



January 7, 2009

SP-08-74-08 for an 84 unit apartment development at 510 Fireside Drive also known as Park Place Apartments. Submitted by Paul Werner for Boardwalk Apartments, LC, property owner of record.

ADMINISTRATIVE DETERMINATION: The Planning Director approved the above-described Site Plan on January 6, 2009 subject to the following conditions:

1. Recording of the Final Plat with the Register of Deeds Office prior to release of the site plan for issuance of building permits.
2. Applicant shall execute a site plan performance agreement.
3. Applicant shall provide a revised site plan to include the following changes:
 - a. Show the total number of off-street parking spaces as 93 on the face of the site plan.
 - b. The east buffer yard shall be planted with a minimum of 42 trees including both deciduous and evergreen species.
 - c. The east buffer yard shall not be required to include shrubs.
 - d. Correct legal description on face of site plan to reflect plat of property.
 - e. Revise site summary to add note to state that area of right-of-way is included is summary for existing condition.
 - f. Provision of a note that states: Occupancy of the buildings as they are finished is subject to the completion of the following site improvements parking lot paving, striping and installation of buffer areas.
 - g. Revise general note 4.3 to specify the total area in square feet of interior landscape space provided for the proposed development.
 - h. Add a note that states the developer will coordinate with adjacent property owners for fence repairs.
4. Applicant shall provide a revised site plan to relocate the single street tree located on the northeast side of the property an additional 10' to the east as found to be needed in the sight distance analysis.

ASSOCIATED CASES

- PP-07-08-08; Preliminary Plat approved by the Planning Commission on 9/22/08; easements and right-of-way, and right-of-way vacation accepted by the City Commission on 10/29/08.

KEY POINTS

- Subject property is part of a replat that consolidated multiple lots into three larger lots.
- Proposed development will replace apartments that were removed following a damaging fire.
- Buildings are oriented to provide maximum possible distance from the single-dwelling residential lots to the east.

OTHER ACTION REQUIRED

- Submittal of 4 copies of the approved site plan for release to Development Services for building permits. Per Section 20-1305 (k) plans may be released after a 9 day waiting period to permit time for any appeals to be filed. The site plan may be released for building permits on January 16, 2009 if no appeals are filed.
- Submittal, approval and recordation of a final plat at the Douglas County Register of Deeds.

GENERAL INFORMATION

Current Zoning and Land Use	RM32 (Multi-Dwelling Residential) District; existing vacant parcel.
Surrounding Zoning and Land	RM32 (Multi-Dwelling Residential) to the west and south; existing multi-dwelling development. RM12D (Multi-Dwelling Residential) District and RS10 (Single-Dwelling Residential) District to the north; existing duplex and single-dwelling homes. RS10 (Single-Dwelling Residential) District to the east; existing single-dwelling homes.

SITE SUMMARY

Legal Description:	Proposed Lot 1 Boardwalk Addition		
	Existing¹	Proposed	Change
Land Use:	Vacant Land	Multi-Dwelling	
Land Area (sq ft):	85,956 (114,352 including ROW vacated)	114,352	-
Building Footprint (sq ft):	18,565	18,862	+297
Paved Area (sq ft):	65,062	55,833	-9,229
Total Impervious Area (sq ft):	83,627	74,695	-8,932
Total Pervious Area (sq ft):	30,725	39,657	+8,932

PARKING SUMMARY

Off street parking is required at a rate of one space per bedroom (84) plus one space per ten units (9). The proposed development is for 84 single-bedroom apartments. The total required parking is 93 off-street parking spaces. The site plan shows that a total of 94 are provided and indicates 92 are required. The site plan should be revised to show the correct number of required off-street parking spaces. Off street parking is provided via surface parking and sheltered spaces along the east property line.

STAFF REVIEW

The site plan proposes four buildings [three 24-plex and one 12-plex] on a parcel with a total of 84 bedrooms. All units are proposed as one-bedroom units. The subject property is part of a larger existing apartment complex development. The property is part of a recent subdivision application that combines the original smaller lots into three large lots. The proposed development is for the easternmost lot of the development. Plans to redevelop the remaining multi-dwelling structures have been provided in a conceptual form and will require future site plan approval. As a phased development there is intent to occupy the buildings as they are finished. Appropriate site improvements must be completed prior to occupancy including parking lot paving, striping and installation of buffer areas. This should be reflected as a note on the face of the site plan.

¹ Summary of existing improvements is based on pre-fire damage and assumes structures were still "existing".

A key component of the proposed development is the vacation of Fireside Drive (a local public street). The benefit of the right-of-way vacation allows the building setback to be measured from an interior lot line thus providing a smaller interior setback and greater flexibility in building placement.

The major concern of the project has been to provide adequate buffer between the existing single-dwelling residential lots and the proposed multi-dwelling development. Vacation of Fireside Drive right-of-way allowed proposed new structures to be located a greater distance from the adjacent single-dwelling lots. Related to this concern is a request for alternative compliance.

Access and Circulation

The parking lot access is provided via a remaining public access easement that was once the paved portion of the right-of-way of Fireside Drive. Parking is provided to the rear of the buildings with a two-way access aisle that connects at two ends to Fireside Drive. A stub portion of Fireside Drive at the north end provides access to the public street network as well as an intersection with Frontier Road on the west. No gates or restricted access are proposed for this project. Public access to Fireside Drive is retained as a public access easement. The maintenance responsibility for the access and parking lots are the property owner's.

