

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

PC Staff Report  
4/21/14

**ITEM NO. 6B PRELIMINARY DEVELOPMENT PLAN FOR BAUER FARM; 4700 OVERLAND DR (SLD)**

**PDP-14-00055:** Consider a Revised Preliminary Development Plan for Bauer Farm and Bauer Farm Northwest, and Bauer Farm Residential to include the addition of a 108 room hotel and two retail stores and one mixed use building in Bauer Farm Northwest, located at 4700 Overland Drive. The plan proposes 45,048 SF of retail uses where 14,440 SF was previously approved. Changes to Bauer Farm Residential include a revision to the number of residential dwelling units from 272 to 342, removing a street connection to Overland Drive, and revising the building form from row houses to apartments along W. 6<sup>th</sup> Street and Overland Drive. Submitted by Treanor Architects, for Free State Group, LLC and Bauer Farms Residential, LLC, property owners of record.

**STAFF RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN:** Planning Staff recommends approval of the Revised Preliminary Development Plan for Bauer Farm Planned Development 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 plan that includes the following notes and changes:
  - a. Revise General Note 39 to correctly reflect the variances and waivers granted with this revised Preliminary Development Plan.
  - b. Show the extension of the Access and Utility Easement in Block 1 north to Overland Drive.
  - c. Label the water line on the north side of Bauer Farm Drive as existing or proposed, as applicable.
  - d. Show and label all proposed easements such that all proposed water lines are located within right-of-way or in a utility easement.
  - e. Provide additional easement along the south side of Overland Drive to complete a total of 15' wide utility easement for the sanitary sewer.
  - f. Show and label the sanitary sewer service line for the proposed hotel use.
  - g. Revise the sanitary sewer alignment extension to Block 9, Lot 5 so that it is not located within the Bauer Farm Drive right-of-way.
  - h. Show and label all sanitary sewer easements.
  - i. Revise General Notes on page 4 as they related to the proposed duplex uses.
  - j. Show and note the correct off-street parking summary for the residential uses.
  - k. Revise General Note 43 on page 4 to indicate that the maintenance agreement shall be reviewed, modified and re-executed as applicable to each Final Development Plan for Bauer Farm.
2. Provision of an exhibit to show the location and amount of open space in the commercial and residential portions of the development.

**Reason for Request:** *See Description of project below.*

**KEY POINTS**

- The focus of this application is on the commercial portion of the Bauer Farm Development Plan to be known as PD-[Bauer Farm Northwest].
- Approved uses on the south side of Bauer Farm Drive are not altered by this application.
- Changes to the residential portion of Bauer Farm PD are proposed with this application.
- The Preliminary Development Plan also serves as the Preliminary Plat for the remaining undeveloped property.

**FACTORS TO CONSIDER**

- Compliance with the 1966 Zoning Code for Planned Developments.
- Compliance with the Subdivision Regulations.
- Conformance with *Horizon 2020*.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

**Associated Cases**

- CPA-14-00055; Comprehensive Plan Amendment to revise Chapter 6 and the 6<sup>th</sup> & Wakarusa Nodal Plan.
- Z-14-00057; amending the uses and retail square foot limitation of existing PCD
- **PDP-14-00055; Revised Preliminary Development Plan**
- PF-14-00054; Final Plat Bauer Farm 6<sup>th</sup> Plat

**Other Action Required**

- City Commission approval of Preliminary Development Plan.
- City Commission approval of rezoning and publication of ordinance.
- Submittal and approval of Final Development Plan.
- Approval of a Final Plat.
- Submission and approval of public improvement plans.
- Recording of Final Development Plan and Final Plat with the Douglas County Register of Deeds.
- Submission and approval of building permits prior to construction.

**ATTACHMENTS**

Attachment A: Area Map

Attachment B: Proposed Preliminary Development Plan

Attachment C: Residential Neighborhood Map

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

Jonathan Becker – Briarwood Home Owners Association indicating opposition to the request.  
Kirk McClure - Letter

**Project Summary:**

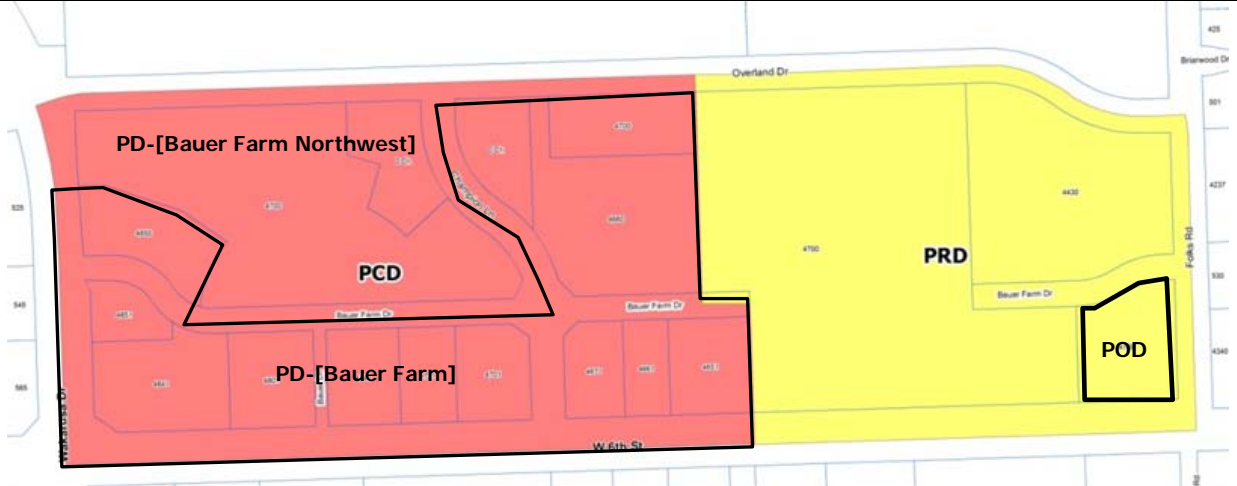
This Planned Development (PD) known as Bauer Farm includes three distinct zoning districts.

