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March 28, 2016

Jane M. Eldredge  
Email: jeldredge@barberemerson.com

Mayor Mike Amyx  
City of Lawrence  
6 East 6<sup>th</sup> Street  
Lawrence, Kansas 66044

Re: City Commission Meeting March 22, 2016, Item 2 and  
City Commission Meeting March 29, 2015, Item 6

Dear Mayor Amyx:

The purposes of this letter are to:

- I. Correct the public record of the Lawrence City Commission meeting of March 22, 2016, Item Number 2, the Final Development Plan, FDP-15-00642; and
- II. Request that our Development Code be followed so that our citizens and developers can count on the predictability of our Code and the consistent and uniform application of those standards; and
- III. Request referral of this item from the March 29, 2016 City Commission agenda to the Douglas County Metropolitan Planning Commission.

**I. CORRECTION OF THE MARCH 22, 2016 RECORD**

- A. The Planning Director does NOT have any authority in the Development Code to waive or reduce the size of parking spaces.
- B. The HERE original preliminary development plan DID INCLUDE three floors of garage parking.
- C. As a collector street, West 11<sup>th</sup> Street is required to have an 80-foot right-of-way pursuant to Code section 20-810. As part of its June 23, 2014, consideration of the preliminary development plan (which also is the preliminary plat), the Planning Commission approved a subdivision plat variance,

thus foregoing the opportunity to acquire the required right-of-way and sanctioning the existing 40-foot right-of-way.

A. THE PLANNING DIRECTOR'S LACK OF AUTHORITY TO REDUCE THE SIZE OF A PARKING SPACE

1. The Development Code ("Code") parking standards apply unless expressly stated otherwise. Code Section 20-901(b)(1). (Exhibit A)
2. Code Section 20-901(d) only permits reductions in the NUMBER OF PARKING and LOADING SPACES (Exhibit B) if certain conditions are met. Those conditions apply only to the NUMBER of spaces not the size. If this section 20-901(d) was relevant it still would not apply to the HERE project because:
  - a. The owner has neither created a shared access nor consolidated multiple access points;
  - b. The HERE mixed use project is not a Schedule D use as required by Code 20-905 (Exhibit C). The Schedule D uses are highlighted on the copy of Code 20-902 (Exhibits D-1 - D-6); and
  - c. No variance has been granted by the Board of Zoning Appeals.

HERE failed to provide the dimensions of the intended parking spaces with any of their earlier Preliminary Development Plans. HERE failed to provide the dimensions of their parking spaces with the Final Development Plan that was administratively approved by the Planning Director on July 27, 2015.

B. HERE ORIGINALLY PLANNED THREE LEVELS OF PARKING and NO ACCESS to 11<sup>th</sup> STREET

In February 2014, HERE's zoning request and preliminary development plan were presented and approved with three levels of automated parking and closure of 11<sup>th</sup> Street as requested by HERE. (PC Minutes 2/24/14, Exhibit E and Staff Report p. 3B-5, Exhibit F)

C. LOSS OF OPPORTUNITY TO EXPAND THE 11<sup>th</sup> STREET RIGHT OF WAY AND RELATED DENSITY INCREASES

On June 23, 2014, after HERE acquired the property at 1115 Indiana Street, they returned to the Planning Commission with their revised zoning request and a revised preliminary development plan requesting:

1. Approval of their subdivision plat variance from the required right-of-way for 11<sup>th</sup> Street of 80 feet, thus approving the existing right-of-way of only 40 feet. (PC Staff Report p.1B-1, Exhibit G and PC Minutes pp. 6-7, Exhibit H)
2. Other changes to the approved Preliminary Development Plan are noted in the June 23, 2014, PC Staff Report section "Summary of Use and Changes to Plan" (Exhibit I) include:
  - a. An increase from 592 bedrooms in 176 units to 624 bedrooms in 239 units;
  - b. An increase of non-residential space from 8,958 square feet to 13,063 square feet;
  - c. An increase of on street parking spaces from 38 spaces of parallel parking on Mississippi and Indiana Streets to 106 spaces of angled parking on both sides of Mississippi and Indiana Streets; and
  - d. A decrease of 592 off-street parking spaces on **three** levels of the parking garage to 577 parking spaces on **two** levels of the garage.

The revised Preliminary Development Plan was approved by the Planning Commission on June 23, 2014, and by the City Commission on July 8, 2014, along with approval of an 85% tax rebate and the use of industrial revenue bond financing.

Less than three months later, on September 23, 2014, HERE requested the City Commission to revise the just approved preliminary development plan by reducing the number of parking spaces HERE was required to provide by 100 cars to 477 spaces. This request was based on HERE's representation that other cities (Champaign, IL, Normal, IL,

and Ann Arbor, MI) used different parking ratios. This request was not directed to the Planning Commission as required by our Development Code. Nonetheless, the staff cautioned on page 2 of its September 16, 2014, report to the City Commission on the request:

**While the applicant may have sound reasoning to seek a reduction in parking, observations of parking in the Oread Neighborhood suggest that a reduction in parking may exacerbate current parking impacts to the neighborhood if the parking required by code is, in fact, necessary to support the project. This issue, and the potential for the requested parking ratio to set a precedent for future such requests, should be weighed when considering the applicants' request.**

The City Commission deferred action for more information. Mayor Amyx cautioned that he was going to apply the same parking standards to everyone in the Oread Neighborhood.

On December 2, 2014, the City Commission again considered reducing the number of parking spaces to be provided in the garage. This time the HERE request was based on a probable agreement with the University of Kansas to share some University parking spaces with HERE tenants. The City Commission denied the request to reduce the number of parking spaces and also denied the use of shared parking with University of Kansas.

On January 20, 2015, the City Commission accepted dedications of right-of-way and easements for the HERE Final Plat, PF-00441.

On July 27, 2015, the Planning Director administratively approved the HERE Final Development Plan and recorded it at the Register of Deeds Office.

