

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

PC Staff Report
6/23/14

**ITEM NO. 1B PRELIMINARY DEVELOPMENT PLAN FOR HERE @ KANSAS; 1101
AND 1115 INDIANA ST (SLD)**

PDP-14-00183: Consider a Preliminary Development Plan for HERE @ Kansas, located at 1101 & 1115 Indiana St. Submitted by Hartshorne Plunkard Architects on behalf of HERE Kansas LLC, Contract purchaser. Berkley Flats Apartments, LLC and Georgia Bell, property owners of record.

STAFF RECOMMENDATION ON PRELIMINARY DEVELOPMENT: Planning Staff recommends approval of Here @ Kansas Preliminary Development Plan – Preliminary Plat based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Approval of a subdivision plat variance for the reduced right-of-way for 11th Street from 80' to 40' of right-of-way.
2. Approval of increased density by the City Commission.
3. Submission of revised data for the Downstream Sanitary Sewer Analysis per the approval of the City Utility Engineer prior to the submission of a Final Development Plan.
4. Submission of a revised Drainage Study to reflect the updated area and bed count indicated in the cover letter per the approval of the City Stormwater Engineer.
5. Submission of a revised landscape plan to correspond to the development plan with property dimensions, building setback, sidewalk shown on the south side of the building, summary of a landscape schedule to include the quantity, size and symbol of proposed landscape materials
6. Revise Sheet PDP-01 to note property owners of record and indicate Here Kansas, LLC as developer.
7. Revise drawing set to include the angled parking exhibit. The on-street parking design is conceptual with the Preliminary Development Plan approval and may require modification with the Final Development Plan pre review comments of staff and the University of Kansas.
8. Revise the Project Data Summary on sheet PDP-01 to show 172 units on face of plan not 173.
9. Revise the Project Data Summary on sheet PDP-01 to show required parking consistent with the MU-PD Development Bonus Utilization Summary.
10. Revise the development plan to show a 14' setback required to meet to meet the standard of section 20-701 (g).
11. Revise the development plan to and to show that the building height complies with the maximum 80' allowed per the MU District and proposed redemption of development bonus points.

Reason for Request: *Here Kansas, LLC plans to construct a state-of-the art, five (5) story, LEED certifiable, mixed-use project. It will contain ground floor retail/restaurant uses on both Indiana and Mississippi Streets, three (3) residential floors containing approximately 624¹ residential student housing units, an amenity area which includes a fitness room, three outdoor common open spaces (one which includes a swimming pool areas), and two level automated robotic parking garage containing approximately 577 parking spaces strategically integrated into the natural topography of the site. Unlike conventional real estate developers, Here Kansas views itself as the curator of an experience which provides desired outcomes, not merely an erector of bricks and mortar.*

This revised Planned Development replaces application PDP-13-00518, recommended for approval by the Planning Commission on February 24, 2014 and approved by the City Commission on March 11, 2014. The plan includes the property located at 1115 Indiana Street previously excluded from the redevelopment proposal. Inclusion of the property at 1115 Indiana Street allows the developer to construct a slightly different building than originally approved.

KEY POINTS

- Proposed redevelopment of existing high-density residential use.
- Pedestrian scale uses are located at the street level and include non-residential uses.
- The MU district allows counting on-street parking toward required parking.
- Proposed development project uses density bonuses to achieve the intended development density, height and reduced parking requirements.
- The proposed plan includes .139 acres (1115 Indiana Street) that was not included in the previous plan.
- The applicant is proposing a 25% increase in the base density per the Development Plan. The City Commission must approve the increase. The Planning Commission may make a recommendation regarding this increase.

FACTORS TO CONSIDER

- Compliance with Development Code.
- Conformance with *Horizon 2020*.
- Conformance with Subdivision Regulations.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Study received and accepted by staff.
- *Drainage Study*– Required study and supporting documentation provided and is approved by City Stormwater Engineer.
- *Downstream Sanitary Sewer Analysis*– The DSSA revised 6/4/2014 has a wastewater calculation spreadsheet in Enclosure 3 that appears to be the same spreadsheet as the previous submittal from 4/25/2014. Revise to reflect the updated area and bed count indicated in the cover letter.
- *Retail Market Study* – Not applicable to this request.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases

- Z-13-00516 RM32 to MU-PD (1101 Indiana Street only) to be replaced by Z-14-00170.
- PDP-13-00518 (1101 Indiana Street only) to be replaced by this application (PDP-14-00183).
- Z-14-00170 RM32 and MU-PD to MU PD (1101 and 1115 Indiana Street).

¹ 624 units refers to bedrooms. The actual number of units proposed is 239 units.

Other Action Required

- City Commission approval required of Preliminary Development Plan.
- City Commission approval of 25% density increase per Section 20-701 (g)
- Submittal and approval of Final Development Plan and Final Plat.
- Recording of Final Development Plan and Final Plat with the Douglas County Register of Deeds.
- Submission and approval of public improvement plans.
- Building permits must be obtained prior to construction of structures.
- Execution of agreements for use of right-of-way including parking agreements between applicant, city and University of Kansas.

ATTACHMENTS

1. [Development Plan](#)
2. [Project Summary \(application\)](#)
3. [Density Bonus Calculation](#)
4. [March 2014 site plan with parallel on-street parking spaces](#)
5. [Use by floor summary](#)

PUBLIC COMMENT

- None received to date.

GENERAL INFORMATION	
Current Zoning and Land Use:	MU-PD (Mixed Use Planned Development Overlay) and RM32 (Multi-Dwelling Residential) District; existing apartment complex with multiple buildings and surface parking – 1101 Indiana Street and existing detached residence at 1115 Indiana Street.
Surrounding Zoning and Land Use:	<p>To the North: RM32-PD [Varsity House] (Multi-Dwelling Residential and Planned Development Overlay) District; existing multi-dwelling. Also to the North RM32 (Multi-Dwelling Residential) District; existing 9-unit apartment building (SP-3-11-91).</p> <p>To the West: U-KU (University of Kansas) main campus including practice fields, stadium, and surface parking lot.</p> <p>To the South: RM32 (Multi-Dwelling Residential) District; existing mixed residential uses.</p> <p>To the East: RMG (Multi-Dwelling Greek Housing Residential) District; existing residential uses. RM32 (Multi-Dwelling Residential) District; existing mixed residential uses and PD – [The Oread PCD] Planned Commercial District; existing mixed-use commercial, hotel and residential use.</p>

Summary of Use and Changes to Plan

This proposed development replaces the previous application and includes the property at 1115 Indiana Street. The plan includes both residential and non-residential uses. The previous plan included 592 bedrooms in 176 units. The revised plan includes 624 bedrooms in 239 units. The previous plan included only 2 and 4 bedroom units. The revised plan includes 1, 2, 3 and 4 bedroom units providing a greater mix than the previous plan.

The current non-residential (commercial) space proposed includes:

- 6,000 SF on the 1st floor at 11th Street and Mississippi Street
- 4,412 SF on the 3rd floor at 11th Street and Indiana Street
- 2,651 SF on the 5th floor at south end of Indiana Street

The total retail space proposed in the current application is 13,063 SF. The previous plan included 8,958 SF with retail only on the 1st floor at 11th Street & Mississippi Street and the third floor at 11th Street and Indiana Street.

- The Proposed plan includes 2.52 acres (1101 Indiana Street and 1115 Indiana Street).
- The approved plan included 2.32 acres (1101 Indiana Street only).
- Proposed plan accommodates parking through 577 garage spaces and 106 on-street parking spaces.
- Approved plan included 592 garage spaces and 38 on-street parking spaces.
- Proposed Plan includes 239 actual dwelling units (172 calculated units) with 624 total beds.
- Approved plan included 176 actual dwelling units (154 calculated units) with 592 total bedrooms.
- Proposed plan includes 13,137 SF of retail space.
- Approved plan included 8,958 SF of retail space.

A direct comparison between the previous plan and the proposed plan is complicated by programmatic variations in building labeling.

