

PLANNING COMMISSION REPORT
Regular Agenda -Public Hearing Item

PC Staff Report
12/19/2018

**ITEM NO. 2C PRELIMINARY DEVELOPMENT PLAN FOR NORTH LAWRENCE
RIVERFRONT; 311, 317, 401, 409, 415, 501, 505 N 2ND ST (SLD)**

PDP-18-00506: Consider a Preliminary Development Plan for North Lawrence Riverfront, located at 311, 317, 401, 409, 415, 501, & 505 N. 2nd St. The project includes multiple phases and mixed residential and commercial development. Submitted by Paul Werner Architects on behalf of Abfield Investments LLC, City of Lawrence, Douglas County Kaw Drainage District, D&D Rentals of Lawrence LLC, Exchange Holdings LLC, HDD of Lawrence LLC, Kaw River Estates LLC, Patience LLC, Loosehead Investments LLC, and Riverfront Properties of Lawrence LLC, property owners of record.

STAFF RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN: Planning Staff recommends approval of PDP-18-00506, North Lawrence Riverfront Preliminary Development Plan, based upon the findings of fact presented in the body of the staff report and forwarding a recommendation for approval to the City Commission subject to the following conditions:

1. The applicant shall provide a revised preliminary development plan drawing with the following notes and changes:
 - a. Provision of a note on the face of the preliminary development plan that states, "Off-street parking shall be required and approved for all uses per the approved preliminary and final development plans for this development."
 - b. Provision of a note on the face of the preliminary development plan that states, "Prior to the development of buildings, IX, X, or XI the developer shall submit a revised preliminary development plan for review and approval per Section 20-1304 of the Land Development Code."
 - c. Provision of a note on the face of the preliminary development plan that states, "Provision of a local floodplain permit is required for review and approval for phases that impact levee and regulatory floodplain and shall be submitted concurrently with an application for a final development plan."
 - d. Provision of a note on the face of the preliminary development plan that states, "Prior to the submission of a final development plan for any phase of the development the site project shall demonstrate compliance with applicable conditions for building height, massing, and scale as approved by the Historic Resources Commission."
 - e. Provision of a revised plan showing building footprints comply with the maximum 25,000 square feet standards per Section 20-210

Applicant Reason for Request Over the last twelve years, we have met with the North Lawrence Improvement Association, Wester Energy, the Union Pacific Railroad, Kaw Drainage District, and City Staff on several occasions. We have also resubmitted a plan to the Corp of Engineers through Matt Bond with the City of Lawrence.

We plan to continue to reach out to these various entities, met with, and answer any questions anyone may have.

This project could be developed under the “CD” district and the standard site planning process. The proposed CD-PD offers greater oversight, review and comments from city staff and the public in general. The goal/intent of this project is to provide a mixed-use development that is beneficial not only to the residents of the development, but for the use and enjoyment of all residents in North Lawrence and the City of Lawrence residents as a whole. For these reasons, we believe that the PDP is a better process to meet the goals of the developers and the city.

We feel that a planned development offers a more transparent process moving forward with the project as opposed to the standard site planning process. We agree with the city that this is the best approach for everyone involved. It gives the City and the public more notification and involvement in the development of the area.

KEY POINTS

- Project includes multiple parcels and property owners.
- Project is proposed as phased development between 2019 -2021 and beyond.
- Full buildout of project requires second access that must be negotiated with Union Pacific Railroad.
- Existing buildings will remain as follows:
 - 401 N. 2nd Street – Johnny’s Tavern
 - 317 N. 2nd Street – Gaslight
 - 311 N. 2nd Street – Commercial building – multi-tenant.
 - 401 N. 2nd Street – grain elevator
- A significant feature of proposed project is the incorporation of the riverfront as a focal point of the development.
- Project includes surface and garage parking. Typically, off-street parking is not required in the CD (Downtown Commercial) District.
- The original application was for conventional zoning with the intention and requirement for the development of project specific development guidelines. The PD overlay is submitted in lieu of the development of separate design guidelines.
- The project is subject to historic environs review as it relates to the Union Pacific Depot (402 N. 2nd Street).

FACTORS TO CONSIDER

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

ASSOCIATED CASES

- CPA-11-08-11; The Planning Commission considered the item on February 27, 2012, and the vote resulted in a failure to recommend. The City Commission approved the CPA 3-2.
- Z-18-00505; IG, CS, and OS to CD-PD, Item 2A – See staff report
- PP-18-00504; one lot preliminary plat, Item 2B – Deferred

OTHER ACTION REQUIRED

- City Commission approval of preliminary development plan and requested modifications.
- Submittal and approval of final development plan.
- Submittal and approval of public improvement plans.
- Recording of final development plan with Register of Deeds Office.
- Application and release of building permits prior to development.
- Submission and approval of final plat.
- Execution of agreement with City for ownership transfer of public properties.

ATTACHMENTS

1. Preliminary Development Plan
2. Traffic Impact Study
3. Drainage Study
4. Applicant’s summary memo

PUBLIC COMMENT

- Non received

| GENERAL INFORMATION | |
|---|--|
| Current Zoning and Land Use: | Existing zoning includes CS (Commercial Strip) District, IG (General Industrial) District, and OS (Open Space) District. The Commission previously approved CD (Downtown Commercial) subject to the condition of approving specific design guidelines for the project. This condition was not met; the zoning was not published and is not effective. Uses include existing <i>Restaurant, Bar</i> , and commercial uses. Some <i>Residential</i> uses are located along the west side of the property. Proposed zoning is discussed in staff report for Z-18-00505. |
| Surrounding Zoning and Land Use: | |
| To the north; north of Lyon Street: | OS (Open Space) District; existing Riverfront Park. |
| To the east; east of the railroad tracks north of Lincoln Street: | IG (General Industrial) District and CS (Commercial Strip) District; existing automotive sales and services and contractor shop. |
| To the east; east of N. 2 nd Street south of Lincoln Street: | CS (Commercial Strip) District; existing parking lot. IG (General Industrial) District; manufacturing use. GPI (General Public and Institution) District; Union Pacific Depot. |
| To the south: | OS (Open Space) District; existing Riverfront Park and River. |
| To the west: | OS (Open Space) District; existing levee and Riverfront Park. |

PROJECT SUMMARY

This project includes multiple uses including *Office, Commercial Sales and Services, Transient Accommodations* (hotel), and *Multi-Dwelling Residential* uses. Uses also include public open space and structured parking.

