

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

PC Staff Report
1/25/2016

ITEM NO. 2B: PRELIMINARY DEVELOPMENT PLAN FOR VILLAGE COOPERATIVE OF LAWRENCE; 5325 W 6TH STREET (BJP)

PDP-15-00610: Consider of Preliminary Development Plan for Village Cooperative of Lawrence, located at 5325 W 6th St. The plan proposes the construction of a 3-story structure containing 52 assisted living units, underground & surface parking and site improvements, including the construction of Branchwood Drive north to W 6th Street. Submitted by Landplan Engineering PA on behalf of Village Cooperative of Lawrence (contract purchaser). Kansas/Nebraska Association of Seventh Day Adventist Inc. is the property owner of record.

STAFF RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN: Planning Staff recommends approval of Village Cooperative of Lawrence Preliminary Development Plan based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Agreement not to protest the formation of a benefit district for future signal improvements at W 6th Street and Branchwood Drive must be executed by the applicant and provided to the Planning Office before recording of the Final Development Plan.
2. Provision of a revised Preliminary Development Plan with the following changes:
 - a. Add the following note, "We hereby dedicate to the City of Lawrence the right to regulate any construction over the area designated as Common Open Space, open air recreation area, and non-encroachable area and to prohibit any construction within said areas and spaces inconsistent with the approved use or enjoyment of residents, lessees, and owner of the Planned Development".

Reason for Request: Preliminary Development Plan submitted for development of an Assisted Living Facility in conjunction with rezoning request to the RM15 District with a Planned Development Overlay.

KEY POINTS

- The Preliminary Development Plan also serves as the Preliminary Plat.

FACTORS TO CONSIDER

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

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases

- Z-15-00609: A rezoning request to the RM15-PD (Multi-Dwelling Residential with Planned Development Overlay) District has been submitted and is also being considered by the Planning Commission at their January meeting.

Other Action Required

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

ATTACHMENTS

1. Preliminary Development Plan

PUBLIC COMMENT

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

GENERAL INFORMATION

Current Zoning and Land Use: RS7 (Single-Dwelling Residential); undeveloped.

Surrounding Zoning and Land Use:

North: UR (Urban Reserve); undeveloped.

East: RM24 (Multi-Dwelling Residential), undeveloped.
UR (Urban Reserve); *Detached Dwelling*.

Southeast: PRD (Planned Residential Development); *Detached Dwellings*.

South: RS7 (Single-Dwelling Residential); *Detached Dwellings*.

West: PRD (Planned Residential Development); *Multi-Dwelling Structure*.

SITE SUMMARY			
	Existing	Proposed	Change
Land Use:	Undeveloped	Assisted Living	Change in use
Land Area:	175,878 sq. ft.	175,878 sq. ft.	---
Total Building:	0 (0%)	30,120 sq. ft. (17%)	+ 30,120 sq. ft.
Total Pavement:	0 (0%)	24,786 sq. ft. (14%)	+24,786 sq. ft.
Total Impervious	0 (0%)	54,906 sq. ft. (31%)	+ 54,906 sq. ft.

Area :			
Total Pervious Area:	175, 878 sq. ft. (100%)	120,972 sq. ft. (69%)	- 54,906 sq. ft.

PARKING SUMMARY			
Use	Req. per Sec. 20-902	Parking Required	Parking Provided
<i>Assisted Living</i>	1 parking space per independent living unit	52 independent living units: 52 parking spaces	84 parking spaces
Bicycle	0	0	0
ADA Spaces	Req. per Sec. 20-912	75-100 total parking spaces provided = 3 auto spaces and 1 van accessible space	3 auto and 1 van

STAFF ANALYSIS

The proposal is to develop a 52-unit assisted living facility. This facility will be a cooperative which owns the building and land, and is comprised of shareholders (the “members”). Membership in the cooperative is legally restricted to individuals 62 years old or older. Ownership of shares in the cooperative entitles shareholders to a living unit in the building. While the members own and inhabit each of the units in the building, the cooperative handles the maintenance of the units and building, as well as the grounds.

