

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

PC Staff Report  
12/14/15

**ITEM NO. 4 PRELIMINARY DEVELOPMENT PLAN FOR BAUER FARM; NE CORNER  
6<sup>TH</sup> ST & WAKARUSA DR (SLD)**

**PDP-15-00529:** Consider a revised Preliminary Development Plan for Bauer Farm, located at the NE corner of 6<sup>th</sup> & Wakarusa Dr. The plan proposes revisions to the remaining undeveloped commercial and multi-dwelling residential areas of Bauer Farm. Submitted by Treanor Architects PA for Free State Holdings, Inc., Bauer Farm Residential LLC, Free State Group 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 to include one additional bank drive-thru use and one additional fast order food drive thru use for a total of seven uses with drive-thru, and including the site waivers and variances outlined in this report, based upon the findings of fact presented in the body of the staff report.

**Reason for Request:** To amend uses in the undeveloped commercial and office portions of the Planned Development and to allow for additional drive-thru uses in excess of the five total permitted. This plan also updates previous approvals into one current document.

**KEY POINTS**

- The focus of this application is on the remaining portion of undeveloped commercial and office land in the Bauer Farm Planned Development.
  - Lot 2, Block 9; 4661 Bauer Farm Drive.
  - Lot 3, Block 9; 4651 Bauer Farm Drive.
  - Lot 5, Block 9; Northwest corner Folks Road and W. 6<sup>th</sup> Street.
- Proposed changes exclude the area known as PD-[Bauer Farm Northwest] (Sprouts).
- The Bauer Farm Planned Development was approved with a limitation on the total number of allowed drive-thru uses. The approved drive-thru uses are:
  - 1 pharmacy related drive-thru.
  - 1 bank related drive-thru.
  - 3 food related drive-thrus.
- Existing development in the PCD has claimed all available drive-thru uses. The proposed Preliminary Development Plan seeks to add:
  - 1 additional bank related drive-thru.
  - 1 additional food related drive-thru.
- If approved, total uses with drive-thrus would equal 7.
- The Original Bauer Farm Development included one bank use located at the southwest corner of Folks Road and Bauer Farm Drive.
  - The 2015 Final Development Plan (FDP-15-00108) for Lot 3, Block 9 amended the uses and changed the use from a bank with a drive-thru to a wellness/urgent care use. This plan was approved but withdrawn by the applicant.
  - The 2015 Final Development Plan (FDP-15-00373) for Lot, 1 Block 7 amended the uses and changed the use from an automotive service use to a bank use with a drive-thru.

- The 2015 Final Development Plan reassigned the one permitted bank drive-thru use from the east side of the overall development to the west side.

### **SUMMARY OF PROPOSED CHANGES**

1. This revised plan includes the recently approved Final Development Plan for Credit Union, Lot 1, Block 7.
2. Lot 2, Block 9 boundary line has been adjusted east to increase the lot width.
3. Lot 2, Block 9 restaurant footprint is increased from previous versions.
4. Lot 2, Block 9 boundary line adjustment reduces the lot width.
5. Lot 3, Block 9 use is revised from restaurant use to retail and building footprint is reduced from 6,300 SF to 6,200 SF.
6. Multi-family lots located south of Bauer Farm Drive are revised in size and area to reflect altered Bauer Farm Drive alignment (previously approved FDP-15-00066).
7. Tables and phasing have been updated to reflect previous approvals and site construction.

### **FACTORS TO CONSIDER**

- Compliance with the 1966 Zoning Code for Planned Developments.
- Compliance with the Subdivision Regulations.
- Conformance with *Horizon 2020*.
- Previously approved Final Development Plan for Bauer Farm – Multi-Dwelling.

### **ASSOCIATED CASES/OTHER ACTION REQUIRED**

#### **ASSOCIATED CASES – PARTIAL LIST**

##### **PD-Bauer Farm Northwest (*Sprouts*)**

- 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 [Bauer Farm Northwest].