The development application includes a preliminary plat that consolidates parcels and vacates existing public right-of-way to create a single platted lot. The preliminary plat is deferred to allow additional review by City staff as it pertains to phasing and the transfer of ownership to the developer. Preliminary development plans may also be considered preliminary plats. This application is not intended to be reviewed for subdivision compliance. Extensive easement dedications are required with this project and can more efficiently as a separate document. Preliminary plats require Planning Commission approval, as such; the Planning Commission should anticipate a future agenda item to replat the subject property. The proposed preliminary development plan provides a framework for assessing the project with respect to land use, adequacy of public infrastructure, phasing, and general building arrangement. Maximum building height and massing are the purview of the Historic Resources Commission. Action by the Historic Resources regarding height, bulk, and massing will be incorporated into the preliminary development plan.

The development is intended to occur in phases. Much of the phasing is restricted by access. Only one full access is provided to the development. Access is located on the west side of the N. 2nd Street and Locust Street intersection. A secondary access is located south of the intersection and provides an exit only, southbound option for the development.

Table 1 Site Summary All Phases

| Summary listed in square feet unless noted. | Existing | Percent | Proposed | | Change |
|---|------------------------------------|---------|------------------------|-----|------------------|
| Land Area: <i>28 parcels</i> <i>4.56 acres right-of-way</i> | 702,013 16.12 acres | | 702,013 16.12 acres | | <i>none</i> |
| Total Footprint of Buildings: | 36,069 | 5% | 95,850 | 14% | 59,781 increase |
| Total Pavement: | 3,421 (excluding existing streets) | 0% | 192,382 | 27% | 188,961 increase |
| Total Impervious Area: | 39,490 | 6% | 292,232 | 42% | 252,742 increase |
| Total Pervious Area: | 662,523 | 94% | 409,781 | 58% | 252,742 decrease |

The project as proposed is a single lot with multiple phases. Existing streets and public right-of-way would be vacated with this project. If approved, the preliminary development plan will be used as the baseline of development moving forward.

STAFF ANALYSIS

Section 20-908 of the Land Development Code states that required off-street parking shall be located on the same lot as the principal use. Exceptions to this standard are provided in 20-909 and include shared and off-site parking. The CD District is except from this requirement. The 2011 rezoning approval included the following conditions.

1. The maximum footprint of an individual store shall not exceed 50,000 gross square feet.
2. Due to the unique characteristics of the Downtown Commercial District (city-provided parking), current Section 20-901 (f) of the Land Development Code exempts uses in the CD district from the requirement to provide off-street parking and off-street loading spaces. One of the characteristics of the subject rezoning is that the city will not provide

parking; therefore, the Downtown Commercial District of the subject request shall not have said exemption and shall instead provide parking at the code prescribed ratio for the allowed uses as outlined in the Land Development Code or as adjusted in approved design guidelines.

3. Submission and approval by the City Commission, with a recommendation by the Planning Commission, of design guidelines to address development standards as identified in the staff report.

The original intention of the applicant was to seek conventional zoning. This development application includes a PD overlay; therefore, a preliminary development plan is required concurrently with the zoning request. Restrictions may be added to the development plan including approval of a list of uses, lot size, residential density, building setback reductions, building height, and off-street parking may be decreased or increased. Conditional zoning is not proposed with this development application. Appropriate land use controls will be made through the development plan process.

LAND USE

The original condition related to off-street parking for the proposed development remains applicable as a development plan condition. The same rationale for required off-street parking is still appropriate for the proposed development. Staff recommends a general note be added to the face of the drawing that states, "Off-street parking shall be required and approved for all uses per the approved preliminary and final development plans for this development."

The applicant lists the permitted uses on the face of the plan. Uses permitted in the CD District subject to a special use permit would still require a special use permit. Specific uses standards applicable to uses in the CD district listed in Article 5 of the Land Development Code would be applicable to this development, unless otherwise conditioned as part of the development plan.

Specific standards:

| | | |
|--------|---|--|
| 20-505 | Funeral and Internment | Access arterial road and specific requirements regarding the operation and management of cemeteries. |
| 20-509 | Eating and Drinking Establishments | Limitations on accessory bars, bars in CD districts must derive from the sales of food for consumption on the premises not less than 55% of all the licensed premises' gross receipts for a calendar year from sales of food and beverage on such premises. Expansion or alteration of non-conforming uses subject to Article 15 of the Land Development Code. |
| 20-512 | Lodge, Fraternal and Civic Assembly | Limitations when located in proximity to an R District. |
| 20-517 | Multi-Dwelling Structure, Non-Ground Floor Dwelling | Limits residential uses within the CD district if the units are situated above the ground floor when located on Massachusetts Street and require a special use permit when ground floor residential uses are proposed along numbered streets, Vermont or New Hampshire Streets. |
| 20-522 | Religious Assembly | Relates to accessory uses and requirements. |
| 20-526 | Retail Establishments | Applicability of a retail market study |
| 20-528 | Sexually Oriented Businesses | Location, separation, and display standards. |
| 20-529 | Wireless Facilities | New wireless facilities (towers) subject to Special Use Permit and specific design standards. |
| 20-542 | Non-ground floor dwelling units | Defines characteristics |
| 20-544 | Temporary Shelters. | Specific use standards, management and operation requirements. |

Residential Uses

The proposed development includes several vertical mixed-use buildings that provide space for covered parking (garage), office and/or commercial space, and multi-dwelling units. Buildings are labeled on the face of the plan and correspond with phases and uses listed on sheet PDP-103.

