

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
12/19/18

**ITEM NO. 7 SPECIAL USE PERMIT/INSTITUTIONAL DEVELOPMENT PLAN FOR
DOUGLAS COUNTY TIER II AND TIER III HOUSING 1000 W. 2ND
STREET (SLD)**

SUP-18-00518 Consider a Special Use Permit/Institutional Development Plan for the development of residential housing to include a 12 bedroom *Group Home* and 10 one-bedroom apartments, located at 1000 W. 2nd Street. Submitted by TreanorHL, for Douglas County, property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of a Special Use Permit located at 1000 W. 2nd Street and forwarding the request to the City Commission with a recommendation of approval, subject to the following condition:

1. Prior to recording of the Institutional Development Plan with the Register of Deeds Office the applicant shall provide a photometric plan to the Planning staff for review and approval per Section 20-1103 of the Land Development Code.

Applicant's Reason for Request: *The project proposes to remove the existing structure in favor of a 12-bed assisted living building and ten single-bed units arranged in three attached dwellings, for independent living in order to provide addiction recovery.*

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases

PF-14-00208

Other Action Required

- City Commission approval of special use permit and adoption of ordinance.
- Publication of special use permit ordinance.
- Submission and approval of local floodplain development permit.
- Submission of an erosion control plan.
- Submission and approval of building permit.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Pending provision of additional documentation requested by city staff.
- *Downstream Sanitary Sewer Analysis* – Pending provision of additional documentation requested by city staff.
- *Drainage Study* – Pending provision of additional documentation requested by city staff.
- *Retail Market Study* – Not applicable to this development application.
- *Historic or Community Design Guidelines Review Standards* – Not applicable to this development application.
- *Alternative Compliance/Waivers* –
 - Waiver from implementation of specific stormwater best management practices to accommodate excess parking spaces.
 - Waiver from 40 foot building setback from W. 2nd Street.
 - Waiver from Type 3 Bufferyard along W. 2nd Street.

- Waiver to defer the construction of public sidewalk along Maine Street until construction of *Community Mental Health Facility*.

KEY POINTS

- This zoning district is subject to a requirement to provide an *Institutional Development Plan* per Section 20-1307 of the Land Development Code for all property contained in the district.
- The residential component requires a special use permit in this district.
- The east portion of the lot is encumbered by the regulatory floodplain. Proposed improvements are outside of the floodplain boundary.

ATTACHMENTS

- A. Site Plan
- B. Building Elevations
- C. Conceptual Site Design

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

None to date

GENERAL INFORMATION

Current Zoning and Land Use: GPI (General Public and Institutional) District. Former *Lodge* building use, now vacant.

Surrounding Zoning and Land Use: To the north: GPI (General Public and Institutional) District. Sandra Shaw Community Health Park.

To the east: GPI (General Public and Institutional) District IG (General Industrial) District. Existing field staff parking and lime residual pump station¹.

To the south: GPI (General Public and Institutional) District and RM12 (Multi-Dwelling Residential) District.

- 200 Maine Street – County Health Department, Visiting Nurses, and Bert Nash offices
- 720 W. 3rd Street – Lawrence Kaw Water Treatment Plant.
- 200 block of Illinois and Alabama Streets include *Detached, Duplex* and *Multi-Dwelling* residential uses.

To the west: IG (General Industrial) District and OS (Open Space) District to the southwest. Existing *Manufactured Home Park* – Mobile Village and Woody Park.

¹ Lime is used in the water treatment process and the leftover lime sludge is sent to the Kansas River Waste Water Treatment Plant, located at 1400 E. 8th Street, via the lime residual pump station.