##### **PD – Bauer Farm PRD**

- Meadowlark Assisted Care
  1. FDP-4-6-10
  2. FDP-14-00538
- Bauer Farm Residential
  1. PDP-1-1-10 – residential
  2. PDP-14-00055 revised development shifted residential uses from Bauer Farm NW to Bauer Farm PRD.
  3. PF-15-00094 – approved pending conditions prior to recording.
  4. FDP-15-00066- Bauer Farm Multi-Family, approved pending conditions

##### **PD-Bauer Farm POD**

- FDP-15-00108 – Final Development Plan for Urgent Care. Withdrawn by applicant.

#### **OTHER ACTION REQUIRED**

- City Commission approval of Preliminary Development Plan.
- Submittal and approval of Final Development Plan or Plans for remaining undeveloped land.
- Recording of Final Plat with Register of Deeds Office for residential lots.

- Submission and approval of Minor Subdivision for Lots 2 and 3, Block 9.
- Submission and approval of building permits prior to construction.

**ATTACHMENTS**

- Attachment A: Area Map
- Attachment B: Proposed Preliminary Development Plan
- Attachment C: Project Summary
- Attachment D: Lot 5, Block 9 drainage easement comparison
- Attachment E: Subdivision Summary

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

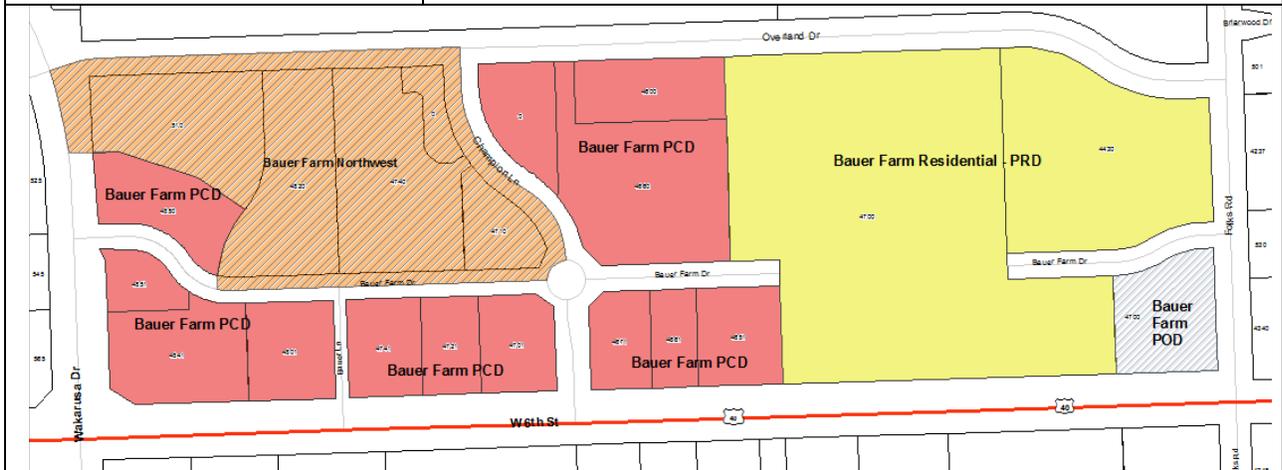
- Members from Theater Lawrence Board of Directors have contacted staff regarding the need for additional parking in the area and regarding cut-through traffic between the high school and fast order food uses in development.

**Project Summary:**

This Planned Development (PD) known as Bauer Farm includes three distinct zoning districts, PCD, PRD, and POD. In 2014, a portion of the PCD area was subdivided and established as a separate Planned Development known as Bauer Farm Northwest. This application amends the remaining original Bauer Farm Planned Development. The area included in Bauer Farm Northwest is shown on the Plan for context. Attached to this report is a separate project summary for the PCD, PRD and POD portions of the development, Attachment C

**GENERAL INFORMATION**

<p>Current Zoning and Land Use:</p>	<p>PD [Bauer Farm PCD] and PD [Bauer Farm Northwest 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>
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Surrounding Zoning and Land Use: 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.
To the west:	CO (Commercial Office) District and PD-[6Wak PCD] along the west side of Wakarusa Drive. Existing undeveloped commercial pad sites.
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.
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.