**Table 1: Project Summary**

<b>Commercial PCD</b>	<b>Residential PRD</b>	<b>Office –POD</b>
<ul style="list-style-type: none"> <li>• 31.29 Acres of PCD – Planned Commercial Development</li> <li>• PD-[Bauer Farm PCD] Bauer Farm Phase I, IA, IB, IC and V,</li> <li>• 14.100 Acres (excluding ROW); developed and undeveloped land</li> <li>• PD-[Bauer Farm Northwest PCD] Bauer Farm Phase III, VI and VII</li> <li>• 8.009 Acres (excluding ROW); Undeveloped land</li> </ul>	<ul style="list-style-type: none"> <li>• 21.42 Acres of PRD – Planned Residential Development (includes ROW)</li> <li>• Bauer Farm Phase IV- Retirement</li> <li>• 4.23 Acres; 124 units</li> <li>• Bauer Farm Phase VII – Mixed residential</li> <li>• 11.6 acres 218 units</li> <li>• Total area includes future ROW for Bauer Farm Drive Connection.</li> </ul>	<ul style="list-style-type: none"> <li>• 2.3 Acres of POD - Planned Office Development</li> <li>• Bauer Farm Phase VI – Office</li> <li>• Z-3-16-05; (pending publication)</li> <li>• PDP-03-02-05; approved for single use; vacant land</li> </ul>

No change to the Office portion of the development plan is proposed with this application. The original condition of approval for the POD included approval of a preliminary development plan and platting of the property. To date this lot is not platted.

**Table 2: General Summary**

<b>GENERAL INFORMATION</b>	
Current Zoning and Land Use:	<p>PD [Bauer Farm PCD]; developing commercial area between Wakarusa Drive and Champion Lane and between Overland Drive and W 6<sup>th</sup> Street.</p> <p>PD-[Bauer Farm PRD] west of Folks Road. Existing retirement facility and undeveloped land.</p> <p>PD-[Bauer Farm POD] northwest corner of W. 6<sup>th</sup> Street and Folks Road (pending publication upon Final Plat). Undeveloped land.</p>
 <p style="text-align: center;"><b>Bauer Farm Planned Development</b></p>	

Surrounding Zoning and Land Use:	<p>To the north: GPI (General Public and Institutional) District and RSO (Single-Dwelling Residential and Office) District along the north side of Overland Drive. Existing Free State High School campus and apartment development.</p> <p>To the west: CO (Commercial Office) District and PD-[6Wak PCD] along the west side of Wakarusa Drive. Existing undeveloped commercial pad sites.</p> <p>To the south: PD-[Westgate PCD] District, RMO (Multi-Dwelling Residential-Office) District, PD-Westgate 2 PCD] District and CO (Commercial Office) District along the south side of W. 6<sup>th</sup> Street. Existing commercial and apartment development.</p> <p>To the east: PD – [Briarwood/Briarwood Cottages PRD] District and RSO (Single-Dwelling Residential) District along the east side of Folks Road. Existing residential and office uses.</p>
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**REASON FOR THE REQUEST:**

**Applicant's Response:**

- 1. An additional 40,000 sf of retail use has been added to the development. Please refer to the comprehensive plan amendment application concurrently submitted with this application.*
- 2. The nw quadrant of the development, block 6, has been revised (minus the area of the existing Hurricane Car Wash) to reflect the following:  
A 108 room hotel site at the far nw corner of the development along Overland Drive, north of the Hurricane Car Wash;  
New 11,623 sf in-line retail and 27,275 sf grocery store with associated parking; and  
Re-configured office-retail use at the nw corner of Bauer Farm Drive and Champion Lane.*

*The private drive to the east of the hurricane car wash, linking Bauer Farm Drive and Overland Drive, will remain as previously planned.*

- 3. The residential section to the east of the theatre Lawrence has been revised to reflect an increase in the number of units from the previously shown PDP within the area east of the theatre, as the residential component west of Champion Lane has been shifted to this area. The changes include the following:  
a. Multi-family units to the south, north of 6th Street, 6 buildings  
b. Removal of the "mansion homes"*

*The remaining residential types of units remains the same within an updated layout. Only the connection of Bauer Farm Drive through the residential portion of the development will be dedicated as a public street. The streets north and south of Bauer Farm Drive will be private streets.*

4. *The existing detention wet basins along the east and west sides of Champion Lane will be modified in order to maintain the required volume needed for the basins draining to these two ponds. With the modifications to the west pond for the proposed grocery and in-line retail, the west pond will be re-shaped and segmental retaining walls (such as redi-rock ledgestone units) installed along the perimeter of the pond to maximize storage volume. The east pond will be slightly modified with walls constructed along the north and northeast sides of the basin. These modifications will provide the necessary on-site storage volume, as detailed in the revised/updated storm water management study.*

### **Staff's Response:**

This report addresses changes to the commercial and residential portions of the Bauer Farm Planned Development. The proposed plan revises the uses and development pattern for the commercial area and to a lesser degree the residential configuration.

### **STAFF ANALYSIS**

The Preliminary Development Plan for Bauer Farm [PDP-03-02-05], approved by the City Commission at their March 4, 2008 meeting was represented as a New Urbanism style of development that 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 6<sup>th</sup> 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 6<sup>th</sup> 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. There are no "Custom Homes" included in this revised Preliminary Development Plan.~~
- Waiver 4. Commercial Setbacks: Commercial building setback as close as 10 ft on W 6<sup>th</sup> 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.

- These variances were approved as part of previous Preliminary Development Plans and require reapproval with this revision. This report is divided into two parts. Part one will address subdivision elements applicable to this development project for the remaining unplatted land in both the commercial and residential portions of the property. Part two will address the Development Plan as it relates to the commercial and residential portions of the property.

This application is being submitted concurrently with a Final Plat (PF-14-00054). If approved, the area south of Overland Drive and north of Bauer Farm Drive between Wakarusa Drive and Champion Lane will be platted. This will complete the subdivision requirements for the PCD portion of the Bauer Farm Development Project. A final plat has not been submitted for the residential portion of the development plan.



This development plan has used a consistent Block and Lot numbering through the project. As land is Final Platted, different block and lot numbers are assigned. These do not alter the naming convention of the preliminary development plan.

