

ITEM NO. 2 PRELIMINARY DEVELOPMENT PLAN FOR THE LINKS AT LAWRENCE; 251 QUEENS RD (MKM)

PDP-14-00171: Consider a Preliminary Development Plan for The Links at Lawrence, a 900 unit apartment complex, on approximately 78 acres located at 251 Queens Rd. Submitted by Blew & Associates PA, for Links at Lawrence, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Commissioner Liese asked staff to comment about benefit districts.

Ms. Miller said benefit districts were a common practice to pay for streets and that it typically was not an issue seen by Planning Commission.

APPLICANT PRESENTATION

Mr. Kim Fugett, Lindsey Company, thanked staff for their help. He said Lindsey Company had been in existence for over 30 years and had close to 40,000 apartment units. He said Lindsey Company had sold less than 3% of their property developments over the years. He said they develop properties to build and manage for a lifetime. He said they revisited the plan in hopes of finding ways to reduce costs and start development. He said they refigured the density counts and we learned the definition of unit was different than what they previously used. He said another change was the removal of the golf course, due to interest in the sport declining. He said the new plan would include walking trails. He said the sensitive land area contained red bellied snakes which were an endangered species. He said they were notified by the State that they would need to mitigate land to protect the snake. He said dropping the golf course would allow a place for the red bellied snakes to live. He said the new plan increased the sensitive area by 9 acres. He said the new plan also allowed for 65% of the site to be common open area. He said the market study said there was still a demand for apartments.

PUBLIC HEARING

Ms. Sunee Mickle, 229 Eisenhower Drive, said she was aware of The Links when she purchased her home but at the time she thought it would be a golf course community. She expressed concern about the plan changing over the years and about overcrowding in the school system.

Mr. Chuck Thompsen, 317 Campbell Drive, said his real estate agent told him the area would be single-family dwellings. He said the whole community was surrounded by apartment complexes. He was concerned about the increase in traffic due to the apartment complex. He asked that Planning Commission revert back to the original drawing that was submitted. He wanted the total density in the area reduced.

Ms. Shari Gerling, 5236 Carson Drive, said she was told about development in the area and that they were supposed to be high end townhomes. She was concerned about sewer and street development being assessed to the neighborhood. She wondered if the developer was responsible for assessments.

Commissioner Liese asked staff to respond to questions asked during the public comment.

Mr. McCullough said this project was in the Lecompton school district so Lecompton school district would need to plan for any increase in children. He showed the possible benefit districts on the overhead that were included in the packet. He said a special assessment benefit district was an actual district of property with boundaries intended to help finance a major cost for infrastructure improvements. He said it had been known for some years that Queens Road would need to be urbanized and improved. He said there were different ways to address it. He the development policy required developments to pay for infrastructure. He said one of the ways to pay for it was the special assessment benefit district. He said staff would likely recommend to City Commission, at the time they consider forming the district, that any owner occupied structure on the east side

of Queens Road, while legally needing to be in the district, would not necessarily have to pay for the assessments. He said that was because they had already paid some of their share with Wakarusa Drive and other infrastructure. He said staff would likely recommend that other properties on the west side pay the special assessment portion. He said the city at large would pick up the east side if owner occupied and the west side would be paid by the development group. He said the district was yet to be determined.

Ms. Gerling asked how the percentage was broken up.

Mr. McCullough said typically it was the area of the lot or the frontage of the lot, so for example, a smaller lot would pay less assessment than a larger lot.

Ms. Gerling asked who would make the final decision.

Mr. McCullough said City Commission would form the district.

Ms. Gerling said she never drives on Queens Road and did not think it was fair to assess a neighborhood that does not use Queens Road.

Mr. McCullough said benefit districts go through a process of determining benefit and that at some point as the area urbanizes people will use the streets adjacent to their houses.

Ms. Gerling asked who owned Lindsey Management.

APPLICANT CLOSING COMMENTS

Mr. Hugh Jarrett, Lindsey Company, said on average there were .1 school age children per apartment. He said The Links would be paying more property taxes than the burden put on schools. He said their apartments have a low impact on schools. He said Mr. Jim Lindsey founded the company and had been the primary owner for 35 years. He said Mr. Lindsey's health does not allow him to travel anymore. He said one of the things that had delayed the development was the cost.

He said there were not many sizeable areas to develop in Lawrence.

COMMISSION DISCUSSION

Commissioner Jossierand inquired about the buffer on the southern side and how it had changed since 2007.

Ms. Miller said there had been some changes to the Code. She said the 60' buffer was no longer required. She said The Links would have a 25' buffer with landscaping.

Commissioner Jossierand asked how the property was zoned in 2007.

Ms. Miller said it was zoned agriculture.

Commissioner Jossierand asked if the land to the south was zoned.

Ms. Miller said the Kellyn Addition was not rezoned at that time.

Commissioner Jossierand inquired about the height restriction.

Ms. Miller said the applicant was not requesting a height modification.

Commissioner Jossierand asked if the original application in 2007 was developed at the maximum density permitted by Code at that time.

Mr. McCullough said it was the 4.2 units per acre. He said the zoning request limited it to 6 units per acre.

Commissioner Josserand asked if the applicant could have requested a higher density than what was requested in 2007.

