

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

PC Staff Report
08/24/09

**ITEM NO. 4 PRELIMINARY DEVELOPMENT PLAN FOR BAUER FARM; 4700 OVERLAND DR
(SLD)**

PDP-6-1-09: Consider a revised Preliminary Development Plan, approximately 43.88 acres, for the commercial portions of Bauer Farm, located at 4700 Block #2 Overland Drive. Submitted by Landplan Engineering, for Free State Group LLC, Free State Holdings Inc, Bauer Farms Residential LLC, and CVS Pharmacy LLC, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the Preliminary Development Plan for Bauer Farm based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the following conditions:

1. Provision of a revised Preliminary Development Plan to show additional landscape per the drawing dated 7.31.09 for Lot 3, Block 6.
2. Provision of a revised Preliminary Development Plan to include the following note on page 1 of the drawing to state "See FDP-1-2-09; Bauer Farms- Phase 2 (residential development) approved PC on 5/18/09 for related residential development of this project."

Reason for Request: Developer is proposing to create two smaller lots in an area shown on the previously approved Preliminary Development Plan as a single larger lot. One lot would consist of a tunnel car wash and the other would consist of a multifamily development.

KEY POINT

- The project is proposed as a revision to an approved mixed use commercial residential development.
- The proposed revisions focus on the commercial portion (west side) of the original Planned Unit Development project.
- Planning Commission approved several waivers and reductions related to approved development plan. As a revised Preliminary Development Plan these waivers are again included in this consideration.
- The property is unplatted. The Preliminary Development Plan serves as the preliminary plat. A final plat will be required prior to issuance of building permits.

FACTORS TO CONSIDER

- Compliance with zoning code prior to July 2006. The general standards are found in Section 20-1006 and Section 20-1010.

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ASSOCIATED CASES/OTHER ACTION REQUIRED

- Ord. 7465 access management requirements for W. 6th Street.
- Z-7-48-05 18.93 acres PCD-2 to PCD-2 between Wakarusa and Champion Lane to change use restrictions.
- Z-3-16-05; 2.59 acres, PRD-2 to POD-1 [reducing residential area in southeast corner]
- Z-3-17-05; 8.23 acres; PRD-2 to PCD-2 [east of Champion Lane, reducing residential area and increasing commercial area].
- Z-6-19-03; 18.93 acres, A to PCD-2; Ord. 7756 [original request].
- Z-6-20-03; 25.214 acres, A to PRD-2; Ord. 7757 [original request].

PDP-08-09-04; PC and CC did not consider *Replaced with PDP-03-02-05*

PDP-03-02-05; CC approved March 4, 2008 (revision 1.18.08) note document also functions as preliminary plat.

PF-05-04-08; Final Plat Bauer Farms First Plat; CC approved on 8/5/08 recorded 8/5/08 P-18, P261.

FPD-05-07-09; CVS, Taco Bell, Spec Building (Phase 1 Commercial development) PC approved 7/21/08 recorded 10/20/08.

FDP-1-2-09; Bauer Farms- Phase 2 (residential development) PC on 5/18/09.

PF-7-3-09; Bauer Farm Second Plat (residential development and POD lot); active review.

- Submittal of a final plat for Planning Commission approval and City Commission acceptance of dedication of easements and rights-of-way.
- Submittal and approval of public improvement plans.
- Recordation of final plat at the Douglas County Register of Deeds.
- Submittal of a Final Development Plan for Planning Commission Approval.
- Recordation of a Final Development Plan at the Douglas County Register of Deeds Office.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Received and accepted by staff.
- *Downstream Sanitary Sewer Analysis* – received and approved by staff.
- *Drainage Study* – Received and approved by staff.
- *Commercial Design Guidelines* –Physical site layout standards applied to proposed development, building elevations to be considered with future submittal of a Final Development Plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

None received

GENERAL INFORMATION

Current Zoning and Land Use: PCD-[Bauer Farm] Planned Commercial Development (District); Undeveloped land with commercial, office, multi-family residential development approved on the Bauer Farm Preliminary Development Plan. A Final Development Plan and final plat have been approved for properties adjacent to W 6th Street and construction is in progress.

PRD-[Bauer Farm] Planned Residential Development (District). Undeveloped land with residential development approved on the Bauer Farm Preliminary Development Plan, FDP-1-2-09.

