

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

PC Staff Report
12/16/13

ITEM NO. 2B: PRELIMINARY DEVELOPMENT PLAN FOR ASSISTED LIVING BY AMERICARE; 3901 PETERSON RD (MKM)

PDP-13-00441: Consider a Preliminary Development Plan for Assisted Living by Americare, located at 3901 Peterson Rd with a variance request from right-of-way requirements in Section 20-810(e)(5)(i) of the Subdivision Regulations and a modification request from the off-street parking requirements in Section 20-902 of the Development Code. Submitted by Americare, for Jeffrey E. Smith Homes LC, property owner of record.

STAFF RECOMMENDATION ON VARIANCE REQUESTED FROM SECTION 20-810(D)(5): Planning staff recommends approval of the variance to allow the right-of-way for Peterson Road to remain at 100 ft in this location based on the findings of fact presented in this staff report.

MODIFICATION REQUEST: The applicant requested the modification early in the process so the request was legally advertised; however, adequate off-street parking will be provided so there is no need for the modification.

STAFF RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN: Planning Staff recommends approval of the Assisted Living By Americare 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 Downstream Sanitary Sewer Analysis with minor technical revisions per the City Utilities Engineer's approval.
2. Southern Star and Black Hills Energy approval of the proposed changes in their easements along Monterey Way.
3. Provision of a revised Preliminary Development Plan with the following changes:
 - a. Include the same uses in the 'proposed' and 'permitted' use sections on Sheet 2.
 - b. Addition of the following note: *"The density of this development shall not exceed 4.6 dwelling units per acre."*
 - c. Remove Note 5 if there are no covenants, easements or other restrictions proposed for the use of the land.
 - d. Revise Note 11 regarding ADA compliance to read: *"The site has been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for buildings and facilities, appendix A to 28 CFR Part 36."*
 - e. Provide a pedestrian walkway to connect the Independent Living units in the southwest corner of the property with the club house north of the drive.
 - f. Show a 6 ft wide sidewalk along Peterson Road to be installed with this development; or, if the existing sidewalk is in good condition, a note may be added to the plan which states that *'When the sidewalk along Peterson Road deteriorates or is damaged to the degree that the City Engineer determines replacement is necessary, a 6 ft wide sidewalk will be installed at the property owner's expense.'*

- g. Label the RWD No 1 Easement as '*To be vacated with this plat*' and label the waterline along the east side of the property as abandoned.
- h. Revise utility layout per the City Utility Engineer's approval.
- i. Note the height and slope of the perimeter parking lot landscaping berm.
- j. Delineate and dimension the Common Open Space and Common Open Recreational Space areas on the plan to insure that the area requirements are met.
- k. Extend the right-of-way for Spring Hill Drive across Lot 2 to connect with Monterey Way. The plan may note that the location is conceptual and the exact alignment will be determined with the Final Plat of Lot 2.
- l. Provide an easement or tract for the protection of Environmentally Sensitive Lands if the trees in the southern portion of Lot 2 are found to meet the definition of 'stands of mature trees' provided in Section 20-1701 of the Development Code.
- m. Show street trees along Monterey Way west of the easements at a ratio of 1 tree per 40 ft of street frontage.
- n. Bufferyard landscaping, including the request for Alternative Compliance, will be reviewed and determined with the Final Development Plan.

Reason for Request: Preliminary Development Plan submitted for development of an *Assisted Living* facility with an Independent Living (*Multi-Dwelling*) component in conjunction with rezoning request to the RM12 District with a Planned Development Overlay.

ATTACHMENTS

Att. A: Preliminary Development Plan

Att. B: Variance request

KEY POINTS

- The Preliminary Development Plan also serves as the Preliminary Plat.
- The Planning Commission is the decision making body on variance requests from the standards in the Subdivision Regulations: in this case the required width right-of-way.
- The City Commission is the decision making body on modifications requested. The applicant requested the modification early in the process, but adequate off-street parking will be provided so there is no need for the modification.

FACTORS TO CONSIDER

- Conformance with the purpose of Planned Developments (Section 20-701, Development Code).
- Compliance with Development Code.
- Conformance with *Horizon 2020*.
- Conformance with Subdivision Regulations.

