

**PLANNING COMMISSION REPORT
Regular Agenda -Public Hearing Item**

PC Staff Report
1/27/14

ITEM NO. 3: REVISED PRELIMINARY DEVELOPMENT PLAN FOR BELLA SERA AT THE RESERVE; 4500 BOB BILLINGS PKWY (SLD)

PDP-13-00477: Consider a Revised Preliminary Development Plan for Bella Sera at the Reserve, located at 4500 Bob Billings Pkwy. Submitted by GOKU LLC, for Bella Sera LLC, property owner of record.

STAFF RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN: Planning Staff recommends approval of the revised Bella Sera 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 revised Development Plan that includes the following notes and changes:
 - a. A note stating who shall maintain the common open space.
 - b. Provide an exhibit to show the common open areas with a note on the face of the plan stating the total area of common open space for the pool, patio and courts within the development.
 - c. Show additional fire hydrant locations per City Fire Department review and approval.
 - d. Identifies the permitted uses as (Pre-2006 Zoning Ordinance uses).
 - e. Include the calculated density of 5.7 Dwelling Units per acre based on Section 20-701 (f)(3)
 - f. Indicate parking requirements for Buildings 2, 3, 4, and 5 are based on Section 20-901 (1 space per bedroom + 1 space per ten units)

Reason for Request: [Construction of 4 multi-family residential structures with a total of 22 units along with associated parking and other site improvements](#)

KEY POINTS

- A modification is being requested to modify the preliminary development plan in anticipation of a revised development form for phase II of the development.
- This property is platted and no additional subdivision action is required.
- No changes are proposed to the existing development or access for this site.

FACTORS TO CONSIDER

- Conformance with the purpose of Planned Developments (Section 20-701, Development Code) and Article 10 of the 1966 Zoning Code.
- Compliance with Development Code.
- Conformance with *Horizon 2020*.
- Conformance with Subdivision Regulations.
- Conformance with Ordinance 7860 establishing certain conditions for the zoning district including:
 - *There shall be a maximum of 14.2 dwelling units per net residential acre.*

- *No building permit shall be used on the above described property that is not in substantial conformance with the approved preliminary development plan for Bella Sera at the Preserves.*
- *No portion of the development shall exceed a maximum height of 1,035' elevation above mean sea level.*
- *The maximum development area of the above described property shall be no greater than 39% of the entire property. There shall be a minimum of 61% of the above described property constructed and used as common open space and/or common recreation area, pursuant to the approved preliminary development plan.*

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases

- Z-12-53-04 M-1 to PRD-2 (Ordinance No. 7860)
- Final Plat Bella Sera at the Preserve
- Preliminary and Final Development Plans Bella Sera (Phase 1) existing development.
 - PDP-12-14-04 approved by the City Commission on 2/22/05 for entire development.
 - FDP-5-6-05 approved by the Planning Commission on 06/21/05.

Other Action Required

- City Commission approval of Revised Preliminary Development Plan and requested modifications.
- Submittal and approval of Final Development Plan.
- Recording of Final Development Plan with the Douglas County Register of Deeds.
- Building permits must be obtained prior to construction of structures.