A parcel in the southeastern corner of the Bauer Development, currently zoned PRD-[Bauer Farm] has POD Zoning (Planned Office Development) District pending; undeveloped land with office uses shown on the approved Preliminary Development Plan.

Surrounding Zoning: GPI (General Public and Institutional) District and RSO (Single-Dwelling Residential-Office) District to the north, existing public high school campus and multi-family residential development.

PRD [Briarward] and RSO to the east (east side of Folks Road), Existing residential and office development.

PCD [Westgate] Planned Commercial District, RMO (Multi-Dwelling Residential-Office) District and CO (Commercial Office) District to the south (South side of W. 6th Street), existing commercial multi-family and office development.

PCD [6Wak] Planned Commercial District and UR (Urban Reserve) District to the west, Wal-Mart and undeveloped parcels.

Site Summary: Bauer Farm

The subject property is located at the northwest corner of the intersection of W 6th Street and Folks Road. The Preliminary Development Plan for Bauer Farm was approved by the City Commission at their March 4, 2008 meeting and was represented to contain major elements of Traditional Neighborhood Design (TND). The Preliminary Development Plan contains three sections: a Planned Commercial Development (PCD), a Planned Residential Development (PRD) and a Planned Office Development (POD).

Approval of the Preliminary Development Plan includes waivers in the reduction of the peripheral and building setbacks. These variances were originally approved as part of the previous plan and are being reauthorized with this revision.

This proposed Preliminary Development Plan includes the full boundary of the original proposed development. A portion of the development has received final approval and has been final platted. This review does not address the Residential (PRD) or the office (POD) portions of the proposed development. The focus of this review is to address that commercial portion of the development and to specifically consider changes to the proposed development of the northwest portion of the development.

The proposed changes are such that a new public hearing on the Preliminary Development Plan is required. Lot and block numbers are used on the proposed Preliminary Development Plan and provide an identifier for comparisons between the previously approved development plan and this proposed revision. Summary tables are provided as attachments to this report that describe the development by lot and summarize the use and location with the proposed development plan.

Attachments:

1. Proposed Preliminary Development Plan
2. lot exhibit
3. PCD revision summary
4. Development Use and location matrix
5. Landscape Exhibit
6. PDP-3-2-5 previously approved Preliminary Development Plan
7. Car wash elevation
8. Orientation map
9. Summary of waivers and variances

STAFF ANALYSIS

This property is generally located on the north side of W. 6th Street. The commercial portion of the development included approximately 19 acres. Within that area are mixed use buildings, commercial retail spaces, pad sites and 110 apartments. A total of 72,000 SF are dedicated to commercial uses while 58,360 SF are provided for office uses. A 41,500 SF community facility is included in the northeast portion of the PCD. A key point of the development is that the original approval of the PCD portion of the development included 72,000 SF of retail commercial space. This proposed plan also only includes a maximum of 72,000 SF of commercial space by redistributing that space allocation within the undeveloped portion of the PCD and by crediting unused space from the approved commercial portion of the development toward that total in this revised commercial phase. This was accomplished by the fact that the Final Development Plan for the Taco Bell (located on Lot 2, Block 8) was built smaller at 2,755 SF rather than the approved 3,100 SF shown on the previous documents.

1) In what respects the plan is or is not in general conformity with the provisions of the Comprehensive Plan of the City.

Staff Finding – The area was approved for commercial development. The proposed change does not alter the type of development so much as proposes to amend the allocation and location of commercial uses within the project. The proposed development is consistent with the land use recommendations of the Comprehensive Plan.

2) *In what respects the plan is or is not consistent with the Statement of Objectives of Planned Unit Development. [The statement of objectives of planned unit developments is found in Section 20-1002 of the 1966 Zoning Ordinance]*

Staff Finding – The PCD zoning provides the maximum flexibility to the developer in tailoring the uses and the project to community desires. Waivers previously approved are also included with this request to clearly indicate the intent of development. The intent of the development is a mixed use, residential, office, and commercial development.