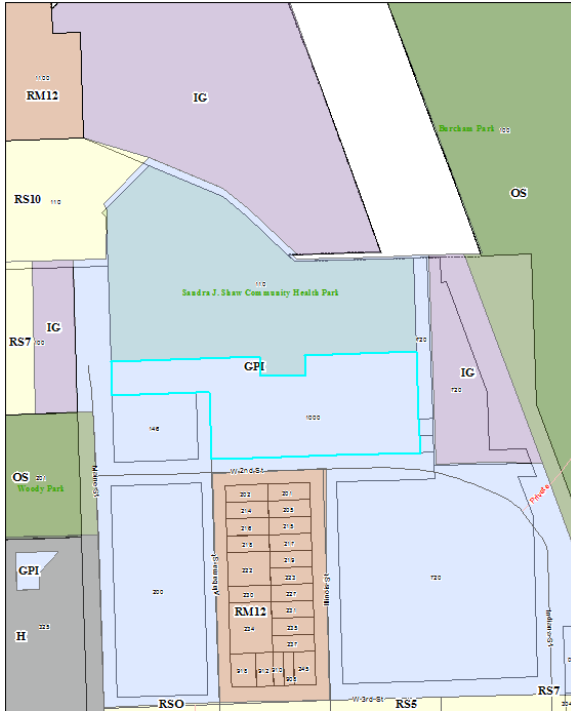


Figure 1: Surrounding Zoning

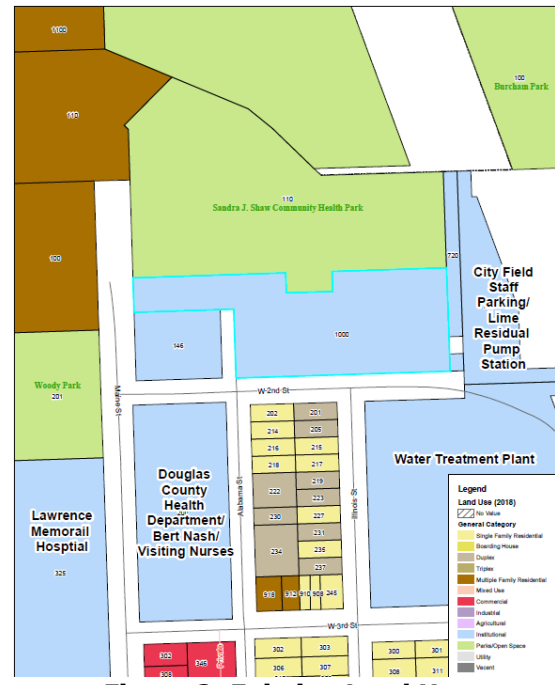


Figure 2: Existing Land Use

PROCESS SUMMARY

An institutional development plan is required for properties zoned GPI (General Public and Institutional) District. Generally, developments less than 10 acres may complete planning requirements as a site plan. However, *Multi-Dwelling Residential* uses and *Group Home, General* uses in the GPI District require a special use permit. The plan provides a vision for the long-term use and development of public institutional space and lands so that they are designed to be compatible with surrounding land uses and contribute to the neighborhood and character of the area. These development are processed in the same manner with the same notice and documentation requirements as either a site plan, when the area is less than 10 acres or as a special use permit when more than 10 acres is included in the plan boundary or when a use in the GPI District requires a special use permit.

- The total land area included in this request is less than 10 acres.
- *Group Home* and *Multi-Dwelling Residential* uses are subject to Special Use Permit review approval when located in the GPI District.
- The property included in the application addresses only the residential component of the development at this time.

The site plan submitted with a special use permit application is required to meet the site plan requirements in Section 20-1305(f) of the Development Code. Once approved, Institutional Development Plans are recorded with the Douglas County Register of Deeds Office.

PROJECT SUMMARY

The property is located on the north side of W. 2nd Street. The property is located north of the Bert Nash Center/Lawrence Douglas County Health Department and east of the Lawrence Memorial Hospital. Municipal operations are located to the east and southeast of the proposed development.

The development project includes an initial phase for residential use as part of a larger planned improvement providing community-wide mental health services. This phase is initiated on behalf of

the Lawrence-Douglas County Housing Authority and Douglas County. The project includes a 12-bedroom *Group Home* and 10 *Multi-Dwelling Residential* units in multiple buildings on a single parcel. The project is not designed or intended to be divided for separate ownership of the units or buildings.