MU Development Standards

Sections 20-1108(e), (f), (g) and (j) address minimum building forms, require mixed-use development with a minimum of two story buildings and non-residential uses at the ground floor. This development includes a total of 7 stories (above ground at the northeast corner of the site) and retail uses at the northeast, northwest and southeast corners of the development. All street frontages within this development are designated "primary" in the MU District. Section 20-1108 (i) states that areas designated as primary public frontage, vehicular access to individual lots may be permitted only from a public alley. This development provides access from Mississippi Street. There are no alleys within this development. Mississippi Street is also the service side of the development. As part of a PD overlay district, this development is considered to be a single mixed-use building – single-phase development.

Within an MU District, required parking may be provided using on-site parking, on-street parking, and shared off-street parking. Bonus points may be used to accommodate a reduced amount of parking. This development uses bonus points to reduce required parking (3 spaces). This project received the maximum number of bonus points allows for Goal III: Provision of a transit-supportive development – location adjacent to designated transit stops (100 points). The applicant proposes to redeem 15 bonus points toward required parking. Additionally, staff has accepted the applicant's assertion that 5% of the required on-site parking spaces are shared parking spaces within this development.

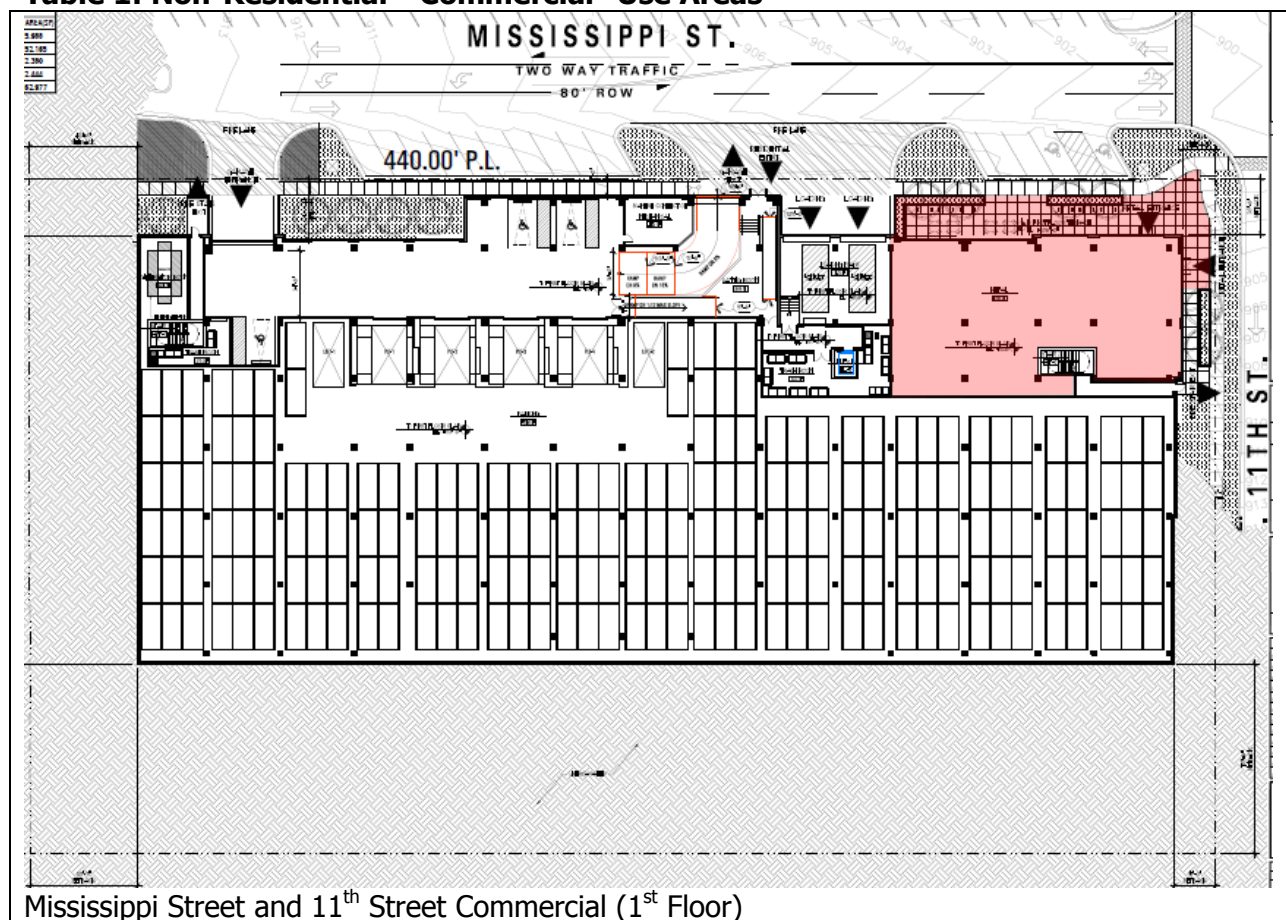
Shared off-Street Parking

Section 20-1108 (k) allows shared parking per Section 20-909 of the Land Development Code.

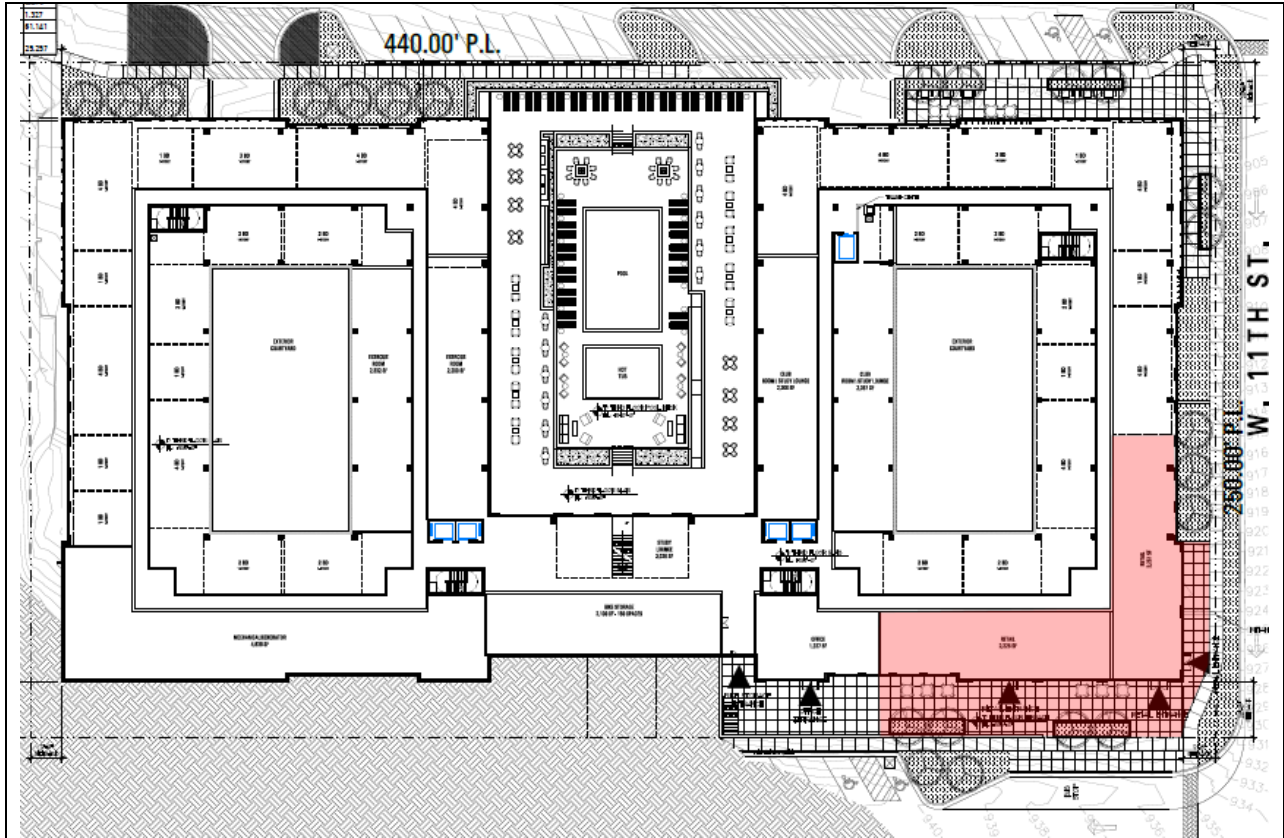
"Uses within a mixed use development are encouraged to share parking rather than provide parking on a use by use basis on individual properties."

