

PLANNING COMMISSION REPORT
Regular Agenda -Public Hearing Item

PC Staff Report
9/23/13

ITEM NO. 8B: PRELIMINARY DEVELOPMENT PLAN FOR 9 DEL LOFTS; 900 DELAWARE ST (MKM)

PDP-13-00299: Consider a Preliminary Development Plan and associated modifications for 9 Del Lofts, a multi-dwelling residential development with 43 dwelling units, located at 900 Delaware St. Modification requests are related to the off-street parking requirements, and setback standards. Submitted by Bartlett & West Inc. for Provident Family, LP, property owner of record.

STAFF RECOMMENDATION ON MODIFICATION FROM OFF-STREET PARKING REQUIREMENT: Planning Staff recommends approval of the requested modification to allow the provision of 60 parking spaces on the property rather than the 73 required by Code per Section 20-1107(i).

STAFF RECOMMENDATION ON MODIFICATION FROM SETBACK STANDARDS: Planning Staff recommends approval of the requested modification to allow a 20 ft front yard setback, rather than the 25 ft required by Code per Section 20-1107(g).

STAFF RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN: Planning Staff recommends approval of the 9 Del Lofts Preliminary Development Plan based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Provision of a DSSA and a Drainage Study/Grading Plan per the approval of the City Utility Division and the City Stormwater Engineer, respectively.
2. City Utilities Division approval of the proposed sanitary sewer line.
3. Alternative Compliance Landscaping will be reviewed and determined with the Final Development Plan
4. Obtain and record an access easement to allow access from the north through property owned by Ninth and Delaware LC.
5. Provision of a revised Preliminary Development Plan with the following minor technical changes:
 - a. Note the entity or party that will own and maintain the common open space.
 - b. Delineate the common open space on the plan and note the percentage of the site which is included. Minimum of 20% of the site is required.
 - c. Revise PDP Plan Note No. 14 to list the modification being requested from the required off-street parking and to refer to the change requested to the setback as a 'modification'.
 - d. Revision of water service items per the City Utilities Engineer's approval.
 - e. Addition of revisions per the Fire Code Official's approval.
 - f. Show the access easement on the land to the north and note the Book and Page Number on the plan.

Reason for Request: Preliminary development plan submitted for multi-dwelling residential development adjacent to 8th and Penn Neighborhood Redevelopment Zone.

KEY POINTS

- A modification is being requested from the City Commission as permitted in Section 20-701(f) from the off-street parking requirements in Section 20-902(a) to permit the installation of 60 parking spaces rather than the 72 spaces required by Code.
- A modification is being requested from the City Commission as permitted in Section 20-701(f) from the setback standards in Section 20-601(a) to allow the provision of 20 ft of front setback rather than the 25 ft required by Code.
- Per Section 20-701(f)(3) density calculations in the PD Overlay District are weighted based on the number of bedrooms proposed in a dwelling unit.
- The property is being developed in coordination with the 8th and Penn Development but is not within the 8th and Penn Urban Conservation Overlay District.
- A Preliminary Development Plan also serves as the preliminary plat.

FACTORS TO CONSIDER

- Conformance with the purpose of Planned Developments (Section 20-701, Development Code).
- Compliance with Development Code.
- Conformance with *Horizon 2020*.
- Conformance with Subdivision Regulations.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases

REZONING

- Z-13-00287: A rezoning request to the RM32-PD (Multi-Dwelling Residential with Planned Development Overlay) District has been submitted and is also being considered by the Planning Commission at their September meeting.

Other Action Required

- City Commission approval of Preliminary Development Plan and requested modifications.
- Submittal and administrative approval of Final Development Plan.
- Submittal and administrative approval of Final Plat.
- Recording of Final Development Plan with the Douglas County Register of Deeds.
- City Commission acceptance of dedications shown on the Final Plat.
- Recording of Final Plat with the Douglas County Register of Deeds. Public Improvement Plans submitted to City Public Works and Utilities Departments. The plans must be approved and the means of ensuring completion of public improvements accepted prior to recording the Final Plat.
- Recording of the Final Plat with the Douglas County Register of Deeds.
- Building permits must be obtained prior to construction of structures.

