

ITEM NO. 10A RS10 TO RM12; 41.15 ACRES; 1900 W 31ST ST (SLD)

Z-11-28-11: Consider a request to rezone approximately 41.15 acres from RS10 (Single-Dwelling Residential) to RM12 (Multi-Dwelling Residential), located at 1900 W. 31st Street. Submitted by Landplan Engineering, for Mid-America Manufactured Housing Communities, Inc., property owner of record.

ITEM NO. 10B PRELIMINARY PLAT FOR ASPEN HEIGHTS ADDITION; 1900 W 31ST ST (SLD)

PP-11-12-11: Consider a Preliminary Plat for Aspen Heights Addition, approximately 41.15 acres, located at 1900 W. 31st Street. The request includes variance requests from the Subdivision Design Standards, specifically 20-810(d) regarding the dedication of additional r-o-w for the adjacent arterial street; connection of at least one street connection to each adjacent subdivision; and the dedication of the remainder of r-o-w for Ousdahl Road (extended). Submitted by Landplan Engineering for Mid-America Manufactured Housing Communities, Inc., property owner of record.

ITEM NO. 10C SPECIAL USE PERMIT FOR ASPEN HEIGHTS; 1900 W 31ST ST (SLD)

SUP-11-5-11: Consider a Special Use Permit for Aspen Heights for the development of multiple detached dwelling structures on a single lot in an RM District as required by Section 20-402 of the Land Development Code. The property is located at 1900 W. 31st Street. Submitted by Landplan Engineering, for Mid-America Manufactured Housing Communities, Inc., property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 10A-10C together.

Commissioner Finkeldei asked if the two conditions on the benefit districts were the same that were done for The Exchange.

Ms. Day said yes.

Commissioner Hird asked if accessible parking was for ADA compliance.

Ms. Day said yes.

APPLICANT PRESENTATION

Mr. Brian Sturm, Landplan Engineering, presented a slideshow on the overhead. He said Aspen Heights would be a great addition to the city and a great neighbor to the area. He said the product centers around the home, which is what student surveys show they want. He said Aspen Heights stresses quality over quantity and looks to create an experience for the residents that will keep them there during their college careers. He said traffic generated by the site will be mitigated through a couple of turn lanes added to 31st Street and extending Ousdahl Road on the south side to provide a safer access point. He said the site comes into conformance with Transportation 2030 and there will be a significant addition to the existing bikeways in that part of Lawrence. He said new sanitary sewer lines would be added and connected to city lines which would improve the system in the area. He said floodplain was a significant feature to the site and would virtually not be touched by the development. He said improvements would be made to stormwater management in the area. He said greenspace exceeded the requirements and was one way to improve the quality of life for the residents.

PUBLIC HEARING

Mr. Dale Willey said he was in favor of the development but was concerned about increased traffic on the frontage road in front of his dealership.

Ms. Diane Sholander said she has a family member who lives in Gaslight Village and that communication to the tenants about this hearing was remiss because there was not signage in front of Gaslight Village. She said she

had heard that Gaslight Village would pay to move the trailer but that her family members trailer was too old to move so she wondered about the scrap value in lieu of moving costs. She suggested a condition H be added for another hearing where tenants of Gaslight Village could be fairly represented and that income distribution be added for future residents of Aspen Heights.

Mr. Michael Pomes said his family member lives in Gaslight Village and that the owner of Gaslight Village will put up \$5,000 for the move. He said some trees needed to be removed before the trailer could be moved and he felt that his family member should not have to pay for that.

Ms. Jeannie Russell said she was a resident of Gaslight Village. She said Lawrence was geared toward college housing and that they needed to consider lower income families being displaced by this project.

APPLICANT CLOSING COMMENT

Mr. Matt Gough, Barber Emerson, said this project was in compliance with Horizon 2020 and the Southern Development Plan and eliminated a current non-conforming use. He said the project created an ideal transition between the single-family residences to the north and commercial uses along 31st Street. He said the project would make significant drainage improvements that have been a factor to the residential properties to the north. He said there were nine other manufactured housing communities in Lawrence with an existing supply to accommodate all of the existing occupants of Gaslight Village. He said it was his understanding that the owner of Gaslight Village and several other parks were providing incentives to help people get into those new areas. He said the applicant accepted the conditions in the staff report.

Commissioner Finkeldei inquired about the neighborhood meetings.

Mr. Gough said the applicant had a good meeting at South Junior High with about 15-20 members of the public. He said most questions centered on drainage. He said this project would improve drainage issues. He said there were also questions regarding noise. He said Aspen Heights would buffer the property line with a row of homes facing away to the south.