Buildings I and II do not include a residential component. These buildings are Johnny’s Tavern (Building I) and Gaslight (Building II). Buildings III–VII would include multi-dwelling units. Uses proposed are generally identified by the applicant as, *Multi-Dwelling, Office, Retail, and Hotel*. The preliminary development plan shows 330 units. The total gross density is 20.4 units per acre. Maximum density is not defined in the CD District. It is by definition intended as an intensive mixed-use district. The most intensive residential zoning district is RM32, permitting a maximum 32 dwelling units per acre. The proposed *multi-dwelling* uses may include owner-occupancy as a condominium.

Table 2 Residential Use Summary Table

| RESIDENTIAL USE SUMMARY – PRELIMINARY DEVELOPMENT PLAN | | | |
|---|-----------------|--------------------------|-----------------------|
| Phase | Building | Residential Units | Total Bedrooms |
| Phase 1 | I | 0 | 0 |
| | II | 0 | 0 |
| | III | 24 | 24 |
| | IV | 90 | 200 |
| Phase 2 | V | 36 | 224 |
| Phase 3 | VI | 36 | 72 |
| Phase 4 | VII | 90 | 240 |
| Phase 5 | VIII | 90 | 240 |
| Future Concept | IX | 0 | 0 |
| | X | 0 | 0 |
| | XI | 0 | 0 |
| TOTAL | | 330 units | 809 bedrooms |

Non-Residential use:

Buildings I, II and VIII are single use commercial buildings. All other buildings include both residential and non-residential uses. Specific uses or tenants are not listed on the preliminary development plan and are unknown at this time. Determination of specific uses will be determined with the submission of a final development plan for each phase.

Section 20-210 restricts the maximum floor area of any building footprint for a principal use within the CD district shall not exceed 25,000 gross square feet. Buildings shown on the proposed preliminary development plan comply with the maximum size permitted with the exception of the hotel use, phase 5. The plan shows the building footprint of 30,000 square feet. The project must be revised to reduce the total square feet to meet this design standard.

The proposed preliminary development plan provides a phasing summary for buildings I-VII. Buildings IX, X and XI, are included in the plan as a “future concept”. These buildings are located in the northern half of the development.

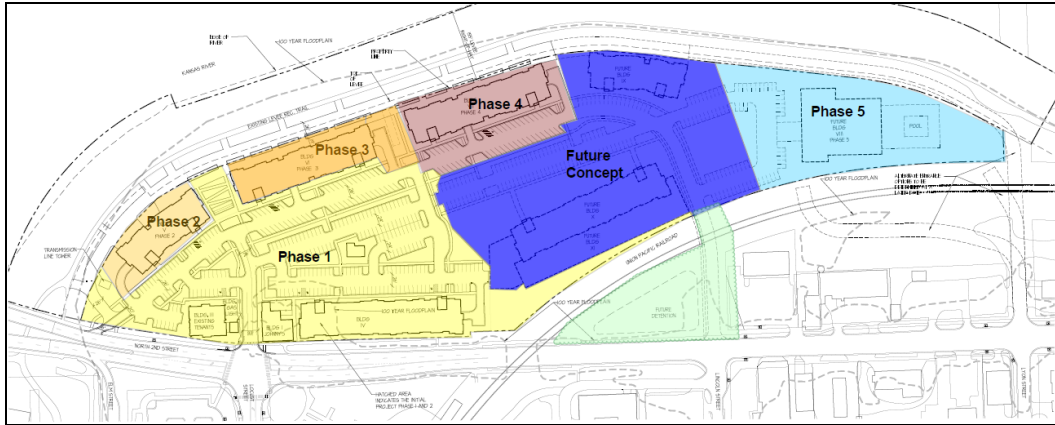


Figure 1: Conceptual Phasing

The preliminary development plan, as proposed, includes vertical mixed-use buildings. Building size and massing are subject to review and approval by the Historic Resources Commission. At this time, buildings III and IV are recommended to be reduced by one story. This change will impact the intensity of development and thus the required off-street parking. The following off-street parking summary is based on the preliminary development plan as submitted by the applicant. The developer should expect changes to the intensity and off-street parking as phases are more fully developed with the submission of final development plans.

Table 3 Land Use Table

| USE TABLE SUMMARY – PRELIMINARY DEVELOPMENT PLAN – LAND USES | | | | | | | | |
|--|--------------|----------------|-------------------------|----------------------|---------------------|---------------------|---------------------|---------------------|
| Uses/ Phase | Building | Footprint | Gross Square Feet | Eating & Drinking | Patio | Total | Office | Retail |
| Phase 1 | I | 4,000 | 8,000 | 3,200 | 100 | 3,300 | 1,000 | - |
| | II | 900 | 900 | 600 | 300 | 900 | - | - |
| | III | 5,600 | 22,400 | - | - | - | 2,000 | 3,000 |
| | IV | 28,000 | 168,000 | 1,000 | 200 | 1,200 | 3,000 | 2,000 |
| Phase 2 | V | 18,000 | 108,000 | 4,000 | 1,000 | 5,000 | 6,000 | 11,000 |
| Phase 3 | VI | 25,000 | 225,000 | 4,000 | 1,000 | 5,000 | 3,000 | 15,000 |
| Phase 4 | VII | 25,000 | 225,000 | 4,000 | 1,000 | 5,000 | 3,000 | 15,000 |
| Phase 5 | VIII | 30,000 | 21,000 | 3,000 | 800 | 3,800 | - | 2,500 |
| Future Concept | IX | 25,000 | Same as Bldg. VI | Same as Bldg. VI | Same as Bldg. VI | Same as Bldg. VI | Same as Bldg. VI | Same as Bldg. VI |
| | X | 25,000 | Same as Bldg. VI | Same as Bldg. VI | Same as Bldg. VI | Same as Bldg. VI | Same as Bldg. VI | Same as Bldg. VI |
| | XI | 25,000 | Same as Bldg. VI | Same as Bldg. VI | Same as Bldg. VI | Same as Bldg. VI | Same as Bldg. VI | Same as Bldg. VI |
| Phase 1-5 | TOTAL | 136,500 | 778,300 | 19,800 | 4,400 | 24,200 | 18,000 | 48,500 |
| All Development | TOTAL | 211,500 | 1,443,300 | 31,800 | 7,400 | 39,200 | 45,000 | 93,500 |

Proposed Off-Street Parking

Specific uses and tenants are unknown at this time. Uses are estimated. The required off-street parking is likely to change when more development information is available. Off-street parking has been reviewed using the following information.