PUBLIC COMMENT

- No public comment was received prior to printing this staff report.

GENERAL INFORMATION

Current Zoning and Land Use: IG (General Industrial) District; undeveloped with access drive to property to the east.

Surrounding Zoning and Land Use:

- To the west:
IG (General Industrial) District; *Light Equipment Repair*.
- To the north:
IG (General Industrial) District; *Warehouse and Office*.
- To the northwest:
CS-UC (Commercial Strip with Urban Conservation Overlay) District; Parking lot and undeveloped property included within the 8th and Penn District. (A site plan to increase the size of the parking lot has been submitted and is under review.)
- To the east:
IG (General Industrial) District; *General Industrial* uses.
- To the south:
IG (General Industrial) District; *General Industrial*

(Figure 1.)

Area

Gross Area	56,747 sq ft
Right-of-Way	0
Net Area	56,747 sq ft

SITE SUMMARY			
	Existing	Proposed	Change
Land Use:	Undeveloped	<i>Multi-Dwelling Residential with accessory parking</i>	Change in use
Land Area (sq ft):	56,747 sq ft	56,747 sq ft	--
Existing Building (sq ft):	0 sq ft	11,550 sq ft (20.8%)	+ 11,550 sq ft
Total Pavement:	1,095 sq ft	23,388 sq ft	+ 22,293 sq ft
Total Impervious Area (sq ft):	1,095 sq ft	34,938 sq ft (61.5% of site)	+ 33,843 sq ft
Total Pervious Area (sq ft):	55,652 sq ft	21,809 sq ft (38.4% of site)	- 33,843 sq ft



Figure 1a. Zoning in the area.



Figure 1b. Land use in the area.

PARKING SUMMARY			
Use	Req. per Sec 20-902	Parking Required	Parking Provided
<i>Multi-Dwelling Residential</i>	1 vehicle space / bedroom + 1/10 units	67 bedrooms = 67 spaces 43 units = 5 spaces Total = 72 spaces	60 spaces *
ADA Accessible Spaces	3 spaces with 1 being van accessible	3 ADA spaces 2 vehicle 1 van accessible	3 ADA 2 van accessible
Bicycle Parking	1 per every 4 vehicle spaces	15 spaces	18 spaces

* Parking provided on site does not meet the parking requirements in Article 9. Per Section 1701(f) of the Development Code, the City Commission can grant a modification from the parking requirements for good cause shown. The applicant proposes to share parking with the 8th and Pennsylvania mixed use development which is being developed to the northwest. A site plan has been submitted for a parking lot at 716 E 9th Street, which is diagonal across the street from the subject property. 716 E 9th is owned and being developed by the contract purchaser of the subject property.

As the development will be associated with the 8th and Penn Redevelopment Zone, a comparison of the parking requirements from the Development Code for the base RM32 District and that required by the *8th and Penn Neighborhood Redevelopment Zone Guidelines* is provided in the table below. As seen in the following table, the parking provided on-site is slightly less than that required with the 8th and Penn Design Guidelines; however, the Design Guidelines allow the use of on-street parking to meet the parking requirement. The modification request is to allow the 60 spaces being provided rather than the 72 that are

required by Code. The development is intended to function as a portion of the 8th and Penn Neighborhood Redevelopment Area. The amount of off-street parking provided complies with that required for properties within the redevelopment area taking into account the availability of shared parking on the 8th and Penn properties and the on-street parking that is available in the area. Staff recommends approval of the requested modification from the parking requirement to allow this property being developed on the periphery of the 8th and Penn Redevelopment Zone to be developed with 60 on-site parking spaces based on the assumption that some shared parking will occur with the 8th and Penn area and that the development will also utilize nearby on-street parking. The requested modification is in keeping with the standards of the *8th and Penn Neighborhood Redevelopment Zone Design Guidelines*.