Screening

Screening is applicable to the site with regard to buffer yards on a portion of the north and all of the east side of the subject property. All off-street parking is provided interior to the development and only interior parking lot landscape provisions are applicable to the proposed development. There is an existing 6' wood fence along the east property line abutting the residential use which extends the length of the property. The site plan notes that this fence is proposed to be retained for the development and repaired as necessary. In various locations this fence connects to individual fences for detached single-dwelling lots. The developer will need to coordinate repairs with adjacent owners. This concern is reflected as a recommended condition to include a note on the face of the site plan.

Perimeter Landscape:

Perimeter landscape is only required to screen parking lots from view of the public street. The orientation of the proposed development does not place off-street parking in a manner that is visible from a public street. The standard is not applicable to this proposed development.

Interior landscape/Alternative Compliance

A total of 5,640 sq ft of landscape is required for the parking lot per section 20-1003 of the Development Code. For purposes of review, staff estimated that the interior landscape provided within the parking lot to be a total of 1,815 SF. Staff recommends general note 4.3 be revised to state the specific amount of interior landscaped area provided for the development.

Additionally, the Development Code requires a total of 1 tree and 3 shrubs per 10 parking spaces. The proposed development would require 10 trees and 29 shrubs for the 94 parking spaces. The proposed site plan shows a total of 11 proposed new trees and two existing mature trees within the interior parking lot landscape areas. The applicant has requested alternative compliance from the shrub and area requirements of the Development Code as it pertains to the proposed development.

Buffer Yard applicability

The subject property abuts a single-dwelling residential district along all of the east side and a portion of the north side of the property. A Type 1 Buffer Yard is required when an RM district abuts an RS district.

The proposed site plan complies with the minimum Type 1 Buffer Yard requirements along the north property line. The site plan shows a 20' wide area along the east property line to comply with the area requirements of the Buffer Yard standard. The east property line is identified as 648.92' in length. The planting requirements for a 20' wide Type 1 Buffer Yard for the subject property require a total of 20 trees and 45 shrubs and a fence, berm, or wall. Fences, berms and wall are required to be setback the width of the buffer yard from the common property line. The proposed project includes the use of both the existing fence (located on the property line) and a berm that ties into a retaining wall that makes up a part of the covered parking stall structure. Section 20-1005 (d) (3) allows for the use of walls, fences and berms to substitute for required shrubs.

The purpose of the buffer yard is to mitigate impacts associated with incompatible land uses on adjacent properties. The standards are intended to minimize noise, dust/debris, glare and other objectionable activities. In this application the buffer yard is designed using the existing fence (though not properly located), a berm, 20' width and landscape materials. The site plan shows that the proposed number of trees and shrubs exceed the minimum requirement.

Alternative Compliance Action

Several areas can be provided with additional trees either as shade trees or ornamental trees to substitute for the required shrubs. The amount of open space is restricted by the design requirements of the buildings. Only one additional parking space is provided in excess of the requirements. Staff estimates that the landscape area provided is approximately 1/3 to 1/2 of the required area, thus the request for alternative compliance. The provision of 10 additional trees planted interior to the site in areas identified on the drawing below would result in compliance with the required plantings.



The request for alternative compliance seeks to exclude shrubs from the east buffer yard. Shrubs should be substituted with trees that provide an additional layer of screening and over time will grow to a mature height to provide additional visual screening above the first story of structures on either side of the property line. A total of 42 trees are recommended in the buffer yard area. The site plan shows a total of 29 trees located within the buffer yard. The site plan is required to be revised to show the exclusion of shrubs within the buffer yard and to show the required trees.

The Planning Director approved the alternative compliance request by substituting trees for shrubs both in the interior landscape areas and within the east buffer yard area.

Findings

Per Section 20-1305, staff shall first find that the following criteria have been met:

1) The Site Plan shall contain only platted land;

The property is being replatted into three larger lots. The site plan is subject to recording of the final plat prior to release of the site plan for issuance of building permits.

2) The site plan shall comply with all standards of the City Code, this Development Code and other adopted City policies and adopted neighborhood or area plan;

The site plan, as conditioned, complies with all standards of the City Code and Development Code.

3) The proposed use shall be allowed in the district in which it is located or be an allowed nonconforming use;

The proposed use is a multi-dwelling development permitted in the RM32 District. The proposed density of the development is 32 units per acre.

4) Vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well and shall also conform with adopted corridor or access management policies and;

Access to the development will be provided via a public access easement of Fireside Drive.

5) The site plan provides for the safe movement of pedestrians within the site;

The proposed development includes connecting sidewalks throughout the development to provide accessibility within development and connection to the public sidewalk system around the periphery of the development.

CONCLUSION

A specific request was made by the public to evaluate sight distance concerns related to the proposed development and a residential driveway at the north end of the property. A separate review of sight distance concluded that one "street tree" located in the northeast corner of the site along Fireside Drive should be relocated an additional 10' to the east to optimize sight distance. The proposed building location along the east side of Fireside Drive is minimally acceptably setback from the street. Increasing the setback by an additional 1 to 2 feet would further increase the line-of-sight visibility but is not a condition of approval to this action of administrative determination.