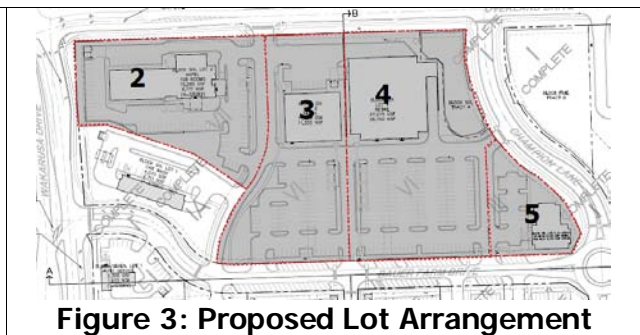
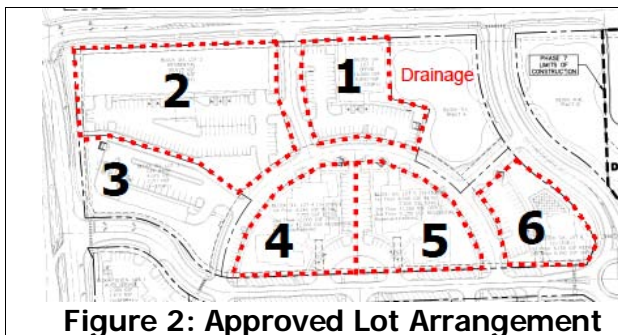
### Commercial Summary

The proposed lot arrangement is different from the previously approved plan with fewer and larger lots from originally planned for this portion of the development. The proposed lot arrangement is consistent with a more conventional retail development form. The proposed changes occur within the currently unplatted portion of the Bauer Farm Planned Development. This area is generally located on the north side of Bauer Farm Drive and west of Champion Lane.

The following table shows the lot arrangement using the lot numbering in the Preliminary Development Plan. Lot 3 in the “Approved Lot Arrangement” image on the left was developed as the Hurricane Car Wash and is not impacted by the this revised Preliminary Development Plan.

**Table 3: Commercial Lot Summary**

Proposed Lot and use configuration		
Lot	Area	General use
Block 6, Lot 2	91,570 SF	Hotel
Block 6, Lot 3	92,723, SF	Retail
Block 6, Lot 4	116,528 SF	Retail
Block 6, Lot 5	31,055 SF	Retail/ Office

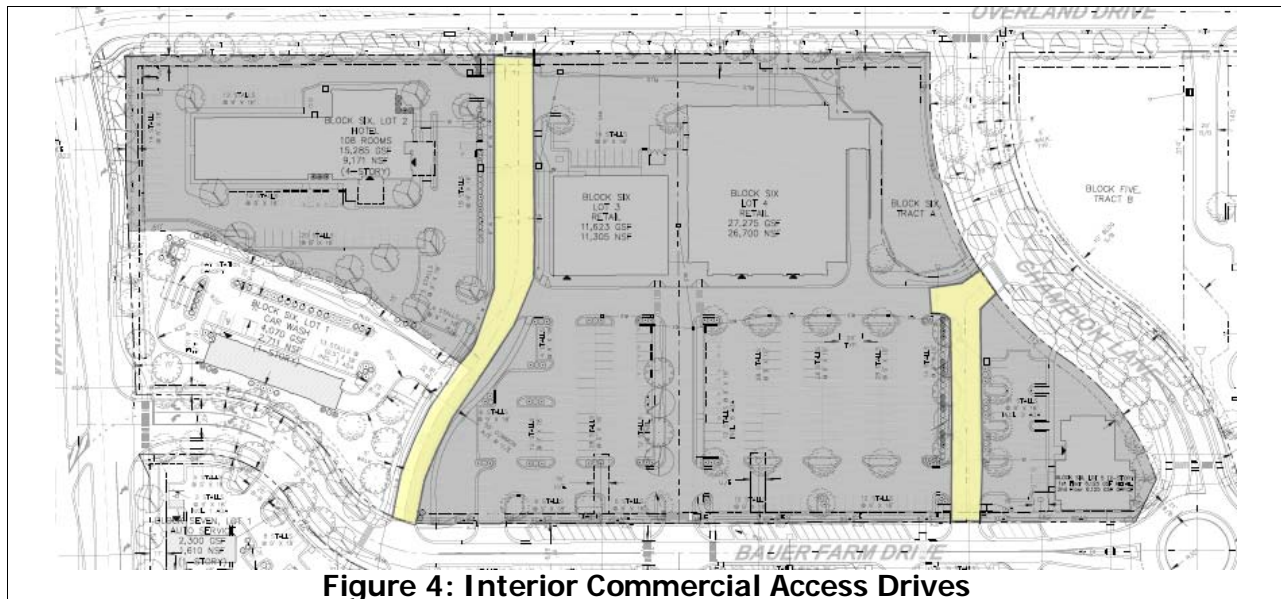


A minimum lot size for a PCD is not established in the 1966 Development Code for commercial uses. Peripheral setbacks and building separations are required and are addressed later in this report. The proposed lots meet or exceed the minimum area requirements for lots in the CC (Community Commercial) District of the Land Development Code if a base zoning district were applicable to this development. There are no proposed subdivision waivers or variances associated with the proposed lot configuration for the commercial portion of Bauer Farm.

Each lot is adjacent to an existing public street. The interior circulation is modified by the proposed lot arrangement and proposed development pattern but is retained. An interior access drive between Bauer Farm Drive and Overland Drive is located between proposed Lots 2 and 3 providing a north-south connection parallel to Champion Lane. The east west connection in the northwest quadrant is provided in a conventional block style arrangement with cross access easements through parking lots rather than the previously proposed private street in the approved plan configuration.

The proposed plan includes a 42' wide to a 24' wide private street between Overland Drive and Bauer Farm Drive east of Wakarusa Drive. The plan also includes an access easement between Champion Lane and Bauer Farm Drive in the southeast portion of the commercial area. There is

no parking along this drive. Interior sidewalks are proposed on both sides of the drive. An additional evaluation of street trees will be included in a review of the Final Development Plan as this area is developed.