ASSOCIATED CASES

REZONING

- Z-13-00440: A rezoning request to the RM12-PD (Multi-Dwelling Residential with Planned Development Overlay) District has been submitted and is also being considered by the Planning Commission at their December meeting.

OTHER ACTION REQUIRED

- City Commission approval of the Preliminary Development Plan.
- Submittal and administrative approval of a Final Development Plan.
- Submittal and administrative approval of a Final Plat.
- City Commission acceptance of dedications shown on the Final Plat.
- Public Improvement Plans submitted to City Public Works and Utilities Departments. The plans must be approved and the means of ensuring completion of public improvements accepted prior to recording the Final Plat.
- Recording of the Final Plat with the Douglas County Register of Deeds.
- Recording of Final Development Plan with the Douglas County Register of Deeds.
- Building permits must be obtained prior to construction of structures.

PUBLIC COMMENT

- No public comment was received prior to printing this staff report.

PLANS AND STUDIES REQUIRED

- *Downstream Sanitary Sewer Analysis* -- A Downstream Sanitary Sewer Analysis was submitted and reviewed. The City Utilities Engineer indicated it would be accepted following minor technical revisions.
- *Drainage Study* – A Drainage Study was submitted and accepted by the City Stormwater Engineer.
- *Traffic Impact Study* -- A Traffic Impact Study was submitted and reviewed. The City Transportation Planner indicated it would be accepted following minor technical revisions.

GENERAL INFORMATION

Current Zoning and Land Use: RS10 (Single-Dwelling Residential) District; undeveloped with access drive to property to the east.

Surrounding Zoning and Land Use: To the west:
R-1 (County: Single-Family Residential) District; *Rural Residence*, and
RS7 (Single-Dwelling Residential) District, *Detached Dwellings*.
To the north:
RS7 (Single-Dwelling Residential) District; *Detached Dwellings*.
To the east:
RS10 (Single-Dwelling Residential) District; partially developed with *Detached Dwellings*.
To the south:
RS7 (Single-Dwelling Residential) District; *Detached Dwellings*, and UR (Urban Reserve) District; *Detached Dwelling*.

(Figure 1.)

Area

Gross Area 840,671 sq ft (~19.3 acres)
Right-of-Way 0
Net Area 840,671 sq ft (~19.3 acres)

SITE SUMMARY			
	Existing	Proposed	Change
Land Use:	Lot 1: Undeveloped	<i>Assisted Living</i>	Change in use
	Lot 2: Undeveloped	Undeveloped	--
Land Area:	840,671 sq ft	840,671 sq ft	--
Existing Building:	0	67,614 sq ft (8.0%)	+ 67,614 sq ft
Total Pavement:	0	120,155 sq ft	+ 120,155 sq ft
Total Impervious Area:	0	187,769 sq ft (22.3%)	+ 187,769 sq ft
Total Pervious Area:	840,671 sq ft	652,902 sq ft(77.7%)	- 187,769 sq ft

PARKING SUMMARY			
Use	Req. per Sec 20-902	Parking Required	Parking Provided
<i>Assisted Living</i>	.5 parking space per living unit	62 living units: 31 parking spaces	56
<i>Assisted Living/ Independent Units</i>	1 parking space per living unit	22 living units, 22 parking spaces	24
Employee parking	0	0	16 (1 per employee)
ADA Accessible Spaces	Lot with 1-25 parking spaces: 1 van accessible Lot with 51-75 parking spaces: 3 spaces with 1 van accessible Duplex: exempt	Assisted parking: 56 spaces: 3 spaces / 1 van accessible Club House: 3 parking spaces: 1 van accessible Triplex: 6 parking spaces: 1 van accessible	Assisted parking: 4 van accessible Club House: 1 van accessible Triplex: 1 van accessible,
Bicycle Parking	0	0	6