Commissioner Finkeldei asked Mr. Gough to comment on Dale Willey's regarding the right hand turn.

Mr. Gough said the primary access points would be on 31st Street. He said if the City recommended no right hand turn he did not anticipate there would be a problem with that. He said the applicant was flexible with what the City felt was best.

Commissioner von Achen asked the applicant to address concerns about residents being moved and compensated.

Mr. Tom Horner said he works for Mid-America Manufactured Housing which is the owner of Gaslight Village. He said there were approximately 130 mobile homes that still needed to be moved. He said trailer parks Easy Living and Harper Woods have paid for trailers to be moved to their communities. He said they were trying to meet with individual residents to find out their needs because each situation was case-by-case. He said there would be no cost to the residents for moving their trailer.

Commissioner Burger asked how long it took to move people during the Home Depot development.

Mr. Horner said it took months.

Commissioner Hird said hearing the commitment to move the trailers at no cost gave him some comfort. He asked Mr. Thomas to visit with Mr. Pomes about the trees he discussed.

Ms. Becky Albertson said people don't want to live at Gaslight Village because it has gone downhill. She felt Aspen Heights should pay to remove the trees that Mr. Pomes talked about.

Mr. Charlie Vatterott, Aspen Heights, said they could not cut a tree on property that does not belong to them yet. He said they were not going to displace any resident prior to the end of the school year. He said anyone with special needs would also not be asked to move before May.

COMMISSION DISCUSSION

Commissioner Finkeldei asked if the City Traffic Engineer had looked at Mr. Willey's concern regarding traffic.

Ms. Day said yes it had been looked at a number of times with the City Traffic Engineer and Transportation Planners. She said based on the traffic analysis staff did not recommend restricting the right turn.

Commissioner Finkeldei asked if staff had looked at the T intersection in front of Dale Willey Automotive.

Ms. Day said the frontage road serves a purpose and provides access to abutting commercial properties. She said the City typically does not install lights on frontage roads.

Commissioner Culver urged staff and the City to look at that frontage road from a safety standpoint.

Commissioner Burger asked if Home Depot had been part of the conversations regarding traffic.

Ms. Day said Home Depot did not contact staff.

Commissioner Burger asked if staff reviewed this with Home Depot.

Ms. Day said no, but that they would have received notice of this meeting.

Commissioner Burger asked if the entrance into that parking lot was a Code requirement for that type of retail space.

Ms. Day said she would have to look. She said there needed to be two points of access, depending on how big the structure was, for fire code.

Commissioner Hird inquired about signage for no right turn.

Ms. Day said signage could be added but that the City Traffic Engineer says it's the least effective way to discourage it.

Commissioner von Achen asked staff to comment on the north Ousdahl limited access.

Ms. Day said currently the street does not extend, there's a creek there. She stated the project would enclose part of the stormwater and provide a driveway where the street stubs in. She said this was a multi-family project that would exit onto a local street into four blocks of low density residential neighborhood until the next collector street 27th Street. Staff did not feel full access was warranted for the project. She said if the project was designed in such a way that there was more conventional lot arrangement for the western portion then maybe the Ousdahl Road extension would make sense. She said the project gives partial connection with a gate for emergency access.

Commissioner Finkeldei said he liked the plat and the fact that it would help the neighbors to the north with drainage. He said he would support the project.

Commissioner Burger inquired about the League of Women Voter letter that states there should be no parcelization after the one-lot plat was approved and recorded.

Ms. Day said that has been a discussion from the League of Women Voters for many years. She said property owners have the right to subdivide their property to create metes and bounds descriptions that can be

recorded with the register of deeds. She said there were a number of state laws that allow for townhouse and condominiumization of those units. She said she did not know of any local regulation that prohibited that. She said she did not foresee that happening with this project and staff determined it was not an appropriate condition.

Commissioner Hird said this was an exciting project because it would be an improvement to southern Lawrence. He said he understood Mr. Willey's concern about traffic. He said he was pleased to hear the commitment from Mr. Horner about moving the Gaslight Village residents at no cost. He said he had great empathy for the folks who live there and it made it easier for him to support the project without reservation. He said it was consistent with Horizon 2020 and the development plan for the area. He said the transition from single-family to commercial uses would be helpful. He said they very rarely get a project where there will be drainage improvements. He stated he would support the project.