The three-story facility will also include a community room, club room, office, 58 underground parking spaces, and an outdoor patio with a fireplace. The project will also include exterior walkways, driveways, surface parking, stormwater detention, and the completion of Branchwood Drive to W 6th Street.

The use meets the definition of *Assisted Living*, “*Building or group of buildings containing dwellings designed for occupancy by persons 55 years or older where the dwelling units are independent but include support services such as central dining and limited medical or nursing care.*” (Section 20-1701, Development Code). The facility will be used for *Independent Living*, which is not defined in the Development Code but is included in the *Assisted Living* category for parking requirements and bonus calculations for Mixed Use Districts. *Independent Living* is a form of assisted living where the residents are more independent than those in assisted living. For example, they may prepare their own meals and may not need nursing care, yet they still may require some support services.

Preliminary Plat Review

The Preliminary Development Plan serves as the Preliminary Plat. There is one lot being created with this plat, which has frontage on W 6th Street. The lot complies with the dimensional requirements in the RM15 District.

Per Section 20-601(a), the RM15 District permits a maximum density of 15 dwelling units per acre. Lot 1 consists of approximately 4.038 acres and as such, the maximum density permitted is 60 dwelling units. The proposed development would contain 52 independent living units and would therefore meet the maximum density permitted.

Alternately, the Planned Development Overlay allows that density be calculated based on the number of bedrooms rather than the number of dwelling units. Per 20-701(f)(3)(ii), a studio or 1-bedroom unit shall count as .4 dwelling units and a 2-bedroom shall count as .6 dwelling units. The development will contain 12 one-bedroom units and 40 two-bedroom units. As such, the following calculations show the maximum calculated density of dwelling units per acre:

- 12 one-bedroom units X .4 unit = 5 units
- 40 two-bedroom units X .6 unit = 24 units
- Total = 5 + 24 = 29 units
- 29 units on an area of 4.038 acres is a maximum calculated density of 7.2 dwelling units

For this Preliminary Development Plan, the maximum density requirement allowed for a Planned Development Overlay will be used as the official requirement. The maximum calculated density for this project is 7.2 dwelling units.

STREETS AND ACCESS

The subject property is located on the southwest corner of W 6th Street and Queens Road. The property abuts Stonecreek Drive to the south, and Branchwood Drive to the east of the subject property will be extended north to connect with W 6th Street. Vehicle access will be provided from Branchwood Drive when the roadway is extended. Access will not be provided from W 6th Street.

There is an existing sidewalk located on the north and south side of W 6th Street. The plat indicates that sidewalk will be constructed on the east and west side of Branchwood Drive, and along the north side of Stonecreek Drive.

UTILITIES AND INFRASTRUCTURE

A new public 8' water main will be constructed along the west side of Branchwood Drive. Public Improvement Plans are required for this new main. The new development will tie into existing natural gas and sanitary sewer lines located south of the property.

EASEMENTS AND RIGHT-OF-WAY

There are no new public easements associated with this plat. The new water main will be located within the right-of-way of Branchwood Drive. The plan notes all previously platted easements, which include 15' utility easements on the west property line, south property line, and southern portion of the east property line. There is also a roadway and utility easement on the north and north east portions of the property, which was filed by separate instrument (Book 871, Page 614).

The adjacent street to the north, W 6th Street, is classified as a 'principal arterial' in the Major Thoroughfares Map, which requires 150' of right-of-way. The plan notes that 75' of right-of-way is provided south of the street center line to the property line. Stonecreek Drive is classified as a 'local street' and requires 60' of right-of-way and is indicated on the plat. As part of this project, Branchwood Drive will be extended north to tie into W 6th Street. Branchwood Drive is classified as a 'residential collector', and as such requires 60' of right-of-way. The existing Branchwood

Drive was platted with 60' of right-of-way. This plan notes 70' of right-of-way near Stonecreek Drive to the south of the property, and 80' of right-of-way north.