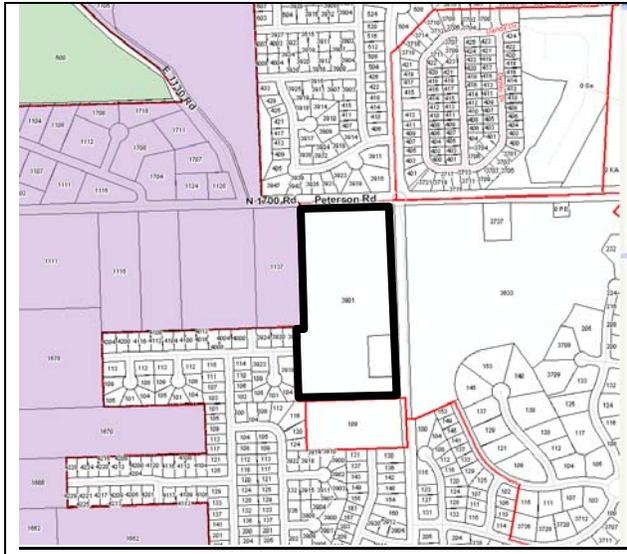


Figure 1a. Zoning in the area.



Figure 1b. Land use in the area.

STAFF ANALYSIS

The proposal is to develop an assisted living facility which provides differing levels of support for residents. The buildings along Peterson Road will house residents that require more support. The building to the west would house residents with more intense memory issues that would need greater support, while the building to the east would house residents that are more self-sufficient. The cottages to the south would house residents that are most self-sufficient and some of these residents may drive. The use meets the definition of *Assisted Living*: “Building or group of buildings containing dwellings designed for occupancy by persons 55 years or older where the dwelling units are independent but include special support services such as central dining and limited medical or nursing care.” (Section 20-1701, Development Code). The duplex and triplex units will be used for *Independent Living*. This use is not defined in the Development Code but is included in the *Assisted Living* category for parking requirements and bonus calculations for Mixed Use Districts. *Independent Living* is a form of assisted living where the residents are more independent than those in assisted living, they may be able to prepare their own meals and may not need nursing care but do require some support services.

The development will occur in 2 phases, with Phase 1 being the building to the east on Peterson Road and one-half of the building to the west, and the cottages (duplex and triplex units) and club house to the south. The second half of the building to the west on Peterson Road (the Arbors) will occur in Phase 2. There are no plans to develop Lot 2 at this time.

Preliminary Plat Review

The Preliminary Development Plan serves as the Preliminary Plat. Two lots are being created with this plat, Lot 1 (the subject of the Development Plan) with frontage on both Monterey Way and Peterson Road and Lot 2 (future development area) with frontage on Monterey Way. Both lots comply with the dimensional requirements in the RM12 District.

The RM12 District permits a maximum density of 12 dwelling units per acre. Phase 1, Lot 1, contains approximately 11.05 acres. 46 assisted living units are proposed in Phase 1 and 22 independent dwelling units. An additional 16 assisted living units will be constructed in Phase 2 for a total of 84 dwelling units. The Planned Development Overlay requires that density be

calculated based on the number of bedrooms rather than the number of dwelling units. Per 20-701(f)(3)(ii), a studio or 1-bedroom unit shall count as .4 dwelling units and a 2-bedroom shall count as .6 dwelling units. The development will utilize only 1 and 2 bedroom living units; however, the number of 1 and 2 bedroom units has not yet been determined. To determine the density, an assumption has been made that all units will be 2 bedrooms. $84 \text{ units} \times .6 \text{ unit} = 50.4 = 51 \text{ units}$. 51 units on an area of 11.05 acres is a maximum calculated density of 4.6 dwelling units. The proposed development will have a maximum calculated density of 4.6 dwelling units per acre. A note should be added to the development plan which restricts density to no more than 4.6 dwelling units per acre.

The adjacent street to the east, Monterey Way, classified as a 'collector' in the Major Thoroughfares Map, requires 80 ft of right-of-way and the plat notes that 80 ft of right-of-way is provided. The adjacent street to the north, Peterson Road, classified as a 'principal arterial' in the Major Thoroughfares Map, requires 150 ft of right-of-way and the plat notes that 100 ft of right-of-way (50 ft half-width) is provided. A variance has been requested from the street cross section standards in Section 20-810(e)(5) of the Subdivision Regulations to allow the right-of-way to remain at 100 ft in this location. The variance request will be discussed later in this report.