Comparison of parking with the 8th and Penn Neighborhood Redevelopment Zone Design Guidelines:			
8th and Penn requirement	spaces required	Development Code requirement	spaces required
1 space per 1 bedroom or studio unit	23 one-bedroom: 23	1 space per bedroom PLUS one per 10 units for visitor parking	67 bedrooms: 67
2 spaces per 2 bedroom or greater	16 two-bedroom 4 three-bedroom 20 units: 40 spaces Total: 63 spaces		43 units: 5 visitor Total: 72 spaces

STAFF ANALYSIS

The property is adjacent to the 8th and Penn Neighborhood Redevelopment Zone and is being developed in coordination with the development in that zone. The applicant considered expanding the zone to include the subject property so that it could be developed under the *8th and Penn Neighborhood Redevelopment Zone Guidelines* and be similar in design and configuration to the 8th and Penn development. Adding the property to the zone would require an amendment to the zone itself as well as to the design guidelines. Staff suggested the PD overlay which, with the design flexibility provided by the possible modifications, could result in a similar design to that achieved in the 8th and Penn Zone. The intent of the PD overlay is to create a residential development that is similar in design and function to the 8th and Penn Redevelopment Zone.

The development proposal is for a 43 unit multi-dwelling residential structure which will be located close to the Delaware Street right-of-way. (Figure 2) The applicant will be providing a revised elevation that will be included in the Planning Commission agenda packet for the Commission's information. The revised elevations were not received in time to be reviewed in this staff report.



Figure 2. Elevation of proposed development as seen from Delaware Street.

The 8th and Penn Design Guidelines allow 0 building setbacks. This development proposes a 20 ft front yard setback to bring the building as near the property line as possible while observing the sanitary sewer easement in this location. The modification requested will allow a 20 ft front setback rather than the 25 ft required by Code and will allow the building to be located as near the front property line as possible. This will result in a similar design to the 8th and Penn area. Staff recommends approval of the modification as the shape of the site poses space constraints and this design allows the building to front the street while maximizing the space available for parking and common open space.

One of the challenges with this site is the relocation of the sanitary sewer line to accommodate the development. The line is currently located diagonally through the property and is being relocated to follow the Delaware Street right-of-way. The City Utilities Division is working with the property owner on the relocation and their acceptance of the final location is a condition of approval of the plan.

The property takes access from a narrow strip land of to the north which is part of the lot platted as Lot 1, McDonald Beverage Addition. The existing right-of-way along the north side of the property is proposed to be vacated with the final plat. A shared access easement is necessary to allow the proposed access into this property from the north. The access easement should be recorded, if one hasn't been recorded to date, and shown on the plan with the Book and Page Number.

Preliminary Plat Review

The Preliminary Development Plan serves as the Preliminary Plat. As noted above, the right-of-way on the north side of the property which was previously dedicated for the extension of 9th Street is proposed to be vacated with the final plat. Access to the lots to the east is provided through an access easement on a platted lot. An access easement is also required for the access to the subject property from the lot to the north.

One lot with frontage on Delaware Street is being created with this plat. The lot complies with the dimensional requirements of the RM32 District.

A 15 ft utility easement for the sanitary sewer main is shown crossing the property in the southwest corner to connect with the off-site main and then follows the Delaware Street right-of-way to the north property line. A 10 ft easement for private utilities is located along the rear (east) property line. The final location of the sanitary sewer easement will be determined following the City Utilities Engineer's approval of the relocation proposed for the sanitary sewer line.

As required in Section 20-809(f)(4)iv all telephone, cable, and electrical lines (except high voltage lines) are to be located underground. This is noted on Sheet 2 of the plan.

A 10 ft shared use path will be constructed with this development along Delaware Street. The shared access along the north property line will be improved with a 7" layer of asphalt. Delaware Street is classified as a Local Street in the Future Thoroughfares Map and has the required 60 ft of right-of-way.

A Downstream Sanitary Sewer Analysis is required with Preliminary Plats. The City Utility Engineer indicated that this analysis could be submitted later in the process but it must be submitted and approved prior to final approval of the Preliminary Plat and Preliminary

Development Plan. As conditioned, the proposed lot and the preliminary plat comply with the provisions of the Subdivision Regulations.

Preliminary Development Plan Review

The proposed Preliminary Development Plan for 9 Del Lofts has been evaluated based upon findings of fact and conclusions per Section 20-1304(d)(9) of the Development Code for the City of Lawrence, requiring consideration of the following nine items:

1) *The Preliminary Development Plan's consistency with the Comprehensive Plan of the City.*

Recommendations for medium- and higher-density residential development from Chapter 5 of *Horizon 2020* are listed below. Staff discussion of the project's compliance with the recommendation follows in *italics*.