Preliminary Development Plan Review

The proposed Preliminary Development Plan for Village Cooperative of Lawrence has been evaluated based upon findings of fact and conclusions per Section 20-1304(d)(9) of the Development Code for the City of Lawrence, requiring consideration of the following nine items:

1) *The Preliminary Development Plan's consistency with the Comprehensive Plan of the City.*

The project will achieve a calculated density of 7.2 dwelling units per acre which is considered medium density. Recommendations for medium-density residential development from Chapter 5 of *Horizon 2020* are listed below. Staff discussion of the project's compliance with the recommendation follows in red.

"Development proposals shall be reviewed for compatibility with existing land uses. The review should include use, building type, density and intensity of use, architectural style, scale, access and its relationship to the neighborhood, and the amount and treatment of screening and open space." (Policy 1.1, page 5-23)

The building form, roof type and exterior materials will feature compatible architectural context with the surrounding developments and the community as a whole.

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

"Encourage new and existing medium- and higher-density residential development which is compatible in size, architectural design, orientation, and intensity with the surrounding land uses in established areas." (Policy 3.4, page 5-29)

This development is being designed to be compatible with the surrounding land uses.

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

New sidewalks will be constructed on the north side of Stonecreek Drive, and on both side of Branchwood Drive with the extension of that roadway. The plan provides internal pedestrian connectivity to these new sidewalks, and the existing sidewalks along W 6th Street.

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

As shown on sheet 5 of the development plan, the trash and recycling will be collected and housed within the garage. On the morning of collection day, the containers will be taken to the parking lot and placed in the southern end of the fire lane for pick up by City crews. Also, the majority of the parking will be located in a basement garage. The small surface lot will be located south of the building and screened from the adjacent residential neighborhood by a Type 1 bufferyard.

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.

Applicant's Response: *"The proposed development complies with all density, dimensional, parking, loading, access, landscaping, screening and general development standards applicable to the RM15 base district. The intent behind this application for a Planned Development is not to receive development bonuses or flexibility around onerous standards, but instead to provide the public an opportunity to thoroughly review the development plan and understand the unique nature of the proposed senior housing cooperative."*

The purpose statement includes the following:

- a) Ensure development that is consistent with the comprehensive plan.**
As discussed previously, the development is consistent with the comprehensive plan.

- b) Ensure that development can be conveniently, efficiently and economically served by existing and planned utilities and services.**
The developer is working with the City Utilities Department regarding the construction of the public water main. Public Improvement Plans must be approved and the means of ensuring completion of public improvements accepted prior to recording the Final Plat.

- c) Allow design flexibility which results in greater public benefits than could be achieved using conventional zoning district regulations.**
The design flexibility allows the property to develop for the 'Assisted Living' use while insuring a density and residential nature that will be compatible with the surrounding properties.

- d) Preserve environmental and historic resources.**
There are no known historical 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.**
Section 20-701(d) states that all of the standards of the Development Code apply to development within a PD District except as expressly authorized by regulations of Section 20-701. The Dimensional standards in the RM15 District are being met with this development.

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

Landscaping	Requirement	Required	Provided
Street Trees	1 per 40 ft of street frontage	W 6 TH Street: 424 ft. / 40 = 11	W 6 th Street: 11

		Branchwood Drive: 397 ft. / 40 = 10	Branchwood Drive: 10
		Stonecreek Drive: 421 ft. / 40 = 10	Stonecreek Drive: 10
Interior Parking Lot Landscaping	40 sq. ft. for each parking space. 1 tree and 3 shrubs per 10 parking spaces.	40 X 26 parking spaces = 1,040 sq. ft. landscape area 26 parking spaces / 10 = 3 trees & 9 shrubs	1,050 sq. ft. landscape area 3 trees & 9 shrubs
Perimeter Parking Lot Landscaping	1 shade tree per 25 ft. of parking lot frontage along r-o-w PLUS wall, berm, or continuous hedge of evergreen shrubs.	Continuous row of evergreen shrubs	21 evergreen shrubs
Bufferyard Landscaping	Type 1 Bufferyard per ratio listed in Section 20-1005(f)	South: 25 ft. wide, 421 ft. long: 10 trees & 25 shrubs	10 trees & 25 shrubs

Staff Finding – The proposed Preliminary Development Plan is consistent with the Statement of Purpose of Planned Development, and with the standards of Section 20-701 of the Development Code.