**REASON FOR THE REQUEST:**

This Preliminary Development Plan, if approved, will replace previously approved Preliminary Development Plans for the Bauer Farm Planned Development, excluding Bauer Farm Northwest PCD. The Northwest area is shown for context to the surrounding development. This Preliminary Development Plan amends undeveloped areas within the Bauer Farm Planned Development including areas previously zoned PCD, PRD and POD. Existing development including the recently approved bank site, located at 4851 Bauer Farm Drive, north of CVS Pharmacy is shown for context. The recently approved bank site claimed the last permitted drive-thru for the development. The addition of uses with a drive-thru for the remaining undeveloped lots in the Planned Development requires a revised Preliminary Development Plan.

There are two outstanding approvals that are pending final actions including:

1. PF-15-00094 – approved pending conditions prior to recording.
2. FDP-15-00066- Bauer Farm Multi-Family, approved pending conditions.

The intent of this Preliminary Development Plan is to capture these recent approvals, shown for context, and become the updated document for future Final Development Plans for the remaining undeveloped land in the Bauer Farm Planned Development.

**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).

**Waivers, Variances and Reductions:** The approval of the original Preliminary Development Plan and the approval of revised Preliminary Development Plans included reconsideration and re-approvals of several waivers/variances. These waivers and variances, listed below, require re-approval with this revised Preliminary Development Plan.

- **Waiver 1. Periphery Boundary:**

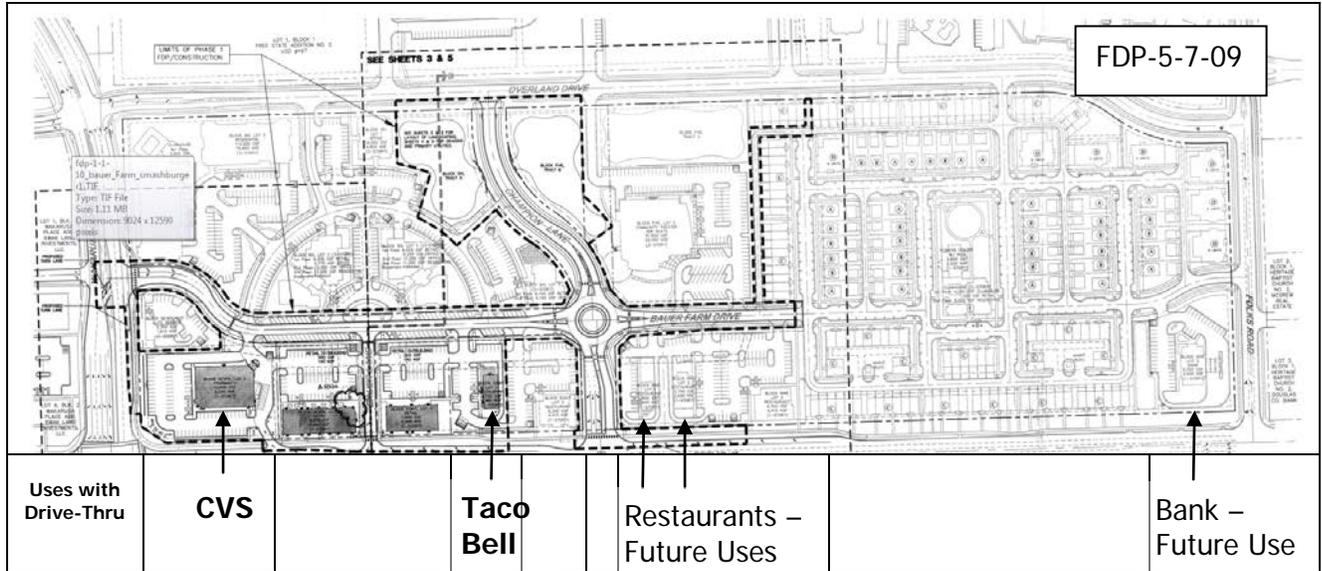
- ✚ Reduction of the 20 ft commercial peripheral setback to:
  - 10 ft along W 6<sup>th</sup> Street.
  - 17 ft along Wakarusa Drive, and
  - 10 ft on Overland Drive and Folks Road.
- ✚ Reduction of the 35 ft residential peripheral setback to:
  - 10 ft on Folks Road,
  - 10 ft on Overland Drive, and
  - 16' ft on w. 6<sup>th</sup> Street.
- ✚ No periphery boundary is required between the PUD areas within Bauer Farm.
  
