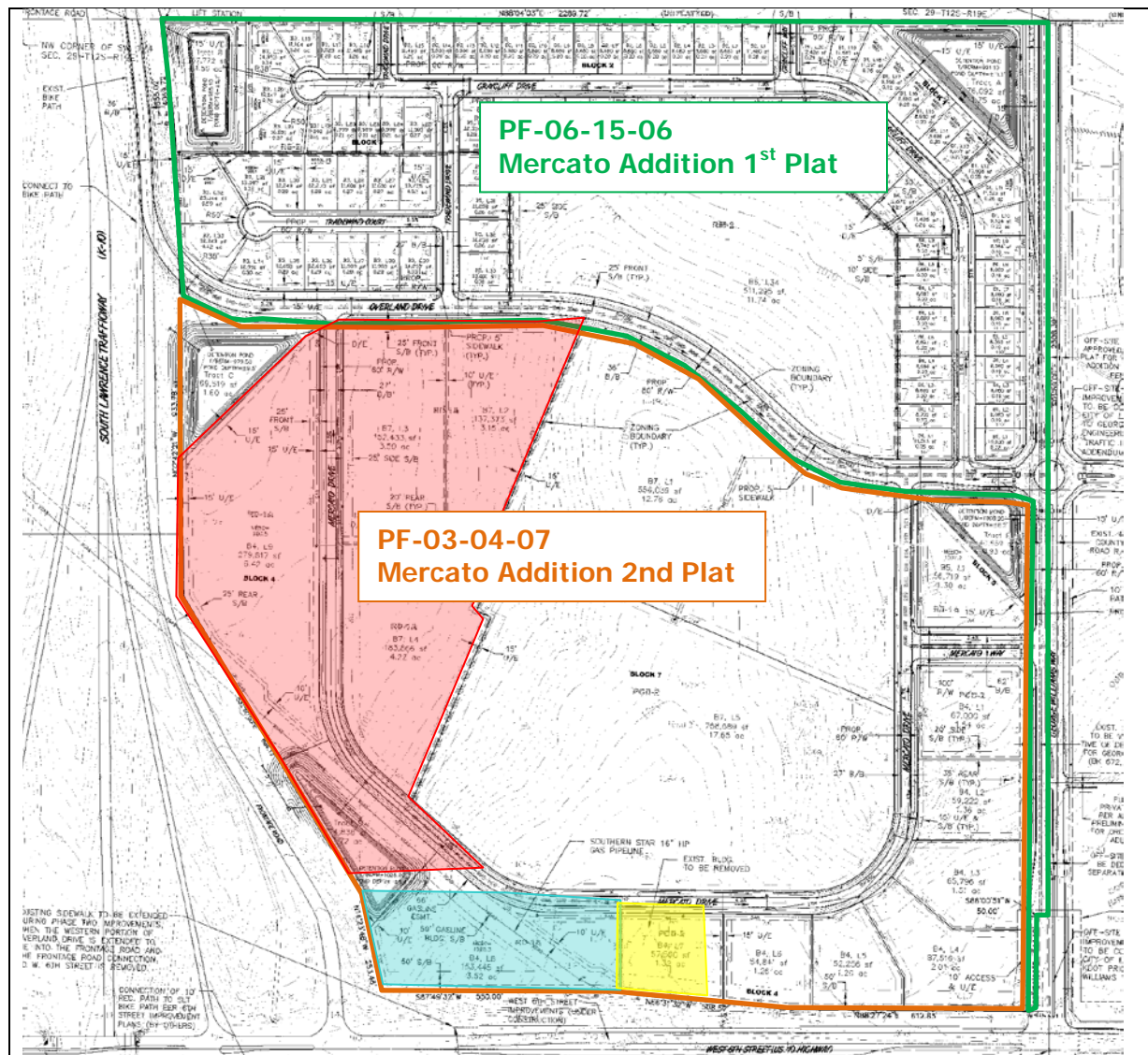
Sincerely,

Steve Schwada

Timothy Fritzel







**Figure 3.** Plats associated with Mercado Development. PF-06-15-06, outlined in green, and PF-03-04-07, outlined in orange.

Colored area shows the changes that are proposed with preliminary plat, PP-10-05-09 which include the following:

- Combination of 4 lots, 1 tract and areas of right-of-way into 1 lot (red).
- Creation of 2 lots from Lot 8, Block 4, (blue).
- Reconfiguration of lot for proposed Mercado Lane right-of-way (yellow).

Application	File No.	Date Approved	Description	Area (app.)
Rezoning	Z-01-10-05	May 9, 2006	A to RS7 (previous designation: RS-2)	25.82 acres
	Z-01-11-05	May 9, 2006	A to RM12D (previous designation: RM-D)	7.63 acres
	Z-01-12-05	May 9, 2006	A to RM24 (previous designation: RM-2)	12.77 acres
	Z-03-05-06	May 9, 2006	A to PCD[Mercato] PCD[Mercato]PCD-2)	45.31 acres
	Z-03-06-06	May 9, 2006	A to RMO (previous designation: RO-1A)	31.12 acres
	Z-10-17-09	Jan 5, 2010	UR to CC 400	23.96 acres
Plats	PP-01-02-06	April 27, 2006	Mercato 75 single-dwelling lots (RS7); 18 duplex lots (RM12D); 1 multi-dwelling lot (RM24); 6 residence/office lots (RMO); 9 commercial lots (PCD[Mercato])	122.65 acres 25.82 acres 7.63 acres 12.77 acres 31.12 acres 45.31 acres
	PF-06-15-06	April 17, 2007	Mercato Addition First Plat 18 duplex lots (RM12D); 75 single-dwelling lots (RS7); 1 multi-dwelling lot (RM24) <i>Extension to June 30, 2016 administratively approved contingent upon extensions for other items.</i>	49.67 acres
	PF-03-04-07	May 15, 2007	Mercato Addition 2 <sup>nd</sup> Plat 6 residence/office lots (RMO); 10 commercial lots (PCD[Mercato]) <i>Extension to June 30, 2016 administratively approved contingent upon extensions for other items.</i>	72.66 acres
	PP-10-05-09	Dec 14, 2009	Revised Preliminary Plat for Lots 7, 8 and 9, block Four, and Lots 2, 3, and 4, Block Seven as shown on the approved Preliminary Plat for Mercato dated 4/26/06 <i>Extension Request to June 30, 2016 considered by Planning Commission on June 23, 2014</i> 4 commercial lots	28.89 acres
Development Plans	PDP-08-08-06	April 17, 2007	Mercato Planned Commercial Development <i>Extension request to June 30, 2016 on City Commission June 17, 2014 agenda</i>	45.31 acres

**Table 1.** Approvals associated with the Mercato Development. Subject extension request is highlighted. Extension requests have been submitted for the final plats for administrative approval, and for the Preliminary Development Plan which requires City Commission approval.