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

Section 20-701(j) notes that 20% of the site must be located within common open space. The total common open space exceeds the minimum required standard. [35,176 sq. ft. required, 70,000 sq. ft. provided]. The common open space for this project will include an outdoor patio with a fireplace, as well as an undeveloped common open space area on the north portion of the property.

Staff Finding – This plan includes developed common open spaces as well as areas that will remain in their undisturbed condition.

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

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

5) The adequacy or inadequacy of the amount and function of the common open space in terms of the densities and dwelling types proposed in the plan.

The Development Code requires 50 sq. ft. of outdoor area that can be used for recreational purposes for each dwelling unit in the RM15 District. The development plan proposes a total of 52 units which would require 2,600 sq. ft. (52 X 50 sq. ft.) of outdoor area. The Recreational Common Space provided with the Planned Development will serve as the Outdoor Recreation area.

Staff Finding – The common open space required for the Planned Development, 20% of the site (175,878 sq. ft X 0.20 = 35,176 sq. ft), exceeds the outdoor area that is required for a residential development in the base RM15 District. The amount of common open space that is being proposed for this development is adequate.

6) *Whether the Preliminary Development Plan makes adequate provisions for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment.*

Staff Finding – The Preliminary Development Plan has made adequate provisions for public services and provides adequate control over vehicular traffic with access provided from Branchwood Drive. Adequate access for Fire/Medical is provided by means of a fire lane on the west side of the property.

7) *Whether the plan will measurably and adversely impact development or conservation of the neighborhood area by:*

a) doubling or more the traffic generated by the neighborhood;

The Traffic Impact Study indicated that the single-dwelling residential development located to the south of the proposed development generates 157 average trips per day, and the development would generate 35 average daily trips. This is an increase of approximately 22%.

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

The proposed development will be a 3-story building, with compatible architectural context for the established neighborhood. The development will be setback from W 6th Street and align with the existing structures to the west and east. Also, the development will be separated from the southern residential development by a Type 1 bufferyard. The proposed development will be compatible with the established neighborhood pattern.

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

The property to the south is zoned RS7 (Single-Dwelling Residential) with a maximum density of 6.2 units per acre. The property to the west, Aberdeen on Sixth, is zoned PRD (Planned Residential Development) with a maximum density of 12 dwelling units per acre. The property to the east is zoned UR (Urban Reserve) and contains an existing detached dwelling. The Foxchase Patio Homes PRD is located southeast of the subject property and has a maximum density of 5.24 dwelling units per acre. The calculated density of this proposed development is 7.2 dwelling units per acre which will not increase the residential density above the density of adjacent residential properties.

Staff Finding – The development will increase the traffic in the area by less than 50%, is proposing building height, design, and massing that is compatible with the area, and will not increase the density by 34% or more above the density of adjacent residential property. The development should not have a measureable or adverse impact on the development or conservation of the neighborhood area.

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

Potential adverse impacts with the *Assisted Living* use can occur with lighting that extends onto adjacent properties. 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 will be provided via an underground garage, and a small surface lot south of the proposed building. This parking area will be separated from the southern residential neighborhood by open space and a Type 1 bufferyard.

A majority of the property is retained in a natural state or is incorporated into organized common areas throughout the development. There are no nearby single-dwelling residences that will be impacted by this development.

Staff Finding – Possible adverse impacts of exterior lighting will be addressed with a photometric plan to insure there is no spillover light. No other possible adverse impacts have been identified.

9) The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the Planned Unit Development in the case of a plan that proposes development over a period of years.

Staff Finding- A phased development has not been proposed.

Staff Review and Conclusion

The proposed Preliminary Development Plan conforms to the land use recommendations for medium- to high-density residential development in the Comprehensive Plan. The Development Plan complies with the requirements in the Development Code for the RM15 and PD Overlay Districts. There are minor technical changes needed to the plan and these have been listed in the conditions of approval.