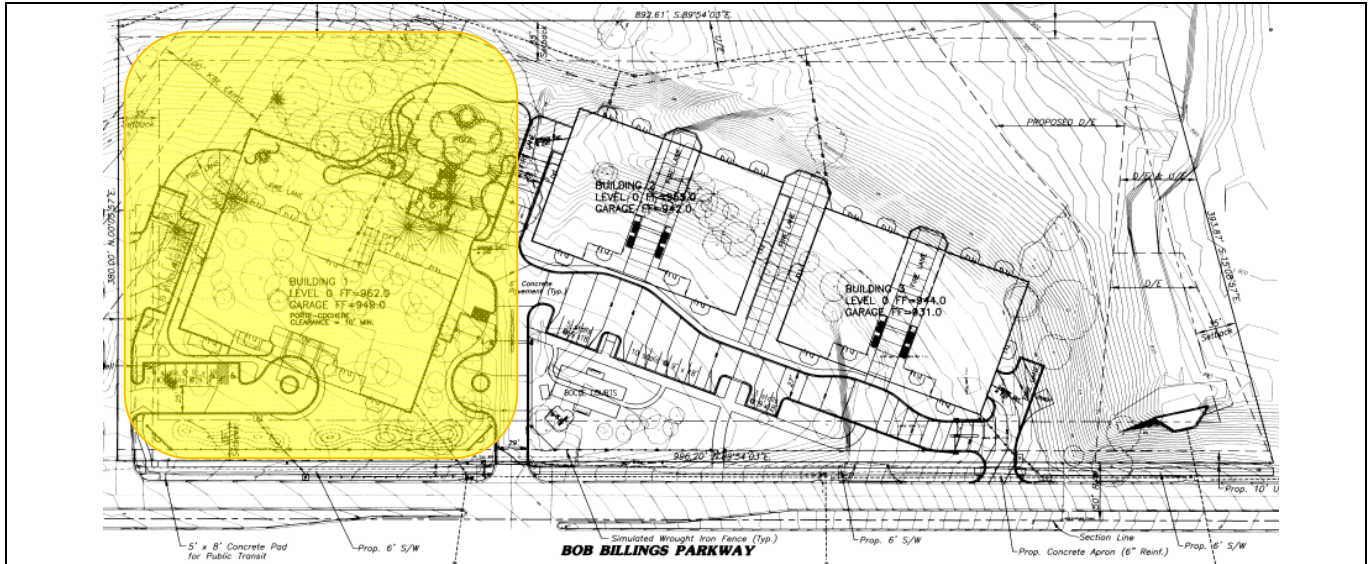
ATTACHMENTS

1. Proposed Preliminary Plat
2. Approved Final Plat

PUBLIC COMMENT

- Representative of existing residents of Bella Serra (Phase I) contacted staff by telephone to request copy of plan.

GENERAL INFORMATION	
Current Zoning and Land Use:	PD [Bella Serra PRD]; developed building 1 37-unit multi-dwelling, multi-story building with office and underground parking. Building 2 and Building 3 approved, but not developed.



Surrounding Zoning and Land Use:

To the north:
 IBP (Industrial Business Park) District and OS (Open Space) Districts; Undeveloped lot and Viola and Conrad McGrew Nature Preserve.

To the west:
 GPI (General Public and Institutional) District; City Police facility.

To the east:
 OS (Open Space) District; Viola and Conrad McGrew Nature Preserve.

To the south:
 RM12 (Multi-Dwelling Residential) District; Existing Brandon Woods retirement facility and detached single-dwelling residences.



Existing Zoning



Existing Land Use

This preliminary development plan shows original condition of site prior to development of Phase 1. The proposed site characteristics include the existing and proposed development condition as this is a single platted lot. The area summary included in the Existing column were provided by the applicant.

SITE SUMMARY	Existing	Proposed (with existing development)
Land Use:	<i>Multi-Dwelling Residential with accessory parking</i>	<i>Multi-Dwelling Residential with accessory parking</i>
Land Area (sq ft):	358,847 SF (8.2 acres)	358,847 SF (8.2 acres)
Existing Building Footprint Building 1	22,100 SF	No changes
Proposed Building Footprint Building 2, 3 & 4 Building 5	0 SF 0 SF	7,231 SF (each) 7,985 SF
All Building		52,198 SF (All Buildings)
Total Pavement:	52,425 sf	91,815 SF
Total Impervious Area	74,525 sf	144,013 SF
Total Pervious Area	284,349 sf	214,861 SF

SITE CHARACTERISTICS TABLE:

EXISTING BUILDINGS	0	S.F.	PROPOSED BUILDINGS	52,198	S.F.
EXISTING PAVEMENT	2,365	S.F.	PROPOSED PAVEMENT	91,815	S.F.
EXISTING IMPERVIOUS	2,365	S.F.	PROPOSED IMPERVIOUS	144,013	S.F.
EXISTING PERVIOUS	356,509	S.F.	PROPOSED PERVIOUS	214,861	S.F.
PROPERTY AREA	358,874	S.F.			

1/7/14 revision (5 total buildings)

Site Characteristics Table:

LOT 1 & LOT 2					
EXISTING BUILDINGS	0	S.F.	PROPOSED BUILDINGS	85,378	S.F.
EXISTING PAVEMENT	2,365	S.F.	PROPOSED PAVEMENT	67,518	S.F.
EXISTING IMPERVIOUS	2,365	S.F.	PROPOSED IMPERVIOUS	152,896	S.F.
EXISTING PERVIOUS	356,509	S.F.	PROPOSED PERVIOUS	205,978	S.F.
PROPERTY AREA	358,874	S.F.			