This development is a single mixed use building on a single lot. Multiple property owners are not anticipated for this development. Typical shared parking agreements include multiple property owners and tenants. The development includes 577 off-street (garage spaces). Five percent of these spaces (29 spaces) are estimated by the applicant to be shared between the residential and non-residential uses. The plan identifies three individual non-residential (commercial) use areas within the development.

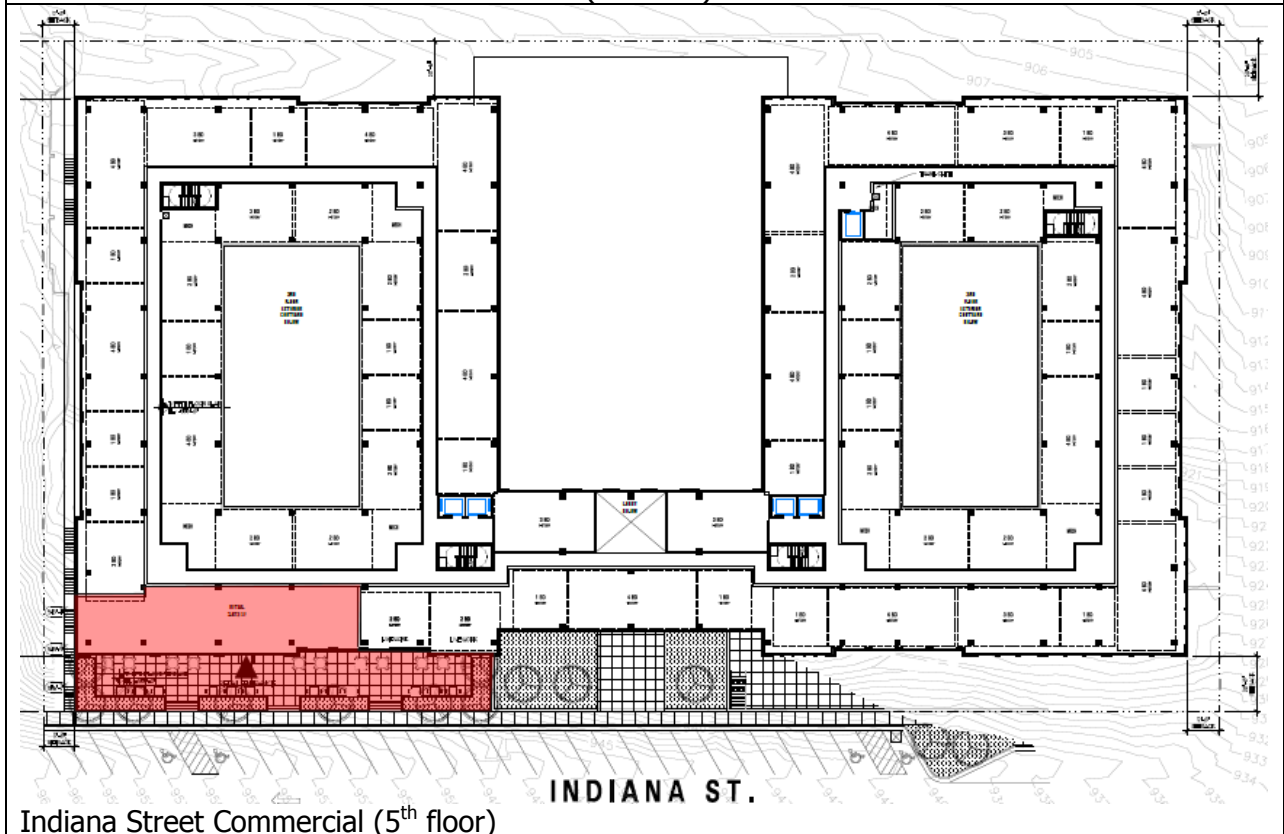
Table 1: Non-Residential "Commercial" Use Areas



Mississippi Street and 11th Street Commercial (1st Floor)



Indiana and 11th Street Corner Commercial (3rd Floor)



Indiana Street Commercial (5th floor)

These shared spaces are likely to accommodate employees associated with the non-residential uses. For purposes of the parking analysis, the applicant has anticipated that two of the three non-residential “commercial” spaces will be used for retail uses (1 space per 300 SF) and the remaining third non-residential “commercial” space will be used for a restaurant use. The applicant has allocated 31 parking spaces for retail uses and 40 parking spaces for a restaurant use. There is no specific tenant designated for these spaces at this time. Depending on the mix of non-residential uses, this parking may or may not be sufficient. Additional review of the non-residential space will be included with the Final Development Plan.

On-Street Parking

Per Section, 20-1108 (k) the *Land Development Code* allows that on-street parking within the MU district can count toward the off-street parking requirements for specified uses in Section 20-902. This provision allows the parking that is within the district (adjacent to the subject property) to be counted toward the required off-street parking. The district zoning extends to the centerline of the adjacent right-of-way. Parking along the west side of Mississippi Street and the east side of Indiana Street are not within the proposed MU district. However, the applicant has shown revised parking along the west side of Mississippi Street and the east side of Indiana Street as part of this development.

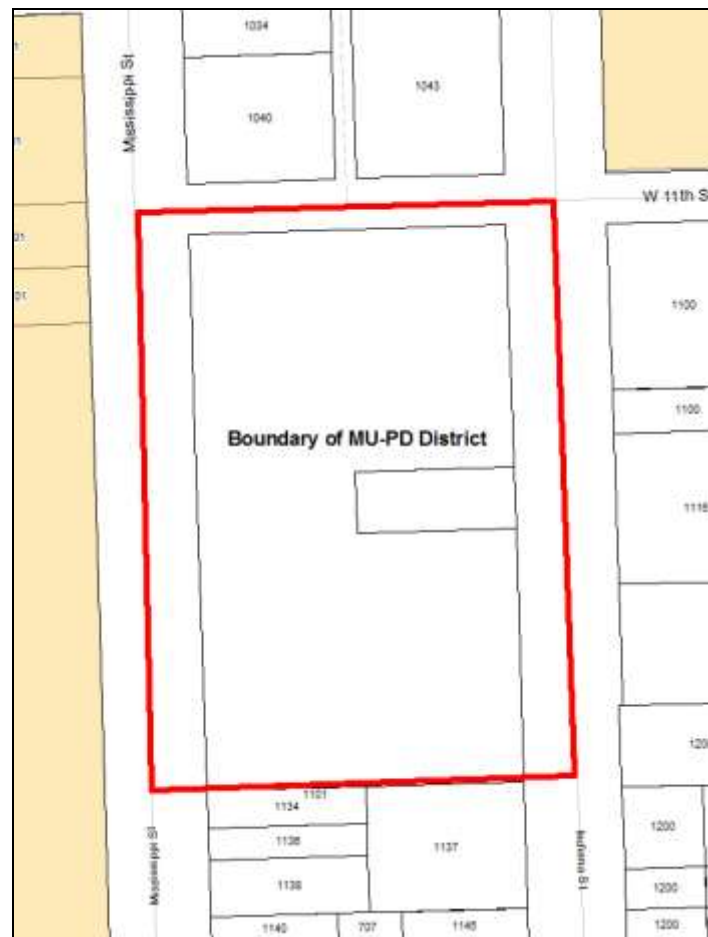


Figure 1: Proposed MU District Boundary

The approved plan showed 38 on-street parking spaces. Parallel spaces were shown along west side of Indiana Street (17 spaces) and angled parking along the east side Mississippi Street (21 spaces).