The applicant and the City Utilities Department are working out the details of the utility locations. A 10 ft wide electric easement is located adjacent to the Peterson Road for the overhead power lines. The plat shows a waterline along the east side of the property within a 20 ft right-of-way easement for Rural Water District No. 1. RWD No 1 indicated that the water line has been abandoned and may be removed and that the easement is no longer needed. The plat should be revised to show that the waterline is abandoned and the easement should be labeled as 'to be vacated with this plat'.

A 40 ft wide easement for Southern Star Central Gas Pipeline is also located along the Monterey Street frontage. This easement includes a 20 ft gas easement for Kansas Public Service Company. The plans have been distributed to Southern Star and Black Hills Energy (current owner of the KPS easement). Their approval of the proposed changes in this area is necessary before the Final Plat can be recorded.

As required in Section 20-809(f)(4)(iv) all telephone, cable, and electrical lines (except high voltage lines) are to be located underground. This is noted on the plat.

There are existing 5 ft wide sidewalks along both the Monterey Way and Peterson Road frontage. A 6 ft wide sidewalk is required along Peterson Road as it is a principal arterial. Per Section 20-1105(a) of the Development Code, existing sidewalks will not be required to be replaced with a significant development project unless the existing sidewalk is recommended for condemnation by the City Public Works Department. The plan should be revised to show a 6 ft wide sidewalk along Peterson Road to be installed with this development; or, if the sidewalk is in good condition, a note could be added to the plan which states that *'When the sidewalk along Peterson Road deteriorates or is damaged to the degree that the City Engineer determines replacement is necessary, a 6 ft wide sidewalk will be installed.'*

The plan proposed a thorough set of internal walkways to provide pedestrian access throughout the site; however, a connection from the duplexes/triplexes in the southwest corner to the club house is lacking. The plan should be revised to provide this connection.

Preliminary Development Plan Review

The proposed Preliminary Development Plan for Assisted Living by Americare 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.*

The project will achieve a calculated density of 4.6 dwelling units per acre which is considered low density. Recommendations for low-density residential development from Chapter 5 of *Horizon 2020* are listed below. Staff discussion of the project's compliance with the recommendation follows in red.

- * *"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 4.1, page 5-17)*

The Planned Development Overlay Zoning District was requested to allow the development in the RM12 District to be tailored to fit with the surrounding single-dwelling districts. The structures along Peterson Road will be one story brick buildings and the duplex and triplex units to the south will be similar in design to other dwellings in the area. The development is being designed to be compatible with the adjacent residential development. While the building type will be different from the nearby residences, it will be of a similar height and will be designed with a residential character. (Figure 2)

Additional open space is provided with this development as the Planned Development Overlay requires a certain amount of open space for the common use and enjoyment of the residents/landowners of the Planned Development. The proposed development is compatible with the nearby land uses.

- * *"Natural environmental features within residential areas should be preserved and protected. Natural vegetation and large mature trees in residential areas add greatly to the appearance of the community as a whole and should be maintained." (Policy 5.1, page 5-19)*

Stands of trees are located in the southern portion of the property. A tract or easement will be provided on the plan for their protection if the results of a field survey indicates that they meet the definition of 'Stands of Mature Trees' provided in Section 20-1701 of the Development Code.

While this facility is being developed at a 'low density', multiple dwelling units are being proposed on one lot, similar to medium or higher density developments. The following recommendations from the Comprehensive Plan apply to medium or higher density developments:

- * *"Provide pedestrian and/or bicycle paths to provide access to all parts of a neighborhood and beyond." (Policy 2.2(b), page 5.25)*

The plan provides an extensive internal pedestrian circulation and this is connected to the adjacent sidewalks on Monterey Way along the southern access drive and to the sidewalks on Peterson Road on the east and west sides of the development.

- * "Site design should be oriented so that less compatible uses such as trash, loading and parking areas and located in the interior of the development and not adjacent to or in close proximity to low-density residential neighborhoods." (Policy 3.1(c)(1)(a), page 5-27)

As seen on the development plan, the trash and loading area are located to the rear of the buildings. Parking areas are located between the buildings and Peterson Road, however these contain only 2 rows of parking separated by an access aisle. The shallow parking lots will be further separated from the residential neighborhood by Peterson Road, a principal arterial.