Per approved Final Development Plan (3 total buildings)

Finding: The proposed plan reduces the total imperiovus surface in this project from 152,896 SF (42.6% to 144,013 SF (40.1%).

The proposed development reduces the total number of units and therefore the total of required off-street parking spaces. The following table provides a summary of the parking required based on the 1966 Code consistent with the original approval and the parking required based on the current Land Development Code design standards. The proposed development exceeds the required off-street parking for the use.

PARKING SUMMARY			
Use	Req. per Sec 20-1212 [1966 Code]	Parking Required	Parking Provided
<i>Multi-Dwelling Residential Per Approved Final Development Plan</i>	1.5 spaces per 2 br units 2.5 spaces per 3 br units 1 space per 300 SF (office use)	Building 1: 17 2BR 20 3BR <u>4,200 SF Office</u> 90 required spaces Building 2: 21 2BR <u>14 3BR</u> 67 required spaces Building 3: 13 -2BR <u>14 3BR</u> 55 required spaces Total Required Spaces 212	Building 1: 97 Provided. Building 2: 77 Shown on plan, not constructed Building 3: 58 Shown on plan, not constructed Total: 232 provided
Use	Req. per Sec 20-902	Parking Required	Parking Provided
<i>Multi-Dwelling Residential Per Proposed Preliminary Development Plan</i>	1 vehicle space / bedroom + 1/10 units	140 bedrooms= 140 spaces 59 units = 6 spaces Total spaces = 146	80 garage spaces 17 surface spaces [Existing] 44 garage spaces <u>9 surface spaces [Proposed]</u> Total 150 spaces

STAFF ANALYSIS

This Revised Preliminary Development Plan is intended to modify the undeveloped portion of an approved multi-dwelling residential project approved prior to the adoption of the Land Development Code. The original project included two phases within the approved Final Development Plan. Phase 1 was developed with a multi-story, 37 unit apartment building with office space and common open space intended to serve the entire development. Phase 2 was intended to be developed with two additional buildings for a total of 99 units. This proposed Preliminary Development Plan adds 22 new units for a total of 59 units and therefore reduces the development density and associated parking.

Density Review

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: is reduced even further with the calculated density provision.

Density Calculations for a Planned Development			
Number of bedrooms	Density factor	Actual # of units	Calculated dwelling units
Studio or one-bedroom	.4 dwelling unit	4 units	0 units
Two-bedroom	.6 dwelling unit	29 units	1.6 units
Three-bedroom	.8 dwelling unit	26 units	17.4 units
Four-bedroom or more	1 dwelling unit	0 units	20.8 units
Total units:		59 units (37 existing) (22 new)	39.8 units (40 Units)

This development was originally approved per the 1966 Zoning Regulations that allowed a maximum density of 15 dwelling units per acre. The approved plan included 99 units with an overall density of 14.1 units per acre. This revised Plan includes only 59 total units with a density of 8.4 units per acre (or using the calculated density allowed in Section 20-701, 5.7 units per acre).

Landscape Review

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. This property was partially developed under the 1966 Development Code. Regardless, some design standards such as Street Trees are the same or similar in the Land Development Code. The proposed plan shows street trees along Bob Billings Parkway. These trees will need to be coordinated with the overhead lines as the remainder of the property is developed.

A natural buffer yard is provided along the north and east sides of the property. A No Build Line was established with the Final Plat which prohibits development below a specific elevation. The proposed Development Plan complies with this subdivision plat requirement. Development is generally more than 60' south of the north property line. The area to the north is an existing public park maintained in a natural state with paved and unpaved walking paths in through the area.

The property is adjacent to multi- dwelling zoning along the south side of Bob Billings Parkway. Buffering is not typically required for similar zoning districts. The property to the west is an existing City Police facility and includes a shared driveway access to the office building to the west and the developed phase of Bella Sera to the east. Buffering was not required with the initial development of this property.

Interior parking lots are generally small and well screened consistent with current landscape design standards.

Subdivision Review

This property was previously platted with easements, access and development restrictions. No additional subdivision approval is required for this project.

Preliminary Development Plan Review

The proposed Preliminary Development Plan for Bella Sera 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.*

This property was rezoned for medium density residential development in 2005 as part of the original plan approvals. It was determined at that time the proposed development was compliant with *Horizon 2020*. This proposed preliminary plat amends the building form but does not modify the underlying land use of this property.

