

He said the comment about the turnover in the residence and next year there might be a flip in that assessment and might be more people that were in favor of the restricted parking. He said if it was truly an issue regarding safety and access, then the City Commission needed to resolve that issue since it was brought to the City Commission to avoid any problems in the future.

Vice Mayor Cromwell said that Brett Drive was like every other residential street in Lawrence and rental turnover was every year. He said they could have the same issue all over Lawrence and that argument failed somewhat. He said it sounded as though the neighborhood was working toward a compromise and he was in favor of leaving the current parking regulation and revisit it in the future if the neighbors were unable to work out their problems.

Commissioner Johnson agreed with Vice Mayor Cromwell. He said if everyone parked perfect on that street, it left a 10 or 11 foot path to get through. He said he had not seen any complaints from the Fire/Medical Department. He said it appeared the majority of the neighborhood did not want the parking changed. He said the Commission might want to talk to City staff to see if there was an issue of getting through on that street. He said there was a short street nearby that had ample parking available, but for right now, he would like to see the neighborhood work this issue out, but if that could not be done, the issue could be revisited.

Mayor Amyx said there were two homes, in that area, causing the problem and suggested the neighbors try to work it out. He said he would direct staff to monitor this situation for 60 days and defer the item until this problem could be resolved. He said City staff would help with the neighborhood rental situation.

Moved by Dever, seconded by Johnson, to defer this item for sixty days to monitor the situation; and, reconsider this item on January 11 if there were continuing problems. Motion carried unanimously. (9)

Consider initiating a District Plan for the Inverness Park Addition area, generally located in the area south of Clinton Parkway, between Inverness Drive and Crossgate Drive, south to K-10 Highway.

Scott McCullough, Director of Planning and Development Services, presented the staff report. The report stated the following:

In response to a request from Commissioner Chestnut, this memo provides development history and options for planning several undeveloped properties in the area south of Clinton Parkway, between Inverness Drive and Crossgate Drive south to K-10 Highway. This is commonly referred to as the Getto property and was platted as Inverness Park Addition.

The proposed planning area is predominately developed with a mixture of residential uses. The residential uses include single-family, two-family, multi-family and a retirement complex. There is regulatory flood hazard area within the planning area. Much of the flood hazard area has been converted to natural areas.

Since the late 1900s, the area has been developing according to a master plan, but a number of deviations (use, density) from the original plan have been approved and constructed. The remaining undeveloped properties are found along Clinton Parkway at Inverness and Crossgate and south of W. 27th Street. The concentration of apartments in the area has led to controversy regarding the development of the remaining vacant lots along Clinton Parkway.

These are currently two development proposals for undeveloped property in the proposed planning area: Remington Square rezoning to accommodate an expansion to add additional multi-family units west of the existing development and a development proposal for the land north of the Wyndham Place retirement facility that will add 40+ 1 bedroom multi-family units under the property's existing zoning.

Development History

An annexation request for 163.46 acres was approved in 1999. The development application included multiple rezoning requests. Large tracts were platted along Clinton Parkway and zoned RO-1B for the most intensive part of the development of the 163 acres. The area south of W. 24th Place, but north of the open space/drainage area was designated as the transition area to the lower density, detached residential home lots to the south. The area south of W. 24th Place was zoned PRD-2 with a maximum density of 12 dwelling units per acre. W. 24th Place was designed to provide access to all lots in the area with restrictions prohibiting access to Clinton Parkway as well as access limitations placed on Inverness Drive and Crossgate Drive.

The preliminary plat for the entire 163.46 acres was approved in October 1999 and later revised in February 2001. The revisions reduced the lot size of the single-family area and created more lots than the original approval. The large lot configuration along Clinton Parkway and W. 24th Place did not change. The preliminary plat served as the master plan for the development of the site. It provided the basic boundary of the various zoning districts planned for the 163 acres.

Much of the original land use discussion focused on the need to provide adequate public facilities such as improved streets and other infrastructure as well as the land use pattern and transition of land uses throughout the entire acreage included in the Inverness Park Addition.

Multiple land use decisions made since 1999 have resulted in a land use pattern that has deviated from the original 163-acre plan.