- * "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 development is being designed to be compatible with surrounding land uses.

Staff Finding_ The proposed development complies with the land use goals and policies for low-density residential development of the Comprehensive Plan.

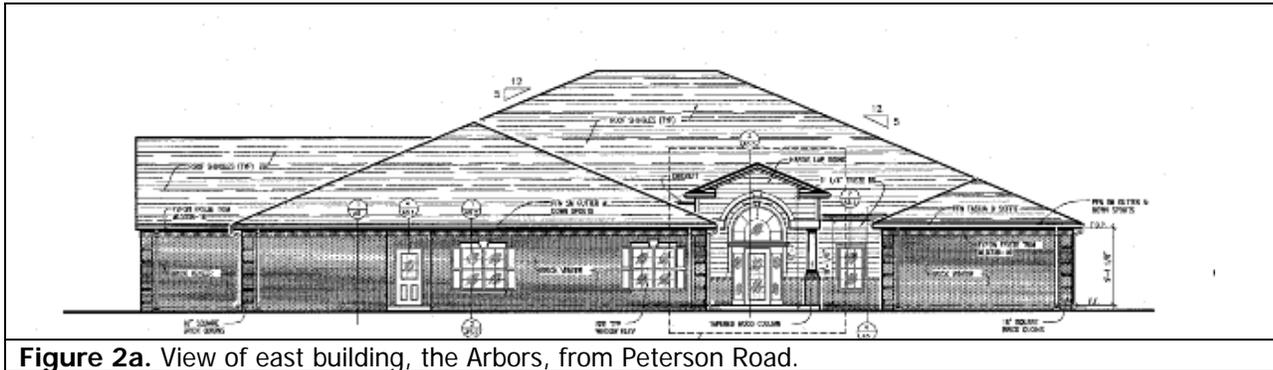


Figure 2a. View of east building, the Arbors, from Peterson Road.

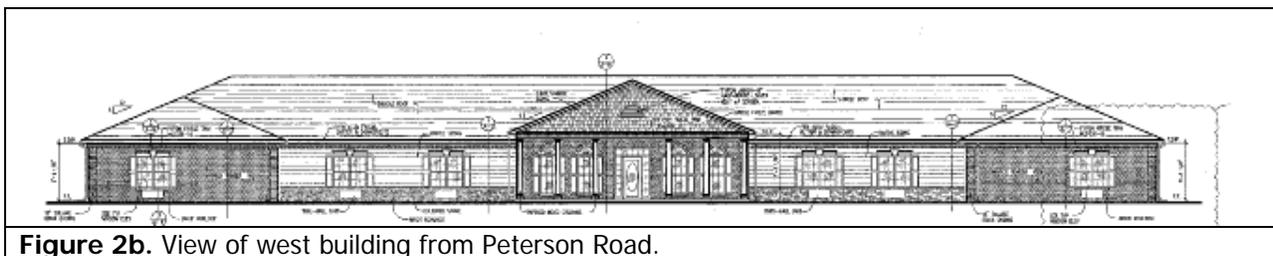


Figure 2b. View of west building from Peterson Road.



Figure 2c. Example of structure type for the Cottage (Independent Units) to the south.

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.
The developer is working with the City Utility Department to insure that the development can be efficiently served with City utilities and final details are being worked out at this time. The City Utilities Engineer's approval of the layout and design of the water and sanitary sewer lines is necessary prior to development plan approval.
- c) Allow design flexibility which results in greater public benefits than could be achieved using conventional zoning district regulations.
The design flexibility allows the property to develop for a particular use, 'Assisted Living with an Independent Living component', while insuring a density and residential nature that will be compatible with the surrounding properties.
- d) Preserve environmental and historic resources.

There are no known historical resources on this property. There is a watercourse in the southwest corner, but the City Stormwater Engineer indicated that this is a continuation of the stormwater management on the adjacent property and is not a natural feature that requires protection. Lot 2 may contain environmentally sensitive lands, in the form of stands of mature trees. A stand of mature trees is defined in Section 20-1701 as: "An area of ½ acre (21,780 sq ft) or more located on the 'development land area', per Section 20-1101(d)2(ii) or on other contiguous residentially zoned properties containing trees that are 25 feet or more in height, or are greater than 8" caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP, National Agricultural Imaging Program; city/County GIS aeriels; and field surveys).