**Figure 4: Interior Commercial Access Drives**

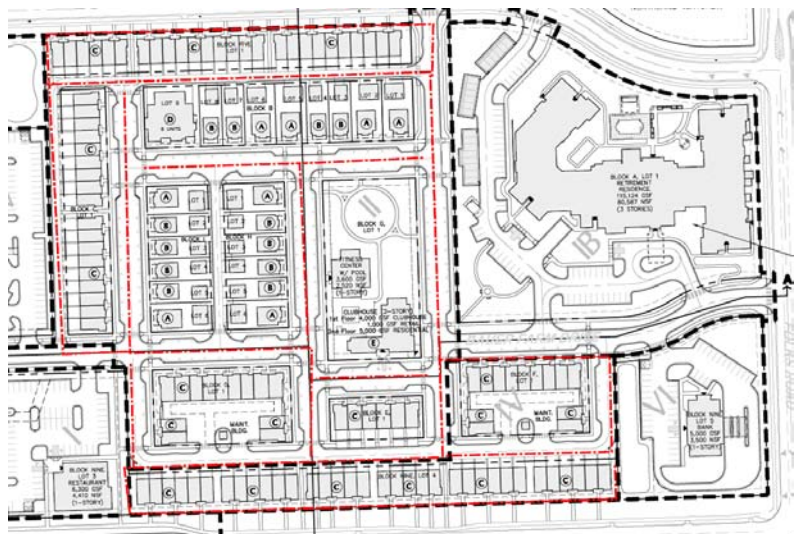
There is no new dedication of right-of-way for this portion either. Interior utility easements and cross access easements are modified by the proposed configuration. These elements will continue to be reviewed as part of a Final Plat for the remaining property.

### Residential Summary

The residential portion of the plan includes the developed retirement facility located in the northeast portion of the Planned Development and the office use (phase VI – Block 9, Lot 5) for context. These lot boundaries are not altered by this proposed revision.

This project includes changes in the housing type planned for the remaining residential portion of the Bauer Farm Development. The number of units has been increased along W. 6<sup>th</sup> Street. The plan also removes the “mansion Homes” included in the previous version. The approved plan included a private street connection to Overland Drive that the revised plan does not. Access to the residential area is only provided via Bauer Farm Drive in the revised plan.

The proposed plan indicates that Bauer Farm Drive is intended as a public street. The street is off-set within the development to discourage cut-through traffic. This is consistent with previous plans for the area. Additionally, the interior access has been revised from a public street configuration to a private street arrangement.



**Figure 5: Approved Residential Block Pattern**

The comparison of the proposed plan to the approved plan is complicated by the change in residential typology and unit naming. The following table is provided to show the general unit and lot mix within the residential portion of the development.

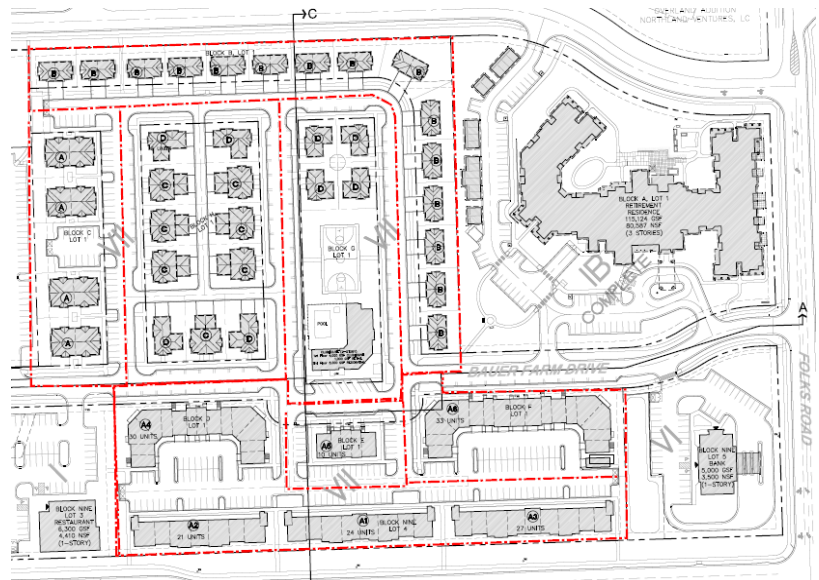
The clubhouse area represents a single block within the proposed development. The general lot dimensions of the area in the approved plan were 145' by 285'. The proposed plan shows this area on a parcel generally 126' by 260'. The following table provided a brief summary of the clubhouse area and the retirement housing with the PRD portion of the development. Table 8, at the end of the report provides a comparison of the approved and proposed residential units for the proposed residential portion of the development.

**Table 4: Residential Use Summary**

Approved PDP Clubhouse area		Proposed PDP	
Use	Area	Use	Area
"E" Clubhouse (CH)	4,000 SF	Clubhouse (CH)	5,000 SF
Retail	1,000 SF	Retail	1,000 SF
Residential Units in CH	4-units	Residential Units in CH	5-units
Fitness Center	3,600 SF	Fitness Center	3,600 SF
Retirement Residence	124	Retirement Residence	124
Total Units	272		342

Interior private streets are approximately 24' wide with on street parking. The alley located in the central portion of the residential area are approximately 17' wide. These dimensions will be further evaluated with a final plat, utility and access easement review and final development plans as the area is developed.