1. Summary of uses and parking shown on the face of the proposed preliminary development plan
2. Use summary from the submitted traffic study
3. Use summary from the sanitary sewer design summary memo

The scope and intensity of uses indicated in the various documents highlight the conceptual nature of the project with unknown specific tenants.

The CD (Downtown Commercial) District is not required to provide off-street parking. Parking is provided in public garages and surface lots within the existing downtown core. The area included in this application is too remote from existing public lots to benefit from the publically available parking to serve the development; therefore, off-street parking must be provided within the development boundary.

The preliminary development plan shows off-street parking within buildings (garages) and surface parking. Parking located in the central and north portion of the lot would be constructed with later building phases of the development.

This application groups non-residential uses into the following categories: *Eating and Drinking*, including patio space; *Office*; *Retail*; and *Hotel*. Within these categories, more specific uses are listed in the Land Development Code with associated off-street parking requirements. The preliminary development plan shows the hotel in Phase 5 (sheet PDP-103).

This parking analysis assumes parking will be provided based on Section 20-902 without a discount for shared parking or for a reduction acknowledging the CD district. The applicant calculates off-street parking only for phases 1-5 (buildings I-VIII). Buildings IX, X, and XI are identified as part of the plan but are not included in the use table summary or the off-street parking summary. Development of the later phases will require additional review.

Bicycle parking and accessible parking spaces are not assessed at this time. These details must be code compliant with each phase of development and will be evaluated with the submission of a final development plan.

Table 4 Off-Street Parking Summary

| PARKING SUMMARY -- PHASES I-4 ONLY | | |
|---|--|--|
| Use | Req. per Sec 20-902 | Parking Required |
| Multi-Dwelling Structure | 1 per bedroom + 1 per 10 units (visitors and guests) | 330 Dwelling Units (33 quest parking @ 1 per 10 units) 809 Beds (809 spaces @ 1 per bedroom) 842 total residential parking spaces |
| | | 520 Dwelling Units per Sanitary Sewer Design Bedrooms not listed in study |
| | | 390 Dwelling Units per TIS Bedrooms not listed in study |
| Office | 1 space per 300 square feet | 30,000 square feet (phase 1-5) 100 spaces or |
| | | 42,000 Square Feet per Sanitary Sewer Design 140 spaces |
| | | 30,000 square feet per TIS 100 spaces |
| Eating and Drinking <i>Accessory Bar, Accessory Restaurant, Bar or Lounge, Brewpub, Fast Order Food, Night Club, Quality Restaurant (See Note 1)</i> | 1 space per 100 square feet of customer service area + 1 space per employee based on largest shift or 1 space per 3 persons based on maximum occupancy + 1 per employee based on largest shift | 21,200 square feet 21,200/ 100 = 212 spaces Employee shift unknown – not calculated |
| | | |
| Retail <i>(Gross Floor Area = 1 – 45,000 square feet)</i> | Variable 1 space per 300 square feet | 46,000 square feet 46,000/ 300 = 154 spaces |
| Total Commercial | | 21,200 + 46,000 = 67,200 square feet |
| | | 97,500 square feet per Sanitary Sewer Design |
| | | 74,300 square feet per TIS |
| Hotel Building VIII (Phase 5) | 1 space per guest room + 1 space per 1.5 employees for associated uses Associated uses are unknown at this time | 150 rooms 150 spaces or |
| | | 200 rooms per Sanitary Sewer Design 200 spaces |
| | | 150 rooms 150 spaces |
| Total Required Off-Street Parking Phase 1-4 Buildings I-VII | | Residential spaces 842 Office spaces 100 Eating and Drinking spaces 212 Retail spaces 154 Hotel spaces 0 1,308 off-street Parking Spaces Required |
| Notes: 1. Development plan includes eating and drinking establishments but does not distinguish between the two off-street parking standards. The development includes at least one existing <i>Bar or Lounge</i> use that requires parking at 1 space per 3 persons based on maximum occupancy. There is no way to identify the number of employees at maximum shift since specific uses are unknown. Off-street parking for this use can only be estimated at this time. | | |

The applicant proposes to provide off-street parking per Section 20-909. Section 20-909 allows shared and off-site parking. It is intended to encourage efficient use of land and resources by allowing users to share off-street parking facilities in situations where a mix of uses creates staggered peak periods of parking demand. This application has been submitted using shared parking for the development. Mixed-use developments are an appropriate application of this off-street parking option.

The required parking is determined on a matrix that was adopted by the Planning Office in 2006. This tool has been applied to other commercial developments in the community through the site plan review process. Uses are categorized into seven basic use groups and assigned a percentage of assumed parking demand based on weekday or weekend use, and day, evening, or overnight activity.