Staff Recommendation

In order to respond to the current development pattern of the area, and in order to provide guidance on future development to property owners, developers, and surrounding neighbors, it may be helpful to undertake a planning effort to produce a District Plan for the remaining undeveloped properties. If the commission finds value in this, staff recommends that the City Commission act on the following.

1. Initiate a District Plan

If initiated, a planning effort will be undertaken to provide policy guidance for the future land uses of the undeveloped ground identified in this memo within the proposed planning area. Consideration will be given to compatibility with adjoining land uses and efforts will be taken to receive input from property owners within the planning area, neighboring property owners, and other interested in this planning project. An outcome could include rezoning of one or more of the currently undeveloped properties. A District Plan is likely to take 4-6 months to complete.

2. Confirm the proposed planning area

Staff is seeking confirmation that the proposed planning area and identified undeveloped Properties are appropriate for this effort.

3. Defer action on the existing development proposals

If a District Plan is initiated, we are left to determine whether to proceed with the current applications identified in this memo. Staff recommends deferring action on the existing development proposals until the District Plan is approved.

Alternative to Staff's recommendation

1. Do not initiate a plan

Do not initiate a plan and allow the development pursuant to existing zoning or consider individual rezoning requests as they are submitted.

2. Initiate a District Plan but permit the two active applications to move forward prior to completing the plan.

Action Request

It is recommended that the City Commission concur that staff initiate a District Plan for the Inverness Park Addition, if appropriate.

Mayor Amyx called for public comment.

David Sloop spoke in support of initiating a district plan. He said things had changed since the original planning of this area and a plan was needed to satisfy the neighborhood and developer concerns.

David Hamby spoke on behalf of the owners of the developments and asked that the applications already in the process not be delayed until the completion of a plan.

David Stern spoke in support of initiating a plan and deferring action on the current developments to take a look at land use for that area. He said moving forward on Casitas might be appropriate because it was proposed to development within the current zoning. He said there were too many apartments in the area already.

Jamie Hulse spoke in support of initiating the plan and deferring action on the development applications already in the process.

Mayor Amyx said regarding Remington Square, he asked if that item would return to the Planning Commission and then to the City Commission.

McCullough said it was a rezoning request and would go the Planning and City Commissions.

Commissioner Chestnut said supporting the idea of permitting the two active applications to move forward, in no way indicated anyone was in support of it or not. He said there were several plans and could not preclude continuing to entertain applications. Those applications were being made in a process that was well documented. He said there might be some trepidation about either one of those applications at the Planning Commission and it sounded as though the Planning Commission was looking for the City Commissions direction about moving forward. He said he was thinking about differentiating between a rezoning versus the current zoning, but again, those were both legitimate process questions that a land owner could make and either be accepted or denied. He said he would like to see the process work its way through, but the district plan was critical in this area. He said he believed some of the zoning needed to be looked at and then neighbors had discussed looking at commercial zoning on either corner. He said in looking at the aerial photo, there must be 1,000 roof tops within that area and might get some appeal which might be a great way to break up the use situation and provide a land use possibility for a property owner that would be desirable. Again, he said he did not have an opinion on either one of those applications, but had to look at other applications processing through and start to point at every different initiative the City was taking on doing overlay's and nodal plans. He said they could not stop applicants from making requests.

Commissioner Johnson said a district plan was not needed. If it would have been eight years ago before the City developed in that area that was the time to develop a district plan. He said there were two applications and two projects that should work through the system. He said

what was left over was the corner of Inverness and Clinton Parkway. He said residential and commercial was planned for that area, but were shot down. He said the market brought something forward and the City had a process to work itself out. The neighbors had an opportunity to speak to that project and staff had the ability to look at that project on its merits. He said he did not want to see a district plan potentially keep things from being brought forward. He said he would like to keep things moving as well as encourage someone else that might be looking at the corner.