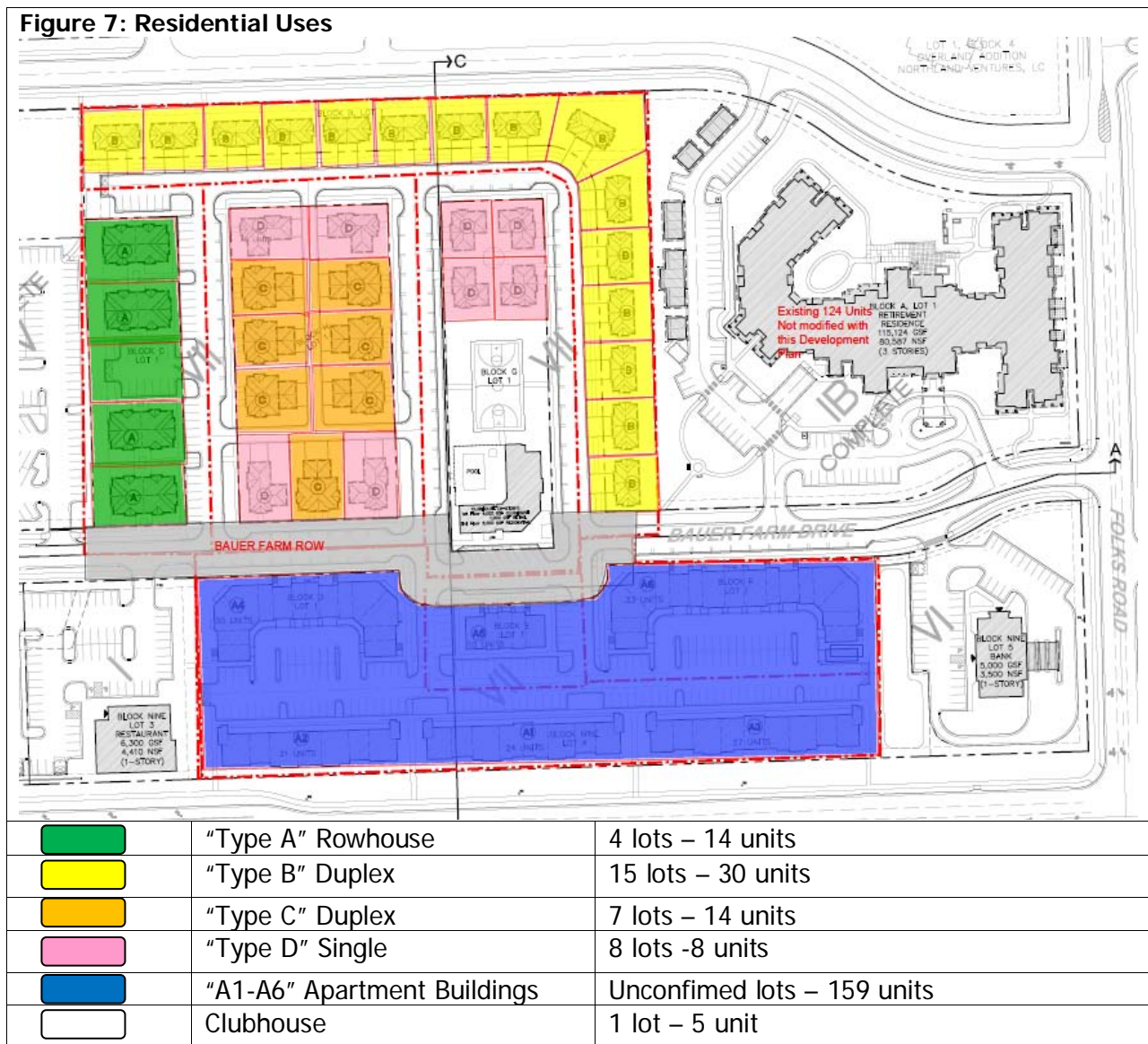
The proposed residential development includes a type of housing that is located on lots less than 4,000 SF. (Unit types "B" and "D") as shown on Page 3 of the revised Preliminary Development Plan. Section 20-1006 requires a minimum of 4,000 SF per lot for individual residential buildings. These lots require a variance as part of the development plan if they are intended as individual lots.



**Figure 6: Proposed Block Pattern**

In addition to variances from the minimum lot size requirement, this proposed development includes variances from the street design standards for off-set streets and a "T-intersection" alley design. The off-set street, Bauer Farm Drive, is consistent with previously approved designs for this Planned Development.

**Figure 7: Residential Uses**



### Easements and Rights-of-way

The Preliminary Plat elements include an initial evaluation of the easements and rights-of-way needed to support the proposed lot arrangements. Additional easements are needed for the proposed development and are reflected as conditions of approval. Easements will continue to be evaluated as part of the Final Plat for the remaining undeveloped portions of the land in the Bauer Farm Planned Development including the commercial, residential and office lots.

### Subdivision Variances:

1. Residential lot size
2. Off-set street for Bauer Farm Drive
3. Alley with T-intersection

Staff recommends reapproval of the subdivision variances associated with this revised Preliminary Development Plan. Additionally, staff recommends that General Note 39 on page 4 of the Preliminary Development Plan be revised to correctly reflect the subdivision variances granted by this revised plan.

## **PART TWO -PRELIMINARY DEVELOPMENT PLAN REVIEW**

The proposed Preliminary Development Plan for Bauer Farm Planned Development has been evaluated based upon findings of fact and conclusions per Article 10 of the 1966 Zoning Code for the City of Lawrence, requiring consideration of the following nine items:

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

This application is being considered concurrently with the proposed rezoning and Comprehensive Plan Amendment to increase the retail limit for the commercial portion of Bauer Farm. The residential use is not changed by the related Comprehensive Plan Amendment (CPA-14-00059) or rezoning (Z-14-00047). The evaluation of compliance with the Comprehensive Plan is considered for the broad topic of land use in general.

Recommendations for commercial development from Chapter 6 of *Horizon 2020* are listed below.

“Require commercial development to occur in “nodes”, by avoiding continuous lineal and shallow lot depth commercial development along the city’s street corridors and Douglas County roads.”

“Encourage infill development and/or redevelopment of existing commercial areas with an emphasis on Downtown Lawrence and existing commercial gateways. Sensitivity in the form of site layout and design considerations shall be given to important architectural or historical elements in the review of development proposals.”

This development plan does not modify or expand the physical boundary of the commercial node in which it is located. This property is not subject to important architectural or historical resources within the immediate area. However, the plan has historically been presented as a New Urbanism product that was located at the edge of the urban area when originally considered for development in the late 1990’s and early 2000’s. Since then the area has developed to the north and west of this property. The remaining commercial area has been vacant since the original land use approvals were granted in 2003. This project does represent infill development of a designated commercial area and thus is compliant with these basic land use recommendations of *Horizon 2020*.

Recommendations for medium- and higher-density residential development from Chapter 5 of *Horizon 2020* are listed below.