Table 5 Shared Parking Matrix

| | | Weekday | | | Weekend | |
|---|--|-----------|-----------|------------|-----------|-----------|
| | | Night | Day | Evening | Day | Evening |
| | | 2am - 8am | 8am - 5pm | 5pm - 12am | 8am - 5pm | 5pm - 2am |
| Residential | | 100% | 60% | 90% | 80% | 90% |
| Office | | 5% | 100% | 10% | 10% | 5% |
| Retail | | 5% | 70% | 90% | 100% | 70% |
| Hotel | | 80% | 55% | 100% | 50% | 100% |
| Eating & Drinking Establishment | | 10% | 0% | 70% | 0% | 80% |
| With Drive-Thru | | | | | | |
| Open 24 hours | | 10% | 50% | 100% | 50% | 100% |
| Closed Overnight | | 5% | 50% | 100% | 50% | 100% |
| Without Drive-Thru | | | | | | |
| Open 24 hours | | 70% | 50% | 100% | 50% | 100% |
| Closed Overnight | | 0% | 50% | 100% | 50% | 100% |
| Entertainment, Public & Civic, Recreation | | 10% | 40% | 40% | 70% | 100% |
| All Others | | 100% | 100% | 100% | 100% | 100% |

The applicant’s off-street parking analysis is attached. The applicant analyzed the parking for building for buildings I – VII (or phase 1-5), a combined parking analysis for a portion of the development. The output of the matrix is that a range of parking is identified based on the time of day and if the day is a weekday or weekend.

It should be noted that the applicant is assuming only one type of eating and drinking establishment and that all retail/commercial uses will exclude entertainment, public, & civic and recreation uses. The identification of specific uses within the buildings and the development will have an impact on the required parking. It should also be noted that the residential use proposed might not be approved based on the outcome of the Historic Resource review. Lastly, the analysis provided by the applicant includes only a portion of the development. The parking analysis does not extend beyond phase 4 (Buildings I-V).

Table 6 Required Off-Street Parking Comparison

| REQUIRED OFF-STREET PARKING | Staff Analysis | Applicant Analysis |
|---|----------------|--------------------|
| Residential | 842 | 645 ¹ |
| Office | 100 | 83 |
| Retail | 154 | 100 |
| Hotel (Building VIII excluded 150 spaces) | 0 | 0 |
| Eating and Drinking | 212 | 212 |
| Entertainment, Public & Civic, Recreation | 0 | 0 |
| Other | 0 | 0 |
| Total Without Hotel | 1,308 | 1,040 |
| Total With Hotel | 1,458 | 1,190 |

Assessment of required off-street parking is complicated by several factors including phasing and unknown uses. This comparison includes only Buildings I-VII. The addition of the *hotel* use (Building VIII) in phase 5 will increase the parking demand in the development.

Table 7 Shared Parking Analysis

| Required Parking – Staff Analysis | | Weekday | | | Weekend | |
|---------------------------------------|----------------------------|-----------|------------|------------|------------|------------|
| Use Category | Peak Parking Demand | Night | Day | Evening | Day | Evening |
| Residential | Evening at 674 | 84 | 0 | 589 | 0 | 674 |
| Office | Weekday Day at 46 | 5 | 100 | 10 | 10 | 5 |
| Retail | Weekend Day at 154 | 8 | 108 | 139 | 154 | 108 |
| Eating and Drinking | Weekend Evening at 212 | 0 | 106 | 212 | 106 | 212 |
| | Peak Parking Demand at 996 | 97 | 314 | 950 | 270 | 998 |
| Required Parking – Applicant Analysis | | Weekday | | | Weekend | |
| Use Category | Peak Parking Demand | Night | Day | Evening | Day | Evening |
| Residential | Evening at 516 | 65 | 0 | 452 | 0 | 516 |
| Office | Weekday Day at 83 | 4 | 83 | 8 | 8 | 4 |
| Retail | Weekend Day at 100 | 5 | 70 | 90 | 100 | 70 |
| Eating and Drinking | Weekend Evening at 212 | 0 | 106 | 212 | 106 | 212 |
| | Peak Parking Demand at 802 | 74 | 259 | 762 | 214 | 802 |

Provided Parking

The preliminary development plan shows parking provided in the building III, IV, V, VI, and VII. The plan shows 308 surface parking spaces. Future parking includes 95 spaces. The hotel use is intended to be served by surface parking when the phase develops. The full development shows 725 spaces. Off-street parking for buildings I-VII require a minimum 998 off-street parking during the peak demand per staff’s analysis. The applicant indicates that 802 parking spaces are needed at the peak demand.

Parking Summary

Required Parking – 809 Residential Spaces (Staff)

¹ Staff confirmed with the applicant that there was an error made in the shared calculation for required residential parking. Staff will provide an updated summary regarding off-street parking at the Planning Commission meeting.

Required Parking – 1,275 Spaces Phase I-4 only (Staff)
Required Parking – 645 Residential Spaces (Applicant)
Required Parking – 1,040 Spaces Phase 1-4 only (applicant)
Required Parking – 998 Shared Spaces Phase 1-4 only (Staff)
Required Parking – 802 Shared Spaces Phase 1-4 only (Applicant)

Proposed Parking 322 garage spaces
 308 surface parking
 630 spaces Initial Development

 95 future spaces
 725 total spaces garage and surface parking

Reduction in approvable residential use will result in a reduction in the required residential parking. The addition of the hotel will result in an additional 150 parking spaces being required based on the preliminary development plan. Off street parking for future buildings IX, X and XI are not provided by the applicant at this time. Based on the building size shown on the preliminary development plan these buildings could be assumed to have a similar requirement to buildings VI and VII. Staff estimates that these buildings would require an additional 1,077 spaces before applying any reductions or shared parking calculations. After applying the shared off-street parking matrix, the total required off-street parking is 2,003 spaces. Staff acknowledges that there are many unknown factors that will influence parking for this development. Regardless, it is staff's opinion that the parking is undercounted in the preliminary development plan. Staff recommends that parking be evaluated as each phase of the project is submitted for a final development review. The development must meet the minimum off-street parking based on the shared parking requirements of Section 20-909. A variance from the off-street parking requirement may be granted by City Commission. This may require that future final development plan applications require City Commission approval prior to final administrative action.

Sensitive Lands and Common Open Space

SENSITIVE LANDS

The subject property is encumbered by regulatory floodplain and is subject to a local floodplain development permit. There is insufficient information to process a flood plain permit at this time. Local floodplain permit will be required for phases that impact the levee and regulatory floodplain. Staff recommends a note be added to face of plan for reference.

COMMON OPEN SPACE

A planned development must provide common open space. Section 20-701(j) of the Land Development Code states that 20% of the site must be located within common open space and, if present, environmentally sensitive lands shall be protected and included within the common open space.

