

PLANNING COMMISSION REPORT
Regular Agenda -Public Hearing Item

PC Staff Report
03/22/10

**ITEM NO. 3 PRELIMINARY DEVELOPMENT PLAN FOR BAUER FARM; 43.88 ACRES;
4700 W 6TH ST (MKM)**

PDP-1-1-10: Consider a revised Preliminary Development Plan for Bauer Farm, on approximately 43.88 acres, located at 4700 West 6th St. Associated variances include a request for a reduction in the parking requirement and approval of the variances previously approved with the Preliminary Development Plan for Bauer Farm , PDP-03-02-05, to permit reduced peripheral setbacks. The revised plan proposes the development of an assisted living facility on the 4.24 acres located at the immediate SW corner of Overland Dr. & Folks Rd. Submitted by Landplan Engineering, for Free State Group, LLC; Free State Holdings, Inc; Bauer Farms Residential, LLC; Bauer Farm Retail Pad 1, LLC; Kansas CVS Pharmacy, LLC; Lawrence Tunnel Wash, LLC; Pete G & Diana Bernal; and Lee & Karen Schmidt, property owners of record.

STAFF RECOMMENDATION:

Staff recommends approval of the parking requirement reduction to permit the construction of 77 parking spaces based on the findings in the staff report and subject to the condition that a note be included on the face of the plan that the parking requirement reduction applies only to the independent and/or assisted living use and is based on the condition that the use of the structure is restricted to an independent and/or assisted living use and may not be converted to a multi-dwelling structure without addressing the parking requirement.

Staff recommends re-approval of the previously approved waivers and variances including the variance which reduced the peripheral setbacks for the subject property from 30 ft to 10 ft.

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. Review of the maintenance agreement with the City to ensure it reflects the approved changes, if necessary.
2. The landscaping will be reviewed at the Final Development Plan Stage to ensure compliance with Code and that utility/tree/intersection obstruction conflicts are avoided.
3. Access onto Overland Drive is conditioned upon the use of the property as independent and/or assisted living residential use. A use other than independent and/or assisted living residential use may require the closure of the access onto Overland Drive.
4. Provision of a revised Preliminary Development Plan with the following changes/conditions:
 - a. The FDP shall detail appropriate additional pedestrian pathways from the adjacent sidewalks into the development to improve pedestrian circulation and connectivity.
 - b. Show the crosswalk pavement markings on the PRD as shown on the previously approved plans, and include pavement markings for crossings across access drives on the lot with the retirement facility.

Reason for Request: Developer is proposing to develop a retirement facility, an *assisted living* use, in the northeast area of the residential portion of Bauer Farm.

Attachments:

1. Property owner's letter regarding possible future development requests
2. Open Space Exhibit
3. Parking Requirement Reduction Request and Justification
4. Proposed Preliminary Development Plan
5. PDP-6-1-09, previously approved Preliminary Development Plan

KEY POINTS

- Bauer Farm is a mixed use planned development consisting of commercial (PCD)/residential (PRD)/and office (POD) developments. Final development plans and final plats have been approved and recorded for portions of the commercial portion. No final development plans or final plats have been recorded for the residential or office portions.
- This project proposes the following revisions to the most recently approved Preliminary Development Plan: an overall revision to the landscape plan and a change to the residential portion to replace single- attached- and multi-dwelling structures with a retirement facility.
- The Planning Commission approved several waivers and variances with the previously approved preliminary development plan. As a revised preliminary development plan has been submitted these waivers and variances are included in this consideration.
- The preliminary development plan serves as the preliminary plat.
- The owners of the Bauer Farm property provided a letter (Attachment 1) in which they state their future plans to seek commercial zoning and land uses for the remainder of the PRD portion of the project. This would replace the 'new urbanism' style of residential development that has preliminary plan approval.

FACTORS TO CONSIDER

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

ASSOCIATED CASES/OTHER ACTION REQUIRED

Cases requiring action

- Revision of maintenance agreement with the City to reflect the changes made with this revised Preliminary Development Plan.
- City Commission approval of Preliminary Development Plan.
- Submittal of a Final Development Plan for Planning Commission approval and recordation at the Douglas County Register of Deeds Office.
- 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.
- Publication of rezoning ordinances for the pending rezonings: Z-06-08-07 (PRD-3) and Z-3-16-05 (POD-1).