“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 1.1, page 5-23)

“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)

***Residential Density:***

The approved residential zoning district, PRD-3, allows a maximum density of 25 dwelling units per acre. Residential density is calculated based on Net Residential Area. Net Residential Area for a Planned Unit Development includes the area within the district less; “commercial

development, public streets, parks, and school sites, major drainage courses, and other areas not retained for the exclusive use of the benefit of the residents in the planned residential development” per Section 20-1007.

Approved Preliminary Development Plan (PDP-1-1-10 amending the residential uses for the retirement housing development) shows the density for the PRD area as follows:

**Table 5: Approved Residential Density**

PRD RESIDENTIAL DENSITY, PER SECTION 20-1007(A):

GROSS PRD ACREAGE	COMMERCIAL BLDG. AREA, R/W, TRACTS & D/E	NET RESIDENTIAL ACREAGE	TOTAL DWELLING UNITS	DWELLING UNIT DENSITY
16.44	5.36	11.08	272	24.55

The proposed Revised Preliminary Development Plan (PDP-14-00055) shows the revised summary as follows:

**Table 6: Proposed Residential Density**

GROSS PRD ACREAGE	COMMERCIAL BLDG. AREA, R/W, TRACTS & D/E	NET RESIDENTIAL ACREAGE	TOTAL DWELLING UNITS	DWELLING UNIT DENSITY
16.44	1.07	15.37	342	22.25

The revised plan includes more land area in the Net Residential Area resulting in a lower overall density. This change results from the modification of the development plan to include private streets rather than public streets. As the residential development is, refined density will continue to be reviewed with a future final plat and final development plan for these uses. Overall, the plan is consistent with the land uses proposed for this area.

**Staff Finding\_** The proposed development complies with the land use goals and policies for the land uses proposed assuming the corresponding Comprehensive Plan Amendment and the Rezoning are approved for this development.

**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 per Section 20-1002 of the 1966 Zoning Ordinance]**

- (1) To promote and permit flexibility that will encourage innovative and imaginative approaches in residential, commercial, and industrial development which will result in a more efficient, aesthetic, desirable and economic use of land while maintaining density and intensity of use consistent with the adopted comprehensive plan for the city;
- (2) To promote development within the city that can be conveniently, efficiently and economically served by existing municipal utilities and services or by their logical extension;
- (3) To promote design flexibility including placement of buildings, and use of open space, pedestrian and vehicular circulation facilities to and through the site, and off-street parking areas in a manner that will best utilize potential on-site characteristics such as, topography, geology, geography, size or proximity.
- (4) To provide for the preservation of historic or natural features where they are shown to be in the public's interest including but not limited to such features as: drainageways, floodplains, existing topography or rock outcroppings, unique areas of vegetation, historic landmarks or structures

One objective noted in Section 20-1002 (1966 Code) 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.

This revised Preliminary Development Plan has used this flexibility to provide buildings along W. 6<sup>th</sup> Street that frame the street with reduced peripheral setbacks. This technique was also used for the retirement facility along Folks Road. The plan continues to use this flexibility in the residential portion of the Bauer Farm Planned Development.

The remaining commercial area proposes a more conventional design but is no less part of the overall development project and is not easily separated from developed elements that provide the peripheral and interior street network. A significant change to the commercial area is the removal of the vertical mixed uses north of Bauer Farm Drive.

The overall development plan remains a mixed-use development with direct connections between aggregate land uses rather than integrated mixed-use development envisioned in previously approved development plans for this property.

**Staff Finding –** The overall development is a mixed-use, residential, office, and commercial development that is consistent with the objectives of a Planned Unit Development. The developed portion of the property has established a pattern of reduced setbacks along public streets and includes a strong pedestrian connection between uses within the 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.***

Section 20-1006 (1966 Zoning Code) lists the general development standards applicable to all Planned Unit Developments. The Code specifically requires a minimum of 20% of the land area devoted to residential uses be set aside for open-air recreation uses and other common open spaces. Common open space is defined as an open area designed 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).

**Residential Open Space:**

- Previous residential area included 16.44 Acres.
- Previous street and off-street parking area included 7.23 Acres.
- The developed retirement housing area includes 4.24 acres
- The remaining gross residential area includes 11.62 Acres including Bauer Farm Drive ROW.

This revised Preliminary Development Plan removes residential uses from the PCD portion of the development. All residential uses are located east of Champion Lane. Common open space provided in the residential area, excluding the retirement housing ,includes all of the clubhouse

area and common sidewalk areas along the front of the row houses and other units similar to the front yard areas throughout the development.

The net residential area for the undeveloped portion of the PRD area, excluding public streets, is 10.08 acres. The required 20% open space for the undeveloped residential portion of the PRD is 2.016 acres. The original clubhouse area represented 41,325 SF (.94 Acres) within the residential portion of the Bauer Farm Planned Development. The revised clubhouse area includes approximately 32,760 SF (.75 Acres). Staff recommends the applicant provide a revised exhibit showing the location of Common Open Space for the residential area of the Bauer Farm Development.

Open space will be managed by a homeowners association as part of the residential portion of the development.

### Commercial Open Space:

Common open space within the commercial portion can be evaluated on a per lot and total development plan area. The approval of the rezoning establishes a boundary between the developed and undeveloped commercial land within Bauer Farm. Since each area will have, a separate zoning district, open space should be provided for each of the two developments. Approved development plans for the existing commercial development have demonstrated the lots met or exceeded the open space requirements.

The site summary provided for the undeveloped commercial portion notes that Block 6, Lot 3 and Block 6, Lot 4 both include less than the required 20% open space (18% and 12% respectively). Block 6, Lot 2 and Block 6, Lot 5 both exceed the required 20% open space requirement (26% and 35% respectively).

**Table 7: Site Summary Per Lot**

<b>BLOCK 6 SF</b>	<b>Lot 2</b>	<b>Lot 3</b>	<b>Lot 4</b>	<b>Lot 5</b>	<b>TOTAL</b>
<b>Buildings</b>	15,285	11,623	27,275	6,125	60,308
<b>Pavement</b>	52,027	64,573	75,354	13,891	205,845
<b>Imperious</b>	67,312	76,196	102,629	20,016	266,153
<b>Pervious</b>	24,258	16,527	13,899	11,039	65,723
<b>Lot Size</b>	91,570	92,723	116,528	31,055	331,876
<b>BLOCK 6 %</b>	<b>Lot 2</b>	<b>Lot 3</b>	<b>Lot 4</b>	<b>Lot 5</b>	<b>TOTAL</b>
<b>Buildings</b>	17%	13%	23%	20%	18%
<b>Pavement</b>	57%	70%	65%	45%	62%
<b>Imperious</b>	74%	82%	88%	64%	80%
<b>Pervious</b>	26%	18%	12%	36%	20%
<b>Lot Size</b>	100%	100%	100%	100%	100

The total commercial area includes 65,723 SF (20%) open space within the development.