Recommendations for medium- and higher-density residential development from Chapter 5 of *Horizon 2020* are listed below.

“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)

“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 project must consider and respond to the existing development within the PRD to provide compatibility through the design and form of the project. The physical design of this project is discussed later in this report. This is an infill development which is compatible with surrounding land uses.

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.
This property was previously approved for development. This application represents a change to the form rather than the use of the property. This property can be adequately served by utilities. The City and the applicant are working to provide an internal design acceptable to the City to facilitate this development. This design includes the need to provide additional fire hydrants to serve this development as noted in the technical review.
- c) Allow design flexibility which results in greater public benefits than could be achieved using conventional zoning district regulations.
The design flexibility allows the undeveloped portion of the property to be developed in a compatible fashion to the existing phase. The intent of the developer is to provide units that can benefit from the natural grade and view making units more attractive to future residents.
- d) Preserve environmental and historic resources.
There are no known historical or environmental resources on this property.
- 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 existing development to the west and the open space area to the north.

Staff Finding – The proposed Preliminary Development Plan is consistent with the Statement of Purpose of Planned Development.

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. Additionally, the property was zoned with a condition that states: *“There shall be a minimum of 61% of the above described property constructed and used as common open space and/or common recreation area, pursuant to the approved Development Plan (Ord 7860)”*.

Common open space for this project includes the pool area, patios areas as well as the undisturbed preserve area on northeast portion of this lot. The total common open space exceeds the minimum required standard. [71,775 SF required, 239,154 SF (wich is 66% of the site)provided]

Staff Finding – This plan includes developed common open spaces as well as areas that will remain in their undisturbed condition.

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. This element will also be reviewed as part of the Final Development Plan. The applicant should anticipate the submission of a copy of the covenants and restrictions to be recorded with the final version of the Final Development Plan in the future.

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.

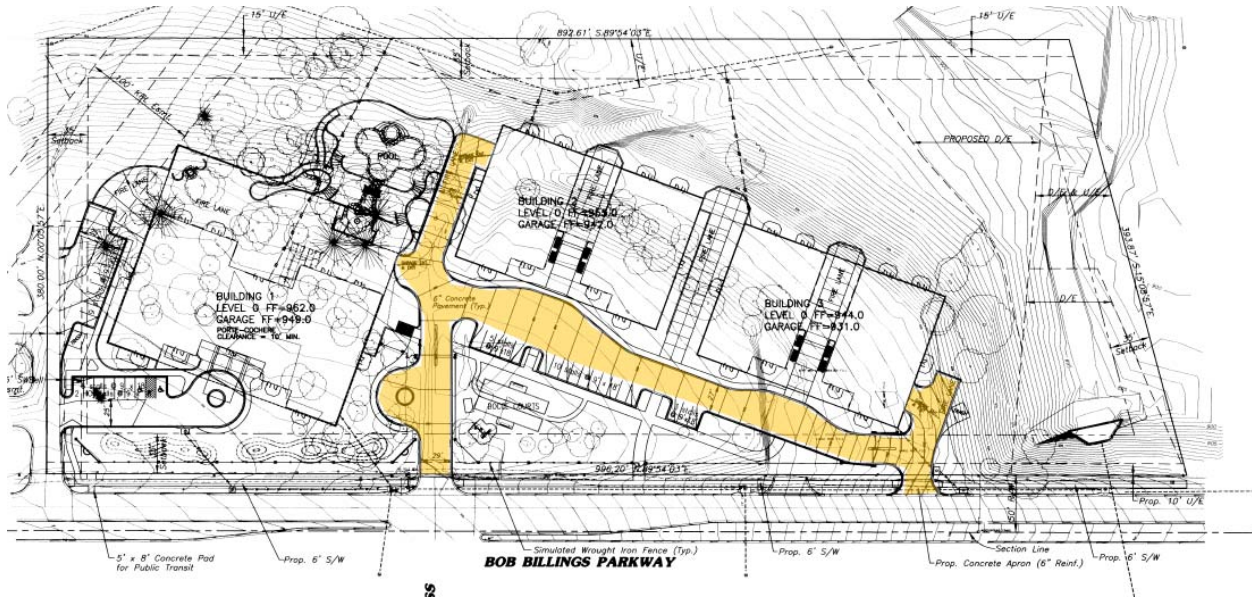
5) *The adequacy or inadequacy of the amount and function of the common open space in terms of the densities and dwelling types proposed in the plan.*

A condition of the zoning for this property established an area within the northeast corner that will remain in a natural state other common open space and recreation areas are provided throughout the development and are accessible to all residents. As noted above the plan exceeds the required opens space for this development. The overall density and intensity has been reduced.

