

REVISED PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item
DEFERRED FROM THE 05-20-2009 PC MEETING

PC Staff Report
~~05/20/2009~~ 06/24/2009

ITEM NO. 8B: TEXT AMENDMENT TO CHAPTER 20 DEVELOPMENT CODE (SDM)

TA-5-5-09: Consider an amendment to Section 20-1003 of the City of Lawrence Land Development Code to revise interior parking lot landscaping standards. Initiated by the Lawrence City Commission on April 7, 2009.

This report has been revised from the May 20, 2009 report. Deletions are shown in **~~bold strikethrough~~** and additions are shown in **bold italics underlined**.

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendments to Section 1003 of Chapter 20, Land Development Code to the City Commission **with revisions noted in the proposed language.**

Reason for Request: The City Commission initiated this amendment on April 7, 2009 along with other amendments aimed at making development standards more reasonable for property owners while maintaining the stated purposes established in the code.

RELEVANT GOLDEN FACTOR:

- Conformance with the Comprehensive Land Use Plan is the relevant factor that applies to this request. Adoption of new regulatory tools, one of which is the zoning regulations, is an implementation step in Chapter 13 of *Horizon 2020*, the City/County Comprehensive Land Use Plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None to date.
- **A letter from the League of Women Voters of Lawrence-Douglas County was submitted and considered by the PC at their May 20th meeting. The League stated that additional comments may follow, but a letter has not been received at the time of completing this report. A letter from Paul Werner was submitted after the May PC submittal deadline and is attached to this month's report. Mr. Werner's comments are addressed later in this report.**

KEY POINTS

- Staff has concluded that the interior parking lot landscape standards exceed what is reasonably needed to meet the intended purpose for this standard as established in the code.

OVERVIEW OF PROPOSED AMENDMENT

This amendment revises the interior parking lot landscaping requirements to increase the trigger of when interior landscaping is required (from 5 to 11 spaces), reduce the amount of landscaping required to ~~more reasonable~~ **lesser** levels, permit alternative methods of edge treatment to allow for bio-swale development or other storm water management practices, and to require that interior rows of parking terminate in landscape areas (islands). Staff is of the opinion that the current

standards are too restrictive and that the proposed language will maintain the section's stated purpose to "break up large, unsightly expanses of pavement and to provide relief from the heat island effect associated with paved areas." The number of trees required is not being reduced and so the shading effect will remain.

As the attached example shows, requiring the current amount of landscape area can have the effect of increasing the parking lot into areas that impact neighboring properties. At the recently constructed O'Reilly Auto Parts store, the parking lot is required to locate closer to the neighboring residential properties to the south because of the landscape requirements. This amendment attempts to balance the goal as stated in the purpose statement with the reasonableness of how much landscaping should be installed in parking lots.

Staff has concluded that requiring 45 square feet of landscape area per parking space instead of 60 square feet is reasonable. This amount is less than the current code but more than the former code. Three types of landscape standards work to buffer parking lots and also to shade and break up the pavement - perimeter, interior and buffer yards - all help to provide significant amounts of landscaping on any given property that is not single-family or duplex. Staff concludes from working with the code for almost two years, that reducing the required amount of landscaping for interior parking lots will not diminish the goal to provide shade and buffers to adjacent properties, but will reduce the overall size of parking lots.

While the amount of landscape area per parking space is being reduced, the proposed language helps clarify expectations that perimeter and bufferyard landscape cannot be included in the interior landscape calculation.

While staff awaits additional comments from the League of Women Voters, an analysis of Paul Werner's comments has been completed. Mr. Werner essentially puts forth two recommendations – (1) to reduce the amount of landscaping required to 35 or even 30 square feet per parking space, and (2) adding language to clarify what landscaping included on a site plan counts toward meeting the requirement.

To his first comment, Mr. Werner uses the Park Place site plan that staff included in the first report and concludes that the parking lot seems reasonable at close to 30 square feet of landscape area per parking space. Through experience staff believes that the current number of 60 square feet per space is too large; however, reducing the standard too much will reduce the effectiveness of interior parking lot landscaping as a means to reduce the heat island effect and to interrupt large expanses of pavement. One must consider that trees need to be provided with enough room to grow and be sustainable in the landscape areas. Reflective heat from the parking lot, poor soils from the parking lot construction, de-icing materials in the winter, etc. will have an impact on the plantings. These factors require that enough landscape area be provided so that healthy, large shade trees perform as the purpose statement demands. Staff would be willing to reduce the standard to a compromise of 40 square feet per space from our original proposal of 45 and review future applications to again help us determine if the standard is appropriate to reach the goals stated in the purpose section for this standard.