Mr. McCullough said yes.

Commissioner Josserand inquired about the increase in the number of apartments being requested by the applicant.

Mr. Jarrett said the circumstance was that they generally plan out 2-3 years ahead of time. He said during the lead time things can change. He said the cost of construction with the development increased and they could not get the numbers to work with the site. He said the street and sewer infrastructure costs were also expensive.

Josserand said the infrastructure costs should have been known by the applicant years ago when they first requested the development.

Mr. Jarrett said The Links was a very good product and they wouldn't invest 40 million dollars if they thought it would not work.

Commissioner Josserand asked if the developer drove through the Oread neighborhood to see how many vacancy signs were up.

Mr. Jarrett said companywide they had less than 2% vacancy. He said they provide an extremely good amenity package. He said the property manager and assistant property managers would live onsite. He said the apartments would not be the cheapest or the most expensive in town but that Lawrence had a market for apartments.

Commissioner Culver asked what implications the benefit district had on Planning Commission's recommendation.

Mr. McCullough said there were appropriate conditions to ensure The Links was adhering to the development policies.

Commissioner Denney asked if Planning Commission made a recommendation on the benefit district.

Mr. McCullough said the benefit district was information only and that a decision would be made by City Commission down the road.

Commissioner Rasmussen said he liked seeing the protection of the open space, wooded areas, and stream corridor. He asked what would prevent a developer from expanding into that space.

Ms. Day said any relocation or change in common open space would have to come back to Planning Commission and City Commission for approval.

Commissioner von Achen appreciated the amount of environmentally sensitive lands being protected and the willingness to work with the endangered species regulations. She inquired about the increased impervious surface area and wondered about drainage.

Mr. Buckley Blew, Blew and Associates, said there would be two detention ponds on the east side property where water would be directed to. He said water would also be directed to where it naturally would go. He said they would adhere to all requirements necessary.

Commissioner von Achen inquired about height requirements being reduced from 39' to 35' for the apartments.

Mr. Fugett said the first variance was for a spire on the clubhouse that encroached upon the height requirement. He said the new three story building was below the height restriction so there wasn't a need to ask for that.

Commissioner Rasmussen said he would support a motion to approve the development because he liked this type of land use since it was concentrated and maximized space while preserving open space and wooded areas. He also liked the walking trail that would interconnect to other properties.

Commissioner Struckhoff said he generally supported the proposal. He expressed concern about the amount of impervious surface.

ACTION TAKEN

Motioned by Commissioner Culver, seconded by Commissioner Rasmussen, to approve The Links at Lawrence Preliminary Development Plan (PDP-14-00171) based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Agreements not to protest the formation of a benefit district must be executed by the applicant and provided to the Planning Office before recording of the Final Development Plan for the following:
 - a. Street and sidewalk improvements for Queens Road.
 - b. Street and sidewalk improvements for George Williams Way.
 - c. Geometric intersection improvements for Queens Road and Wakarusa Drive.
 - d. Intersection improvements, geometric and signalization, for Queens Road and W 6th Street.
 - e. Intersection improvements, geometric and signalization, for George Williams Way and Rock Chalk Drive.
2. Provision of a revised Preliminary Development Plan with the following changes:
 - a. Provide a continuous evergreen hedge, or 6 ft solid fence or wall along the south side of the parking/drive area in the Southeast Quadrant of the development adjacent to the proposed Kellyn Addition.
 - b. Provide a 12 ft Pedestrian Access Easement for the shared use path within the Utility Easement for the Sanitary Sewer Interceptor Line and add the following note: *"A 12' shared use path will be constructed by the property owner within the pedestrian easement to City standards, at the time of this development. The path will terminate 50' south of the north property line with a mini cul-de-sac. When a connecting trail has been constructed on the property to the north, the developer of this project will construct the remaining 12' wide connecting piece of the shared use path."*
 - c. Make minor changes to utilities shown on the plan per City Utilities Engineer's comments.
 - d. Make minor changes to the plan per the City Fire Code Official's comments.
 - e. Add the following note: *"Prior to any construction activity the perimeter of the protected wooded areas adjacent to the construction activity will be fenced at the drip line and signage will be erected that notes that any construction activity, grading, trenching or storage is prohibited within the fenced area."*
 - f. Note the number of van accessible ADA parking spaces provided in the parking data for each phase.
 - g. Revise the Parking Summary to note the bicycle parking requirement as 1 space per 4 auto spaces provided, provide the required additional bicycle parking spaces, and show the location of the bicycle parking on the plan.
 - h. Relocate bufferyard landscaping along the south property line north of the 25 ft utility easement. If necessary widen the bufferyard by relocating the buildings to the north to provide adequate landscaping area.
 - i. Revise plan based on minor technical issues. Staff will provide the applicant with a list.
3. Stormwater Engineer is currently reviewing the revised plans and will provide comments that may result in revisions to the plan, including possibly requiring a detention pond on the southwest corner.

Commissioner Jossierand said the developer proposed a good project but he was concerned about the sheer magnitude of it. He felt that overbuilding multi-dwelling on the fringe of the city taxed infrastructure and had a toxic effect on central city housing.

Motion carried 6-1, with Commissioner Josserand voting in opposition.