## **II. THE CURRENT PROPOSED REVISIONS TO THE FINAL DEVELOPMENT PLAN DO NOT MEET THE STANDARDS OF THE DEVELOPMENT CODE**

- A. On January 26, 2016, HERE again requested that it not be required to provide all of the required parking spaces before receiving any occupancy permits. This time, the problem they had was that their vendor for the robotic parking had taken a Chapter 11 (or reorganization) Bankruptcy. Removal of the previously approved

automated parking left HERE with a major problem. After a lengthy discussion, a majority of commissioners said whatever the solution to the parking garage problem, the project had to meet the Development Code. The Planning Director summarized the direction from the City Commission by stating:

**What I would recommend is that we defer this item, that we redraw the spaces to meet code and work out a code standard issue, bring it back for a decision on whether or not this revised final development plan can stand on its own by only accommodating part of the building's uses that were originally approved.**

- B. The March 17, 2016, Memorandum from the Planning Staff to Diane Stoddard states that the proposed design that the Staff and HERE are bringing back for the City Commission's consideration does not meet the standards of the Development Code, but does meet the standards of the company that may be contracted to run the valet parking in the garage.
- C. At the start of the March 22, 2016, City Commission consideration of the Final Development Plan, the Mayor asked the Planning Director if the proposals being put forward met our Development Code and the Planning Director candidly replied, "NO".

### **III. THE REVISED FINAL DEVELOPMENT PLAN SHOULD BE REFERRED TO THE PLANNING COMMISSION FOR REVIEW AND RECOMMENDATION**

- A. The proposed revised FDP should be referred to the Planning Commission because it is a major change to the approved Preliminary Development Plan. (Code 20-1304(e)(iii), Exhibit J) The requested proposal is to permit off-street parking spaces that are not sanctioned by the Development Code and to substitute valet parking for robotic parking.
- B. A major change is one that represents a new change to the Preliminary Development Plan that has already been recommended by the Planning Commission and approved by the City Commission and been the basis for the recorded Final Development Plan. The introduction of human implemented valet parking is a major change from the previously approved robotic parking. The

Planning Commission has not seen this development since it approved the June 23, 2014, Preliminary Development Plan and should be allowed to review this major change from automated parking as to its compatibility with the Development Code. The Planning Commission is charged with reviewing a major change and making a recommendation to the City Commission.

- C. A major change is new change that creates a substantial adverse impact on surrounding landowners. (Code 20-1304(e)(iv)(g), Exhibit K). The City Commission deliberations of September 23, 2014 and December 2, 2014 are evidence of the substantial adverse impact on the surrounding Oread Neighborhood of a poorly planned or poorly executed parking plan. So far no one has presented a code-compliant resolution to the new loss of the robotic parking and new concept of human run valet parking into and out of substandard parking spaces.
- D. HERE failed to provide the required dimensions of the proposed robotic off-street parking spaces in the parking garage at the time any of the Preliminary Development Plans were reviewed and approved. (Code 20-1304(d)(3)(iii)(j), Exhibit L) Now that they have proposed sizes, the Planning Commission should have that information to review.
- E. HERE failed to provide the required dimensions of the proposed robotic off-street parking spaces on administratively approved Final Development Plan. (Code 20-1304(e)(2)(d), Exhibit M) The recorded Final Development Plan is administratively approved if it is identical to the Preliminary Development Plan reviewed and recommended positively to the City Commission who approves it.
- F. Now HERE is requesting approval of mandatory valet off-street parking, based on dimensions that are not supported by our Parking Code and that have never been reviewed or recommended by the Planning Commission which is charged with the review of all parking space dimensions as part of the review and recommendations of a Preliminary Development Plan. The Planning Commission should review this proposal and the dimensions of the proposed off-street and on-street parking spaces and make recommendations to the City Commission in accordance with Code Section 20-1301(a), Exhibit N.

It is not in our City's best interest to ignore either the procedure or the substance of our Development Code. When followed, the Development Code provides certainty and predictability

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for both the developers who come to our community and with those of us who will live with the new developments long after the developers are gone. If we allow ourselves to simply take every project on its own and determine whether we like the project or like the spokesman for the project, we become a city that no longer is predictable and espouses the rule of man rather than the rule of law. Consistency in application of the Development Code is the corner stone of good government.

Please use the appropriate process and refer this item to the Planning Commission for its determination. Thank you for your consideration.

Sincerely,

BARBER EMERSON, L.C.



Jane M. Eldredge

JME:dkh

Enclosures

cc: Leslie Soden  
Matthew Herbert  
Stuart Boley  
Lisa Larsen  
Scott McCullough  
Bobbie Walthall

**ARTICLE 9. PARKING, LOADING AND ACCESS**

20-901	General
20-902	Off-Street Parking Schedule A
20-903	Off-Street Parking Schedule B
20-904	Off-Street Parking Schedule C
20-905	Off-Street Parking Schedule D
20-906	Off-Street Loading
20-907	Rules for Calculating Requirements
20-908	Location
20-909	Shared and Off-Site Parking
20-910	Use of Off-Street Parking and Loading Areas
20-911	Vehicle Stacking Areas
20-912	Accessible Parking for Physically Disabled Persons
20-913	Parking and Loading Area Design Standards
20-914	Landscaping
20-915	Driveways and Access
20-916	Traffic Impact Study

**20-901 GENERAL****(a) Purpose**

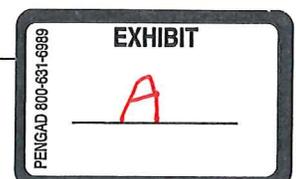
The regulations of this article are intended to ensure that the off-street parking, loading, and Access demands of various land uses will be met without adversely affecting surrounding areas. The regulations are also intended to help maintain a safe and efficient transportation system and advance other planning goals related to land use and the environment. In recognition of the fact that different approaches may be appropriate in different settings, the regulations allow flexibility in addressing vehicle parking, loading, and Access demand.

**(b) Applicability****(1) New Development**

Unless otherwise expressly stated, the parking and loading standards of this article apply to all new structures built and all new uses established in all zoning districts.

