

ITEM NO. 2A RS10 TO RM12-PD; 19.3 ACRES; 3901 PETERSON RD (MKM)

Z-13-00440: Consider a request to rezone approximately 19.3 acres from RS10 (Single-Dwelling Residential) District to RM12-PD (Multi-Dwelling Residential with PD Overlay) District, located at 3901 Peterson Rd. Submitted by Americare, for Jeffrey E. Smith Homes LC, property owner of record.

**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 PRESENTATION

Ms. Mary Miller presented items 2A and 2B together.

APPLICANT PRESENTATION

Mr. Neal Slattery, Americare, gave a Powerpoint presentation showing renderings of the project and described what assisted living, memory care, and independent living meant. He also provided the history of Americare. He stated they were aiming to break ground on construction in the Spring of 2014.

PUBLIC HEARING

Mr. Aaron Jones expressed concern about losing trees in the area and the noise generated from emergency vehicles dispatched to the site. He stated the roundabout was tough to navigate, especially for emergency vehicles.

APPLICANT CLOSING COMMENTS

Mr. Slattery said all the interior roadways would be built 27' wide, the same as a local street. He said the projected traffic generation would be 75 trips per day. He said there were three entrances and that the northern entrance had a projected 40 trips per day distributed over a 24 hour period. He said the amount of traffic going through the roundabout would be minimal. He said the design would allow emergency vehicles to get through.

COMMISSION DISCUSSION

Commissioner von Achen asked staff to comment about the League of Women Voters concerns about adequate parking and the "what if" scenario.

Ms. Miller said the applicant could probably better answer the comments submitted by the League of Women Voters. She said there would be more parking provided than required by the Code because the plan included employee parking. She said extra parking typically required mitigation. She said the use was limited by the Preliminary Development Plan to assisted living so if the site was sold and a different project was proposed a new Preliminary Development Plan would need to be submitted for review. She said Planning Commission would have the opportunity to approve or deny it.

Mr. Slattery said Americare used actual case studies for the parking requirements. He said the number of parking spaces was based on case studies, not speculation. He felt the amount of parking was adequate but that more parking could be added later if needed. He said Americare had been in business for 30 years and have not sold any of the facilities.

Commissioner Jossierand inquired about independent living and if transportation would be provided for those without vehicles.

Ms. Jean Summers, Americare, said many residents do not drive and prefer not to so there would be some type of bus or vehicle to provide periodic transportation. She said they would also utilize community transportation services for the residents.

Commissioner Josserand asked what other services were available in independent living.

Ms. Summers said there would be a clubhouse to keep residents connected with activities. She said they would have a full kitchen in their cottage. She said each unit would have an emergency cord so they would be connected to assistance when needed.

Commissioner Josserand inquired about the PD Overlay for the undeveloped portion. He asked if it would have the same restrictions.

Mr. McCullough said that was correct, the entire property would be zoned RM12-PD. He said Americare would bring any future phase or change forward through the public hearing process.

Commissioner Josserand asked if it would go through Planning Commission.

Mr. McCullough said yes.

ACTION TAKEN on Item 2A

Motioned by Commissioner Liese, seconded by Commissioner Denney, to approve the rezoning request for approximately 19.3 acres from RS10 (Single-Dwelling Residential) District to RM12-PD (Multi-Dwelling Residential with Planned Development Overlay) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Unanimously approved 9-0.

ACTION TAKEN on Item 2B

Motioned by Commissioner Liese, seconded by Commissioner Graham, to approve 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 the staff report and to approve 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.

Unanimously approved 9-0.