The development site includes 16.116 acres. To meet the required open space standard the site must include 3.22 acres of open space. The site summary indicates that 58% of the total site will be open space.

Table 8 Open Space Summary

| | | |
|-----------------------------|-----------|---------------------|
| Total Site Area 16.12 Acres | | |
| Required Open space | 3.22 Ares | 140,403 square feet |

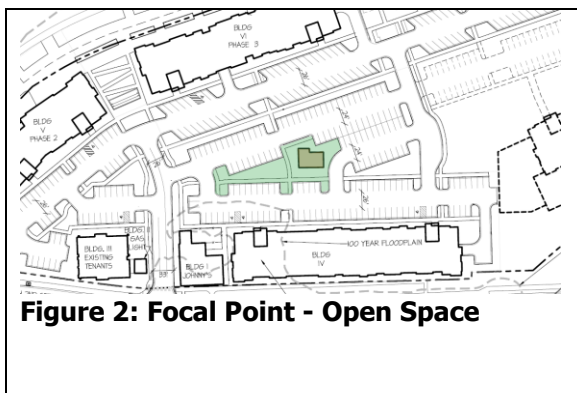
| | | |
|-------------------------------|------------|---------------------|
| Total Pervious Area | 9.41 Acres | 409,781 square feet |
| On site around Buildings I-VI | 1.36 Acres | 59,176 square feet |
| Levee open space | 0.91 Acres | 39,789 square feet |
| Future Development Site | 7.65 Acres | 333,059 square feet |

The preliminary development plan relies on the levee and the area around the buildings to accommodate the majority of the required open space. The benefit of the project in proximity to the levee is a direct opportunity to provide and use existing open space. A significant portion of the site will remain undeveloped for the near future. The remaining 7.65 acres exceeds the required open space. As this portion of the development is refined, additional programmed open space will be added to the project inventory.

The Land Development Code also states, "50% of the common open space shall be developed as recreational open space unless environmentally sensitive lands are present, in which case the amount of recreational open space may be reduced to no less than 5% and no more than 10% of the common open space, with the intent being to preserve all or as much environmentally sensitive lands as possible in their natural state." The levee area provides access to an existing recreational open space. The project includes access and enhancement of the levee area. While technically off-site, the space is integral to the overall development. As later phases are developed open, space must be further incorporated into the development.

The CD district does not require a specific portion of open space per dwelling unit, which is common in other zoning districts. Open space in the CD district is typically located within public areas, parks, plazas, and similar civic spaces.

The existing grain elevator is located in the south-central portion of the site. The preliminary development plan shows this building surrounded by a green space with sidewalks. The structure and green space provide a focal point within the development that would otherwise be an unrelieved surface parking lot.



Other common open space areas are highlighted in the following image.

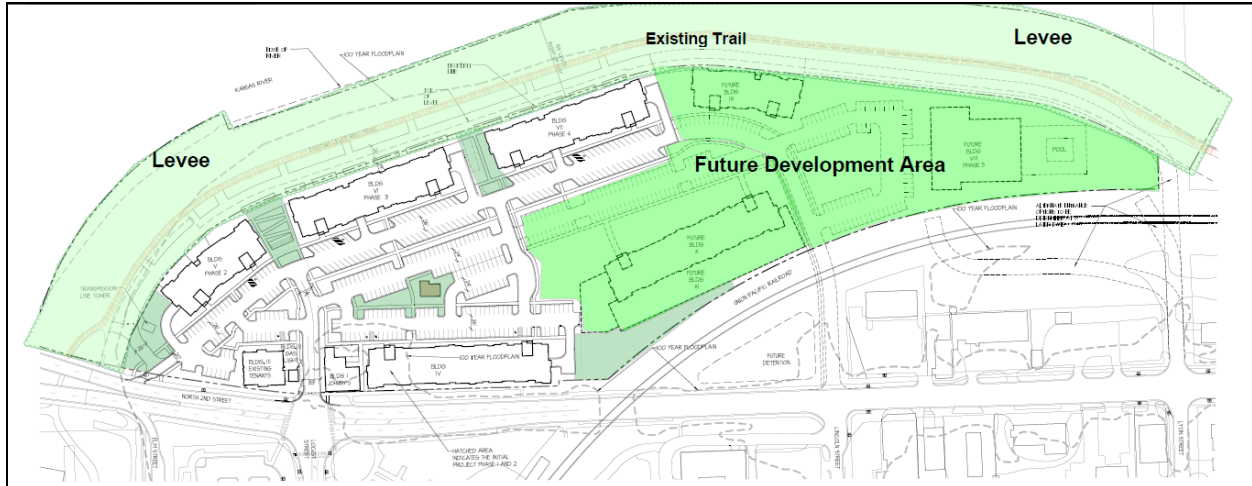


Figure 4: Open Space

Design

The design of the project as it relates to the building facades, height, and orientation are deferred to the Historic Resources Commission. The CD permits a maximum building height of 90 feet. Building height, design, and building materials must be in context with the listed historic property, the Union Pacific Depot and with the buildings located along the west side of N. 2nd Street that contribute to the significance of the environs of the listed property. A future final development plan would be subject to compliance with the approvals granted by the Historic Resources Commission. Any specific conditions set by the Historic Resources Commission should be reflected as notes on the face of the preliminary development plan. Staff recommends that the preliminary development plan approval be conditioned upon final approval by the Historic Resources Commission with regard to building height and elevations, and noted on the face of the plan.

Density

The proposed preliminary development plan includes 444 units, as shown on the drawing. Residential uses are not currently identified in the future phase (Buildings IX-XI). The summary data indicates the number of units and total bedrooms within buildings but does not indicate how many 1, 2, 3, or more bedroom units are proposed. Off-street parking is based on the total number of bedrooms provided so the configuration of the units is not necessary information for this part of the review. The density as proposed is 27 dwelling units per acre. If the future area were developed in a comparable manner as the buildings in phase 4 and 5, an additional 270 units and 720 bedrooms would be added.