**(2) Enlargements and Expansions**

- (i) Unless otherwise expressly stated, the parking and loading standards of this article apply whenever an existing Building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees or other units of measure used for establishing off-street parking and loading requirements.
- (ii) In the case of enlargements or expansions of Buildings or uses triggering requirements for additional parking or loading, additional off-street parking and loading spaces are required only to serve the enlarged or expanded area or use, not the entire existing Building or use. There is no requirement to address lawfully created non-conforming existing parking or loading deficits.



**(3) Change of Use or Occupancy**

Unless otherwise expressly stated, when the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds the number of spaces required for the use that most recently occupied the Building, based on the standards of this development code.

**(c) Parking in Excess of Required Standard**

- (i) Developments that provide parking in excess of the required standards must mitigate the impacts of the increased Impervious Surface through use of storm drainage Best Management Practices (BMPs) as provided in the City's adopted BMP manual. [Mid-America Regional Council and American Public Works Association Manual for Best Management Practices for Stormwater Quality – Sept. 2003 and subsequent updates].
- (ii) Detached Dwellings, Attached Dwellings and Duplex residential uses shall be exempt from the requirements of 20-901(c)(i).

**(d) Reductions Below Minimums**

The number of parking and loading spaces existing on a site may not be reduced below the minimum requirements of this Section, except:

- (i) When waived by the Planning Director on sites where a property owner creates a shared access point or where multiple access points on a property are consolidated consistent with adopted access management policies;
- (ii) For good cause shown, when waived by the Planning Director as part of Site Plan approval in accordance with 20-1305 and based upon a parking study submitted in accordance with 20-905; or
- (iii) When a variance from the parking requirements is granted by the Board of Zoning Appeals based upon the specific circumstances of the property.

**(e) Issuance of Building Permits or Certificates of Occupancy**

No Building permits or certificates of occupancy shall be issued unless the minimum parking standards are being complied with or those standards have been waived in accordance with 20-901(d).

**(f) Exemption for CD District**

Due to the unique characteristics of the Downtown Commercial District, allowed uses in the CD Zoning District are exempt from the requirement to provide off-street parking and off-street loading spaces.

**(g) Parking Requirements in PRDs, PCDs and PIDs established before July 1, 2006**

Parking standards for uses listed in 20-902, 20-903 or 20-904 of this Development Code shall be applied when establishing minimum requirements for New Developments, Expansions or Enlargements, or Change of Use or Occupancy in these established Planned Unit Developments.

**20-905 OFF-STREET PARKING SCHEDULE D**

Schedule "D" uses have widely varying Parking demand characteristics, making it difficult to specify a single off-street parking standard.

**(a) Standards**

Upon receiving a development application for a use subject to "Schedule D" standards, the Planning Director shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or shall establish minimum off-street parking requirements.

**(b) Parking Study**

The decision of the Planning Director shall be based upon a Parking study prepared by the applicant.

- (1) The study shall include estimates of Parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Planning Director, and include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use.
- (2) Comparability will be determined by Density, Scale, bulk, area, type of activity, and location.
- (3) The study shall document the source of data used to develop the recommendations.

**20-906 OFF-STREET LOADING**

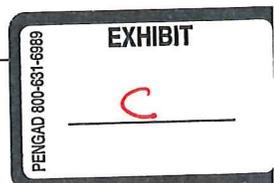
**(a) General**

Goods may not be loaded or unloaded from the right-of-way of a Collector or Arterial Street and no part of any vehicle may extend into the right-of-way of a Collector or Arterial Street while being loaded or unloaded; provided that, routine deliveries, such as U.S. Mail, Federal Express, Parcel Post and similar services, for reasonable durations, are not hereby prohibited.

**(b) Loading Schedule**

Off-Street loading spaces shall be provided in accordance with the minimum ratios shown in the following table:

Use	Building Floor Area (gross sq. ft.)	Required Loading Spaces	Space Size (feet)
Public and Civic	1-9,999	None	N/A
	10,000+	1 + 1 per 50,000 sq. ft. above 50,000 sq. ft.	10 x 25
Commercial (except Retail Sales, General)	1-9,999	None	N/A
	10,000+	1 + 1 per 50,000 sq. ft. above 50,000 sq. ft.	10 x 25
Retail Sales, General	1-4,999	None	N/A
	5,000+	[1]	[1]
Industrial	1-4,999	None	N/A
	5,000+	1 up to 40,000 sq. ft. + 1 addl up to 100,000 sq. ft. + 1 per 100,000 sq. ft. above 100,000	10 x 25; 10 x 50 for bldgs. over 20,000 sq. ft.



**20-902 OFF-STREET PARKING SCHEDULE A**

Unless otherwise expressly stated in this article, Off-street Parking Spaces shall be provided in accordance with the minimum ratios of the following, Schedule A.

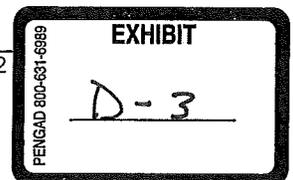
Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
<b>RESIDENTIAL USE GROUPS</b>		
<b>HOUSEHOLD LIVING</b>		
Accessory Dwelling Unit	See 20-534 for standards	None
Attached Dwelling	2 per Dwelling Unit	
Cluster Dwelling		
Detached Dwelling		
Duplex		
Manufactured Home	2 per Dwelling Unit	
Manufactured Home, Residential-Design		
Mobile Home	2 per Dwelling Unit (1 may be located in common area)	
Mobile Home Park		
* Multi-Dwelling Structure	1 per bedroom, + 1 per 10 units (visitors and guests) [1]	
Non-Ground Floor Dwelling	1 per bedroom	None
Work/Live Unit	1 per Dwelling Unit	
Zero Lot Line Dwelling	2 per Dwelling Unit	
Home Occupation, Type A or B	See 20-537 for standards	
<b>GROUP LIVING</b>		
Assisted Living	1 per independent living unit; 0.5 per Assisted Living unit	None
Congregate Living	1 per bedroom [1]	1 per 4 auto spaces
Dormitory and Scholarship Halls	0.75 per lawful occupant	
Fraternity and Sorority Houses	0.75 per lawful occupant	
Group Homes, General	1 + 1 per employee	None
Group Homes, Limited	2 per Dwelling Unit	
<b>PUBLIC AND CIVIC USE GROUPS</b>		
<b>COMMUNITY FACILITIES</b>		
Adult Day Care	1 per 1.5 employees	None
Cemetery	per Schedule D (Section 20-905)	
College / University	1 per 4 employees + 1 per 10 students (based on average annual attendance)	1 per 5 students
Cultural Center / Library	1 per 500 square feet	5 or 1 per 4 auto spaces, whichever is greater
Day Care Center	1 per 1.5 employees + 4 spaces	None