Cases previously approved

REZONINGS

(COMMERCIAL--West portion of project)

- Z-6-19-03; 18.93 acres, A to PCD-2; Ord. 7756 [original request].
- Z-3-17-05; 8.23 acres; PRD-2 to PCD-2 [east of Champion Lane, reducing residential area and increasing commercial area; CC approved 1/10/06 pending recordation of final plat].
- Z-7-48-05 18.93 acres PCD-2 to PCD-2 between Wakarusa and Champion Lane to change use restrictions.

(OFFICE--Southeast portion of project)

- Z-3-16-05; 2.59 acres, PRD-2 to POD-1 [southeast portion of project; pending recordation of final plat]
(RESIDENTIAL--East portion of project)
- Z-6-20-03; 25.214 acres, A to PRD-2; Ord. 7757 [original request].
- Z-6-08-07; 16.53 acres PRD-2 to PRD-3; [pending recordation of final plat]

PRELIMINARY DEVELOPMENT PLANS

PDP-03-02-05; CC approved March 4, 2008

PDP-6-1-09; CC approved September 8/ 2009 [reconfiguration of retail uses to permit the carwash within the commercial limits of the nodal plan]

FINAL DEVELOPMENT PLANS

(PCD PORTION)

FPD-5-7-09; CVS, Taco Bell, Spec Building (Phase 1 Commercial development) PC approved 7/21/08

FDP-9-8-09; Tunnel Car Wash for Lot 3 Block Six; PC approved 11/16/09.

FDP-1-1-10; addition of outdoor dining to Lot 3 Block Seven; administratively approved.

(PRD PORTION)

FDP-1-2-09; Bauer Farms- Phase 2 (residential development) PC approved on 5/18/09 [Placed 'on hold' at applicant's request]

FINAL PLATS

PF-05-04-08; Final Plat Bauer Farms First Plat (Portion of PCD); CC approved on 8/5/08 recorded 8/5/08

PF-07-03-09; Bauer Farm Second Plat (PRD and POD); Planning Commission approved with conditions, 9/21/09. [Placed on hold at applicant's request.]

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Received and accepted by staff.
- *Downstream Sanitary Sewer Analysis* – The downstream sanitary sewer analysis dated 01-20-2010 is accepted with no exceptions noted.
- *Drainage Study* – Received and approved by staff.
- *Commercial Design Guidelines* – Previously approved PDP reviewed site layout with Commercial Design Standards. As no changes are being proposed to the Commercial site layout no additional review is necessary at this time.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

None received

GENERAL INFORMATION

Current Zoning and Land Use: PCD-[Bauer Farm] (Planned Commercial Development) District; Partially developed land with commercial, office, multi-family residential development approved on the Bauer Farm Preliminary Development Plan, PDP-6-1-09. Final Development Plans and final plats have been approved for several properties and construction is in progress.

PRD-[Bauer Farm] (Planned Residential Development) District, Rezoning to the PRD-2 District approved in 2004. PRD-2 Zoning Designation converted to PRD-[Bauer Farm] with adoption of 2006 Development Code. Rezoning to the PRD-3 District [Z-06-08-07] approved pending recordation of final plat; Undeveloped land with residential development approved on

the previously approved Bauer Farm Preliminary Development Plan, PDP-6-1-09.

A parcel in the southeastern corner of the Bauer Development, currently zoned PRD-[Bauer Farm] has POD Zoning (Planned Office Development) [Z-03-16-05] approved pending recordation of final plat; undeveloped land with office uses shown on the approved Preliminary Development Plan.

Surrounding Zoning: GPI (General Public and Institutional Use) and RSO (Single-Dwelling Residential-Office) Districts to the north; public high school campus, City indoor aquatic facility and multi-family residential development.

PRD-[Briarward Cottages] (Planned Residential Development) and RSO (Single-Dwelling Residential-Office) Districts to the east (across Folks Road), multi-dwelling residential and office development, partially undeveloped.