Trees in the southwest corner of the property may meet this definition, but a field survey will be necessary to make the final determination. Prior to the completion of the final plat, the applicant and City Staff shall visit the site to determine if the stands of trees meet this definition. If so, a tract or easement shall be provided on Lot 2 to protect these features. (Figure 3)



Figure 3. Image of property from City's Environmental Baseline Map showing area with continuous or nearly continuous canopy of trees (outlined in red).

- e) Promote attractive and functional residential, nonresidential, and mixed-use developments that are compatible with the character of the surrounding area.

The development is being designed in an attractive residential style that should be compatible with the character of the surrounding area.

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. The dimensional standards in the RM12 District are being met with this development.

The landscaping requirements of Article 10 apply to this development. While the final landscaping details will be determined with the Final Development Plan, landscaping is reviewed with the Preliminary Development Plan to insure adequate area is provided for the required landscaping and to determine if Alternative Compliance or variances may be necessary.

Landscaping	Requirement	Required	Provided
Street Trees	1 per 40 ft of street frontage	Peterson Road Frontage: 589 ft, requires 15 street trees. Monterey Way Frontage: 1199 ft, requires 30 street trees	Peterson Road: 16 trees Monterey Way: 0 trees* See discussion below
Interior Parking Lot Landscaping	40 sq ft for each parking space. 1 tree and 3 shrubs per 10 parking spaces.	56 parking spaces * 40 = 2240 sq ft 60/10=6; 6 trees and 18 shrubs	3673 sq ft 6 trees and 24 shrubs
Perimeter Parking Lot Landscaping	1 shade tree per 25 ft of parking lot frontage along r-o-w PLUS wall, berm, or continuous hedge of evergreen shrubs.	390 ft of perimeter parking lot frontage on Peterson Road, requires 16 trees	20 trees plus a berm. The height and slope of the berm should be noted. Minimum height permitted is 2 ft and maximum slope is 3:1.
Bufferyard Landscaping	Type 1 Bufferyard required on all sides per ratio listed in Section 1005(f)	North: 25 ft wide, 588.37 ft long: 12 trees/30 shrubs	20 trees, (additional 8 trees can substitute for 24 shrubs: 1 tree – 3 shrubs) 19 shrubs=43 shrubs COMPLIANT
		West: 25 ft wide, 775 ft long: 16 trees and 39 shrubs	27 trees, (additional 11 trees can substitute for 33 shrubs) 77 shrubs: 110 shrubs COMPLIANT
		South: The south side of the property is adjacent to an additional lot in this subdivision. It is uncertain what	Bufferyard Landscaping through Alternative Compliance to be determined at the Final Development Plan Stage.

		development will occur in this area. The Bufferyard requirement could be met on the developing side of Lot 2 in the future.	
		East: 80 ft wide adjacent to buildings fronting Peterson road (190 ft long)	
		260 ft wide adjacent to Cottages to the south (1009 ft long)	
		The large distance may have an impact on the amount of landscaping that is required.	

Table 2. Landscaping Review

A Type 1 Bufferyard is required on all sides as the property is surrounded by properties zoned RS (Single-Dwelling Residential) and R-1 County Zoning District, (Single-Family Residential). The landscaping in the bufferyard varies depending on the width of the bufferyard provided as shown in the table below:

BUFFERYARD WIDTH	TREES/100 LINEAR FT	SHRUBS/100 LINEAR FT
10 ft	4 trees	10 shrubs
15 ft	3 trees	8 shrubs
20 ft	3 trees	7 shrubs
25 ft	2 trees	5 shrubs

Table 3. Bufferyard Landscaping Ratio

- * There is a 40 ft wide gas easement along Monterey Way which prevents the location of street trees within 30 ft of the curb of Monterey Way as required by Code. The nearest subdivision to the south, Monterey Subdivision No 8, provided street trees to the west of the gas easement. The City Forestry Manager recommended that the street trees on the subject property follow this pattern. Street trees should be shown on the plan at a rate of 1 tree per 40 ft of frontage, west of the easements along Monterey Way.