- **Waiver 2. Residential Setback:**
  - Reduction of required 10' setback between residential structures,
  - Front yard setback reduced to 10', and
  - Side yard and rear yard setback reduced less than 10' provided they meet building code requirements for zero setback.
  
- **Waiver 3. Commercial Setbacks:**

Commercial building setback reduced as follows:

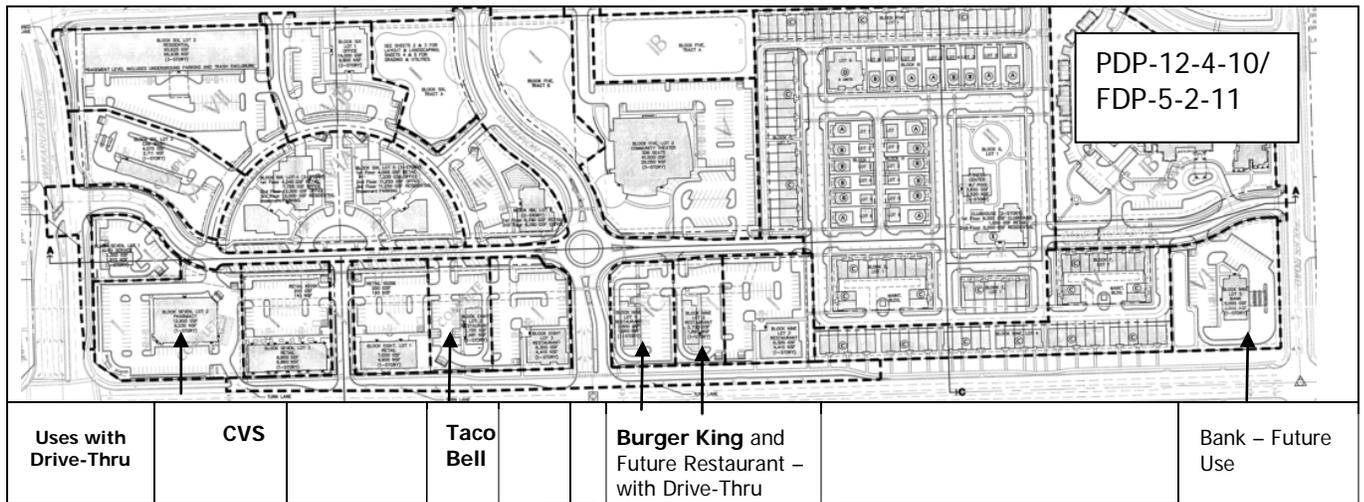
  - 10 ft on W 6<sup>th</sup> Street,
  - 17 ft on Wakarusa Drive, and
  - 10 ft on Champion Lane.
  
- **Subdivision Design Standard 1: Offset Streets**
  - Local streets intersecting opposite sides less than 125 feet.
  
- **Subdivision Design Standard 2: Alleyways**
  - Alleyways within the residential areas of the subdivision.
  
- **Subdivision Design Standard 3: Private Street Width**
  - Local private streets widths of as little as 20' back of curb to back of curb.

**Drive-Thru Uses:** The original Bauer Farm Planned Development approval included specific uses for each phase and lot. The approval expressly limited the total number of drive-thru uses and further stipulated that not more than three (3) restaurant type uses (*Fast Order Food*) were allowed in the development. In addition to the restaurant uses the plan also permitted one bank use with a drive-thru and one pharmacy use with a drive-thru. Uses that were automotive oriented such as the car wash and the tire store do not count toward the drive-thru restriction.