To Mr. Werner's second comment, staff agrees that it has been a challenge for applicants and staff to determine which landscape areas of a project the code permits to qualify for meeting the standards. Language has been added to clarify that only landscape areas located within the perimeter of the curbed parking lot is credited toward meeting the standards, which have a clear purpose to reduce the impact of heat islands and break up large expanses of pavement. Landscape areas on a site outside of the parking lot provide other purposes, such as landscaping for a building, creating bufferyards between uses, or screening the parking lot

from view from the road or adjoining property.

CONFORMANCE WITH *HORIZON 2020*

Horizon 2020 contains several goals and policies that support appropriate commercial aesthetics, including proper landscaping. This amendment maintains the implementation of these goals.

CRITERIA FOR REVIEW & DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

- 1) **Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and**

Staff Response: The proposed amendment addresses staff's observation that the new standards may go farther than needed to meet the purpose of providing shade and breaking up large expanses of pavement. Recent development proposals demonstrate that the amount of landscape area required can significantly increase the size of parking lots (by up to 25%) and may actually push parking lots into portions of the site that could otherwise be left as open space.

Staff has approved several alternative compliance requests for this standard, especially for existing and infill developments, and finds that the exceptions are of a number that requires attention to determine if the code needs to change.

- 2) **Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).**

Staff Response: As discussed above, the comprehensive plan contains general goals and policies to appropriately landscape non-residential areas. Policy 3.1.d in Chapter 7 and policies 1.4.B, 2.1.B, and 2.1.C.4 in Chapter 6 of *Horizon 2020* all speak to using landscaping as a means to reach certain goals. This amendment supports and implements those policies.

PROPOSED LANGUAGE:

20-1003 INTERIOR PARKING LOT **LANDSCAPING**

(a) Purpose

The parking lot **Landscaping** standards of this section require interior **Landscaping** within parking lots to break up large, unsightly expanses of pavement; and to provide relief from the heat island effect associated with paved areas; **and to safely direct traffic flows within the lot.**

(b) Applicability

The interior parking lot **Landscaping** standards of this section apply to all off-street parking lots containing 5 **11** or more off-street **Parking Spaces**; provided, however, that for **Lots** that are less than one hundred fifty (150) feet deep, the interior **Landscaping** requirements may be waived in conformance with the Alternative Compliance procedure provided in Section 20-1007. ~~For **Lots** less than one hundred fifty (150) feet deep, **with**~~ all **Landscaping** shall be **ing** concentrated in the **Setback** from public rights of way or from residentially zoned property.

(c) Landscape Area

- (1) Parking lots shall contain at least ~~60~~ 45- 40 square feet of Landscaping area per Parking Space.
- (2) Required minimum parking lot perimeter Landscaping and required Bufferyards may not be used to satisfy minimum interior parking lot Landscaping requirements.
- (3) Landscape areas within the Parking Area shall be constructed with concrete curbing to minimize damage to plant material- except that concrete curbing may be reduced or eliminated to account for landscape areas that are used as bio-swales or other alternative systems of storm water management where curbing would impede the flow of water.
- (4) Landscape areas to be credited toward meeting these standards shall have minimum dimensions of 9 8.5 feet in all directions and the landscape areas shall be contained within the parking lot as established by the perimeter parking lot curb.
- (5) Landscape medians in parking lots shall be planted with a mixture of two or more plant materials: Ground Cover, trees or Shrub. ~~Medians with less than ten feet (10') in width shall not be planted with grass; however, t~~ The landscape median may contain a pedestrian walk that separates the total area into mowable strips of three or more feet on either side of the walk.
- (6) Interior rows of Parking Spaces located in the interior of the Parking Area shall terminate with landscape areas.

(d) Trees and Shrubs

At least one Shade Tree and three Shrubs shall be provided per ten Parking Spaces within off-street Parking Areas. One Shade Tree or Ornamental Tree may be substituted for three Shrubs, but Shrubs may not be substituted for Shade Trees.

(e) Other Landscaping

In addition to required Shade Trees and Shrubs, landscape areas within the interior of off-street Parking Areas shall be planted with turf, Ground Cover, Ornamental Trees, or Shrubs.

(f) Location and Arrangement of Landscaping

Landscaping and planting areas shall be reasonably dispersed throughout parking lots to break up long rows of Parking Spaces. Landscape areas and plantings shall be located and arranged to provide shade to parked vehicles, to safely direct traffic flows within the lot, to allow the Principal Building to be seen from the Street and for the Street to be seen from the Principal Building and/or to provide Landscaping and shade along protected pedestrian walkways within the interior of the parking lots. Landscaping location and arrangement of plant materials shall be designed with consideration given to the adjacent zonings, plantings and land uses.

Site plans depicting landscaping for discussion at meeting.
Report discussing alternative compliance for Boardwalk Apts. as example