The revised development plan includes the use of both sides of Mississippi Street and Indiana Street right-of-way for on-street parking. This revised plan includes angled parking along both sides of Indiana Street and Mississippi Street. The on-street parking arrangement shows 106 spaces.

- Mississippi Street – West side; 40 spaces – All spaces abutting KU property.
- Mississippi Street – East side; 17 spaces – All spaces abutting subject property.
- Indiana Street – West side; 33 spaces – 3 spaces adjacent to abutting property to the south.
- Indiana Street – East side; 16 spaces – All spaces abutting private property.

Mississippi Street includes 80 of right-of-way. The west side is currently used by KU for campus parking and bus staging for football games and other events. If approved, the use of the right-of-way would include an agreement with the City and KU for use of the spaces along the west side of Mississippi for KU home football games and other large regular events.

Approval of the development with the angled parking on the east side of Indiana Street may impact some of the existing developed properties (existing on-site parking and landscaping). These property have been notified of potential impacts to their property that may result from this project.

Off-Street Parking

The proposed development includes a garage accessed from Mississippi Street. The garage provides 577 spaces of the required 673 spaces. The MU district allows off-street parking to be reduced at a rate of 1 parking space per 5 bonus points.

At this time specific uses for the non-residential (retail/restaurant) space is not identified. This use would be accommodated with on-street parking as needed. The increase in the proposed retail space from 8,958 SF to 13,063 SF corresponds to the applicant’s request to increase the on-street parking that includes the two sides of the street not within the proposed MU boundary.

The following tables provide a summary of the off-street parking requirements for the uses and the proposed parking provided for this development for both the approved plan and the proposed plan.

Table 2: Approved Preliminary Development Plan

PARKING SUMMARY APPROVED PRELIMINARY DEVELOPMENT PLAN		
Use	Parking Required	Parking Provided
Multi-Dwelling Residential	1 space per bedroom (592 total bedrooms) 1 space per 10 units (176 total units) 610 spaces required	592 spaces garage
Nonresidential use 8,958 SF	Retail Space: 1 space per 300 SF (30 spaces for 8,958 SF) Eating and Drinking Space: 1 space per 100 SF customer service area + 1 per employee maximum shift.	38 parallel spaces shown along public streets
Total Spaces provided		630 spaces

Table 3: Proposed Preliminary Development Plan

PARKING SUMMARY PROPOSED PRELIMINARY DEVELOPMENT PLAN		
Use	Parking Required	Parking Provided
Multi-Dwelling Residential	1 space per bedroom (624 total bedrooms) 624 1 space per 10 units (239 actual units) 24 <u>1 space per 10 units (172 calculated units) 18</u> 624 + 24 = 648 actual residential spaces required 624 + 18 = 642 residential spaces required (calculated density)	
Nonresidential use 13,063 SF Three separate areas designated for non-residential use within project.	Retail Space: 1 space per 300 SF (43 spaces for all 13,063 SF) 31 spaces ² – retail [2 of 3 spaces 9,300 SF total] 34 spaces – retail [2 of 3 spaces 10,200 SF total] Eating and Drinking Space: 1 space per 3 persons based on maximum occupancy + 1 per employee maximum shift. [Uses include: <i>Accessory Bar, Bar or Lounge,</i> <i>Brewpub, or Nightclub</i>] 1 space per 100 SF per customer service area + 1 per employee maximum shift [Uses Include: <i>Accessory Restaurant, Fast Order</i> <i>Food, Restaurant Quality</i>] 40 spaces ³ – restaurant [1 of 3 spaces 3,763 SF total with 10 employees] 38 spaces – restaurant [1 of 3 spaces 2,863 SF total with 10 employees] Required non-residential parking 71 per Bonus Calculation or 72 per project data summary on page PDP-01	577 garage spaces 106 on street • 50 spaces in district • 56 spaces out of district 577 + 106 = 683 577 + 50 = 627
Total Spaces Required before credits	642 (residential) + 43 (if all retail) = 685 642 (residential) + 71 (Bonus Calculation) = 713 642 (residential) + 72 (PDP-01) = 714	
Total Spaces Credited	3 space redeemed with MU points. 29 spaces in garage used toward shared parking within development. 685 – 32 = 653 required spaces 713 – 32 = 681 required spaces 714 – 32 = 682 required spaces	

² 31 spaces noted in Bonus Calculation. PDP-01 shows 34 spaces used for parking calculation.

³ 40 spaces used in Bonus Calculation. PDP-01 shows 38 spaces used for parking calculation.

The MU-PD Development Bonus Calculation is inconsistent with the most recent development plan (sheet PDP-01). A condition of approval is to submit both documents with a correct summary. The total required off-street parking is met only when parking spaces outside of the district, but proposed with this redevelopment, are included. As the project is refined and final designs for the bus pullout, and on-street parking is determined, the total parking provided may change. This element will continue to be reviewed as part of a Final Development Plan. Any reductions in parking for the development will be noted and if necessary addressed to the appropriate commission for approval of a parking reduction.

STAFF ANALYSIS

This preliminary development plan is for a mixed use, multi-story building with garage parking and street level non-residential uses. The base zoning for this project is MU, which requires the designation of development zones. The subject property is proposed to be developed with a single vertical mixed-use structure. This property includes frontage along Mississippi Street, Indiana Street and 11th Street. All three streets serve a primary function and are designed for pedestrian scale. Vehicular access to this development is limited to Mississippi Street. On-street parking provides access to the street level retail uses.

In addition to the MU district requirements, this project includes a PD overlay. Certain development standards and bonuses conflict. An example of this conflict is with buildings setbacks. The MU district supports a zero building setback with a maximum setback of 10'. The PD Overlay District allows building height to be increased above the base district 1' for every 1' of additional setback.

A greenfield development would be expected to meet all design standards of the *Land Development Code*. As an infill development within the context of a fully developed urban area, some standards are not achievable or desirable. Key elements for this project have focused on providing a pedestrian scale along the public streets, integrating non-residential uses at the ground floor levels and requiring a mix of uses.

The plan includes residential and non-residential (commercial) uses as well as structured parking. This plan identifies two live-work units within the development. These units are two-story units and are located on 5th and 6th floors of the building. A summary of the use by floor is attached to this report. Units located on the 7th & 8th Floor are all two-story units. Access to these units would be from the 7th floor. Access to the 8th Floor would be internal to the units.

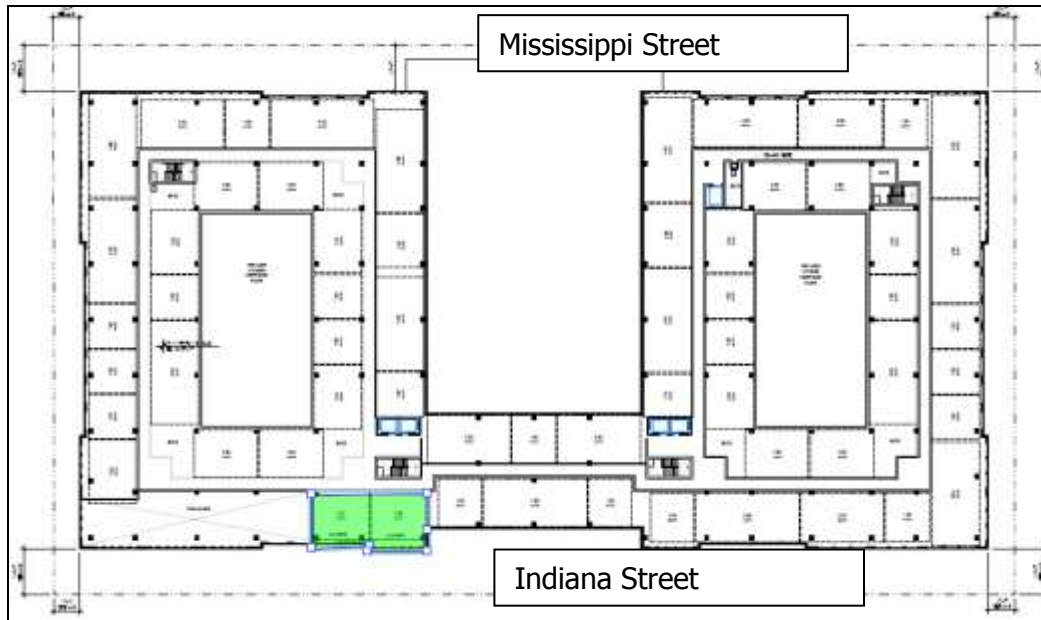


Figure 2: 5th floor live-work unit, second story of units extend to 6th floor of building.