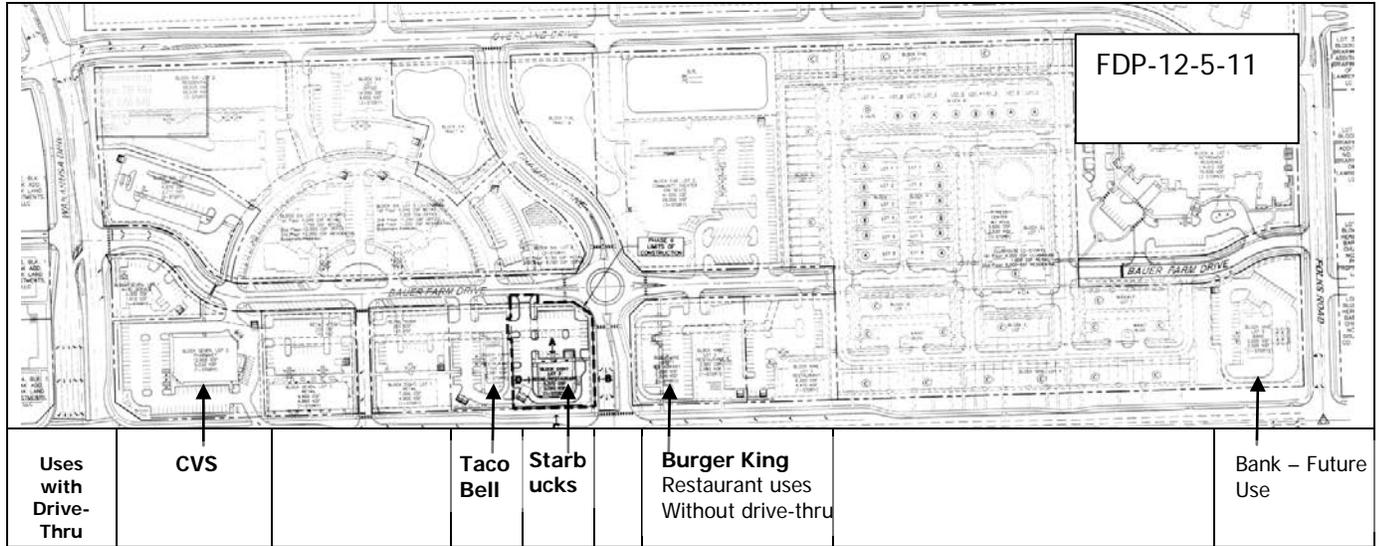
In 2008 the first drive-thru uses were permitted as part of the original Final Development Plan that included CVS pharmacy, Taco Bell as well retail buildings. These uses were all located west of Champion Lane. The remaining three drive-thru uses included two restaurant uses east of champion Lane, two restaurant uses and one bank use.



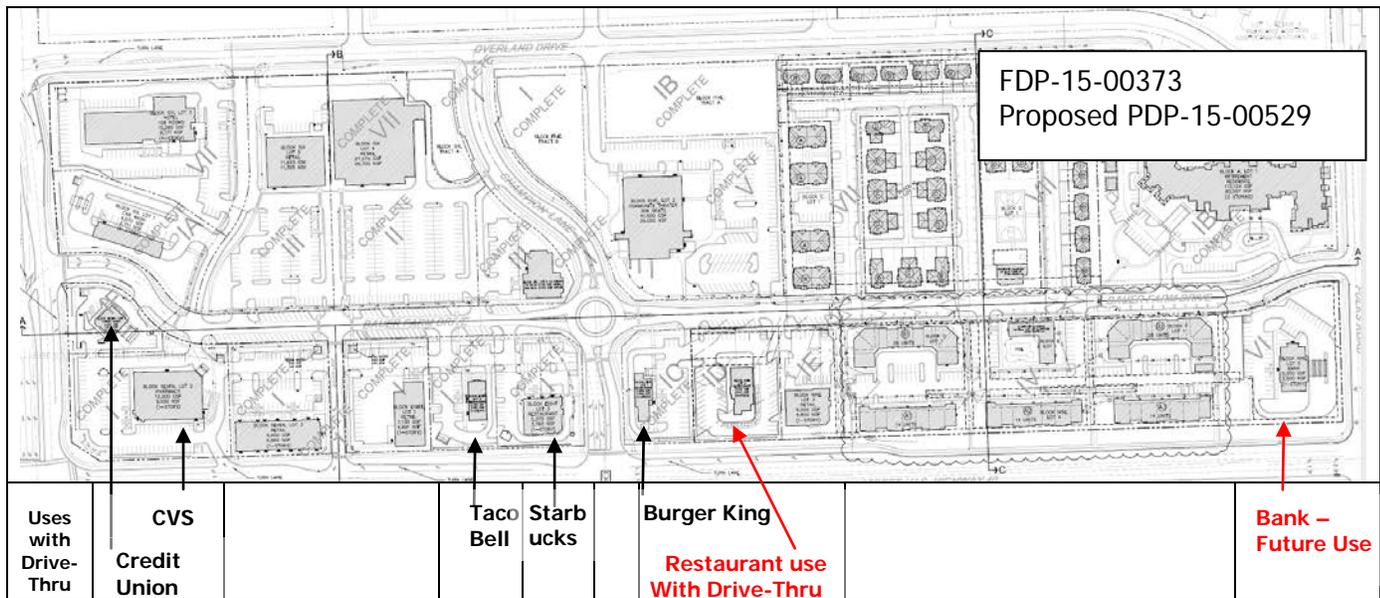
In 2011 a Final Development plan was submitted and approved for the addition of Burger King [FDP-5-2-11] located east of Champion Road. This approval modified the lot size making the Burger King site larger and the adjacent future restaurant with drive-thru use smaller. Burger King represented the second restaurant use.