- "Development proposals shall be reviewed for compatibility with existing land uses. The review should include use, building type, density and intensity of use, architectural style, scale, access and its relationship to the neighborhood, and the amount and treatment of screening and open space." (Policy 1.1, page 5-23)

The development was designed to be similar to the adjacent 8th and Penn Redevelopment Zone. The building type, screening and density being proposed are similar to that which is permitted in the 8th and Penn Redevelopment Zone. Additional open space is provided with this development as the Planned Development Overlay requires a certain amount of open space for the common use and enjoyment of the residents/landowners of the Planned Development. The proposed development is compatible with the nearby land uses.

- "Provide pedestrian and/or bicycle paths to provide access to all parts of a neighborhood and beyond." (Policy 2.2(b), page 5.25)

A 10 ft wide recreation path will be installed along Delaware Street adjacent to this property with this development.

- * "Site design should be oriented so that less compatible uses such as trash, loading and parking areas and located in the interior of the development and not adjacent to or in close proximity to low-density residential neighborhoods." (Policy 3.1(c)(1)(a), page 5-27)

As seen on the development plan, the building fronts the street and the parking area will be located to the east between the residential development and the industrial uses to the east.

- * "Encourage new and existing medium- and higher-density residential development which is compatible in size, architectural design, orientation, and intensity with the surrounding land uses in established areas." (Policy 3.4, page 5-29)

This is an infill development which is compatible with surrounding land uses. The building is taller than the surrounding industrial buildings but is not as tall as the Poehler building.

Staff Finding – The proposed development complies with the land use goals and policies for medium- and higher-density residential development of the Comprehensive Plan.

2) Preliminary Development Plan's consistency with the Planned Development Standards of Section 20-701 including the statement of purpose.

The purpose statement includes the following (staff comments follow in *italics*):

- a) Ensure development that is consistent with the comprehensive plan.
As discussed previously, the development is consistent with the comprehensive plan.
- b) Ensure that development can be conveniently, efficiently and economically served by existing and planned utilities and services.
The developer is working with the City Utility Department to insure that the development can be efficiently served with City utilities. The City Utilities Engineer's approval of the layout and design of the sanitary sewer line is necessary prior to final development plan approval.
- c) Allow design flexibility which results in greater public benefits than could be achieved using conventional zoning district regulations.
The design flexibility allows the property to develop in a similar fashion to the adjacent 8th and Penn Redevelopment Zone which results in a more compatible development. This allows the development of an unused industrial site in a manner that will enhance the 8th and Penn area.
- d) Preserve environmental and historic resources.
There are no known historical or environmental resources on this property. There are historic resources in the area with the East Lawrence Industrial District, listed on the National and State Register to the northwest.
- e) Promote attractive and functional residential, nonresidential, and mixed-use developments that are compatible with the character of the surrounding area.
The proposal is for an attractive residential development that will be compatible with the adjacent mixed-use development.

The proposed development, as conditioned, meets the standards for a Planned Development in Section 20-701, with approval of the modifications being requested. The applicant is requesting that the City Commission approve the requested modifications to the setback standard to allow the residential structure to be constructed with a 20 ft front yard setback rather than the 25 ft setback required by Code and the development to provide 60 parking spaces on-site rather than the 72 required by Code to allow the property to develop in a similar fashion to that of the adjacent 8th and Penn Neighborhood Redevelopment Zone. The requested modifications should not negatively impact any nearby development or property owners.

Per Section 20-701(f)(3), density within a Planned Development is calculated based on the number of bedrooms rather than the number of dwelling units. The density for this development is calculated as:

Density Calculations for a Planned Development		
Number of bedrooms	Density factor	Proposed development
Studio or one-bedroom	.4 dwelling unit	23 = 9.2 du = 10 du
Two-bedroom	.6 dwelling unit	16 = 9.6 du = 10 du
Three-bedroom	.8 dwelling unit	4 = 3.2 = 4 du
Four-bedroom or more	1 dwelling unit	0
Total units:		24 dwelling units

Density is calculated as the number of dwelling units per net acre of residential area. The site has 1.3 net acres, so the density achieved with this development is 18.5 dwelling units per acre (24/1.3). The density is compliant with the requirements of the RM32 District which allows up to 32 dwelling units per acre.