Density Review

The base zoning district, MU (Mixed Use) allows a maximum density of 32 units per acre. Without including any additional calculation reductions or bonuses, this would result in 80 units for this property [$32 * 2.52 = 80.64$]. The MU district permits an increase in the allowable development potential when certain public goals are met. These development bonuses are listed in section 20-1108 (I) of the Development Code. For each 10 points earned a one additional dwelling unit per acre may be added to the project. The bonus calculations are attached to this staff report. Based on the allowed bonus points earned from this development (445) the applicant used 280 points toward additional density within the proposed MU-PD district.

Per Section 20-701(f)(3), unit density within a Planned Development is calculated based on a factor using the number of bedrooms rather than the number of dwelling units. Regardless of the unit design, the total bedroom count for this project is 624 beds. Section 20-701(f)(3) also allows the City Commission to increase the maximum net density (80) units beyond the *Base District* by 25% for a Planned Development if: "*The City Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed development.*"

This plan includes one, two, three, and four-bedroom units compared to the previous plan that included only 2-bedroom and 4-bedroom units. The density for this development is calculated below and includes the number of calculated units as well as the resulting units if a 25% increase is approved by the City Commission.

Table 4: Density Calculation

Density Calculations for a Planned Development (2.52 Acres)					
<i>Maximum MU-PD Density Allowed:</i>			<i>Base MU District (32) + PD increase (.25% or 8) + MU Bonus Points (28) = 68 68 du/ac x 2.52 acres = 172 units</i>		
Number of Bedrooms	Density Factor	UNITS	Factor [# x f =]	Calculated	Density/acre
Studio or one-bedroom	.4 dwelling unit	58	* 0.4 =	23	
Two-bedroom	.6 dwelling unit	69	* 0.6 =	41	
Three-bedroom	.8 dwelling unit	20	* 0.8 =	16	
Four-bedroom or more	1 dwelling unit	92	* 1.0=	92	
Maximum Density Allowed/Proposed		239		172	68.2

Building Height Review

The MU District has a base building height of 48 feet. Height may be extended by the use of credits. Building height can be increased 12’ for each 100 points redeemed in the MU District. The proposed plan includes a redemption of 150 points toward additional height or 18’.

The MU district allows a zero foot (0’) setback and a maximum setback of 10’. PD Overlay District allows building height to be increased at a rate of 1’ height for each 1’ of additional setback. This results in the building being located more than 10’ from the property line. Establishment of the building setback is critical to evaluation of the overall building height.

The PD district allows modifications to the setback as it relates to building height. The proposed building setback is as follows:

1. approximately 12’ from the south property line;
2. less than 20’ from the east property line (Indiana Street),
3. 10’ from 11th Street,
4. less than 20’ from the west property line (Mississippi Street).

The area between the building face and the public right-of-way is used for outdoor terrace spaces and walkways. Use and development of these terrace area engages the frontage consistent with the purpose of the MU District for pedestrian scale and activity at the street level.

The applicant proposes to use a combination of building setback allowed in the PD district and MU Credits for an overall building height of 80’.

48’ MU base district height
+18’ MU credit point redeemed.
+14’ PD additional building setback increase in height
80’ maximum height allowed.

The site plan must be revised to show the 14’ setback on all sides of the development to use the PD building setback included in the Bonus Summary. Setback on the south side is required to minimize the impact of the development on the adjacent existing use.

The previous plan included a summary of overall building height at each corner of the development.

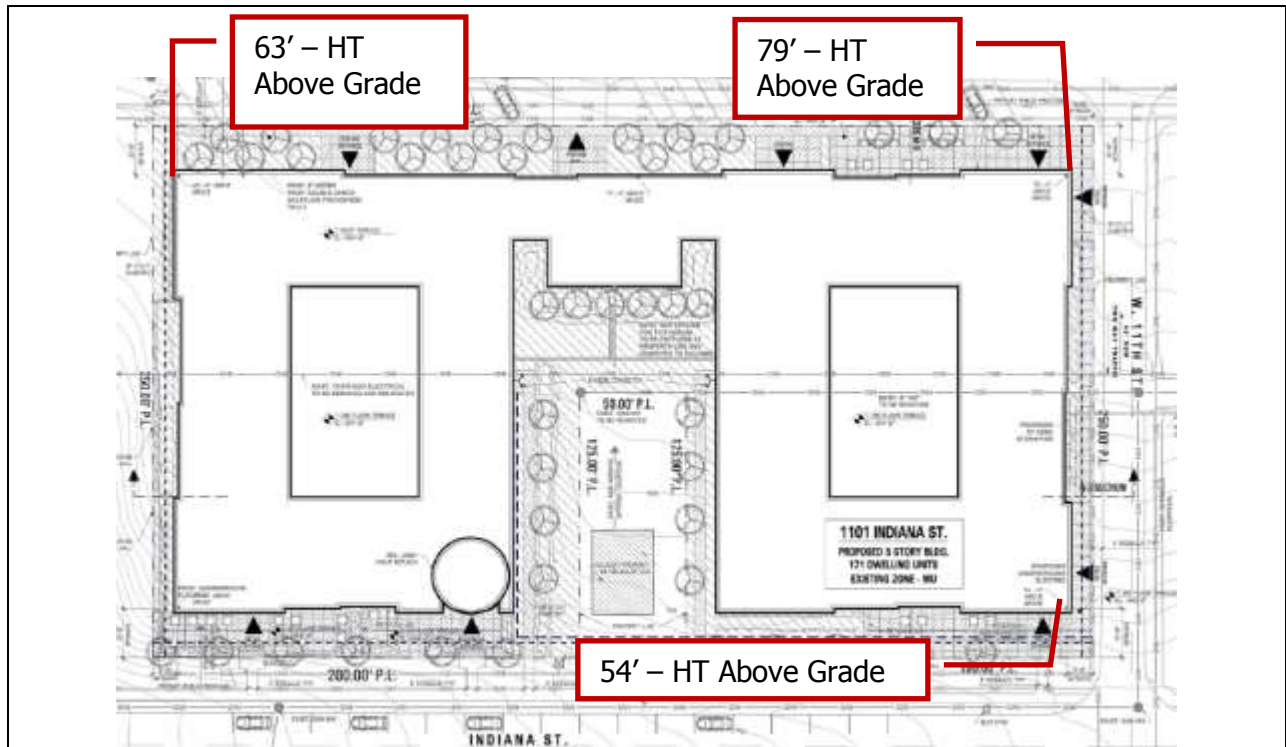


Figure 3: Building Height Summary - Approved PDP

The proposed plan does not include this same data with regard to the maximum height shown on the site plan. Height of the development has been reviewed based on the building elevations included with the site plan (PDP-13 to PDP-16).