A future phase is planned for the property to the west that will include a *Community Mental Health Facility* and an expanded parking lot. The future phase would require the demolition of existing structures (USD 497 Maintenance facility) located at 146 Maine Street. Douglas County acquired the property with the intent to construct the “Crisis Center” as part of the overall campus development that includes this residential phase.

The *Community Mental Health Facility* is a permitted use in the GPI District and subject only to a site plan. At this time, the school district property is not included in development application and is a separate parcel. A future minor subdivision application is expected that will combine the school district property with the proposed development and include the vacation of the remaining Alabama Street right-of-way.

SITE PLAN REVIEW

Review and Decision-Making Criteria (Land Development Code Section 20-1306(i))

1. WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE

Applicant’s Response: *The proposed use complies with all applicable provisions of the Development Code.*

This section of the staff report evaluates the site plan component of the application for compliance with density and dimensional standards, access, off-street parking, and landscape design standards.

A. Site Summary

This property is a single platted lot with an existing building that will be removed as part of the redevelopment of the site.

Table 1: Site Summary

Site Summary: Proposed Lot 1, Research Park Addition			
Total area:	Existing	Proposed	The property is platted as a single large lot with a substantial portion on the northeast portion located within the regulatory floodplain. No development improvements are proposed in the encumbered area of the lot.
Lot Size: Square Feet	207,607	207,607	
Acres	4.76	4.76	
Building: Square Feet	6,237	9,525	The maximum allowed impervious surface cover by code is 75%. The proposed development complies with the design criteria.
Impervious Cover: Square Feet	12,851	24,508	
Percent	6%	12%	
Pervious Cover: Square Feet	194,756	183,101	
Percent	94%	88%	
Residential Density	0	11 units	2.3 units per acre

The GPI District does not specify a maximum residential density. As a project subject to an Institutional Development Plan, the density may be determined for the proposed development. The nearest residential zoning is RM12 located to the south, RM12. This district permits a maximum development of 12 dwelling units per acre. The 200 block of Alabaman/Illinois Street is developed at 11 dwelling units per acre with a mix of *Detached Dwellings, Duplex, and Multi-Dwelling* residential

structures. The proposed development is substantially less dense than the surrounding residential area.

The project retains a substantial portion of open space and is adjacent to a public park.

The project complies with these density and dimensional standards per section 20-601.

B. Access and Parking

Access: Access to this site is provided by a driveway to N. 2nd Street. This segment of N. 2nd Street is a local street.

Off-site Parking: The proposed development includes a surface parking lot.

The project includes two uses arranged to create a supportive residential campus. Uses include:

- Multi-Dwelling Residential with parking required at 1 space per bedroom plus 1 space per 10 units; and
- Group Home, General with parking required at 1 space + 1 space per employee (at maximum shift).

The *Multi-Dwelling* units will require a total of 14 off-street parking spaces to accommodate the proposed 10 units. The development includes a total of 12 bedrooms. The plan shows 24 parking spaces.

Table 2: Parking Summary

Use	Vehicle Parking Requirements	Spaces Required	Spaces Provided
<i>Multi-Dwelling</i>	1 space per bedroom and 1 space per 10 units	13 spaces	
	10 units 12 total bedrooms		
	Bicycle Parking: 1 space per 4 auto spaces	3.25 spaces	4 spaces
<i>Group Home, General</i>	1 space and 1 space per employee (maximum shift)	5 spaces	
	1 unit 4 employees		
Total Spaces Required	Bicycle Parking: <i>None required for this use</i>	0 spaces	0 spaces
Total Spaces Provided			24 spaces
Accessible Spaces	1 accessible space for lots with 1-25 spaces	1 space	1 space

Parking Lot Design:

The site plan shows excess off-street parking; 18 spaces required and 24 proposed. The site exceeds the minimum required off-street parking by 6 spaces (33% of the required parking). Section 20-901 (c) requires the mitigation of additional impervious surface that results from excess parking through the implementation of stormwater best management practices. The applicant is requesting a waiver from this requirement. The applicant believes that the excess parking is necessary to meet demand and therefore not subject to mitigation required per Section 20-901 (c).