Table 9: Residential Unit Summary

| 16.11 ACRES | BUILDING | RESIDENTIAL UNITS | TOTAL BEDROOMS |
|-------------|----------|-------------------|----------------|
| Phase 1 | I | 0 | 0 |
| | II | 0 | 0 |
| | III | 24 | 24 |
| | IV | 90 | 200 |
| Phase 2 | V | 114 | 224 |
| Phase 3 | VI | 36 | 72 |
| Phase 4 | VII | 90 | 240 |
| Phase 5 | VIII | 90 | 240 |

| | | | |
|------------------|------------|-----|-------------------------|
| Future Concept | IX | 0 | 0 |
| | X | 0 | 0 |
| | XI | 0 | 0 |
| Phases 1-5 | Total | 444 | 1,000 |
| All Development | Total | 714 | 1,720 |
| Undeveloped area | Total | | 7.65 Acres |
| Density | Phase 1-5 | | 27.5 dwellings per acre |
| Density | All Phases | | 44.3 dwelling per acre |

Preliminary Development Plan Review

The proposed preliminary development plan has been evaluated based upon findings of fact and conclusions per Section 20-1304(d) (9) of the Land 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 gross calculated density of 27.8 dwelling units per acre, which is considered high-density. Recommendations for high-density residential development are found in Chapter 5 of *Horizon 2020*.

While technically outside of the boundaries of the North Lawrence Neighborhood Improvement Association Boundary, the subject property is generally and commonly known as being a part of the neighborhood context. *Horizon 2020* describes the area as follows:

The North Lawrence neighborhood, located northeast of the Kansa River, is one of the least intensely developed residential areas. It includes a number of larger, vacant parcels potentially subject to infill development in the future.

While portion of this area maintain a more intense, or least mixed-density character, the area lying east of 8th Street/road includes larger, vacant sites. This area should be maintained for larger lot-single-family detached development.

Staff finds that the proposed project is consistent with the following Comprehensive Plan policies.

“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)

“Medium- and higher-density developments should be arranged in small clusters as transitions from more intensive land uses, or located at the intersection of major street/roads.” (Policy 1.3, page 5-23)

“Ensure that medium-and higher-density development occurs in areas which can be adequate and efficiently served by infrastructure” (Policy 1.5), page 5.24)

“Encourage pedestrian use and neighborhood interaction through inclusion of pedestrian easements and sidewalks in subdivision design.” (Policy 2.2 (a), page 5.25)

“Encourage the provision of usable open space on site by clustering buildings to minimize the creation of narrow, marginal-use areas in front of and between buildings (Policy 2.4 (a), page 5-25

Many of the policies regarding medium- and higher-density residential development speak to the importance of transitional methods when located near both more intense and less intense land uses, and ensuring compatibility with the surrounding area. The proposed infill redevelopment project is located on the western side of the neighborhood between the river and the Union Pacific Railroad. The subject property is uniquely situated within the community and within the neighborhood. There are no nearby residential uses to extrapolate a development pattern. The immediate land uses to the east are commercial. The proposed mixed-use development includes residential, commercial, and recreational uses that would enhance the riverfront. If approved, the development would be unique within the community.

Two residential policies are not specifically addressed in the proposed application regarding the recommendation to provide interspersed low- to moderate-income housing and to encourage a variety of housing types within neighborhood. The proposed development includes only one type of housing – *multi-dwelling residential* uses. In fact, forms of detached dwellings such as *attached, cluster dwellings, detached dwellings, duplex, and, zero lot line dwellings* are not permitted in the CD District.

Staff Finding – In staff’s opinion, 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.

- a) Ensure development that is consistent with the comprehensive plan.**
As discussed previously, staff finds that 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.**
Existing water, sanitary sewer, and stormwater infrastructure with appropriate improvements subject to approval of public improvement plans can conveniently serve the subject property.
- c) Allow design flexibility, which results in greater public benefits than could be achieved using conventional zoning district regulations.**
The Planned Development was recommended by staff as a tool to ensure that the property developed in a manner that maintains public access to existing community recreational assets, and respects the historic context of the Union Pacific Depot, its contributing structures within the project boundary. The project benefits from this tool by accommodating common open space requirements off-site via the levee space.

d) Preserve environmental and historic resources.

The project includes regulatory floodplain that is subject to further review regardless of the zoning district. By conditioning the successive applications to comply with historic design review criteria as discussed in the body of the staff report, these resources are protected.

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

The proposed development is unique to the community as a mixed-use development that features and enhances the community's connection to the river. The development is somewhat isolated from the larger neighborhood because of the physical barrier of the street and railroad facilities.

Staff Finding – The proposed preliminary development is consistent with the comprehensive plan and appropriately protects natural and historic resources, as conditioned. This proposed preliminary development plan is consistent with the Statement of Purpose of Planned Development.

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

Section 20-701(j) notes that 20% of the site must be located within common open space. This criterion was discussed earlier in the report. The open space requirement is met for phases 1-5 because the north portion of the site is undeveloped. A significant open space feature of this project is the levee and planned enhancements. The project will include levee side improvements such as patios and common areas that will connect and interface with the levee and recreation trail. While the levee is "off-site" it's proximity to the project makes it a focal point of the development.

Staff Finding – The plan complies with the common open space standards within the development for phases 1-5. Additional review of open space must be incorporated into a review of the final development plan application.

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

As discussed, common open space will continue to be evaluated throughout the entitlement process. The levee, as the key component of the common open space, is owned and maintained by the City of Lawrence. The developer will own common open spaces within the development. The project does not include any tracts of land specifically designated for open space, common or otherwise, at this time.

Staff Finding –Common open space will be privately owned and maintained by the owner/developer within the private property boundary of the project.

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 Land Development Code does not require any outdoor area for residential uses in the CD district. Lots in the district may be fully developed with no building setback, interior, side, front or rear yards, or other open spaces. These uses are typically accounted for in public and civic areas.