**Staff Finding** – This plan does not clearly show where common open space is provided for the undeveloped residential portions of the development. The commercial portion relies on a shared amount of common open space to meet the minimum required standard.

***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.***

This revised Preliminary Development Plan modifies the interior circulation for both the commercial and residential portion of the Bauer Farm Planned Development. The plan does retain connectivity throughout the development. An access point from Overland Drive to the residential portion of the development, west of the retirement housing, is removed with this plan. The street network surrounding the property will be enhanced with the addition of the traffic signal at Champion Lane and W. 6<sup>th</sup> Street within the next year. Additional evaluation of open space and amenities within the development will continue to be reviewed with each successive Final Development Plan for this property.

Adequate public facilities are generally available to this property. Public improvement plans are required with a Final Plat for this property as a pre-construction development requirement.

**Staff Finding –** The proposed plan complies with the requirements for public services and provides adequate control over vehicular traffic.

***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.***

As discussed in the rezoning report, the remaining vacant land within the Planned Development is surrounded by developed portions of Bauer Farm or existing development along the perimeter streets outside of the development. The substantial changes within this development are the:

1. Change in retail format from a mixed-use retail, residential office development to a conventional retail form as shown in the drawing.
2. Increase in the total square feet of retail space within the development from 71,756 SF to 158,903 SF)
3. Removal of residential uses from the commercial side of the development.
4. Change in the housing type within the residential part of the development.
5. Change from public to private streets within the residential part of the development.

This revised Preliminary Development Plan continues the mix of housing types. However, the residential form includes fewer detached homes and more apartment style units within the residential portion of the development. Duplex units have also been added to the plan as a housing type.

The proposed residential development pattern is similar to the surrounding development and is relatively insular as are the other development areas to the north and northwest. See Attached Residential Neighborhood Map.

The additional retail square footage added to the development is addressed in the Comprehensive Plan Amendment and the Rezoning staff reports. The likely adverse effect on existing development is one of perception by the change from the mixed-use new urbanism form of development to one of a conventional commercial format.

**Staff Finding –**The proposed plan will not have a substantial adverse effect on adjacent property other than one of perception regarding the typology and form of the commercial use proposed west of Champion Lane.

***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 page 4 of the proposed development plan. This note should be revised to reflect the specific uses and variances associated with this application. Approval of this Preliminary Development Plan will reconfirm these deviations from the development standards of the applicable zoning code. A parking reduction was previously approved for the retirement facility use per the approved preliminary development plan in 2010. There are no changes to that variance previously granted as the phase has been constructed.

**Commercial Compliance:**

**Off-Street Parking:** Within the commercial area, off-street parking is provided on an individual lot basis. Extra parking spaces are provided along the public street. Non-residential uses in a planned unit development shall provide off-street parking at a ratio of one space per 200 net square feet. The proposed revised Preliminary Development Plan shows compliance with off-street parking for all uses with the exception of the hotel use. Off-street parking for this use required one space per guest room and one space for every two employees [.5 spaces per employee]. As proposed, the hotel use provides 85 spaces to the required 111 spaces. As a planned development, off-street parking is generally shared throughout the development. The total commercial development proposed requires 558 spaces 896 spaces are provided throughout the development.

**Residential Compliance:**

**Off-Street Parking:** Off-street parking is required on a per bedroom unit calculation with the exception of detached and duplex residential uses. Attached dwellings (apartments) required 1.5 spaces per bedroom for studio, 1-Br units and 2-Br units and 2.5 spaces per 3-BR units or larger. Two spaces per dwelling unit are required for detached and duplex type housing. The 1966 Zoning Code does not require guest parking for multi-dwelling development.

The proposed plan includes eight detached dwelling units, 8 accessory dwelling, and 44 duplex units. Sixteen (32) spaces must be provided for detached dwelling units. Staff recommends the plan be revised to show and note the correct off-street parking space requirement for the remaining undeveloped residential portion of the development. Additional review with the submission of a Final Development Plan is needed to assure adequate parking is provided for the residential portion.

A separate off-street parking reduction was granted for the retirement housing in the northeast corner of the property. That development is not modified with this proposed change but is shown for context.

**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 (1966 Zoning Code) of the Zoning Ordinance.]***

This finding is applicable to new Planned Units Developments. This application is for a revision to an approved Preliminary Development Plan. Multiple approvals have been granted for this property including Final Development Plan Approval for the developed portions of Bauer Farm.

This revised Preliminary Development Plan specifically amends the commercial portion by increasing the total retail area and removing the residential use within the PCD portion of the development. The plan assumes approval of the related comprehensive plan amendment and the rezoning associated with the retail increase.

The revised Preliminary Development Plan amends the residential portion by changing and increasing the type and number of residential units within the undeveloped portion of Bauer Farm. Additionally, access is modified by removing a direct access to Overland Drive and reverting the interior streets from public streets to private streets. The related Comprehensive Plan Amendment and the rezoning do not affect these changes.

**Staff Finding –** The plan proposes revisions to a previously approved Preliminary Development Plan. The plan meets the four criteria noted in Section 20-1005 (1966 Zoning Code) 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.***

This revised Preliminary Development Plan represents an evolution of a development concept that began many years ago. Each revision and iteration of the plan has sought to respond to changing conditions in both the retail and residential conditions within the community. Undeveloped land must be maintained in a reasonable manner including weed management and nuisance controls. The approval of this Preliminary Planned Development and previous versions provide a scope of development intent that has evolved from a mixed-use new urbanism form of development to a conventional form within the commercial portion of the development. The residential portion has retained the mixed-use residential form but has varied in the type of housing proposed since the original approvals.