Applicant Justification: The additional parking spaces will provide parking on-site to accommodate some overflow parking associated with support service providers that are also located in the immediate area.

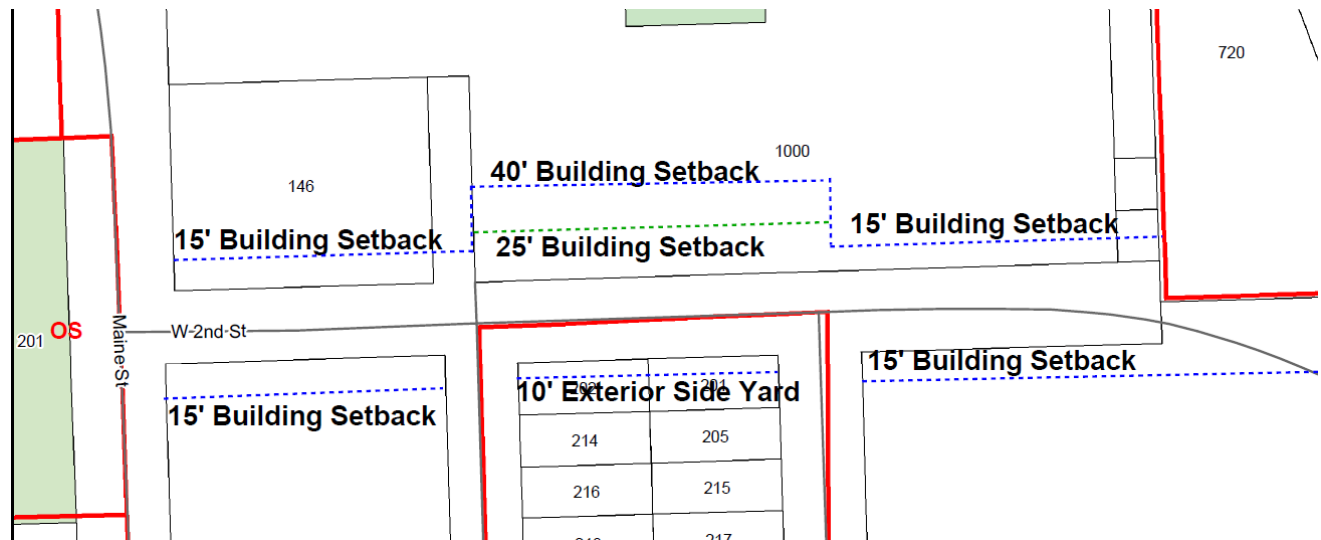
Staff Response: Staff acknowledges the applicant’s request for additional parking. There is an acknowledged lack of sufficient parking for the medical office uses located in this immediate area. The additional parking will reduce the need for on-street parking that overflows onto the adjacent

residential streets. This application represents one phase of a larger redevelopment project that includes a multi-bed mental health facility that will have additional parking demand. The proposed parking lot would be expanded to provide the additional parking for the future development phase.

C. Design Standards

Site Design:

This phase is proposed for residential development with *Multi-Dwelling* units clustered around a common courtyard. The *Group Home* use is located to the west of the multi-dwelling units with interior pedestrian connections between the building and to W. 2nd Street. The site plan shows a 25 foot setback from W. 2nd Street. The GPI district requires a 40 foot setback when across from another residential district. As noted above the zoning district along the south side of W. 2nd Street includes an RM zoning. This setback applies to approximately 300 foot of the frontage along W. 2nd street where the project abuts the residential development between Illinois and Alabama Street. The remaining frontage requires only a 15 foot building setback. The corresponding building setback on the south side of W. 2nd Street along this same block face is 10 feet, as an exterior side yard setback for the RM12 District. Otherwise the building setback is 15 feet. The graphic below shows the required building setbacks along W. 2nd Street.