PCD-[Westgate] (Planned Commercial Development), RMO (Multi-Dwelling Residential-Office) and CO (Commercial Office) Districts to the south (across W. 6th Street); existing commercial, multi-family, and office development.

PCD-[6Wak] (Planned Commercial Development) and CO (Commercial Office) Districts to the west, Wal-Mart and undeveloped parcels.

Site Summary: Bauer Farm

The Preliminary Development Plan for Bauer Farm [03-02-05], approved by the City Commission at their March 4, 2008 meeting was represented as a New Urbanism style of development which employed Traditional Neighborhood Design (TND). The Preliminary Development Plan contains three sections: a Planned Commercial Development (PCD), Planned Residential Development (PRD), and a Planned Office Development (POD).

The approval of the original Preliminary Development Plan and the approval of a revised Preliminary Development Plan [PDP-06-01-09] included reconsideration and re-approvals of several waivers/variances. These waivers and variances, listed below, require re-approval with this revised Preliminary Development Plan and will be discussed later in this report.

- Waiver 1. Lot Size: Reduction in lot size to permit lots with less than 4000 sq ft of area.
- Waiver 2. Periphery Boundary: Reduction in periphery boundary to reduce the 20 ft of commercial peripheral to 10 ft along W 6th Street, 17 ft along Wakarusa Drive, and 10 ft on Overland Drive and Folks Road. 35 ft residential periphery boundary reduced to 10 ft setback on Overland Drive and Folks Road and 16 ft setback on W 6th Street. No periphery boundary is required between the PUD areas within Bauer Farm.
- Waiver 3, Residential Setbacks: Distances less than 10 ft between the A Custom Homes and B Starter Homes and between the cottages above the A garages and the B Starter Homes, and residential front yard setbacks of approximately 10 ft and side and rear yard setbacks less than 10 ft; providing the structures are designed to meet the building code requirements for zero setback.

- Waiver 4. Commercial Setbacks: Commercial building setback as close as 10 ft on W 6th Street, 17 ft on Wakarusa Drive, and 10 ft on Champion Lane.
- Subdivision Design Standard 1: Local streets intersecting opposite sides less than 125 feet.
- Subdivision Design Standard 2. Alleyways permitted within the residential areas of the subdivision.
- Subdivision Design Standard 3. Local private street widths of 20 feet back of curb to back of curb. (Revision of the private streets to public streets was approved by the City Commission and the width waiver remains.) for a reduction in the peripheral and building setbacks as well as a reduction in the required road widths. These variances were approved as part of the previous Preliminary Development Plan and require reapproval with this revision.

This proposed Preliminary Development Plan includes the full boundary of the original proposed development and proposes the following revisions to the plan:

- Revised landscaping for all portions of the development which have not received Final Development Plan approval (all lots except Lots 2 and 3, Block Seven and Lot 3, Block Six).
- Revision to the northeast portion of the property to replace the previously approved single-attached-and multi- dwellings with a retirement facility, which is classified as an *assisted living* use.
- Revision to the phasing schedule.

The proposed changes are being reviewed in the context of the development shown on the Preliminary Development Plan and will also consider their compatibility with commercial rather than residential development in order to address the owner's notification to Planning of their intent to submit a rezoning request for commercial zoning and to pursue commercial development on the remainder of the PRD section of this project. The focus of this review is to specifically consider changes to the northeast portion of this development. As the plan shows the residential development which was previously approved, the review will be based on this context; however, it will also take into consideration the possibility that the surrounding development may be commercial rather than residential. If the retirement facility is approved, any request in the PDP for commercial uses will need to be designed and reviewed in the context of the retirement facility.

The Preliminary Development Plan serves as the preliminary plat and the lots in the PCD and POD portions are labeled. With this revised Development Plans, the Block layout is varying from the originally approved PDP and the block labeling system will conflict with the blocks identified on the Commercial portion in some cases. A temporary labeling system which identifies blocks by letters will be used for the Residential portion with this PDP, with the exception of blocks that continue from the PCD portion. A note shall be added to the plan which identifies the labeling system as temporary and states that the Lot and Block numbers will be revised at the final plat stage.