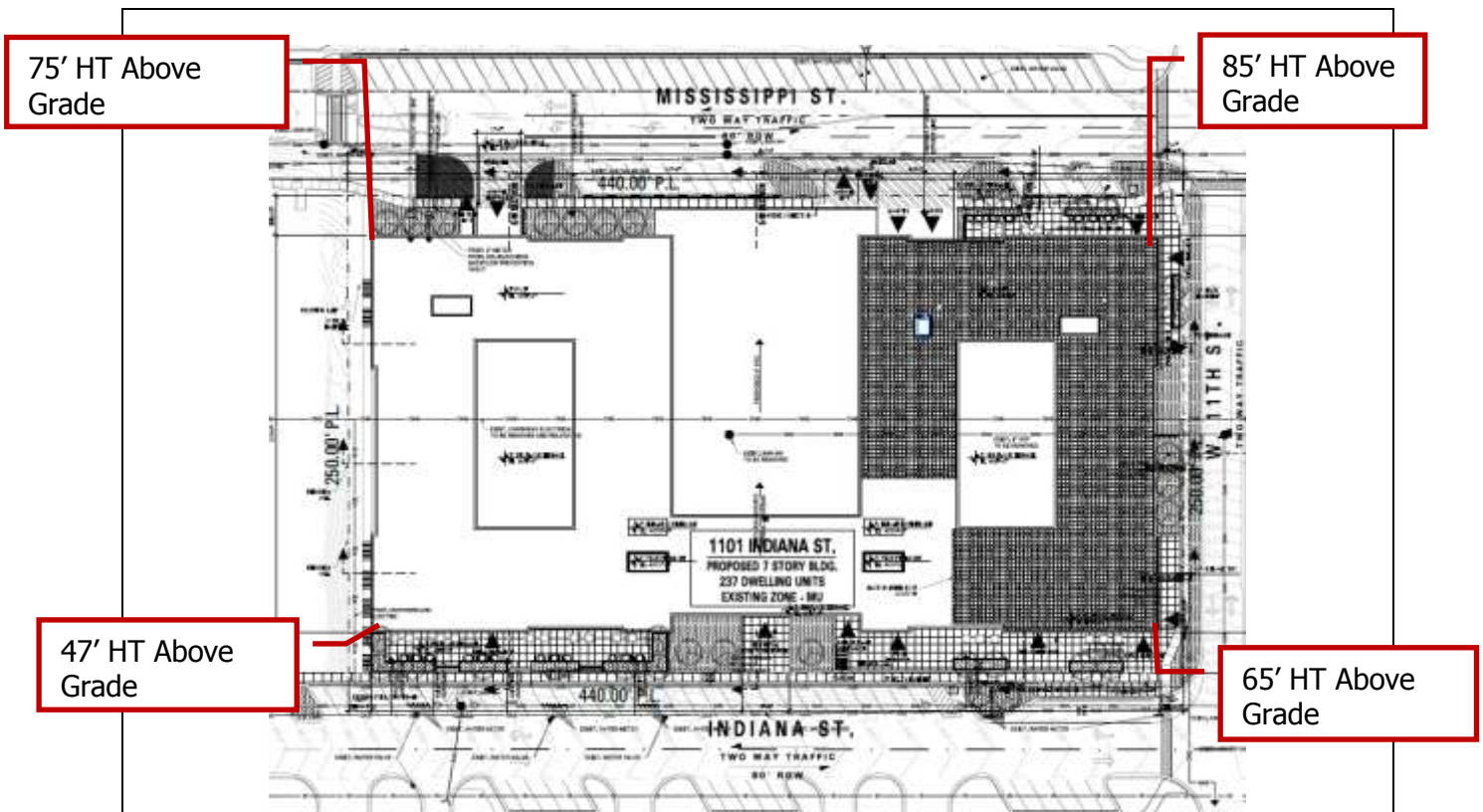


Figure 4: Building Height Summary - Proposed PDP

The proposed development requires revision to the overall building height or an adjustment to the development credits used to comply with the design standards.

Landscape and Open Space Review

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. Street trees are typically applicable along all public streets.

Much of the space between the property line and the building is paved and provides only limited area for street trees. Trees are shown to be clustered in areas to enhance the public terrace spaces. A detail of each area will be required with the Final Development Plan as well as the final plat /master street tree plan for this development.

The plan shows an existing 5' sidewalk along the south side of W 11th Street and a foundation planting area in the central portion of the block face. The street includes mature trees on both sides of the street as well as 5' sidewalks. No additional right-of-way was requested during the review of this project. Placement of street trees along W 11th Street is limited partially by the existing development pattern of the areas and the scope of the proposed development.

This property is adjacent to multi-dwelling residential zoning along the north and most of the east sides as well as the south sides. A buffer yard is not required for the MU District when adjacent to any non-RS district.

The MU district allows the amount of outdoor areas per dwelling unit to be waived if a public park is located within ¼ mile of the development. Areas of the KU campus meet the public park requirement for open space. Therefore, a requirement of open space per dwelling unit is not required for this development project.

Within a Planned Development, open space is required at a ratio of 20% of the land area ($2.52 \text{ Ac} * .20\% = .504 \text{ Ac}$ (21,954 SF)). A portion of that space must be allocated for recreation uses. The proposed plan includes 31,121 SF of open terrace areas along the street right-of-way areas, a 15,457 SF pool area and two 4,900 SF interior courtyard areas. The development includes additional indoor amenities such as fitness areas and study rooms. Bonus points were not redeemed for any landscape requirements for this development. The proposed plan exceeds the required outdoor and recreation requirements of the MU-PD district.

Subdivision Review

This property is currently platted with multiple lots. In some cases, existing buildings cross platted lot lines. As part of this redevelopment project, the property will be replatted as a single lot. The Preliminary Development Plan also satisfies the requirements of a Preliminary Plat. Prior to redevelopment of this site, the developer is required to complete a Final Plat.

W 11th Street is designated as a collector street. As such, a total of 80' of right-of-way is required per the Section 20-810. The existing street is only 40'. No additional right-of-way was requested during the review of this project. There are no plans to widen W 11th Street. This is an existing condition of the site. Since the Preliminary Development Plan also acts as the Preliminary Plat, it is appropriate for the Planning Commission to consider a variance from the right-of-way standards in the Subdivision Regulations.

Sidewalks are required on both sides of streets. This development will require sidewalk along the south side of W 11th Street, the west side of Indiana Street and the east side of Mississippi Street. A minimum of 5' sidewalks are required for all of these street. The site must be designed to provide sidewalks that are unobstructed. A review of public sidewalks will be included with the Final Development Plan and Public Improvement Plans as the related to a final plat for this property.

Staff is working with both KU and the developer regarding the possibility of realigning Fambrough Drive to intersect with W 11th Street. This street realignment may be coordinated to concur with the construction of the proposed redevelopment of 1101 and 1115 Indiana Street.