The applicant has submitted a revised site plan showing a reduced setback for that segment of the property abutting the RM zoning. The proposed 25 foot setback provides a comparable residential building setback for the development in the context of the residential uses to the south. The existing residences to the south include detached, duplex, and multi-dwelling uses that face Illinois or Alabama Street. W. 2nd Street is the exterior side yard for the two lots at the north end of the block.

Section 20-1305 (b) (3) (v) provides the Planning Director authority to waive compliance with certain standards “when good cause is shown”, when it can be demonstrated that the intent of the code is fulfilled, and if the project meets sound site planning principles.

The purpose of the larger building setback in the GPI District when located adjacent to a residential district is to establish an appropriate separation of uses with the ability to provide an adequate bufferyard. In this application the proposed use is *multi-dwelling residential*. The residential use is appropriately integrated into the surrounding neighborhood fabric and should not be isolated from it by artificial constructs. The reduced setback allows the project to be shifted to the south, preserving the mature vegetation on the north side of the property adjacent to the Sandra Shaw Park.

The proposed *multi-dwelling* units are provided with front porches and rear patios as private space and a common courtyard for joint open space within the development. The *group home* use is setback 145 feet from W. 2nd Street. The back yard of the building looks out over the adjacent park space to the north. The reason for the deep setback for the *group home* use is to provide convenient off-street parking.

The parking lot for the group home use and the *Multi-Dwelling* use is located to serve both uses and will be expanded to the west as the *Community Mental Health Facility* phase is developed. The parking lot complies with the minimum required parking lot setback for the GPI District.

The site design reflects the preservation of the floodplain and stand of mature trees located along the north and east sides of the property.

Building Elevations:

The proposed development is residential. The Community Design Manual does not currently include residential design standards. The proposed building elevations include strong residential components intended to reflect residential characteristics of the neighborhood.



Figure 3: Front Facade - Group Home



Figure 4: Front Facade - Multi-Dwelling

Pedestrian accessibility:

The site plan shows interior pedestrian connections between the residential units and from W. 2nd Street. A portion of the lot abuts Maine Street and a public sidewalk is not shown in this phase along Maine Street. The future development phase will include the public sidewalk and extend interior connections.

Maine Street sidewalk

Typically, institutional development plans less than 10 acres are required to be developed in one phase. Sidewalks required in a multi-phase development must be provided in phase 1. This application is unique in that it is less than 10 acres but is processed the same as if it were larger because the residential component is subject to a special use permit.

Sidewalks are required per Section 20-1105 of the Land Development Code for any Major Development Project; however, the City Engineer may vary width and sidewalk construction standards when impractical because of topography or site conditions. In this instance all of the development is located on the east side of the property. There are no planned internal pedestrian connections between this phase and Maine Street at this time. A future application is expected that will include development on the west portion of the property for the future *Community Mental Health Facility* that will be required to extend the public sidewalk along W. 2nd Street and Maine Street. At this time, only 100 feet of the west property line abuts Maine Street. Construction of the Maine Street sidewalk is postponed until the construction of the *Community Mental Health Facility* in the near future.

D. Landscaping and Screening

Minimum Residential Open Space: Section 20-601 requires a minimum of 50 square feet of open space per dwelling unit when located in an RM (Multi-Dwelling) District. The GPI District does not specify a minimum open space area when residential uses are included. The site plan shows a 54 foot by 62 foot courtyard area (3,348 square feet) that creates a common open space for the *Multi-Dwelling* units that front the space. A conventional multi-dwelling development would require only 500 square feet. The proposed development far exceeds this design standard.

Street Trees: This site abuts W. 2nd Street and Maine Street. This phase of the development is located east of Alabama Street and does not include site changes along Maine Street at this time. The site requires a minimum of 19 shade trees per Section 20-1002; 16 trees along W. 2nd Street and 3 trees along Maine Street. The site plan shows existing vegetation along the west property line that will remain until the commencement of Phase 1. Most of the vegetation is located within the existing Maine Street right-of-way. New trees are not proposed at this time.



Figure 5: West portion Lot 2, Bert Nash Addition

The plan shows 15 trees along the street frontage. Trees are adjusted to accommodate the access drive and retain adequate sight distance at the entrance to the development.