STAFF ANALYSIS

The Bauer Farm Development is located on the north side of W. 6th Street between Folks Road and Wakarusa Drive. The commercial portion of the development (PCD), approximately 19 acres, has preliminary development plan approval for mixed use buildings, commercial retail spaces, and 110

apartments. Final Development Plans and final plats have been submitted for several lots and a pharmacy and fast food restaurant have been developed and additional retail uses are under construction. The office portion (POD) has preliminary development plan approval for a bank.

The residential portion of the development (PRD), approximately 16.44 acres, has preliminary development plan approval for detached- attached- and multi-dwelling structures, a fitness/recreation center and approximately 1000 gsf of retail. In 2009, a Final Development Plan [FDP-1-2-09] which proposed a larger multi-dwelling component adjacent to W 6th Street was submitted. Section 20-1013(b) of the 1966 Zoning Regulations permits changes to be made to a Final Development Plan as long as the plan is in 'substantial compliance' with the plan previously given preliminary approval and provides a threshold for determining if a proposed change is in substantial compliance. The changes proposed with FDP-1-2-09 were below the threshold and the Preliminary Development Plan was not required to be revised at that time. The Final Development Plan was approved with conditions by the Planning Commission but was placed on hold at the applicant's request. The current changes being proposed are above the threshold, specifically the density is being increased by more than 5%, and a revised Preliminary Development Plan has been submitted for Planning Commission approval.

The previously approved waivers/variances are also being reconsidered with the revised Preliminary Development Plan.

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

The subject property is included in the 6th Street and Wakarusa Drive Intersection Area Plan. This plan identifies the area east of Wakarusa Drive (the west portion of Bauer Farm) as most appropriate for commercial development. The plan identifies the area west of Folks Road (the east portion of Bauer Farm) as appropriate for medium- to high- density residential development or a mix of office-residential or institutional uses and recommends that no commercial be located at this intersection.

Staff Finding – The proposed change does not alter the type of development and is in conformance with the Comprehensive and Area Plans.

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]

One objective noted in Section 20-1002 is that a Planned Unit Development will permit design flexibility and encourage innovative and imaginative approaches to development which will result in a more efficient, aesthetic, desirable and economic use of land. The PD zoning provides the maximum flexibility to the developer in tailoring the uses and the project to community desires. Waivers/variances previously approved are also included with this request to clearly indicate the intent of development and to provide the Planning Commission the opportunity to re-evaluate and re-approve the waivers/variances they determine are warranted.

Staff Finding – The overall development is a mixed use, residential, office, and commercial development which is consistent with the objectives of a Planned Unit 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.

As the only lots being reconfigured with this revised development plan are located within the PRD portion, the open space exhibit (Attachment 2) deals only with the PRD portion. A total of 1.84 acres is required to meet the minimum 20% standard set out in 20-1006 (g) and section 20-1008 (B) of the 1966 Code. The exhibit shows a total of 3.34 acres of Common open space being provided on the PRD portion. 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.

Staff Finding – 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. The open space being provided exceeds that required for a Planned 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.

An additional access point onto Overland Drive is being proposed with this revision. (Figures 2 and 3) After staff review, the access point onto Overland Drive is acceptable, including its proximity to the later phase PDP intersection approximately 140 ft. to the west, with the understanding that the proposed use continues as an independent and/or assisted living center. A revised intensified use which could place additional traffic on the access point onto Overland Drive may cause traffic and conflict concerns. Staff recommends the following condition to address this matter:

Access onto Overland Drive is conditioned upon the use of the property as independent and/or assisted living residential use. A use other than independent and/or assisted living residential use may require the closure of the access onto Overland Drive.

Another proposed revision is the conversion of the northeast portion of the PRD, Lot 1, Block A, from a mixed residential development consisting of detached single-family dwellings, attached dwellings and multi-dwelling structures to a retirement facility. The changes being proposed are summarized in the following table:

	Previously approved	Proposed
Lots	24	1
Structures	25 6 Multi-dwelling structures 2 Attached dwelling structures 17 Detached dwellings	1 Retirement facility
Dwelling units	56 Dwelling units	124 Dwelling units
Size of structures	1000 sq ft up to approximately 7000 sq ft	115,000 sq ft
Building coverage	70,557 sq ft, approximately	115,000 sq ft

The intersection of Folks Road and Overland Drive should function adequately with the proposed residential development; however, if commercial uses are approved for the remainder of the PRD the City Traffic Engineer indicated that improvements may be necessary.