Section 20-701(d) states that all of the standards of the Development Code apply to development within a PD District except as expressly authorized by regulations of Section 20-701. With the approval of the modification requested from the front yard setback, the dimensional standards of the RM32 District are met.

The landscaping requirements of Article 10 apply to this development.

Landscaping	Requirement	Required	Provided
Street Trees	1 per 40 ft of street frontage	254.88 ft of frontage=7 trees	7 trees
Interior Parking Lot Landscaping	40 sq ft for each parking space. 1 tree and 3 shrubs per 10 parking spaces.	60 parking spaces * 40 = 2,400 sq ft 60/10=6; 6 trees and 18 shrubs	2,407 sq ft 7 trees and 23 shrubs
Perimeter Parking Lot Landscaping	1 shade tree per 25 ft of parking lot frontage along r-o-w.	10 ft of perimeter parking lot frontage south of access on Delaware requires 1 tree	1 tree
Bufferyard Landscaping	Type 3 Bufferyard required on all sides per ratio listed in Section 1005(f)	North: 15' wide: wall, fence or berm PLUS 5 trees and 17 shrubs West: 20' wide: 11 trees and 77 shrubs South: between 5' and 30' in width. Requirements would vary depending on width. East: 6.5' wide: wall, fence or berm PLUS 14 trees and 50 shrubs	Alternative compliance has been requested from this requirement. See discussion below.

Table 2. Landscaping Review

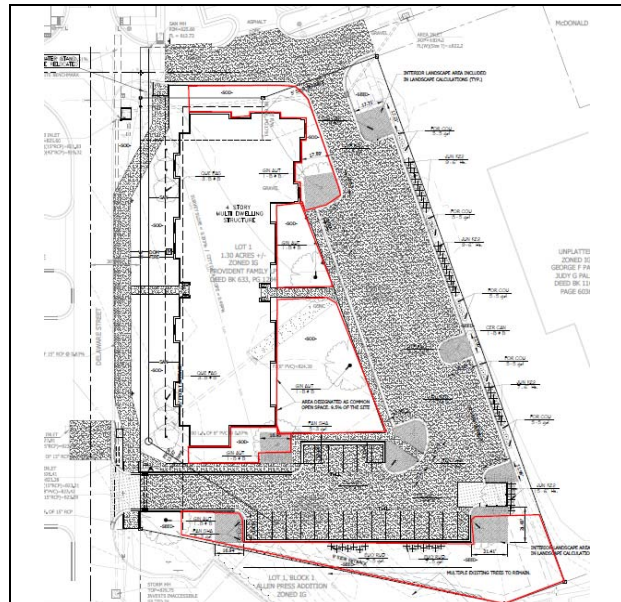
The street tree and parking lot landscaping provided on the plan is compliant with the landscaping requirements in Article 10 of the Development Code. Alternative Compliance has been requested from the Bufferyard landscaping required along the perimeter of the site based on site constraints due to the small size and irregular shape of the lot and also on the amount of trees that are available off-site to the south. The justification for use of Alternative Compliance has been met and final details on the Alternative Landscape Plans will be worked out with the Final Development Plan.

Staff Finding – The proposed Preliminary Development Plan is consistent with the Statement of Purpose of Planned Development. The proposed Preliminary Development Plan, as conditioned, is consistent with the standards of Section 20-701 of the Development Code with the exception of the amount of parking provided and the required front setback, and the applicant has requested modifications for those standards from the City Commission. The applicant has requested Alternative Compliance from the Bufferyard Landscaping requirements and these will be considered administratively with the Final Development Plan as justification for the Alternative Compliance has been provided and accepted.

3) *The nature and extent of the common open space in the Planned Development.*

Section 20-701(j) notes that 20% of the site must be located within common open space. The plan does not note at this time the amount of area that is within the common open space. This should be noted on the plan to insure that the area requirement is met.