Also in 2011 a final development plan was approved for a retail building located on the west side of Champion Lane that added a drive-thru use that has not previously been planned. This drive-thru for Starbucks represented the third and final drive-thru for a restaurant use.



In 2015 Development Plans were approved related to the location of the bank use with a drive-thru. The approved plan shifted the bank use from the Northwest corner of Folks Drive and W. 6<sup>th</sup> Street to the southeast corner of Bauer Farm Drive and Wakarusa Drive (FDP-15-00373). This proposed Preliminary Development Plan updates the drawing to include all previous approvals, to date, and proposes to add two new drive-thru uses for a total of 7 drive-thrus in the Planned Development.



**Staff Finding:**

The recently approved bank use replaced an automotive use designated for the location north of the pharmacy. A second bank use with a drive-thru does not alter the character of the overall development. The location and design of the bank use in proximity to residential uses has not been altered from the previous approvals. Staff supports the change to the development plan that adds a second bank with a drive-thru use as proposed.

The original submittal of the proposed Preliminary Development Plan included two restaurant drive-thru uses located east of Burger King. The proposed drive-thru immediately adjacent to

the residential multi-dwelling development was not consistent with previous approval granted for this development and diminished the transition area between the commercial and residential portions of the development. The applicant revised the plan. The current plan shows only one additional restaurant drive-thru and a retail building. This change maintains an appropriate land use transition between the commercial and residential portions of the development. The addition of one addition restaurant use with a drive-thru east of Champion Lane does not alter the character of the Bauer Farm Development. Staff supports the change to the development plan that adds a fourth restaurant with a drive-thru use as proposed.

**PART ONE – SUBDIVISION REVIEW**

A Preliminary Development Plan incorporates the Preliminary Plat process required for development. The majority of the Bauer Farm Planned Development has been previously subdivided and Final Plats have been recorded. A Final Plat has been submitted for the residential and office portion of the Bauer Farm development. The Final Plat was approved and is being processed for recording with the Register of Deeds Office. The previously approved Final Plat and Final Development Plan for the residential development amended the street alignment for Bauer Farm Drive to create a straight rather than off-set street profile. This realigned street right-of-way is shown on the proposed Preliminary Development Plan. See Attachment B.

This application shows a minor change for the interior lot line between Lots 2 and 3, Block 9 to accommodate the proposed development. A separate Minor Subdivision is required to complete the lot line adjustment as shown on this proposed Preliminary Development Plan. Minor Subdivisions are administrative and do not typically require Planning Commission action. The following graphic shows the existing and proposed lot lines for reference.