Interior Parking Lot Landscaping: This project includes interior green space that exceeds the minimum required area.

Table 3: Interior Landscape Area Summary

Interior Landscape	Required	Provided
Total Area	Landscaping Interior Parking Lot Area: # Spaces x 40 square feet	
	24 spaces x 40 = 960 square feet	2,469 square feet
Total Interior Landscape Plants	Proposed 24 stalls/10 = 2.4 x 1 = 2.4 (3) Trees	5 Trees
	Proposed 24 stalls/10 = 2.4 x 3 = 7.2 (8) Shrubs	15 Shrubs

Perimeter Parking Lot Landscaping:

Parking is shown located 15 feet setback from the property line, consistent with the district requirement. Parking spaces are appropriately screened.

Bufferyard Requirements:

The block between Illinois Street and Alabama Street on the south side of W. 2nd Street is zoned RM12. As such a Type 3 bufferyard is required along the segment of the development. A Type 3 bufferyard can range from 15 to 25 feet wide. A 15 foot wide bufferyard would include a fence, wall, or berm. A berm in this location would not be suitable given the relationship of the proposed use (residential) to the uses to the south, also residential. The site plan does not include a fence or wall. The buildings are setback 25 feet with the off-street parking setback 15 feet. Appropriate perimeter landscaping is provided.

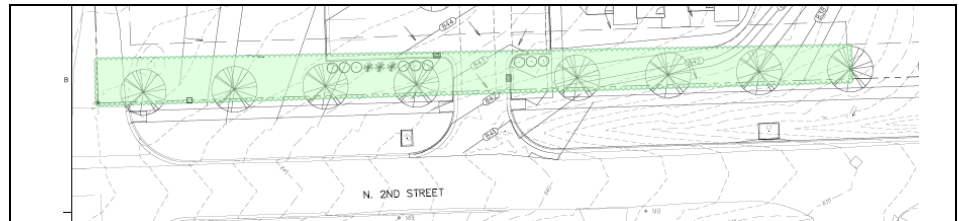


Figure 6: Type 3 Bufferyard Area

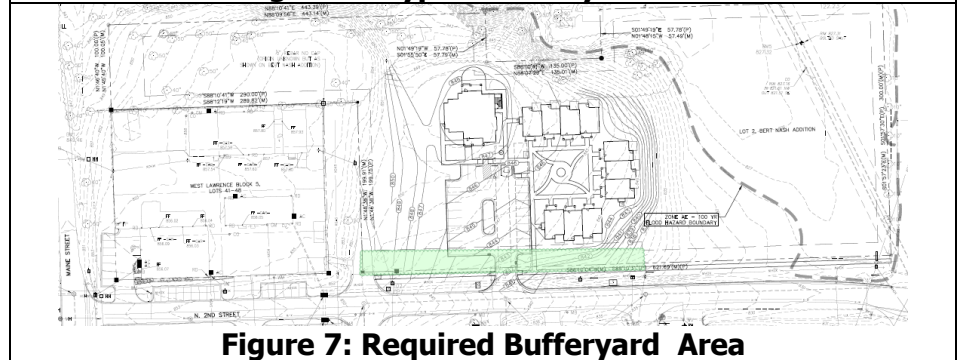


Figure 7: Required Bufferyard Area

The intent of the development is to provide suitable housing including support services with an integrated relationship to the existing residential uses in a neighborhood context. This standard applies only to 330 feet of the project. The total project including phase 1 has 911 feet of frontage along W. 2nd Street. Only the middle third of the overall site would be required to meet this standard.

By adding a fence or wall along this segment the development becomes isolated from the surrounding neighborhood. The intent of the standard is to buffer incompatible uses and provide screening and transition between differing uses.

Mechanical and Equipment Screening

The site plan includes a note indicating the project is subject to screening requirements per section 20-1006 of the Land Development Code. This applies to roof and building mounted equipment as well as trash storage areas. The mechanical systems have not yet been designed for this project. The applicant is advised of the requirement. Staff will continue to review this element to ensure compliance with Section 20-1103 of the Land Development Code as noted on the face of the drawing.