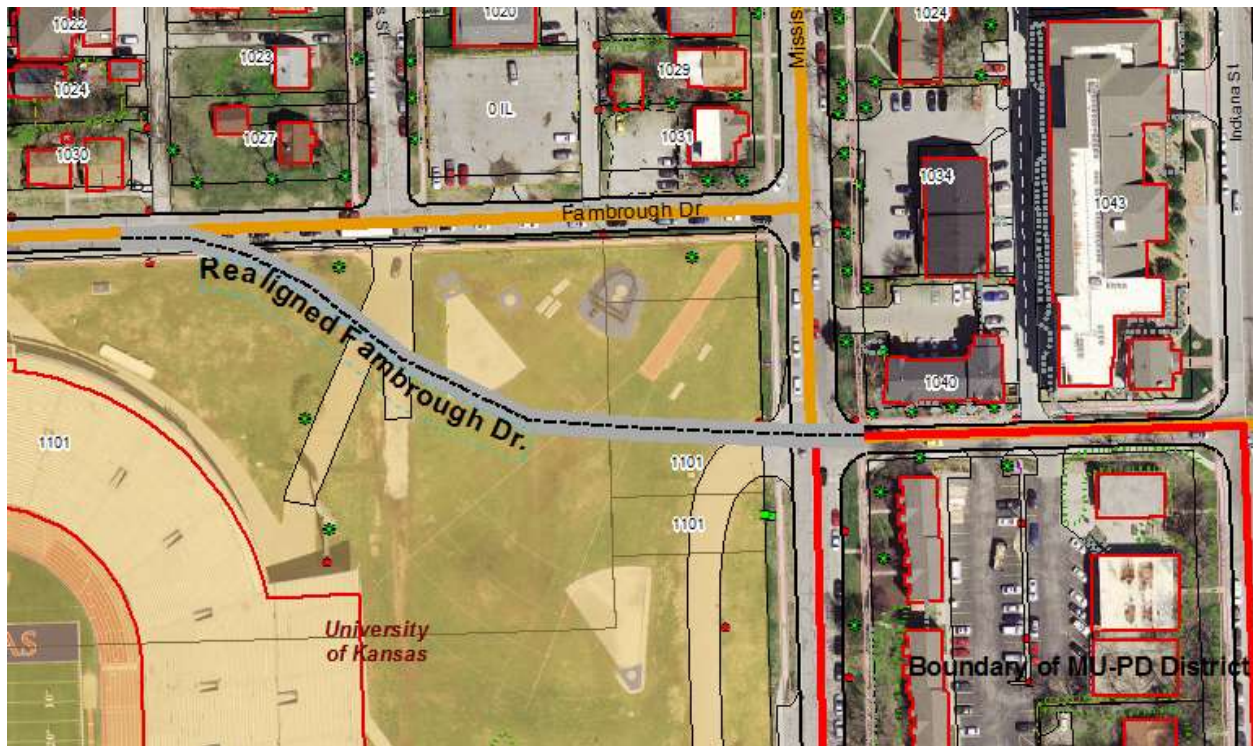


Figure 5: Realigned Fambrough Dr and 11th St

Both Indiana Street and Mississippi Streets south of 11th Street (adjacent to the subject property) are designated local streets and exceed the minimum required 60' of right-of-way. Regardless, additionally right-of-way or easement may be necessary to accommodate all of the improvements both proposed and required for this development. This is especially true for Mississippi Street. Staff is working with the applicant and KU regarding acquisition of an easement to accommodate relocating the existing sidewalk to the west. This will aid in providing additional stall depth for on-street parking, unobstructed sidewalk, vehicular travel lanes and a bicycle lane/route.

Utility and pedestrian easements are proposed around the periphery of the lot. A pedestrian/utility easement is proposed along the south side of the development providing a mid-block crossing between Indiana Street and Mississippi Street. This sidewalk will include stairs because of the site topography.

With the exception of the right-of-way width for W 11th Street, the site complies with the subdivision regulations.

Preliminary Development Plan Review

The proposed Preliminary Development Plan for Here @ Kansas 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.*

This property is proposed to be rezoned for mixed-use development with a Planned Development Overlay to facilitate increased density bonuses within the project. Redevelopment and infill development are recommended policies within the urban areas of the City. Appropriate transitions and buffers are also recommended when high-density uses are adjacent to lower density or intensity uses. This property is immediately adjacent to the University of Kansas along the west property line. Other high-density land uses are located within the immediate vicinity of the property.

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)

Land uses are further refined in *The Oread Neighborhood Plan*. The Neighborhood Plan identifies this area as suitable for mixed uses as discussed in the related rezoning report. Additionally, the plan recommends multiple overlay districts (refer to map 4-7 of the Oread Plan). This property is located within what is identified as Overlay District No. 2 (High Density).

This request represents an infill redevelopment of an existing high-density multi-dwelling residential land use. The location of the project is on the edge of the Oread Neighborhood where it abuts the University of Kansas along Mississippi Street. High-density residential uses are recommended near existing high intensity land uses. The University is a high-intensity land use.

Neighborhood compatibility must be mitigated through architectural treatment of the building to provide pedestrian scale design at the ground level and reduce the bulk of the building.

Staff Finding – The proposed development complies with the land use goals and policies for medium- and higher-density residential development of the Comprehensive Plan.

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.**

This project incorporates property at 1115 Indiana Street that was excluded in the previous approval. Public Improvement Plans will be required with this development. Staff is continuing to address traffic issues such as on-street parking, bicycle lanes, and the street alignment of Fambrough Drive with this project. Sufficient capacity within the water and sanitary sewer systems exists to accommodate this proposed development.

- c) Allow design flexibility which results in greater public benefits than could be achieved using conventional zoning district regulations.**

The intent of the developer is to provide a project that exceeds the current development form in types of units, uses, and environmental benefits with a structured vertical mixed-use development. This is accommodated through the use of rezoning to a Mixed Use District with a Planned Development Overlay that offers incentives (density, reduced parking and increased height) for providing a higher quality development than the existing development or through what could be developed with conventional zoning.

Two specific elements of this project are LEED certifiable and Energy Star certifiable construction. The incorporation of these design standards allows the project to be considered for a density bonus – a benefit to the developer; in exchange, the community benefits by efficient and sustainable forms of development.

- d) Preserve environmental and historic resources.**

There are no known historical or environmental resources on this property.

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

The proposal is for a vertical mixed-use development. This project will be constructed as a redevelopment – infill project. This area is designated in The Oread Neighborhood Plan as suitable for mixed uses.

Staff Finding_– The proposed Preliminary Development Plan is consistent with the Statement of Purpose of Planned Development.

3) The nature and extent of the common open space in the Planned Development.

Common open space is provided around the perimeter of the building and includes hard surface, terrace areas for the ground floor uses. Additional common open space is included within the interior to the building as one of two interior courtyard areas and the pool area.

Staff Finding – This plan includes developed common open spaces internal to the development and along all street frontages as a mix of residential and public spaces throughout the development.

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

The property owner will own and maintain the common open space within this development. This development is anticipated as a singly owned building and the developer will have control over the common areas within the development.

Staff Finding –The property owner will own and maintain the common open space.

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 minimum outdoor area, as required on Article 20-601 (a) is based on the total calculated dwelling unit count and not the actual number of dwelling units. However, the development was not required to provide this areas based on the MU District exception near public parks. As discussed in the body of the staff report the proposed open space complies with the Development Code design standards.

Staff Finding – The amount and function of the common open space exceeds the requirements of the Development Code.

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.

A location criterion for a Mixed Use development is based on the proximity to multiple public services. This project is:

- Located along established transit routes
- Located within one quarter mile of public open space (University of Kansas) and one half mile of public parks (South Park and the Japanese Friendship Garden)
- Located within one half mile of a fire/medical station (Fire Station 1) and multiple community and public buildings.
- Serviced by existing water and sanitary sewer infrastructure.

This project is unique in that there will be no on-site vehicular circulation. Off-street parking is provided within the building through an automated garage feature. Access to the garage is from Mississippi Street. Additionally, this development proposed on-street parking along Mississippi Street and Indiana Street on both sides of the street.

This project includes angled parking to capture more available parking than the previous parallel parking design. Staff has been working with the applicant, KU, City Transit, and other review agencies to develop an adequate design that provides the greatest amount of parking for the development but maintains the minimum design standards for safe auto, bicycle and pedestrian traffic circulation on the surrounding street network. Specific design changes that may result through continued review and negotiation are:

- The angle of the parking stalls provided on street
- The number of parking stalls provided on street
- The required depth of the stalls provided on street
- Designation/design of bicycle lane or route marking

Staff has requested additional documentation from the applicant to continue review of the proposed angled parking.

Staff has been working with the applicant and KU to outline the necessary agreement that must be executed regarding use of on-street parking within this area. An agreement for the use of right-of-way for this development will be required with the Final Development Plan and Final Plat for this project.

A significant concern expressed by many review agencies is the potential conflict with angled parking and bike/pedestrian activity. This area is one of the highest percent shares of bicycle/pedestrian travel counted in this area. Establishment of safe design is a critical consideration. In order to accommodate all uses within the Mississippi Street corridor, additional right-of-way width may be required.

An additional concern has been the establishment of an adequate bus stop along Indiana Street that meets the demands of City and KU transit systems. The number and frequency of busses, as well as a design that accommodates the street grade, turning radius and other design considerations are factors to be addressed. The final bus stop design may impact the number of on-street parking spaces.