FDP

Commercial Comparison – Commercial Lots east of Champion Lane	
	<p>Previously Approved PDP            Lot 2, Block 9 = 24,262 Lot Area            Lot 3, Block 9 = 44,038 Lot Area            Total 68,300 SF</p> <p>Note: Drive-thru shown for Lot 2, Block 9 was not updated when the 3<sup>rd</sup> drive-thru was added for the Starbucks Building, Lot 3, Block 8.</p>
	<p>Proposed PDP            Lot 2, Block 9 = 39,015 SF Lot Area            Lot 3, Block 9 = 29,300 SF Lot Area            Total 68,315 SF</p> <p>Note: If approved, drive-thru shown for Lot 2, Block 9 would be 4<sup>th</sup> fast order food related drive-thru in Bauer Farm Planned Development.</p>
<p>Notes:</p>	

1. **Purple** line represents lot lines that remain unchanged.
2. **Dotted red** line represents revised interior lot line location.
3. The sum total of the lots varies by 15 square feet. This discrepancy appears to result from various changes over time to the development.

With regard to the POD lot [Lot 5, Block 9] this Preliminary Development Plan includes changes to the detention area. The drainage easement shown on the Preliminary Development Plan is wider than shown on the recently approved Final Plat. The City Stormwater Engineer has indicated that submission of a Final Development Plan for any of the remaining undeveloped lots will include a detailed review for compliance with the stormwater requirements. Resolution of the drainage easement may be needed as part of the recently approved Final Plat prior to recording with the Register of Deeds Office or may require future dedication of easement by separate instrument depending on the specific development proposed for Lot 5, Block 9. Attached to this report is a comparison of the location and width of the drainage easement located on Lot 5, Block 9 for reference.

## **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. Many of the staff finding discussed below will not be altered by this proposed Preliminary Development Plan from previous approvals. Where applicable in this section of the report, responses are provided for the entire development. Other responses are provided for the residential and non-residential development to the following findings and evaluation criteria.

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

The evaluation of compliance with the Comprehensive Plan is considered for the broad topic of land use in general.

#### **Residential Conformity**

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

#### **Non-residential Conformity**

As in previous staff reports, commercial development has been found to be an appropriate use for this area. 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 within the environs of important architectural or historical resources within the

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.

This Preliminary Development Plan shows the same land use and density as previously approved. A pending Final Development Plan (FDP-15-00066) for the residential development to be located south of Bauer Farm Drive includes the same uses shown on this Preliminary Development Plan.

immediate area. 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*. The significant feature of this Preliminary Development Plan is the addition of two more drive-thru uses with the Planned Development.

**Staff Finding –** The proposed development complies with the land use goals and policies for the land uses proposed.

**2) *In what respects the plan is or is not consistent with the Statement of Objectives of Planned Unit Development. [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.

**Residential Consistency with Objectives**

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.

**Commercial Consistency with Objectives**

The remaining commercial area proposes a more conventional design, consistent with the developed land use pattern, but is no less part of the overall development project. A significant change to the commercial area is the addition of two drive-thru uses. If approved the development will include the following mix.

- 1 pharmacy type drive-thru use (developed)
- 2 bank type drive-thru uses (1 approved and 1 proposed in this application).

4 food related drive-thru uses (3 developed and 1 proposed with this application).

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

This project includes interior vehicular and pedestrian connectivity throughout the development. Additionally the project retains the on-street parking that provides a traffic calming element and additional shared parking throughout the development.

**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:**

The 2014 Preliminary Development Plan revision removed 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.

This application includes an updated exhibit of open space for the residential development. The proposed development includes 3.11 acres of open space. This exceeds the required open space of 3.07 acres. The majority of the open space is located on the north side of Bauer Farm Drive.

Open space shown on this proposed Preliminary Development Plan is consistent with the approved Final Development Plan for the multi-family use included in FDP-15-00066, located on the south side of Bauer Farm Drive.

**Commercial Open Space:**

Common open space within the commercial portion can be evaluated on a per lot basis and also total development plan area. Approved development plans for the existing commercial development have demonstrated the lots met or exceeded the open space requirements. This evaluation will continue to be considered as new Final Development Plans are submitted for the remaining non- residential development lots.