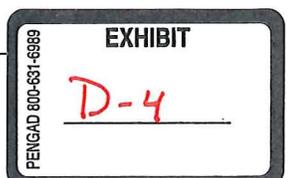
Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Day Care Home, Class A	1 per 1.5 employees	
Day Care Home, Class B		
<b>Detention Facilities</b>	per Schedule D (Section 20-905)	1 per 10 auto spaces
Lodge, Fraternal and Civic Assembly	1 per 500 square feet	None
<b>Postal Service</b>	per Schedule D (Section 20-905)	5 or 1 per 10 auto spaces, whichever is greater
<b>Public Safety</b>	per Schedule D (Section 20-905)	None
School, Grades K-9	1 per 1.5 teachers and employees	1 per 5 students
Grades 10+	1 per 1.5 teachers and employees + 1 per 3 students	5 or 1 per 10 auto spaces, whichever is greater
Funeral and Interment Cremating Interring Undertaking	1 per vehicle used in the business; 1 per vehicle used in the business; 1 per 300 square feet	None
Temporary Shelter	1 per 1.5 employees	1 per 5 clients
Social Service Agency	1 per 300 square feet	1 per 10 auto spaces
Community Meal Program	1 per 1.5 employees + 1 per 5 seats	5 or 1 per 10 auto spaces, whichever is greater
Utilities, Minor	1 space	1 per 10 auto spaces
Utilities and Service, Major	1 per 1.5 employees	
<b>MEDICAL FACILITIES</b>		
Extended Care Facilities, General and Limited	1 per 3 beds	5 or 1 per 10 auto spaces, whichever is greater
Health Care Office; Health Care Clinic	1 per 300 square feet	1 per 10 auto spaces
Hospital	1 per 3 beds	5 or 1 per 10 auto spaces, whichever is greater
Outpatient Care Facilities	1 per 300 square feet	1 per 10 auto spaces
<b>RECREATIONAL FACILITIES</b>		
<b>Active Recreation</b>	Per Schedule D (Section 20-905)	5 or 1 per 4 auto spaces, whichever is greater
Entertainment & Spectator Sports, General	1 per 3 seats	1 per 10 auto spaces
Entertainment & Spectator Sports, Limited	1 per 4 seats	5 or 1 per 10 auto spaces
Participant Sports & Recreation, Indoor	1 per 500 square feet of customer/activity area	1 per 10 auto spaces
Participant Sports & Recreation, Outdoor	1 per 500 square feet of customer/activity area	
<b>Nature Preserve / Undeveloped</b>	Per Schedule D (Section 20-905)	
<b>Passive Recreation</b>		
<b>Private Recreation</b>		



Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
<b>RELIGIOUS ASSEMBLY</b>		
Campus or Community Institution	1 per 4 seats in sanctuary or principal worship or assembly space plus spaces required for permitted Accessory Uses	5 or 1 per 10 auto spaces, whichever is greater
Neighborhood Institution		
<b>COMMERCIAL USE GROUPS</b>		
<b>ANIMAL SERVICES</b>		
Kennel	1 per 500 square feet	None
Livestock Sales	1 per 600 square feet	None
Sales and Grooming	1 per 300 square feet	1 per 10 auto spaces
Veterinary	1 per 400 square feet	None
<b>EATING AND DRINKING ESTABLISHMENTS</b>		
Accessory Bar	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	None
Accessory Restaurant	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift	
Bar or Lounge	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	5 or 1 per 10 auto spaces, whichever is greater
Brewpub		
Fast Order Food	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift	
Fast Order Food, Drive-In		
Nightclub	1 per 3 persons based on maximum occupancy PLUS 1 per employee based on the largest shift	
Private Dining Establishment	Per Section 20-539	Per Section 20-539
Restaurant, Quality	1 per 100 square feet of customer service area PLUS 1 per employee based on the largest shift	5 or 1 per 10 auto spaces, whichever is greater
<b>OFFICE</b>		
Administrative and Professional	1 per 300 square feet	1 per 10 auto spaces
Financial, Insurance and Real Estate		
Other		
<b>PARKING FACILITIES</b>		
Accessory	None	None
Commercial		



Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
<b>RETAIL SALES AND SERVICE</b>		
Building Maintenance Service	1 per 500 square feet	1 per 10 auto spaces
Business Equipment Sales and Service	1 per 300 square feet	
Business Support Service	1 per 400 square feet	
Construction Sales and Service	1 per 500 square feet of Building area + 1 space per acre of outdoor storage or assembly	1 per 10 auto spaces
Food and Beverage Retail Sales	1 per 300 square feet	5 or 1 per 10 auto spaces
Mixed Media Store	1 per 300 square feet	5 or 1 per 10 auto spaces
Personal Convenience Service	1 per 300 square feet	1 per 10 auto spaces
Personal Improvement Service	1 per 200 square feet	1 per 10 auto spaces
Repair Service, Consumer	1 per 400 square feet	
Retail Sales, General	per Schedule B (Section 20-903)	
Retail Establishment, Large	per Schedule B (Section 20-903)	1 per 10 auto spaces
Retail Establishment, Medium		
Retail Establishment, Specialty		
<b>SEXUALLY ORIENTED BUSINESSES</b>		
Sexually Oriented Media Store	1 per 300 square feet	5 or 1 per 10 auto spaces
Physical Sexually Oriented Business		
Sex Shop		
Sexually Oriented Theater	1 per 4 seats	
<b>TRANSIENT ACCOMMODATION</b>		
Bed and Breakfast	1 per guest room + 1 per 1.5 employees	None
Campground	1 per camp space	None
Elderhostel	1 per guest room + 1 per 1.5 employees for associated uses	as required for associated uses
Hotel, Motel, Extended Stay		
<b>VEHICLE SALES AND SERVICE</b>		
Cleaning (Car Wash)	2 + stacking spaces per Section 20-911	None
Fleet Storage	1 per 1.5 employees	
Gas and Fuel Sales	1 per 300 square feet of retail sales area + 2 per pump island	
Heavy Equipment Repair	2 per service bay, not counting the bay or Access way to the bay	
Heavy Equipment Sales/Rental	1 per 5,000 square feet of open sales area + 1 per 500 square feet of enclosed sales area + 2 per service bay	
Inoperable Vehicles Storage	1 per 1.5 employees	
Light Equipment Repair	2 per service bay, not counting the bay or Access way to the bay	
Light Equipment Sales/Rental	1 per 5,000 square feet of open sales area + 1 per 500 square feet of enclosed sales area + 2 per service bay	
Recreational Vehicle and Boat Storage	1 per 25 storage spaces	



Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
<b>INDUSTRIAL USE GROUPS</b>		
<b>INDUSTRIAL FACILITIES</b>		
Explosive Storage	per Schedule C (Section 20-904)	None
Industrial, General		
Industrial, Intensive		
Laundry Service		
Manufacturing and Production, Limited		
Manufacturing and Production, Technological		
Research Service	per Schedule C (Section 20-904)	1 per 10 auto spaces
Scrap and Salvage Operation	1 per acre	None
<b>WHOLESALE, STORAGE AND DISTRIBUTION</b>		
Exterior Storage	per Schedule C (Section 20-904)	None
Heavy		
Light		
Mini-Warehouse		
<b>OTHER USE GROUPS</b>		
<b>ADAPTIVE REUSE</b>		
Designated Historic Property	As established at time of Special Use approval per Section 20-501	As established at time of Special Use approval per Section 20-501
Greek Housing Unit		
<b>AGRICULTURE</b>		
Agricultural Sales	1 per 500 square feet of Building area + 1 space per acre of outdoor storage or assembly	1 per 10 auto spaces
Agricultural Services	1 per 1.5 employees	1 per 10 auto spaces
Agriculture, Animal	None	None
Agriculture, Crop	None	None
<b>COMMUNICATIONS FACILITIES</b>		
Amateur and Receive Only Antennas	None	None
Broadcasting Tower	1 space	None
Communications Service Establishment	1 per 400 square feet	1 per 10 auto spaces
Telecommunications Antenna	None	None
Telecommunications Tower	1 space	None
Satellite Dish	None	None
<b>MINING</b>		
Mining	per Schedule D (Section 20-905)	None



Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
<b>RECYCLING FACILITIES</b>		
Large Collection	per Schedule C (Section 20-904)	None
Small Collection		
Processing Center	per Schedule C (Section 20-904)	None
<b>Footnotes:</b>		
<p>[1] Whenever a structure 4,500 gross square feet or larger as of April 28, 2012 on a property 8,775 square feet in size or less is renovated as a Multi-Dwelling Structure or Congregate Living use, parking shall be provided at the overall rate of 0.5 spaces per one (1) bedroom. For purposes of calculating the structure's gross square feet, the following shall be considered to be included and in existence at the time of making application for use of the parking standard:</p> <ol style="list-style-type: none"> <li>1. Finished and unfinished area that is able to comply with the building code standard for livable space ceiling height without structural alterations, including the following:                     <ol style="list-style-type: none"> <li>a. Attic space when it is accessed by a permanent stairway.</li> <li>b. Basement space.</li> <li>c. Enclosed space such as enclosed porches, sunrooms, and breezeways that are seasonal in nature and that may or may not be connected to the structure's heating, ventilation, and air conditioning system.</li> </ol> </li> </ol>		

**20-903 OFF-STREET PARKING SCHEDULE B**

(a) Off-street Parking Spaces for Schedule B uses shall be provided in accordance with the following standards. These standards shall be minimum standards for the provision of off-street Parking Spaces.

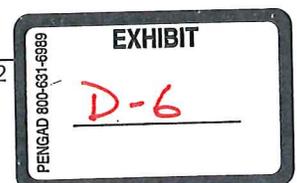
Gross Floor Area (Sq. Ft.)	Off-Street Parking Spaces Required
1-45,000	1 per 300 square feet
45,001-100,000	150 + 1 per 400 square feet of Gross Floor Area between 45,001 and 100,000 square feet
100,001+	288 + 1 per 500 square feet of Gross Floor Area above 100,000 square feet

(b) The maximum number of off-street Parking Spaces for a Schedule B use shall not exceed 120% of the minimum required number of Parking Spaces for such a use.

**20-904 OFF-STREET PARKING SCHEDULE C**

Off-street Parking Spaces for Schedule C uses shall be provided in accordance with the following standards:

Gross Floor Area (Sq. Ft.)	Off-Street Parking Required		
		Warehousing Floor Area Manufacturing or Other Floor Area	Outdoor Storage Area
1-20,000		1 per vehicle used in the business +	1 per 1,000 square feet +
20,001 – 120,000	1 per 5,000 square feet +		1 per acre
120,001 +	1 per 10,000 square feet +		1 per acre
If business is employee intensive, parking may be based on ratio of employees	1 per vehicle used in the business +	1 per 1.5 employees on largest shift	1 per acre



PC Minutes 2/24/14

**ITEM NO. 3A RM32 TO MU-PD; 2.391 ACRES; 1101 INDIANA ST (SLD)**

**Z-13-00516:** Consider a request to rezone approximately 2.391 acres from RM32 (Multi-Dwelling Residential) District to MU-PD (Mixed Use with PD Overlay) District, located at 1101 Indiana St. Submitted by Hartshorne Plunkard Architects, for Berkeley Flats Apartments LLC, property owner of record.