Practically, the project does provide open space at the ground level and along the levee as described in the body of this report.

Staff Finding – The project does not require open space specific to residential uses within the development.

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.

Provisions for Fire/Medical access are provided with the preliminary development plan. The plan has also made adequate provisions for public services and provides adequate control over vehicular traffic. Some development is deferred until such time that a second full access can be provided. This development includes enhancement to the N. 2nd Street and to the river frontage. The development is subject to the submission, review, and approval of public improvement plans.

Staff Finding – Infrastructure and system capacity are conceptually available to the development area. These elements will be refined as part of the preliminary plat, final plat, and public improvement plan review and entitlements.

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;

A traffic study was provided to City Staff for review (attached). The traffic study indicated that the street system could handle the proposed development, with the addition of certain street improvements. The street improvements recommended by the traffic study include:

- Provision of dedicated eastbound left-turn lane on Locust Street.
- Provision of a shared through/right-turn lane on Locust Street.
- Increasing the northbound left-turn lane on N. 2nd Street to the greatest extent possible.
- Modifying the signal timing.
- Adding a restricted right-out access drive near the south property line.
- Provision of additional access drives to N. 2nd street with the future phases.

Any street improvement implemented to accommodate the proposed development would be done so at the cost of the developer.

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

The North Lawrence neighborhood does not include any multi-story multi-dwelling residential uses. This housing form would be a new addition within the neighborhood. There are no nearby residential uses that set a neighborhood pattern for the area west of N. 2nd Street.

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

The proposed project is not adjacent to any residential properties. It does substantially increase the residential density within the larger neighborhood context by the nature and location of the project proposal.

Staff Finding – The proposed development is unique in its location within the North Lawrence Neighborhood and its proximity to the Kansas River. The proposed development represents a significant investment to the community in an area that is not ubiquitously accessible. The surrounding neighborhood character is largely isolated from the proposed development by the physical barrier of the railroad and N. 2nd Street. Staff has determined that the plan will not measurably or adversely impact the surrounding neighborhood.

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

Potential adverse impacts with a mixed-use development of this size can occur with lighting that extends onto adjacent properties, potential for increased noise levels, and traffic congestion along N. 2nd Street.

The most serious obstacle to full buildout will be the provision of a secondary access to the north. Existing buildings at the intersection of Locust and N. 2nd Street will remain and generally be expanded along the street frontage providing a “face” to the public street, along with applicable public improvements such as sidewalks, street trees, and green space. Parking for the development is located behind the commercial buildings that front N. 2nd Street. Buildings are similarly oriented to the river with parking in the rear, or the center section of the development.

Intersection improvements are required and will be subject to additional review as public improvement plans are prepared.

The phasing of the development with the single access at Locust Street will result in situations where full occupancy of buildings have been provided while others will be under construction. The mixing of construction traffic with daily traffic is known to be difficult to manage. The applicant is exploring opportunities with the Union Pacific Railroad to address this problem.

A photometric plan will be required prior to approval of the final development plan to ensure there are no negative impacts from the exterior lighting. Exterior lights shall have full cut-off features and will be further reviewed as part of the final development plan.

Section 20-701(h) provides regulation for balconies on the exterior sides of multi-dwelling building that are adjacent to the RS zoning or detached dwellings. In those situations, balconies are not permitted unless the building setback is increased to at least double the required minimum setback and landscaping is enhanced. This provision is only applicable to the exterior sides of the Planned Development that are adjacent to RS zoning or to detached dwelling units. The proposed development is not adjacent to any R zoning district.

Staff Finding – Any possible adverse impacts of exterior lighting will be addressed with a photometric plan to ensure there is no spillover light. Other potential adverse impacts of the proposed development will be mitigated through building design and the review of a final development plan.

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

The proposed development includes multiple phases. Phasing is critical to the full development of the site, as a second point of access is required to meet fire prevention standards and accommodate vehicular access within the development. Phasing is also critical to the transfer of ownership of publicly owned land to the total developer. This preliminary development plan provides a detailed concept of the planned site redevelopment. Additional entitlements are required prior to development of the site.

The sanitary sewer design memo and the drainage study both references different phasing schedule than shown on the preliminary development plan. The phase included in these studies reflect the necessary public improvements that are required to support the overall development. These differing phasing schedules are not necessarily inconsistent.

Additional review of the project with future final development plan applications will ensure that the project will be properly managed.

- Undeveloped phases will need to be maintained and not permitted to become overgrown or exterior storage yards, expect as part of specific staging area for active construction projects.
- Adequate public facilities must be constructed during the initial phase. This aspect will be fully determined with the approval of a preliminary plat and submission of both a final plat and corresponding public improvement plans.

The development plan outlines a phasing schedule that is highly likely to be altered over time. The order of construction of buildings may or may not follow exactly as shown on the preliminary development plan. Regardless, as a final development plan is submitted, reasonable concurrence with the phasing must be met or the plan must be revised. Inadequate parking or access will be cause to deny a project in the future.

Staff Finding – A phased development is proposed. Phasing of development is dependent upon adequate access being available and construction of public infrastructure as controlling factors.

Staff Review and Conclusion

Review of the project is complicated by two unknown factors; final approval by the Historic Resources Commission establishing the maximum building height and thus some intensity, and detailed use information regarding off-street parking. The scope of the project challenges a reviewer to balance conceptual development with minimum code required compliance. This preliminary development plan should be considered as a detailed master plan for the redevelopment of the 16 acres. Phasing must be evaluated further with the public improvement plans and a final development plan for specific building applications.

While the CD district does not require off-street parking, the remote location does not provide an opportunity to benefit from publicly owned parking lots that could support the development. Without adequate parking, the project will be less successful than desired by the applicant and the community. Staff supports the proposed redevelopment but reserves the right for additional review of off-street parking in the total context of a final development plan as discussed in the body of the staff report.

The project represents a significant reinvestment in the area, and an opportunity to expand and enhance a community connection to the riverfront.