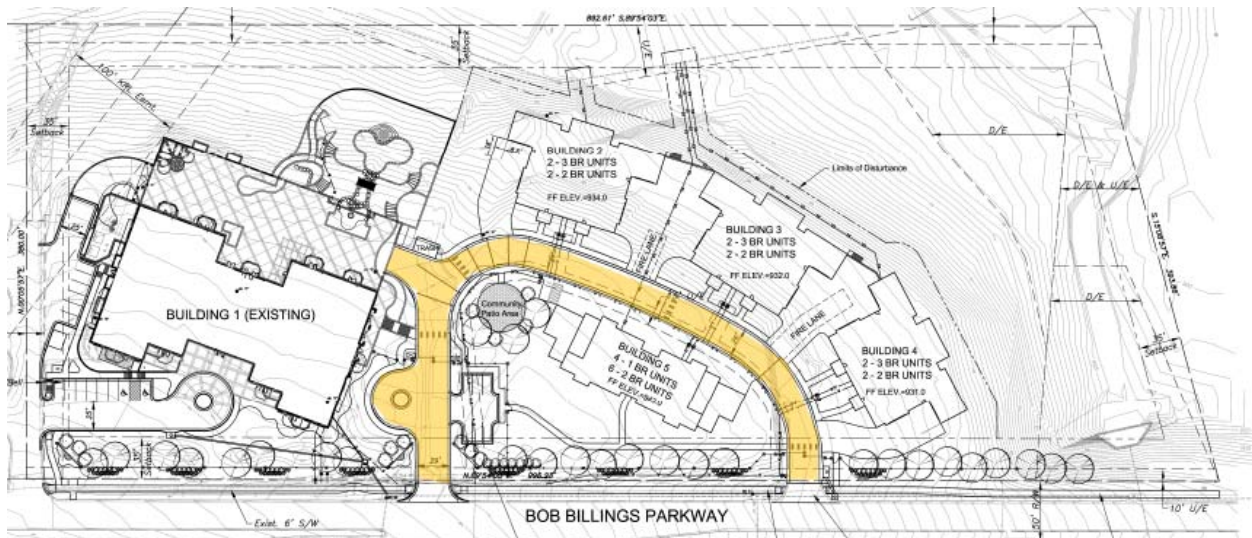
Staff Finding – The amount and function of the common open space exceeds the requirements of the 1966 Zoning Code and complies with the conditional zoning for this property. An exhibit identifying the common open areas is noted as a condition of approval.

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.*

The project was approved with two driveway access points to Bob Billings Parkway for the main circulation and a shared access drive along the west property line with the adjacent development.



This proposed Preliminary Development Plan modifies the access somewhat by providing an interior drive with driveways to the proposed buildings rather than providing surface parking and underground garage access. The location of the access drives at Bob Billings Parkway are not modified with this application. Fire lanes are required between buildings in the revised plan.



Staff Finding_– The Preliminary Development Plan’s provisions for Fire/Medical access will continue to be reviewed as part of the Final Development Plan as well as the construction documents. The access to the development from Bob Billings Parkway is not altered by this proposed plan.

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;

This property is located on the north side of Bob Billings Parkway a designated arterial street. The proposed development is self-contained and will not impact neighborhood traffic in the area.

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

The building type is reduced in mass and intensity within this development compared to the previous plan that included buildings of a similar scale to the initial phase.

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

This property is surrounded by a variety of uses that do not equate to residential neighborhood density. An isolated residential subdivision is located at the southwest corner of Bob Billings Parkway and Inverness Drive. The proposed development was previously approved with a total of 99 units. This revised Preliminary Development Plan a total of 59 units. The overall density is reduced with this project.

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. Parking is dispersed throughout the development and includes garage parking. Surface parking is provided in a small lot near the main entrance to the development and in driveways serving the new buildings.

A majority of the property is retained in a natural state or is incorporated into organized common areas throughout the development. There are no nearby single-dwelling residences that will be impacted by this development.

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. This proposed development is less dense than the development originally approved. This property was originally approved prior to the adoption of the Land Development Code but exceeds the design standards for open space. There are minor technical changes needed to the plan and these have been listed in the conditions of approval.