ACTION TAKEN on 10A

Motioned by Commissioner Finkeldei, seconded by Commissioner Culver, to approve the request to rezone approximately 41.15 acres from RS10 (Single-Dwelling Residential) to RM12 (Multi-Dwelling Residential), located at 1900 W. 31st Street based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval

Unanimously approved 7-0. Student Commissioner Davis voted in the affirmative.

Commissioner Burger asked if staff would be looking into the traffic issue.

Mr. McCullough said the City Traffic Engineers and Public Works Department could get together to look at the issue.

Commissioner Belt inquired about connection to Ousdahl.

Mr. McCullough said he was not hearing from the public or the applicant to look at connection to Ousdahl. He said connectivity was important for development patterns but it was a balancing act of creating a situation through local streets that do not have a lot of student traffic currently. He said there were pros and cons to that.

Commissioner Belt said his hope would be that by having traffic disperse in multiple locations it would have the least effect on retail and the neighborhood at the same time.

Mr. McCullough said considering opening up Ousdahl at this point would be a significant change to the development request and would likely mean new notice to neighbors and a new process with them. He said he thought it was presented to the neighbors as non-access to Ousdahl.

Commissioner Finkeldei said the City should look into the issue of cut through traffic but not tie it to this project.

ACTION TAKEN on 10B

Motioned by Commissioner Finkeldei, seconded by Commissioner Culver, to approve the variance request from Section 20-810(d)(4) which requires a minimum of 150' of right-of-way for principal arterial streets. The variance would permit the following variation from the minimum required right-of-way from 75' to 65'.

Unanimously approved 7-0. Student Commissioner Davis voted in the affirmative.

Motioned by Commissioner Finkeldei, seconded by Commissioner Culver, to approve the Preliminary Plat of Aspen Heights Addition subject to the following conditions:

1. Revision of the preliminary plat with the following notes and changes:
 - a. Addition of the following note to the face of the drawing: "Variance approved from Section 20-810(d) which requires a minimum of 75' to 65' for 31st Street."
2. Execution of an agreement not to protest the formation of a benefit district for future signalization and intersection improvements at Louisiana and 31st Streets executed by the property owner and provided to the Planning Office with submission of the Final Plat subject to the review by the City Attorney's Office prior to recording.
3. Execution of an agreement not to protest the formation of a benefit district for future street improvements to W 31st Street executed by the property owner and provided to the Planning Office with submission of the Final Plat subject to the review by the City Attorney's Office prior to recording.

Commissioner Hird said he was surprised when he first saw the plan with no connectivity into the neighborhood onto Ousdahl but as he read the staff report and looked at that area he felt it made sense to have an exception to that because it would create a real problem in their neighborhood with traffic. He said he was encouraged there was connectivity for bike and foot traffic. He said he would typically endorse connectivity but he agreed with staff on this one.

Motion carried 6-1, with Commissioner Belt voting in opposition. Student Commissioner Davis voted in the affirmative.

ACTION TAKEN on 10C

Motioned by Commissioner Finkeldei, seconded by Commissioner Burger, to approve the Special Use Permit of Aspen Heights for the development of multiple detached dwelling structures on a single lot in an RM District as required by Section 20-402 of the Land Development Code located at 1900 W. 31st Street and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions to be completed prior to the release of the site plan associated with the SUP for building permits:

1. Submission and approval of a local floodplain development permit prior to the release of the Special Use Permit for issuance of building permits.
2. Applicant shall submit the following additional documents to the Planning Office for review and approval prior to release of the Special Use Permit for issuance of a building permit:
 - a. Provision of a revised plan to include pedestrian lighting along interior sidewalks and the multi-use path.
 - b. Provision of an addressing scheme proposing distinct references for each building.
 - c. Provision of an exhibit designating minimum elevation of building openings for units adjacent to a drainage easement.
 - d. Provision of additional detail to assure that fencing proposed for the site does not obstruct the multi-use path.
 - e. Provision of a revised General Note 19 that states All trash enclosures shall be constructed per City of Lawrence design specifications and shall be screened from view of adjacent properties and street rights-of-way per City of Lawrence Land Development Code Sec.20-1006(a)
 - f. Provision of a revised plan per the approval of the City Stormwater Engineer that provides stormwater mitigation per Section 20-901 (c).
 - g. Provision of a revised plan to show and note the minimum number of required accessible parking spaces per City Code.

Commissioner Britton asked why a Special Use Permit was necessary.

Mr. McCullough said the Development Code in the RM12 District does not allow detached dwellings, which was part of the structure type proposed here, unless a Special Use Permit was granted.

Unanimously approved 7-0. Student Commissioner Davis voted in the affirmative.