**ITEM NO. 3B PRELIMINARY DEVELOPMENT PLAN FOR HERE @ KANSAS; 1101 INDIANA ST (SLD)**

**PDP-13-00518:** Consider a Preliminary Development Plan for HERE @ Kansas, a mixed use multi-dwelling residential apartment building with ground floor retail uses, located at 1101 Indiana St. Submitted by Hartshorne Plunkard Architects, for Berkeley Flats Apartments LLC, property owner of record.

**STAFF PRESENTATION**

Commissioner Rasmussen disclosed ex parte that he talked with the applicant, Mr. Jim Heffernon several times. He said Mr. Heffernon's great great great grandmother was sisters with his great great great grandmother. He said since he was not able to attend the Planning Commission Mid-Month meeting where additional information was provided about the HERE @ Kansas project he met with Mr. Heffernon on February 11, 2014 and received that information.

Ms. Sandra Day presented items 3A and 3B together.

**APPLICANT PRESENTATION**

Mr. Jim Heffernon, HERE Enterprises, said currently there were two curb cut locations that provided access to the current parking lot of Berkley Flats, one on 11<sup>th</sup> Street and the other on Mississippi Street. He said the new design would eliminate all vehicular access on 11<sup>th</sup> Street due to safety concerns with the topography. He said when the project was being designed to fit within the context of its surrounding. He said one of the criteria for the zoning was that 7,700 square feet of outdoor open space be provided. He said he was proud of the fact that they were proposing 58,000 square feet of open space, which was 7 ½ times more than what was required by the Code. He said the project would provide outdoor dining venues. He said in addition, there were two 5,500 square feet indoor courtyards. He said the roof would contain 27,000 square feet of open space. He showed drawings on the overhead of what the project would look like. He said the garage would be composed of three levels and contain automated parking.

Commissioner Jossrand asked if KU had any input or expressed any concerns.

Ms. Day said KU provided general comments.

Mr. Heffernon said

**PUBLIC HEARING**

Mr. Norman Bell said he grew up at 1115 Indiana Street and that his mother owns the house. He expressed concern for the safety of his mother. He stated there used to be an alley behind 1115 Indiana Street and that his mother parks her vehicle behind the house. He said the new development would block his mother's house in by building around it on three sides.

**APPLICANT CLOSING COMMENTS**



The following table provides a summary of use and square footage by level of the proposed vertical use building.

Building Use Summary								
USE	Basement	1st floor	2nd floor	3rd floor	4th floor	5th floor	Roof	Total
* Parking	60,767	52,725	44,656					158,148
Retail		5,771		3,187	3,107			12,065
Residential		672		69,885	75,972	83,349		230,333
Mechanical		1,759		4,975	3,170	3,170		13,074
Residential Amenity				4,128	1,900			6,028
Open Space		19,441		11,051			27,840	58,332
Common Open Space		12,018						12,018
<b>TOTAL</b>	<b>60,767</b>	<b>92,386</b>	<b>45,111</b>	<b>93,226</b>	<b>81,042</b>	<b>86,519</b>	<b>27,840</b>	<b>489,998</b>

### Density Review

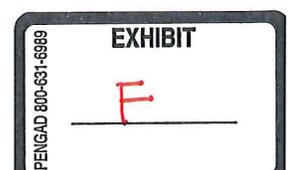
The base zoning district, MU (Mixed Use) allows a maximum density of 32 units per acre. Without including any additional calculation reductions or bonuses this would result in a total of 76 units for this property [32 \* 2.39 = 76.4]. Additionally, the MU district permits an increase in the allowable 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 may be added to the project. The bonus calculations are attached to this staff report.

Per Section 20-701(f)(3), density within a Planned Development is calculated based on the number of bedrooms rather than the number of dwelling units. Regardless of the unit design, the total bedroom count for this project is 592 beds. Section 20-701(f)(3) also allows the City Commission to increase the maximum net density (153) 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."*

The developer is proposing two alternatives in terms of the mix of 2-bedroom unit and 4-bedroom unit configuration. 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.

Density Calculations for a Planned Development (2.39 Acres)				
Number of Bedrooms	Density Factor	UNITS		Density/acre
Studio or one-bedroom	.4 dwelling unit	0	0	
Two-bedroom [92 or 112]	.6 dwelling unit	46 * .6 = (28)	56 * .6 = (34)	
Three-bedroom	.8 dwelling unit	0	0	
Four-bedroom or more [500 or 480]	1 dwelling unit	125	120	
Total PD Calculated Density		28+ 125 = <b>153</b>	34 + 120 = <b>154</b>	<b>64</b>
<b>Total Actual Units Proposed</b>		<b>171</b>	<b>176</b>	<b>72/74</b>
Calculated Density with 25% increase = units per acre		153 *.25 =38	154 *.25 38	
Calculated Density with 25% increase = units per acre		153 + 38 =191	154 + 38 =192	80

### Landscape Review



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

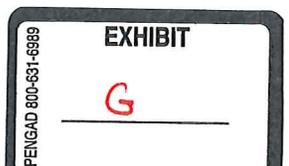
PC Staff Report  
6/23/14

**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 11<sup>th</sup> 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.



Mr. Heffernan said the contribution of the project extended from property taxes and sales taxes. He said the estimate on sales tax was eight times more than the current property taxes.

Commissioner Josserand said the applicant applied for an exemption on construction goods.

Mr. Heffernan said the sales tax component of the analysis was multifaceted. He said the most important and significant source of revenue generation would be the sales tax associated with the three retail uses. He said this project would be the most significant private development project ever in the community. He said it would be a 70 million dollar project and provide many jobs.

Commissioner Culver inquired about the floor plans and the 2,700 sq ft of office use.

Mr. Heffernan said the office space would contain the leasing office with administrative staff and a bicycle room.

Commissioner Struckhoff said he would like the Bicycle Advisory Committee to look at the angled parking on Mississippi Street when the project reached the Site Planning stage. He said Mississippi Street was the number one bike route on the north side of campus because of the grade.