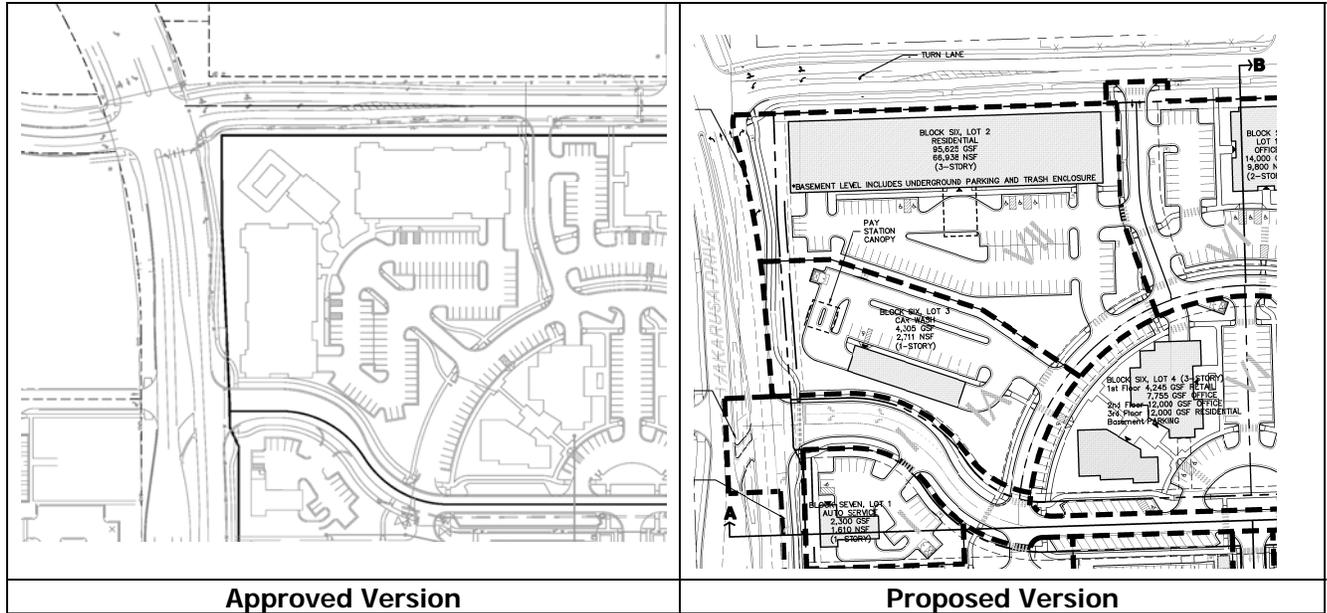
3) *The nature and extent of the common open space in the Planned Unit Development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and function of the common open space in terms of the densities and dwelling types proposed in the plan.*

Staff Finding – A total 5.178 acres is required to meet the minimum 20% standard set out in 20-1006 (g) and section 20-1008 (B) of the 1966 Code. Common open space is defined as “an open area designated and developed primarily for the use and benefit of the residents of the development for recreation (whether private or public, courts, gardens, or parking for open space uses; it shall not include space devoted to streets and parking for residential and nonresidential uses)” per section 20-1006 (g) – General Development Standards – Planned Unit Development, 1966 Code.

Common open space for this project is found along the perimeter of all proposed lots and includes green space as well as pedestrian sidewalks throughout the development. Several lots include interior plaza areas. Large tracts within the development provide a dual purpose of both drainage and open space. The drainage ponds are designed as an integral physical element of the development. Lots within phase the revised portion of the commercial development range from 25% open space (Lot 4, Block 4) to 100% open space (Tract B, Block 5). A summary can be found on page 2 of the proposed development plan for individual lot summary. The plan exceeds the required open space standards for a Planned Commercial Development.

4) *Whether the plan does or does not make adequate provisions for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.*

Staff Finding – No changes are required to the street configuration. Pedestrian pathways shown throughout the development plan are consistent with previously approved design concepts. The significant change between the approved development plan and the proposed development plan occurs in Lots 2 and 3 of Block 6.



This revision does alter the recreation and visual opportunities for the remaining residential portion within the PCD. This can be augmented with dense landscaping on the site. A revised landscape plan was submitted by the applicant. Staff recommends that this revision be added to the development as a condition of approval (See attachment).

5) Whether the plan will or will not have a substantial adverse effect on adjacent property and the development or conservation of the neighborhood area.