Both Lots 2 and 3, Block 9 exceeds the 20% design standard for open space. This project includes interior pedestrian connections between the residential and commercial areas of the development. These elements will continue to be reviewed with future submissions of Final Development Plans for the remaining undeveloped lots.

**Staff Finding** – This plan includes a separate exhibit that shows common open space is provided for the residential portions of the development. The commercial portion of the development 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 Preliminary Development Plan does not substantively modify the interior circulation for the Bauer Farm Planned Development. The plan retains connectivity throughout the development. This plan reflects previous approvals regarding the connections between the residential and non residential portions of the development. The most recently approved Final Development Plan for the residential development included a modification to Bauer Farm Drive. Rather than an off-set street, Bauer Farm Drive has been revised to show a straight street alignment between Folks Road and Wakarusa Drive.

Adequate public facilities are generally available to this property. Public improvement plans are required with a Final Plat for the Planned Residential (PRD) and Planned Office (POD) undeveloped portions of Bauer Farm.

**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.***

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. Addition of a second bank drive-thru use.
2. Addition of a fourth restaurant drive-thru use.
3. Uses for Lot 3, Block 9 revised from a restaurant use to a retail use.
4. Update of the overall plan to reflect the most recent approvals including:
  - a. Bank use located at 4851 Bauer Farm Drive and
  - b. Residential development located along W. 6<sup>th</sup> Street pending approval of a Final Plat and Final Development Plan.

No additional retail square footage is added to the development. No changes to residential density are proposed with this application. This application reflects the approved changes to the Multi-Dwelling portion of the Bauer Farm Planned Residential Development.

**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 east of Champion Lane that include two drive-thru uses to the development.

***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 and residential development and lot size setback reductions related to the residential (PRD) portion of the development that were previously granted. These reductions have resulted in the

establishment of a development pattern unique to Bauer Farm. The Planning Commission approved these waivers/variances as part of their action to approve the original Preliminary Development Plan in December 2006 and again in 2014. The variances and reductions are listed in General Note 39 on page 4 of the proposed development plan. Approval of this Preliminary Development Plan will reconfirm these deviations from the development standards of the applicable zoning code.

**Residential 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 multi-dwelling residential development, located on the south side of Bauer Farm Drive, was approved with a requirement of 172 off-street parking spaces. The Final Development Plan notes 198 spaces are provided within the development and include surface parking spaces, garages, and on-street parking to meet this requirement.

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.

Additional review of off-street parking will be completed with the future submission of a Final Development Plan for the residential development located on the north side of Bauer Farm Drive.

**Commercial 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.

This revised Preliminary Development Plan shows compliance with off-street parking for all uses within the Bauer Farm PCD. The hotel use, located in Bauer Farm Northwest PCD does not meet the off-street parking requirements. However, uses in Bauer Farm Northwest PCD are shown for context and not included in this revision.

Off-street parking within Lots 2 and 3, Block 9 is shifted in this request. Both lots meet the minimum off-street parking requirement. Previous plans showed the restaurant pad site with fewer spaces and the adjacent restaurant pad site with more spaces. This revision includes a restaurant use, with drive-thru, 46 off-street parking spaces. The adjacent use, now shown as a retail use is shown with 19 spaces.

As a planned development, off-street parking is generally shared throughout the development.

**Staff Finding** –With the reaffirmation of listed 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 number of drive-thru uses from five to seven.

This revised Preliminary Development Plan amends the residential portion by changing the street alignment for Bauer Farm Drive consistent with recent approvals for development of the multi-dwelling residential use along W. 6<sup>th</sup> Street. If approved, this Preliminary Development Plan will replace all previously approved plans, excluding Bauer Farm Northwest.

**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.

**Staff Finding** – A revised phasing schedule has been noted on the face of this Preliminary Development Plan to reflect the balance of development for the area.

***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 area for the Planned Office Development Lot. This detail was discussed earlier in this report. The details of the change will continue to be reviewed as part a Final Development Plan for the undeveloped office lot.

**Staff Review and Conclusion**

This property was originally approved prior to the adoption of the Land Development Code. 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.