Mr. McCullough said that had been the number one issue through the process. He said he was not sure the Site Plan could be taken to the Bicycle Advisory Committee because it was an administrative function. He said the best and brightest from KU and the City would work on the issue to make it compatible.

Commissioner Denney asked what would happen at 9<sup>th</sup> & Mississippi due to the increased traffic from the project.

Mr. McCullough said he was not sure if the traffic study went that far. He said City Traffic Engineers had been looking at the project for a long time and he did not believe they recommended any improvements for 9<sup>th</sup> & Mississippi.

Commissioner von Achen asked staff to address the parking outside of the district on the east side.

Mr. McCullough said the mixed-use district was the only zoning district that allowed on-street parking to accommodate a use.

#### **ACTION TAKEN on Item 1A**

Motioned by Commissioner Rasmussen, seconded by Commissioner Denney, to approve the rezoning of approximately 2.52 acres from RM32 (Multi-Dwelling Residential) District to MU-PD (Mixed-Use with PD Overlay) District, based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 10-0.

#### **ACTION TAKEN on Item 1B**

Motioned by Commissioner Rasmussen, seconded by Commissioner Denney, to approve 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 11<sup>th</sup> Street from 80' to 40' of right-of-way.

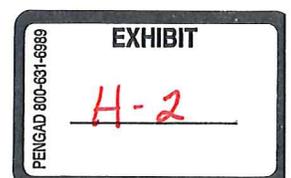


2. Approval of increased density by the City Commission.
3. Submission of revised data for the Downstream Sanitary Sewer Analysis per the approval of the City Utility Engineer prior to the submission of a Final Development Plan.
4. Submission of a revised Drainage Study to reflect the updated area and 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.

Commissioner von Achen wanted to be sure the Greek Houses would be contacted.

Mr. McCullough said staff would continue attempts to contact them. He said there were still several more steps in the development process and that this was just the Preliminary Development Plan.

Unanimously approved 10-0.



### 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 1<sup>st</sup> floor at 11<sup>th</sup> Street and Mississippi Street
- 4,412 SF on the 3<sup>rd</sup> floor at 11<sup>th</sup> Street and Indiana Street
- 2,651 SF on the 5<sup>th</sup> floor at south end of Indiana Street

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

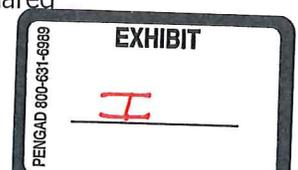
- The Proposed plan includes 2.52 acres (1101 Indiana Street and 1115 Indiana Street).
- The approved plan included 2.32 acres (1101 Indiana Street only).
- Proposed plan accommodates parking through 577 garage spaces and 106 on-street parking spaces.
- Approved plan included 592 garage spaces and 38 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.



- n. proof that no Lot, Parcel, Tract or other portion of the development area has been conveyed or leased prior to the recording of any restrictive covenants, Final Development Plan, or final plat;
  - o. such other drawings, specifications, covenants, Easements, conditions, and performance bonds as set forth in the granting of preliminary approval; and
  - p. at least one north-south and one east-west elevation drawing of the property from the Street right-of-way (property line) at a reasonable scale to illustrate Building shape, Height, and Screening proposed and to determine compliance with the Community Design Manual.
- (ii) A plan submitted for final approval shall be in substantial compliance with the plan previously given preliminary approval. Modification by the Landowner of the plan as preliminarily approved may not:
- a. Increase the proposed gross residential Density or intensity of use by more than five percent (5%) or involve a reduction in the area set aside for Common Open Space, open air recreation area or Non-encroachable Area, nor the substantial relocation of such areas; nor,
  - b. Increase by more than 10 percent (10%) the total Floor Area proposed for non-residential or commercial uses; nor,
  - c. Increase by more than 5 percent (5%) the total ground area covered by Buildings nor involve a substantial change in the Height of Buildings.

**(iii) Consistency with Preliminary Development Plan; Major Changes**

A Final Development Plan will not be considered complete and ready for processing if all approved conditions have not been met or if the Final Development Plan constitutes a Major Change from the approved Preliminary Development Plan. Major Changes may be made only after rehearing and reapproval of the Preliminary Development Plan, and the Planning Director shall notify the applicant of the provisions of this section.

**(iv) Major Changes**

A Major Change is one that:

- a. increases the proposed gross residential Density or intensity of use by more than five percent (5%)
- b. involves a reduction in the area set aside for Common Open Space in general, or Recreational Open Space or Natural Open Space in particular, or the substantial relocation of such areas;
- c. increases by more than 10 percent (10%) the total Floor Area proposed for nonresidential uses;
- d. increases by more than 5 percent (5%) the total ground area covered by Buildings;
- e. changes a residential use or Building Type;
- f. increases the Height of Buildings by more than 5 feet; or
- g. represents a new change to the Preliminary Development Plan that creates a substantial adverse impact on surrounding Landowners.
- h. changes a residential Building Type or a non-residential Structure by more than 10% in size.

**(v) Review and Action by Planning Director; Appeals**

- a. Within 45 days of the filing of a complete Final Development Plan application, the Planning Director shall review and take action on the Final Development Plan. The Planning Director shall approve the Final Development Plan if it complies with the approved Preliminary Development Plan, all conditions of Preliminary Development Plan approval and all applicable standards of this Development Code. If the submitted Final Development Plan does not so comply, the Planning Director shall disapprove the Final Development Plan and advise the Landowner in writing of the specific reasons for disapproval.
- b. In the event that the Planning Director does not approve the Final Development Plan, the Landowner may either: (1) resubmit the Final Development Plan to correct the plan's inconsistencies and deficiencies, or (2) within 45 days of the date of notice of refusal, appeal the decision of the Planning Director to the City Commission. In the event such an appeal is filed, a public hearing before the City Commission shall be scheduled with such notice as is required for the Preliminary Development Plan/Zoning Map Amendment.
- c. Notice shall be given of the Planning Directors' action to adjacent property Owner or Neighborhood Associations if such request for notice has been made in writing from the adjacent property Owner or Neighborhood Associations.

intersection of two streets shown as Collector or Arterial Streets on the City's Major Thoroughfares Map of the Comprehensive Plan.