A common trash enclosure is provided in the northeast corner of the parking lot and will serve the residential units. The enclosure includes gates that will provide screening of the dumpster from W. 2nd Street.

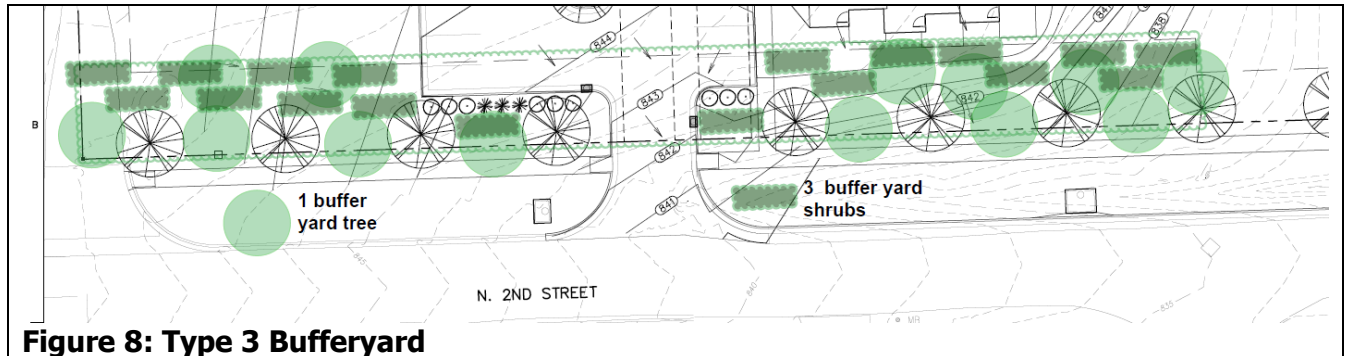
Alternative Compliance:

The proposed development complies with the required landscape standards with the following two exceptions.

1. Street trees along W. 2nd Street: The landscape plan shows 15 street trees rather than the required 18.
2. Bufferyard that is partially 15 feet wide (along the parking lot segment) that does not include a wall, fence, or berm, and does not include additional trees and shrubs. To meet the

minimum landscape standard for a bufferyard the site would require 13 additional trees and between 50 and 66 additional shrubs along this portion of the site.

It is possible to add additional street trees to meet the requirement. The additional screening is excessive and unreasonable if the development is intended to have a connection to the neighborhood.



Per Section 20-1305 (b) (3) (v), the Planning Director waives the required type 3 bufferyard for this project as it applies to the residential component of the proposed development.

E. Lighting

A photometric plan is required. Lighting details are not available since fixtures have not been selected. Additional review of the lighting plan will be required prior to the release of the site plan for issuance of building permits.

F. Sensitive Lands / Floodplain

This property is partially encumbered by the regulatory floodplain. Proposed improvements are locate outside of the floodplain. The site also includes a mature stand of trees located along the north side of the property that abuts the public park. Only minor encroachment into the mature trees is proposed to accommodate the residential units along the north side of the development. The existing green space provides a connection to the public open space to the north and provides some privacy for the residents from park users.