Staff Finding –The proposed changes to the project result from the addition of a commercial use in the northwest portion of the Planned Unit Development. The overall commercial space is reallocated with the building in the central portion of the development being reduced commensurately with the increase/addition of the car wash use and incorporating unused but approved space from Phase 1. The proposed change is oriented interiorly to the development. The area immediately west is undeveloped. No impact on adjacent property is anticipated.

6) In what respects the plan is or is not in conformance with the development standards and criteria of this article.

Specific waivers are associated with this proposed development including a reduction in the peripheral setback, building setback reductions related to the commercial development and lot size setback reductions related to the residential (PRD) portion of the development. The Planning Commission approved these variances as part of their action to approve the original Preliminary Development Plan in December 2006. Variances and reductions are listed on Page 4 of the proposed development, general note 39. Approval of this Preliminary Development Plan will reconfirm these deviations from the development standards of the applicable zoning code. Additional variances associated with the residential portion of the development were approved as part of the Final Development Plan and are not included in this Preliminary Development Plan. A summary of waivers and variances associated with the development is provided as an attachment to this report. This plan does not propose any additional encroachments.

Staff Finding – This Preliminary Development Plan is in conformance with the provisions of a Planned Unit Development.

7) In what respects the plan is or is not in compliance with the requirements for application for tentative approval of the Planned Unit Development. [This finding refers to Section 20-1005 of the Zoning Ordinance.]

Staff Finding – The development request is related to a rezoning action that has been approved and published establishing Planned Unit Development Zoning for the proposed development. The proposed revision does not alter the base zoning of the property.

8) *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 revised phasing schedule has been noted on the face of the proposed development plan. The immediate development proposed is for Lot 3, Block 6 (Phase IA) for the car wash.

9) *Stormwater detention calculations and storage of excess stormwater drainage as per City Policy.*

Staff Finding – Stormwater drainage documentation was submitted to staff for review and was approved with no comments. Multiple detention ponds throughout the development are provided as both a functional and aesthetic elements for the development.

Overall changes to the plan:

The following table is provided to summarize the basic changes between the previously approved Preliminary Development Plan and this proposed Preliminary Development Plan. The drawing does not update the residential section of the Planned Unit Development which was approved in May 2009.

PDP Comparison Table for all Phase except PRD and POD Phases			
	Total Commercial	# of dwelling units	# of buildings (not accessory)
PDP- 3-2-05	72,000 SF	134	18
PDP-6-1-09	72,000 SF	110	18

Pedestrian Connectivity:

Pedestrian sidewalks provide connectivity through the site and connect the commercial and residential portions of the development.

Changes to Lot 2:

The original Lot 2 is proposed to be subdivided to establish an additional commercial lot and to change the use from a single-use multi-family structure to a mix of single-use commercial and single-use multi-family structures. Development on this new lot is identified as a tunnel car wash. The remaining portion of the original lot retains its designation as a multi-family residential use. Specific detail regarding a building layout for new Lot 2 will be reviewed with a Final Development Plan. The building sizes and footprints within the central portion of the commercial development labeled Phase VI are not reduced in size. Some of the commercial space originally proposed within Phase VI is now designated for ground floor office use.

	Lot 2 SF	Lot 3 SF	Total SF	Lot 2 Org SF
building	31,875	4,305	36,180	41,000
pavement	44,766	31,082	75,848	62,293
impervious	76,641	35,387	112,028	103,215
pervious	27,995	16,574	44,569	53,378
area	104,636	51,961	156,597	156,593

The previously approved plan includes a mix of uses for this TND-themed development with Bauer Farm Drive acting as the dividing line between auto-related or single use commercial/retail buildings to the south and more pedestrian friendly retail/office/residential mixed use buildings to the north with single use multi-family in the northwest portion of the project. This proposal introduces an auto-related single use commercial building north of Bauer Farm Drive and reduces the multi-family residential use and its amenities for this TND project. This is somewhat mitigated by providing a landscaped berm between the car wash and

the future multi-family residential development to its north. The location at the corner of Wakarusa and Bauer Farm Drive lends itself to either commercial or residential development within this project.

CONCLUSION:

Staff recommends approval of this request. The car wash use is permitted in this PCD, the amount of commercial retail uses remains below the threshold of 72,000 SF, and the commercial use provides a landscaped transition to the future residential development to the north; however, the PDP should be monitored as the remainder of the project develops to insure that the TND elements are maintained and that sound site planning principles are employed for the future tenants of the remaining residential and employment elements of the project.