The applicant executed an agreement with the City relating to maintenance elements with the planned development. The agreement will need to be modified with the future submission of a Revised Final Development Plan for Bauer Farm. Staff recommends the plan be revised to add a note that the maintenance agreement shall be revised as appropriate to the applicable Final Development Plan.

**Staff Finding –** A revised phasing schedule has been noted on the face of the Revised Preliminary Development Plan.

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

The City Stormwater Engineer has reviewed this revised Preliminary Development Plan. The plan meets the requirements for stormwater management for this development. The Plan proposes a modification to the detention pond in the northwest portion of the commercial area

west of Champion Lane. The details of the change will continue to be reviewed as part of the final plat and the final development plan for that phase of the development.

### Staff Review and Conclusion

This property was originally approved prior to the adoption of the Land Development Code. There are technical changes needed to the plan and these have been listed in the conditions of approval.

Elements such as commercial design review of the retail buildings, photometric plans and final landscape plans will be reviewed in detail with final development plans for each phase of the development. Subdivision approval and applicable public improvement plans are required prior to development of this property.

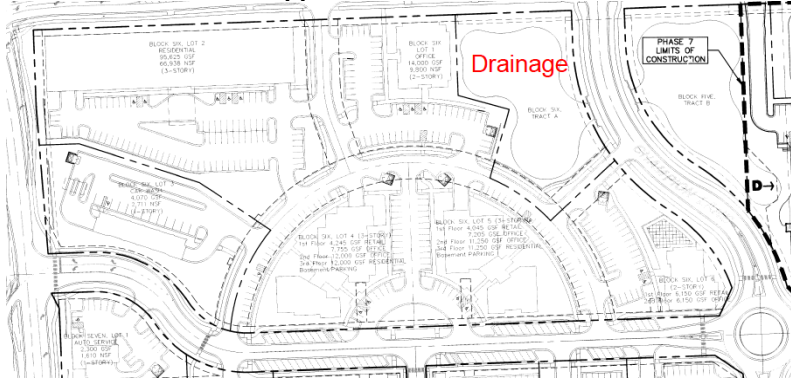
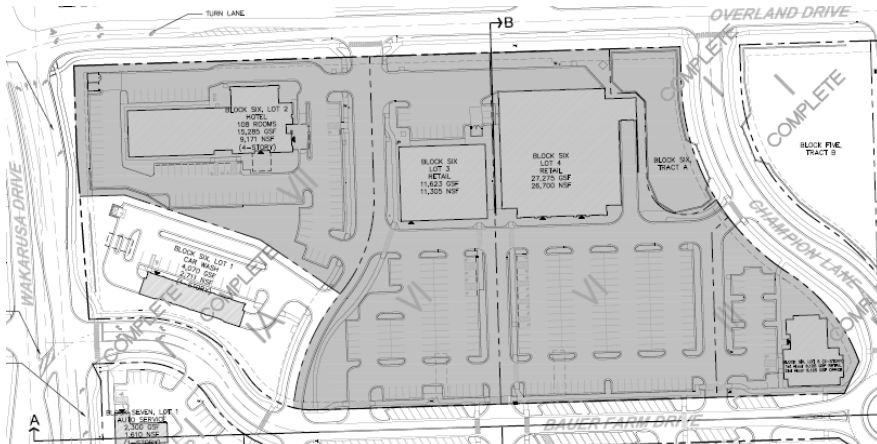
**Table 8: Residential Comparison Table**

Approved		Proposed	
Lot/Use type	Number units	Lot/Use Type	Number Units/Lots
"A" Custom Home	8/8	Not in this plan	0
Carriage House	8/0 Accessory use	Not in this plan	0
"B" Starter Home	12/12	Not in this plan	0
"C" Row Home	110/6	"A" Rowhouse [4-plex]	14/4
"D" Mansion Home	6/1	Not in this plan	0
Duplex	0	"B" Duplex	30/15
		"C" Duplex	14/7
		"D" Single	8/8
Apartment Building	0	A1-Apartment Building	24
		A2-Apartment Building	21
		A3-Apartment Building	27
		A4-Apartment Building	30
		A5-Apartment Building	10
		A6-Apartment Building	33
Residential Lot total-partial	27 lots	Residential Lot total-partial	35 lots

*Table Notes*

1. "C" Row Homes in the approved plan were shown as individual units each with direct access to the abutting public or private street. These units were located along the periphery of the residential portion of the development.
2. The plan labels building type "A" as rowhouse. The design and configuration of the units and lot arrangement are more conventionally referred to as 4-plex, a type of multi-dwelling residential use.
3. Lot count assumes all apartments exclusive of the clubhouse are located on a single lot.

**Table 9: Commercial Comparison Table**

Approved Commercial								
								
BLOCK 6	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Total	
<b>Buildings</b>	7,000	31,875	4,070	12,000	11,250	6,150	72,345	
<b>Pavement</b>	29,329	44,766	25,227	27,480	29,654	21,201	177,657	
<b>Imperious</b>	36,329	76,641	29,297	39,480	40,904	27,351	250,002	
<b>Pervious</b>	14,652	27,995	22,664	13,879	12,493	11,806	103,489	
<b>Lot Size</b>	50,981	104,636	51,961	53,359	53,359	39,157	353,453	
<b>Use</b>	2 Story Office	3 Story Apartment	Tunnel Car Wash	3 Story Mixed-Use Retail; Office; Residence	3 Story Mixed-Use Retail; Office; Residence	2 Story Retail Office	Mixed	
Proposed Commercial								
								
BLOCK 6	LOT 1	Lot 2	Lot 3	Lot 4	Lot 5	NA	TOTAL	
<b>Buildings</b>	NA	15,285	11,623	27,275	6,125	NA	60,308	
<b>Pavement</b>	NA	52,027	64,573	75,354	13,891	NA	205,845	
<b>Imperious</b>	NA	67,312	76,196	102,629	20,016	NA	266,153	
<b>Pervious</b>	NA	24,258	16,527	13,899	11,039	NA	65,723	
<b>Lot Size</b>	NA	91,570	92,723	116,528	31,055	NA	331,876	
<b>Use</b>	NA	Hotel	Retail	Retail	Retail/Office	NA		