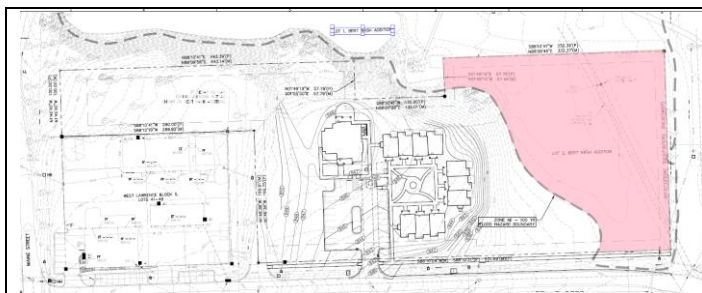


Figure 9: Regulatory Floodplain

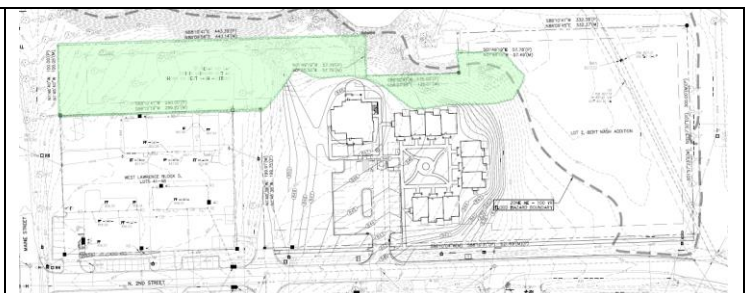


Figure 10: Existing Vegetation Buffer

Staff Finding – This use, as conditioned, complies with the applicable provisions of the Land Development Code as an allowed use in the GPI District subject to a special use permit.

2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING

HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

Applicant's Response: *The proposed use is compatible with adjacent uses. The area is generally residential and health care oriented. The proposed use will be architecturally residential, and the use is for addiction recovery, which is a health oriented service.*

The property is located adjacent to a public park on the north and multiple public facilities to the east, west, and south. Residential uses are generally one and two story buildings. Public facilities include the recently vacated building that provided support services for USD 497, Bert Nash, Lawrence-Douglas County Health Department, and the City water treatment facility. The Lawrence Memorial Hospital is located southwest of the proposed development. Building size and massing for the public facilities is substantially different from the residential uses along the south side of W. 2nd Street.

This phase of the development continues the residential aspect of the neighborhood to the north side of W. 2nd Street. The proposed use is compatible with the surrounding area.

Staff Finding – The proposed use is compatible with the adjacent uses in terms of size, massing, orientation, as a residential development. The hours of operation and traffic will not be substantively different than the existing residential uses to the south.

3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

Applicant's Response: *The proposed use removes an older unused structure in favor of new residential looking buildings. The improvements will likely increase property values as the property will be improved to Code requirements.*

The proposed development represents a reinvestment in the neighborhood and in the larger community.

Staff Finding – Substantial diminution of other property values in the area is not anticipated.

4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

This site is currently served by public utilities. The proposed parking lot is designed to accommodate the *multi-dwelling residential* and *group home* use in an efficient manner. The future phase of the development will expand the parking available in this area.

Improvements to infrastructure are required as the property is redeveloped including the addition of a public sidewalk along W. 2nd street as associated with the current phase for development.

Staff Finding – Adequate public facilities and transportation access is accommodated for this development. Development will include public improvement plans for necessary improvements related to the redevelopment of the site.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

The proposed request provides an enforceable tool to address the use and continued maintenance of the property with regard to landscaping, exterior activity, and off-street parking. As an

Institutional Development Plan, this application provides a master plan that answers the community expectation for redevelopment of the property. Alternative uses would require a new plan.

Staff Finding – Adequate assurances of continued maintenance are inherent in the use and the special use permit approval process.

6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT

Applicant's Response: *The proposed use will have no adverse impact on the natural environment. There is nothing proposed in this development that could be deemed detrimental to the environment.*

A portion of the property is encumbered by the regulatory floodplain. The proposed improvements are located outside of regulatory floodplain area. A mature vegetative buffer is located along the north property line. The site plan shows minimal disturbance of the existing tree line.

Staff Finding – The proposed development includes regulatory controls to protect the significant natural features of this site.

7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO, WHAT THAT TIME PERIOD SHOULD BE

This special use permit is required to accommodate this specific use and related improvements in the GPI district. The intention of the development and purpose of the base zoning district is to accommodate public and institutional uses to ensure compatibility and integration with the surrounding neighborhood.

The proposed development represents a significant community investment. As an Institutional Development Master Plan a time limit is not appropriate or required for this project.

Staff Finding – Staff does not recommend a time limit on the special use permit.

CONCLUSION

Overall, the project complies with the Land Development Code and the development pattern of the surrounding neighborhood.