The street trees on Peterson Road and the interior and perimeter parking lot landscaping provided on the plan is compliant with the landscaping requirements in Article 10 of the Development Code. Alternative Compliance has been requested from the bufferyard landscaping required along the east and south perimeter of the site based on the large separation between the development and the adjacent properties. Trees used in the Bufferyard landscaping along Monterey Way would serve as street trees, although they will be located further from the street than required by Code. The justification for use of Alternative

Compliance has been met and final details on the Alternative Landscape Plans will be determined with the Final Development Plan.

Staff Finding – The proposed Preliminary Development Plan is consistent with the Statement of Purpose of Planned Development. The proposed Preliminary Development Plan, as conditioned, is consistent with the standards of Section 20-701 of the Development Code with the exception of the number of street trees provided for Monterey Way, and the bufferyard landscaping for the east and south perimeters of the property. The applicant has requested Alternative Compliance from the Bufferyard Landscaping requirements on the east and south perimeters of the properties. The request for Alternative Compliance will be considered administratively with the Final Development Plan.

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. The plan does not note at this time the amount of area that is within the common open space. 50% of the required common open space must be developed as common recreational space. The plan proposes a walking path around the buildings and cottages as well as a gazebo area behind each of the main buildings and a club house for the Cottages. The southeast corner of the property will contain undeveloped common open space.

Staff Finding – The plan proposes common open and common recreational space. The plan should be revised to delineate and dimension these areas to insure the minimum area requirements are met.

4) The reliability of the proposals for maintenance and conservation of the common open space.

Staff Finding – The plan notes that the common open space will be privately owned and maintained by the owner of this facility.

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.

The Development Code requires 50 sq. ft. of outdoor area that can be used for recreational purposes for each dwelling unit in a RM12 District. The Code states that the required outdoor areas serves as an alternative to a large rear setback and is an important aspect in addressing the livability of a residential structure on a small lot. The development plan proposes a total of 84 *Assisted* and *Independent Living* units which would require 24,200 sq. ft. (84 x 50 sq. ft) of outdoor area. The Recreational Common Open Space provided with the Planned Development will serve as the Outdoor Recreation area.

Staff Finding – The common open space required for the Planned Development, 20% of the site (11.05 acre x .20 = 2.2 acres), exceeds the outdoor area that is required for a residential development in the base RM12 District. The amount of common open space that is being proposed for this development is adequate.

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.*

Staff Finding –The Preliminary Development Plan has made adequate provisions for public services and provides adequate control over vehicular traffic with 2 access points into the site. The plan furthers the amenities of light and air, recreation and visual enjoyment through the provision of common open space, and open recreation space. The plan notes that additional Fire Access will be provided with the construction of Phase 2.

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;

The Traffic Impact Study indicated that the surrounding single-dwelling residential development generates 766 average trips per day and the Assisted Living Facility will generate 293 trips per day on average or an increase of approximately 39%.

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

The buildings will be one story, brick buildings with a residential design. They will be separated from Peterson Road and the residences to the north of Peterson Road by a narrow parking lot with perimeter landscaped berms. The Cottages to the south will be of residential design similar to other structures in the neighborhood. The proposed development will be compatible with the established neighborhood pattern.

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

The property being developed with this plan is adjacent to 2 residential developments: Monterey Bluffs to the north, and Hutton Farms Planned Development to the northeast. The following densities are noted on the preliminary plats for these properties:

Monterey Bluffs (north of Peterson Road): 3.9 du/acre

Hutton Farms: 5.64 du/acre

The proposed calculated density of this project is 4.6 dwelling units per acre. This is an increase of 17.9% over the density at Monterey Bluffs, and is 18.4% less than the density at Hutton Farms. The proposed development does exceed the density of the properties to the west (outside the city limits) and to the south (zoned UR) which both contain rural residences have not yet been developed to urban densities.