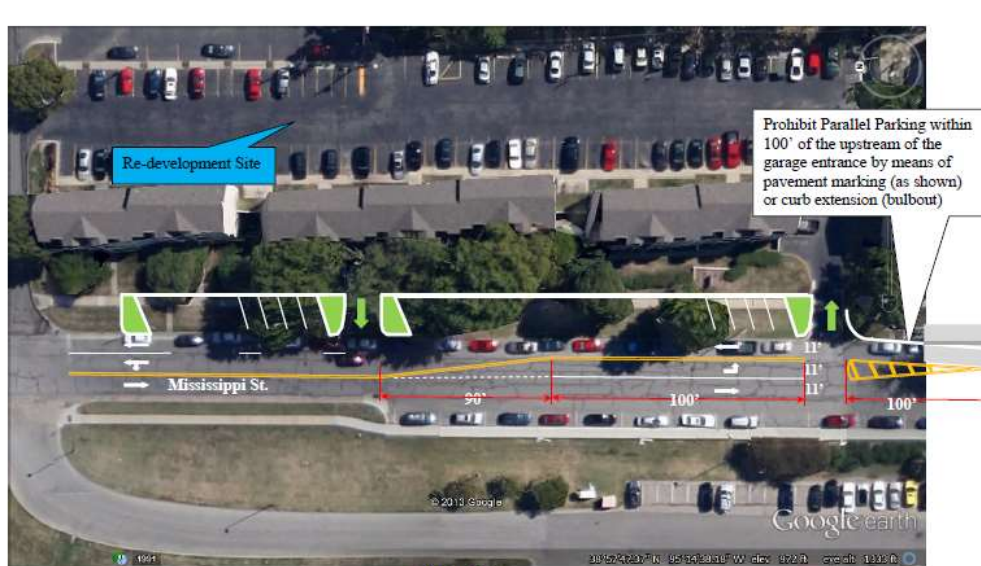


Figure 13
Proposed Lane Configurations (Conceptual)

Figure 6: Angled Parking Exhibit with Parallel Spaces on S. side of Mississippi St.



Figure 14
Proposed Lane Configurations (Conceptual)

Figure 7: Traffic Study Graphic of Pavement Markings

Some width may be acquired from KU and would include relocating the sidewalk farther to the west. A minimum 6' wide sidewalk along the west side of Mississippi Street is required. A pedestrian easement could accommodate the 6' sidewalk without actually acquiring a right-of-way dedication. Space needed on the east side of Mississippi Street may need to include additional building setback from Mississippi Street, dedication of additional right-of-way and/or dedication of additional easement. An adequate fire lane must be maintained along Mississippi Street as well. These elements will be clarified as the street design and on-street parking are further refined for this development project.

This project provides the required open space within the development and is setback from property lines to create public plaza areas adjacent to the commercial areas of the development.

Staff Finding_– The Preliminary Development Plan’s provisions for on-street parking, bus stop design and Fire/Medical access will continue to be reviewed as part of the Final Development Plan as well as the construction documents.

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;

This property is developed with an existing high-density residential use. The project location is within a fully developed portion of the urban area. The traffic study indicates that overall traffic in the area will result in almost four times the current traffic level that exists in the area today. However, the adjacent street network has enough capacity to support the development. The study identified specific turn lanes that are needed to enhance the safety in the area as discussed earlier in the staff report. Adequate design of both Mississippi Street and Indiana Street with regard to on-street parking is required with this project.

This plan proposes angled parking along the east side of Indiana Street. This segment of the street does not currently have any parking on the east side. The east side of Indiana Street is developed with multi-dwelling uses with driveways to private parking lots. Approval of the proposed design will impact the existing parking lots of some of these properties. Each of these property owners have been specifically notified of the proposed development and possible impacts to their property. As of the printing of this report, staff has not received any communication from these property owners.

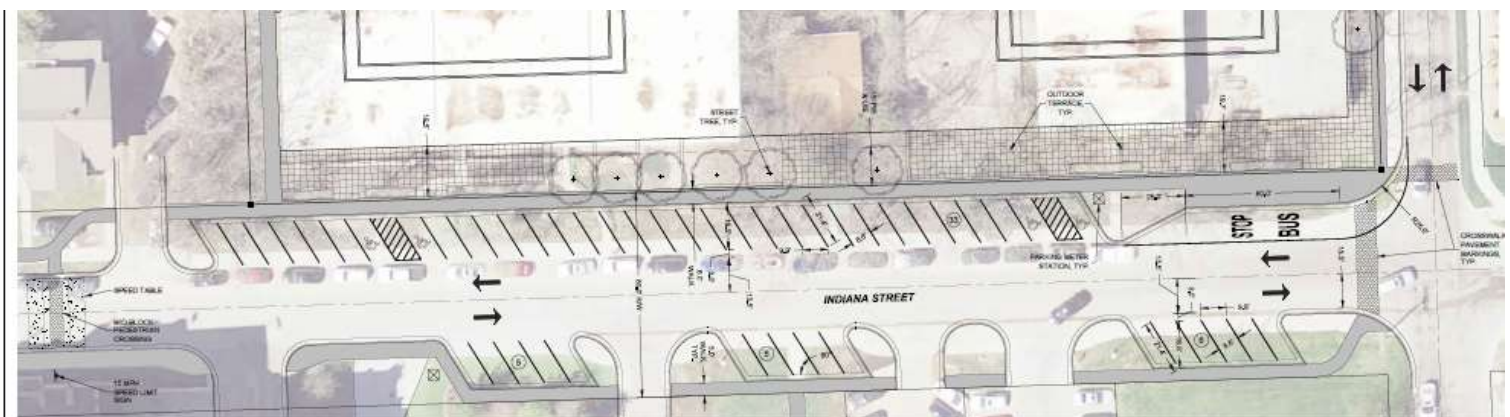


Figure 8: Indiana Street Parking

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

The proposed development uses the existing grade of the property to provide an overall development that is consistent with other development in the area as it relates to height. The plan uses MU bonus points to allow additional building height. Pedestrian scale amenities and building articulation help to mitigate the mass of the proposed development along the adjacent street frontages. These elements will continue to be reviewed and refined as part of the Final Development Plan and the building code review processes.

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

This property is surrounded by a high-density residential development. The proposed density is substantially higher than the adjacent development pattern of the immediate area. Density bonuses are accommodated through both the base MU District and the PD overlay district.

Staff Finding-- Staff has determined that the Preliminary Development Plan may have an impact on property with regard to the proposed on-street parking configuration.

8) Whether potential adverse impacts have been mitigated to the maximum practical extent.

Potential adverse impacts with multi-dwelling apartments can occur with lighting that extends onto adjacent properties, or with balconies that overhang single-dwelling residences. A photometric plan will be required prior to approval of the Final Development Plan to insure there is no negative impact from the exterior lighting. Parking lot lighting will not impact the surrounding uses since it is contained within the building. Exterior lights shall have full cut-off features and will be further reviewed as part of the Final Development Plan. A note on the plans states; "No balconies are proposed on this project."

On-street parking and adequate pedestrian and bicycle circulation are being reviewed. Depending on the conclusion of the design requirements, the plan may need to be revised to increase the building setback to provide more area (stall depth) for the on-street parking. An additional solution may be the addition of more underground parking. The previous plan included on 592 garage spaces. The revised plan includes only 577 garage spaces.

Staff Finding – Possible adverse impacts of exterior lighting will be addressed with a photometric plan to insure there is no spillover light. The design of on-street parking requires additional review and approval to assure all modes of transportation are adequately addressed.

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.

The proposed project is a mixed-use development within a single building on property that is currently developed with several buildings and surface parking. There is no phasing associated with this project.

A plan for appropriate staging during construction will be required and will be addressed as part of a Final development Plan or may be deferred to be developed concurrently with public improvement plans for this development. This revision of these details will take into consideration street or lane closures and altering transit routes during construction.

Staff Finding- A phased development has not been proposed.

Conclusion

With the recommended conditions, the proposed Preliminary Development Plan conforms to the land use recommendations for mixed-use development in the *Oread Neighborhood Plan*. This property is located within an existing urban area and is constrained by the topography and the surrounding development.

This development maximizes the land for redevelopment and will provide non-residential uses at the street level. This revised plan adds a mid-block crossing between Indiana Street and Mississippi Street enhancing the pedestrian circulation in the neighborhood.

Additional design review is required for this project as it relates to the on-street parking details for bus, bicycle and pedestrian requirements for this area.