Staff Finding – The applicant provided a graphic which showed the proposed common open space with the area. (Figure 3) As shown in the graphic, the common open space makes up approximately 25% of the site. The plan must be revised to delineate the area which is to be considered 'common open space' and note the percentage of the site this is located within the common open space.



4) *The reliability of the proposals for maintenance and conservation of the common open space.*

The applicant indicated that the property owner will own and maintain the common open space. The plan must be revised to include the note regarding the maintenance and conservation of the common open space.

Staff Finding –The property owner will own and maintain the common open space. The placement of the note on the Preliminary Development Plan will identify the ownership and maintenance responsibilities.

5) *The adequacy or inadequacy of the amount and function of the common open space in terms of the densities and dwelling types proposed in the plan.*

The Development Code requires 50 sq. ft. of outdoor area that can be used for recreational purposes for each dwelling unit in a conventional RM32 District. The Code states that the required outdoor areas serves as an alternative to a large rear setback and is an important aspect in addressing the livability of a residential structure on a small lot. The development plan proposes 43 dwelling units. The Development Code would require 2,150 sq. ft., (43 x 50 sq. ft) of outdoor area. The Common Open Space will serve as the Outdoor Recreation area.

Staff Finding – The amount and function of the common open space is adequate based on the overall density and the actual density of the areas developed for residential uses. The dwelling types are apartment buildings. The amount of open space being provided exceeds that required by the Development Code to mitigate the denser development in the conventional RM12 District.

6) *Whether the Preliminary Development Plan makes adequate provisions for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment.*

Staff Finding – The Preliminary Development Plan's provisions for Fire/Medical access are being discussed with the Fire Code Officials and the plan will be revised to reflect any changes recommended. The Preliminary Development Plan has made adequate provisions for public services and provides adequate control over vehicular traffic with 2 access points into the site. The plan furthers the amenities of light and air, recreation and visual enjoyment through the provision of common open space, and open recreation space.

7) *Whether the plan will measurably and adversely impact development or conservation of the neighborhood area by:*

a) doubling or more the traffic generated by the neighborhood;

Traffic in the neighborhood is generated by the surrounding industrial facilities, the 8th and Penn mixed use development, and the mix of residential, industrial, office, and retail uses in the neighborhood. Traffic is not expected to double with this development.

b) proposing housing types, building heights or building massings that are incompatible with the established neighborhood pattern; or

The building type is a new housing type for the neighborhood and will be taller than the nearby industrial buildings but will be compatible with the adjacent 8th and Penn mixed use area. The proposed development will be compatible with the established neighborhood pattern.

c) increasing the residential density 34% or more above the density of adjacent residential properties.

There are no adjacent residential properties. The residential properties in the area range from a density of 73 dwelling units per acre with the Poehler Building in the 8th and Penn area to 8 dwelling units an acre to the southwest in the area zoned RS5.

Staff Finding-- Staff has determined that the Preliminary Development Plan will not have measurable and adverse impact on the development or conservation of the neighborhood area.

8) *Whether potential adverse impacts have been mitigated to the maximum practical extent.*

Potential adverse impacts with multi-dwelling apartments can occur with lighting that extends onto adjacent properties, or with balconies that overhang single-dwelling residences. A photometric plan will be required prior to approval of the Final Development Plan to insure there is no negative impact from the exterior lighting. The parking lot is located to the rear of the building so the parking lot lights should have no effect on the street or properties along the street frontage. Balconies are shown on the elevations that were provided, but in this case there are no adjacent single-dwelling residences or zoning districts.

Staff Finding – Possible adverse impacts of exterior lighting will be addressed with a photometric plan to insure there is no spillover light. No other possible adverse impacts have been identified.

9) The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the Planned Unit Development in the case of a plan that proposes development over a period of years.

Staff Finding- A phased development has not been proposed.

Staff Review and Conclusion

The proposed Preliminary Development Plan conforms to the land use recommendations for medium- to high-density residential development in the Comprehensive Plan. The Plan, with the requested modifications, complies with the requirements in the Development Code for the RM32 and the PD Overlay Districts. There are minor technical changes needed to the plan and these have been listed in the conditions of approval. There are other items which need to be resolved prior to final approval of the Preliminary Development Plan and these are also listed in the conditions of approval.