Commissioner Dever said he understood the desire to want to back away from planning an area this small, but there was a decent sized parcel on the southern portion and realistically there was a lot of open space and an area that had grown at fringes and now there was this land that was undeveloped in the center. He said they had been through the process of discussing how to deal with this and how to limit development to have the least impact on the existing neighbors and existing tax base. He said it would be ideal to stop the process and do this, but it was unrealistic and the City Commission should consider any applications that were on-going while this was going on, if they did approve a district plan. He said there was more land in that area that met the eye. The reason why the area had not been developed was because of the questionable future. If they could somehow solidify that future as opposed to hijacking it and do it in an expeditious fashion, they could move forward. He said the City Commission had proven it could move quickly, when it was urgent or something the Commission considered a priority, and move it so they did not tear away potentially good development for the neighbors and a positive impact on the community.

He said it was reasonable to want to have a plan because this land use had been at odds for years and changed a lot. He said he was not sure it was worth throwing in a lot of staff time for a small area of land, but he also thought it was important for the neighbors and the City had a group of vocal and active neighborhoods that wanted to protect the investment of their properties and help shape what comes to that location. He said he did not want to stop what

was going on with the existing applicants, but initiate a plan for this area so that all the view points could be looked at and redefine what this area needed to be in the future.

Vice Mayor Cromwell said he saw Commissioner Dever's point about the size of the area and bringing this issue to the City Commission at such a late juncture to plan. He said it would not take too long to come up with a plan because it was a small enough area and would give the City Commission a chance to receive input from the community. He said this process might smooth the way for some new project. He said he always liked to see projects receive expert opinion from the Planning Commission. He said he was in favor of going ahead with the district plan, but proceeding with the proposed projects.

Commissioner Johnson said he could support a district plan if someone came in with a proposal on that corner for the City Commission to consider simultaneously. He said he did not want to wait to look at a proposal before a district plan was approved.

Mayor Amyx said there might be a good plan to consider for that area, but the pressure that would add to the Planning Commission might not work.

Commissioner Chestnut said he did not have a problem with entertaining other proposals for that area. He said as this district plan kicked off in this season, he did not think there would be a lot of activity on that piece of ground between Thanksgiving and Easter. He said one corner had already been through a process and not gone through and the other corner of Crossgate and Clinton Parkway had some proposals that really did not get through the process, but were shot down. He said it was unlikely to see any kind of epiphany of any kind of proposal on those plots, until entertaining a rezoning in that area.

Mayor Amyx said if an application came forward on the corner of Inverness and Clinton Parkway during the process for a district plan, he asked if that proposal would put undue pressure on the Planning Commission.

McCullough said when the Planning Commission was doing their planning it was typically more challenging when there was an active request. He said it was a bit more efficient

process for staff and the Planning Commission with active requests, but staff would take the City Commission's direction and work through those issues. He said this was a unique plan and part of the reason for this agenda item, was demand and conversation about those properties. He said there were people looking at the City Commission's actions and discussion tonight on next steps.

Commissioner Chestnut said if the City did not have a district plan, a lot of staff time would be spent on anyone of those corners because of neighborhood involvement and comments at the Planning and City Commission levels. Regardless of what was done in that area, would take a long time to process. He said he did not want to consider those two proposals and hold everyone else out. He said there was something about inequity with property owners and did not think the City would see anything else. He said any of those undeveloped areas, knowing this was going forward, would not want to spend a lot of time, money, and effort going into a plan until they saw the outcome.

McCullough said staff would solicit input from the owners who were a major part of any plan the City did in terms of their desires and could be an option to bring forward and have a neighborhood discussion, but staff would clearly take City Commission direction as to whether to process those applications as submitted.

Moved by Dever, seconded by Chestnut, to confirm the proposed Plan area and initiate a District Plan for the Inverness Park Addition area. Motion carried unanimously. (10)

Consider approving a Maintenance Facility Lease Agreement with the University of Kansas and consider approving an amendment to MV Contract removing the facility costs and making operational adjustments.

Robert A. Nugent, Public Transit Administrator presented the report. The report stated the following:

Background:

In August 2009, the City Commission received a status report on the coordination activities between KU and the City. One of the issues discussed during this presentation was the possibility of developing a joint transit maintenance facility for use by both entities. At the time the City/KU planning team believed that a joint transit maintenance facility was important in