Staff Finding – With the changes noted above, the plan does make adequate provisions for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.

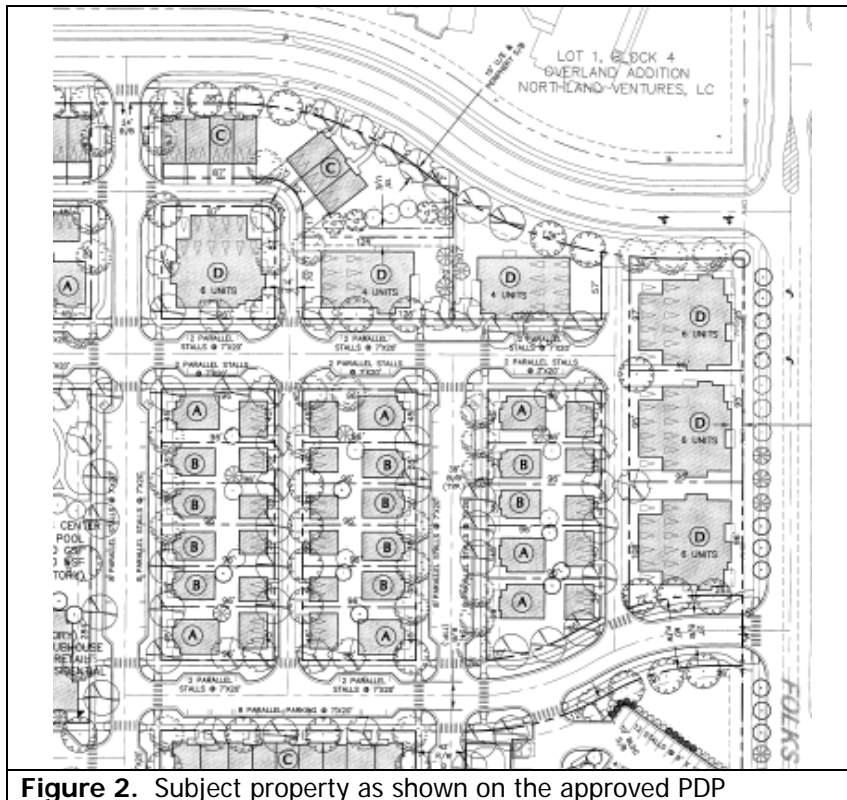


Figure 2. Subject property as shown on the approved PDP

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.

The proposed changes will result in a large retirement facility being located in the area. The overall density of the area does not exceed that which is permitted with the PRD-3 Zoning. The proposed change is oriented to the exterior of the development and may visually impact adjacent properties to the north and east. Both properties have been developed with multi-family structures. The character of the development is illustrated in Figure 4. The proposed use is compatible with these multi-family structures, while the reduced setback of 10 ft will not match the general development pattern of the area, it aligns with other buildings in Bauer Farm and will not adversely effect adjacent property.



Figure 3. Character of multi-family development across Folks Road (left) and across Overland Drive (right).

Staff Finding – No substantial adverse effects are anticipated with the proposed revision; however, the proximity of the larger structure may negatively impact the character of the area. Maintaining a uniform setback on all three sides would mitigate that impact.

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

Specific waivers and variances 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 waivers/variances as part of their action to approve the original Preliminary Development Plan in December 2006. The Variances and reductions are listed in General Note 39 on Sheet 4 of the proposed development plan as well as pages 4 and 5 of this report. Approval of this Preliminary Development Plan will reconfirm these deviations from the development standards of the applicable zoning code. The applicant is also requesting a parking requirement reduction. The applicant's request and supporting information is included as Attachment C.

Variance from 30 ft peripheral setback requirement in Section 20-1006 (i) of the 1966 Zoning Regulations to permit a reduced peripheral setback of 10 ft.