Staff Finding – The development will increase the traffic in the area by less than 50%, is proposing building height, design, and massing that is compatible with the area and will not increase the density by 34% or more above the density of adjacent residential properties, with the exception of those that have not yet been developed to urban densities. The development should 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 *Assisted Living* could occur from lighting that extends onto adjacent properties, or with outdoor areas for employees that are in close proximity to nearby

residences. A photometric plan will be required prior to approval of the Final Development Plan to insure compliance with the City Lighting Standards. The parking lot is located between the building and Peterson Road so the parking lot lights should have no effect on the street or other properties along the street frontage. Outdoor areas for the buildings are located to the rear of the building and there are no nearby residences.

Staff Finding – Possible adverse impacts of exterior lighting will be addressed with a photometric plan at the Final Development Plan stage 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 been proposed. The western Assisted Living structure will be enlarged with Phase 2. The plan notes that additional fire access will be installed prior to completion of Phase 2. Lot 2 is not included in this portion of the development; however, Spring Hill Drive right-of-way should be shown connecting through this lot to Monterey Way. The plat could note that this location is conceptual and the exact alignment of the street will be determined with the final plat, but showing the right-of-way will provide notice to future developers of Lot 2 that extension of Spring Hill Drive to Monterey Way is required.

VARIANCE FROM RIGHT-OF-WAY DESIGN STANDARD

Per Section 20-813(g) of the Subdivision Regulations, in cases where there is a hardship in carrying out the literal provisions of the Design Standards or Public Improvement Standards the Planning Commission may grant a variance from such provisions. The applicant requested a variance from the Design Standard in Section 20-810(e)(5)(i) which requires that 150 ft of right-of-way be provided for minor principal arterial streets to allow the 100 ft right-of-way for Peterson Road being provided adjacent to the subject property. The applicant's request for the variance is included with this staff report as Attachment B.

The following reviews the request with the 3 criteria which are required in Section 20-813(g) for approval of a variance.

1. Strict application of these regulations will create an unnecessary hardship upon the subdivider.

Peterson Road is classified in the Major Thoroughfares Map as a 'Principal Arterial' street which requires 150 ft of right-of-way. There is currently 100 ft of right-of-way for Peterson Road.

Most of the properties to the east along Peterson Road in this area are platted and developed with 100 ft of right-of-way. The right-of-way width is 90 ft to the east of N Crestline Drive. The City Engineer indicated he has no objection to the variance to allow the right-of-way to remain at 100 ft in this location, as there are no plans to widen Peterson Road in the future.

Staff Finding: As noted above, Peterson Road to the east has been developed in right-of-way widths of 90 to 100 ft. Requiring additional right-of-way at this location would be an unnecessary hardship as there are no plans to widen Peterson Road in the future and the additional right-of-way is not needed.

2. The proposed variance is in harmony with the intended purpose of these regulations;

The Subdivision Regulations are intended to provide for the harmonious and orderly development of land within the city and the unincorporated area of Douglas County. Right-of-way dedication is required when properties are platted to insure the required right-of-way is available for improvements to adjacent roadways. The City Engineer indicated that the existing right-of-way for Peterson Road is adequate as there are no plans to widen the street in the near future.

Staff Finding: Future improvements will not include widening the roadway and the right-of-way width being proposed with this plat has been determined by the City Engineer to be adequate for Peterson Road; therefore, the proposed variance is in harmony with the intended purpose of the Subdivision Regulations.

3. The public health, safety, and welfare will be protected.

Staff Finding: As there are no plans to improve Peterson Road in this area, and the amount of right-of-way being provided has been determined to be adequate, the variance will not affect the public health, safety, or welfare.

Staff Recommendation:

Approve the variance requested from Section 20-810(e)(5) from the requirement to dedicate additional right-of-way for Peterson Road adjacent to Lot 1 Assisted Living by Americare subject to the following condition:

The plat shall be revised to include the following note: *“On December 16, 2013, the Planning Commission approved a variance from the requirement in Section 20-810(e)(5) to dedicate 150 ft of right-of-way for principal arterials to allow the right-of-way for Peterson Road as shown on this plat.”*

Staff Review and Conclusion

The proposed Preliminary Development Plan conforms to the land use recommendations for low density residential development in the Comprehensive Plan. The Development Plan, with the requested variance, complies with the requirements in the Development Code for the RM12 and the PD Overlay Districts. Minor technical changes have been identified with the review of the plan and these have been listed in the conditions of approval.