- (ii) The application shall include a statement by the Landowner setting forth the reasons why, in his or her opinion, a Planned Development would be in the public interest and would be consistent with the Developer's Statement of Intent for Planned Development.
- (iii) The Preliminary Development Plan submitted by the Landowner as part of his or her application for tentative approval shall be prepared at a scale no smaller than one inch to 50 feet and shall include all of the area proposed to comprise the Planned Development. The plan and supporting documents shall include the following information:
  - a. A legal description of the site;
  - b. The dimensions of all property boundaries;
  - c. The Owner of record and any other parties having an interest in the proposed development;
  - d. A topographical survey of the site at an interval of not more than two feet or a more detailed plan if requested by the Public Works Department;
  - e. The location of all existing Structures, Easements, utilities, proposed utilities, and public dedication either through, adjacent to or on the site;
  - f. The existing public and Private Street system, platted or unplatted ownership, type and location of Structures, curb cuts on adjacent properties and along the opposite side of the Street and topography extending 100 feet beyond the outside boundaries of the proposed development;
  - g. The width, Grade, location and ownership of all proposed public and Private Streets and sidewalks in the area to be developed;
  - h. The use, Height, Floor Area, and approximate location of all proposed Buildings and other Structures;
  - i. The number of Dwelling Units to be contained in each Building proposed for residential use;
  - j. The location, dimension and capacity of all proposed off-Street Parking Areas in the area to be developed;
  - k. The location, dimension, acreage, and Ownership of all proposed public and private recreation areas, Open Space and Non-encroachable Areas;
  - l. Dimensions and notes as deemed necessary to show compliance with the development standards of this Article;



**(e) Final Development Plan****(1) Application Filing**

Final Development Plan applications shall be filed with the Planning Director after approval of and before the expiration of a Preliminary Development Plan. A Final Development Plan may be submitted for a portion of the area in the approved Preliminary Development Plan.

**(2) Application Contents**

- (i) Final Development Plan, in its entirety or in phases, drawn at a scale of one inch to 40 feet and supportive documents shall show or contain at least the following:
  - a. all information required of the Preliminary Development Plan;
  - b. the placement of all principal and Accessory Structures;
  - c. the entrances to all Structures;
  - d. the location and dimensions of all existing and proposed curb cuts, Driveways and aisles, public and Private Streets, off-street parking and loading space areas, sidewalks and pedestrianways, sanitary sewers, storm sewers and drainageways, power lines, gas lines, and fire hydrants;
  - e. the location, height and material of Screening walls and fences;
  - f. the type of surfacing and base course proposed for all Private Streets, Driveways, off-street parking and loading space areas, and sidewalks and pedestrianways;
  - g. the location of all utilities in and adjacent to the property. (No overhead lines, with the exception of high voltage power lines, shall be permitted in Planned Developments);
  - h. a location map of one inch equals 200 feet or less showing the site of the proposed development in relationship with major Thoroughfares in the city;
  - i. a landscape plan in accordance with Section 20-1001(d);
  - j. the proposed topography or grading of the area at a contour interval of not more than two feet;
  - k. the location of each outdoor trash storage facility;
  - l. proof of the establishment of an agency or entity to own, manage and maintain the Common Open Space, open air recreation areas, recreation facilities, Non-encroachable Areas, Private Streets and any other area within the development that is to be retained for the exclusive use and benefit of the residents, lessees and Owner;
  - m. copies of all restrictions or covenants that are to be applied to the development area;

**ARTICLE 13 DEVELOPMENT REVIEW PROCEDURES**

- 20-1301 General
- 20-1302 Text Amendments
- 20-1303 Zoning Map Amendments (Rezoning)
- 20-1304 Planned Developments
- 20-1305 Site Plan Review
- 20-1306 Special Uses
- 20-1307 Institutional Development Plan
- 20-1308 Floodplain Development Permit
- 20-1309 Zoning Variances
- 20-1310 Written Interpretations
- 20-1311 Appeals of Administrative Orders, Requirements, Decisions, or Determinations

**20-1301 GENERAL**

**(a) Summary of Procedures**

The following table provides a summary of the procedures in this Article. In the event of conflict between this summary table and the detailed procedures in this Development Code, the detailed procedures govern.

Procedure	Review and Decision-Making Bodies			Notice
	Staff	PC	BZA	CC
Text Amendments (§0)	R	<R>		DM
Zoning Map Amendments (§0) [3]	R	<R>		DM
<b>Planned Developments (§ 20-1303(l)(2)(v))</b>				
Preliminary Development Plan	R	<R>		DM
Final Development Plan	DM			<A>
Site Plan Review (§0)	DM			<A> [4]
Special Uses (§Article 12. 20-1305(o)(3))	R	<R>		DM
Zoning Variances (§0)	R		<DM>	
Written Interpretations (§0)	DM		<A> [5]	
Appeals of Administrative Decisions (§0)			<DM>	
PC = Planning Commission BZA = Board of Zoning Appeals CC = City Commission <>= Public Hearing Required				
[1] R = Review Body (Responsible for Review and Recommendation); DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny); A = Authority to hear and decide appeals of Decision-Making Body's action.				
[2] Notices: N = Newspaper (published); P = Posted (signs); M = Mailed (See sub-section (p)(3) of this section)				
[3] See Section 20-308(d) for special procedures applicable to UC, Urban Conservation District zoning map amendments.				
[4] City Commission is authorized to hear and decide appeals of Planning Director's decision on Site Plans.				
[5] Appeals processed as "Appeals of Administrative Decisions."				

**(b) Authority to File Applications**

Unless otherwise expressly stated, applications for review and approval under this article may be initiated by (1) all the Owner of the property that is the subject of the application; (2) the Landowners' authorized Agent; or (3) any review or decision-making body.