The retirement facility will be located across the street from other multi-dwelling structures which are set back from the streets. The retirement facility will be somewhat larger than the adjacent development, but will be similar in character. The reduced setback will allow the retirement facility to be closer to the street than the adjacent developments; however, it will result in a consistent setback for the Bauer Farm Development along the perimeter which will define the edges of the development.

Staff supports the variance and recommends that the Planning Commission reapprove the variances and waivers which were approved with the previous Preliminary Development Plans.

Parking Requirement Reduction Request

Per Section 20-1008(G) of the 1966 Zoning Regulations, the Planning Commission may reduce the parking requirement for a Planned Unit Development. The applicant's written request for a parking requirement reduction is included as Attachment 3.

In the request, the applicant discussed the nature of the proposed use, *assisted living*, and pointed out that the use is not specifically addressed in the 1966 parking requirements. The parking requirement for typical multi-dwelling residences is 1.5 per unit or 150%. The applicant also

provided parking data of other assisted living facilities operated by Harvest Development to illustrate the actual parking demand of the facility. They indicated that typically fewer than 25% of the residents of their retirement facilities drive their own cars. The attached parking summary for Harvest Development retirement facilities list 250 cases with an average parking count of 61% (parking per suites). The applicant proposes 77 parking spaces which would be a parking count of 62%.

The 2006 Development Code requires .5 parking spaces per *assisted living* unit. The applicant's request is in line with the current parking requirements.

The parking requirement reduction will allow the property to be developed with the number of parking spaces which are required for an *assisted living* facility, based both on the applicant's data and the 2006 Development Code requirements; however, it will limit the use of the facility to an *assisted living* facility as there will not be adequate parking to convert the structure to another multi-dwelling use.

Staff recommends approval of the parking requirement reduction request with the condition that the use of the structure on Lot 1 Block A be limited to *assisted living*.

Staff Finding – As conditioned and with the approved and recommended waivers/variances, This Preliminary Development Plan is in conformance with the provisions of the 1966 Zoning Regulations.

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 plan proposes revisions to a previously approved Preliminary Development Plan. The plan meets the four criteria noted in Section 20-1005 for tentative approval.

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 maintenance agreement between the applicant and the City shall be revised to reflect the changes which are approved with this plan.

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 summarizes the basic changes between the previously approved Preliminary Development Plans and this proposed Preliminary Development Plan. In addition to the changes noted, landscape revisions are proposed for the PCD and PRD portions of the plan. No changes are being proposed to the POD portion with this revised plan.

PDP Comparison Table			
PCD			
	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
PDP-1-1-10	71,765 SF	110	18
POD			
	Number of Lots	SF of office area	# of structures
PDP- 3-2-05	1	5000	1
PDP-6-1-09			
PDP-1-1-10			
PRD			
	Number of Lots	# of dwelling units	density
PDP- 3-2-05	53	211	21.38
PDP-6-1-09			
PDP-1-1-10	29	272	24.55
Table 1: PDP Comparison			

Landscape Changes

The proposed landscaping is being revised from that previously approved. Many of the revisions addressed space constraints or utility conflicts. The street trees will be required to comply with the Subdivision Regulations. The landscaping will be reviewed at the Final Development Plan Stage to ensure compliance with Code and that utility/tree conflicts are avoided.

Pedestrian Connectivity:

Pedestrian sidewalks provide connectivity through the site and connect the commercial and residential portions of the development. The southern pedestrian pathway into the retirement facility is winding. The applicant indicated that this was due to site topography. The design of the pedestrian walkways will be determined with the Final Development Plan. While this may be aesthetically pleasing, a more direct route may be necessary for users with mobility impairments. Staff recommends a more direct pathway be provided for the southeast entry to the retirement facility.

The retirement facility is bordered by streets on all four sides with approximately 1720 ft of street frontage. The plan shows 4 connecting pedestrian pathways to the adjacent sidewalks along this frontage. Additional pathways should be added to improve pedestrian circulation.

The crosswalk pavement markings are not shown on the PRD portion of the plan. These were shown on the previously approved PDP but were omitted from this plan.

CONCLUSION:

Staff recommends approval of this request as conditioned. The retirement facility is an *assisted living* use which is permitted in this PRD and the amount of commercial retail uses remains below the threshold of 72,000 SF; 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.