

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

PC Staff Report  
9/21/15

**ITEM NO. 2A: PRELIMINARY DEVELOPMENT PLAN FOR 6<sup>th</sup> & MONTEREY WAY PCD  
MORGAN ADDITION; 800 MONTEREY WAY (MKM)**

**PDP-15-00378:** Consider a revised Preliminary Development Plan for a multi-use development consisting of *Multi-Dwelling Structures*, a *Detached Dwelling*, and *Construction Sales and Services* and associated variance from building setback requirement. 6<sup>th</sup> & Monterey Way PCD Morgan Addition, located on approximately 2.5 acres at 800 Monterey Way. Submitted by Allen Belot Architect, for Robert J. and Beverly G. Morgan, property owners of record.

**STAFF RECOMMENDATION ON VARIANCE:** Planning Staff recommends approval of the variance from the side setback and the rear and peripheral setback to allow the following to be located within the required setbacks:

1. The existing residence and proposed addition located within 12 ft 4 in of the east property line.
2. The proposed shop to be located within 21 ft of the south property line, subject to the following condition:
  - a. Installation of a 6 ft privacy fence to the south of the shop and associated access drive to provide screening from the residential property to the south.

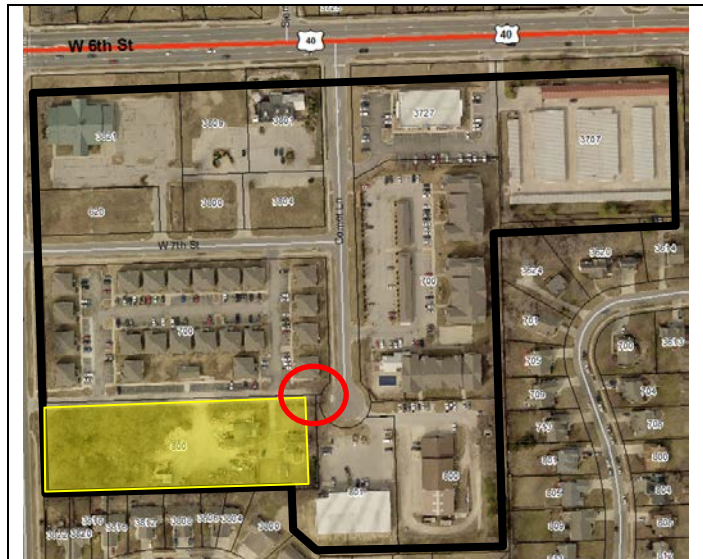
**STAFF RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN:** Planning Staff recommends approval of the Preliminary Development Plan based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. If the City Commission approves the connection of the shared access drive to Comet Lane, the sidewalk along the shared access drive will be extended to Comet Lane, the shared access drive shall be named, and the shared drive will be constructed to connect with Comet Lane.
2. Provision of a revised Preliminary Development Plan with the following changes:
  - a. Include a listing of the uses which are permitted in the PDP with the revised uses in the A-2 Phase: *Detached Dwelling* and *Construction Sales and Services*.
  - b. Show the complete PCD in the Preliminary Development Plan or provide a copy of the most recently approved PDP along with the revised PDP for this property.
  - c. If the City Commission approves the connection to Comet Lane, list the name of the shared access (private street) and show the shared access/private street and sidewalk being extended to connect to Comet Lane.
  - d. Revise the Interior Parking Lot Landscaping requirement.
  - e. Make revisions to the sanitary sewer and water lines/easements per the City Utilities Department's approval.
  - f. Note the amount of Common Open Space that is being provided and the percentage of the total site area that it includes and revise the pervious surface figure in the site summary.
  - g. If the variance from the southern setback is approved, show and label a fence to the south of the shop and associated access drive.

**Applicant's Reason for Request:** *"This is the last undeveloped parcel remaining in the Sixth & Monterey PCD which was originally approved two decades ago. The property owners under this application were the same owners under the original approval and all subsequent revisions now desire to develop their property."*

### KEY POINTS

- The property is one of a few remaining undeveloped parcels in the 6th & Monterey Way PCD. (Figure 1)
- The property was included in the previous Preliminary Development Plans for the 6th & Monterey Way PCD, with the first PDP being approved by the City Commission in 1988 and the most recently revised PDP being approved on October 12, 2004. As the development began prior to the adoption of the 2006 Development Code it is being processed under the requirements of the pre-2006 Code.
- The Sixth & Monterey Development was divided into phases, and the Preliminary Development Plans list permitted uses per each phase. Prior to the adoption of the 2006 Development Code, it was necessary to rezone to change the permitted uses. The 2006 Development Code allows changes to be made with a revised Preliminary Development Plan unless the uses were restricted by Zoning Ordinance. As the use restrictions were listed only on the Development Plans, this revised Preliminary Development Plan will revise the permitted uses as well as provide the site layout.
- The property owners in the overall Planned Commercial Development did not waive their right to approve or disapprove of changes to the development; therefore their written approval of the revised PDP is required. This has been provided.
- The City Commission denied the subject property access to Comet Lane with the approval of the benefit district for the improvement of 7<sup>th</sup> Street from Comet Lane to Monterey Way and Comet Lane south of W 6<sup>th</sup> Street on February 8, 2000. Staff is requesting the City Commission to reverse this decision and allow the proposed development to have access to Comet Lane to improve traffic circulation through the area and provide 2 access points for emergency vehicles.



**Figure 1.** Area within the 6<sup>th</sup> and Monterey Way PCD is outlined. The subject property is highlighted. Area between access drive and end of Comet Lane is circled.

### FACTORS TO CONSIDER

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

### ASSOCIATED CASE

- PF-15-00380: Final Plat for Morgan Addition. The Preliminary Development Plan serves as the Preliminary Plat. A Final Plat has been submitted concurrently with the Preliminary

Development Plan and is being considered by the Planning Commission at the September meeting.

#### **OTHER ACTION REQUIRED**

- City Commission approval of the Preliminary Development Plan.
- Planning Commission approval of the Final Plat.
- City Commission acceptance of dedications shown on the Final Plat.
- Submittal of a Final Development Plan for Planning Commission approval.
- Recording of Final Development Plan with the Douglas County Register of Deeds.
- Building permits must be obtained prior to construction.

#### **PUBLIC COMMENT**

Several public comments were received regarding this development prior to the printing of this staff report. Concerns raised included: green space buffer and trees along Monterey Way and the South side of the property for the existing residences on Elizabeth Ct; impact of lighting on nearby properties; possibly switching the development so the parking is on the south side of the property; height of buildings, preference stated for two-story rather than three-story buildings; increased traffic; drainage.

The applicant discussed these concerns with the property owners and made several changes to the plan. The apartments were revised from three-story to two-story buildings. The buildings are pulled back from Monterey Way approximately 46 ft, but a stormwater detention pond is required in this location so it isn't possible to protect many of the trees in this area. The applicant provided a tree protection and replacement plan on the Development Plan to insure mature trees on the south side of the property are protected as much as possible. Lighting issues will be addressed with the submittal and review of the Photometric Plan with the Final Development Plan.

#### **GENERAL INFORMATION**

Current Zoning and Land Use:

PCD-[6<sup>th</sup> & Monterey Way] (Planned Commercial Development) District; *Construction Sales and Services, Detached Dwelling*. Property has development approval for *Multi-Dwelling Structure*.

Surrounding Zoning and Land Use:

To the north:

PCD-[6<sup>th</sup> & Monterey Way] (Planned Commercial Development) District; *Multi-Dwelling Structures*.

To the west:

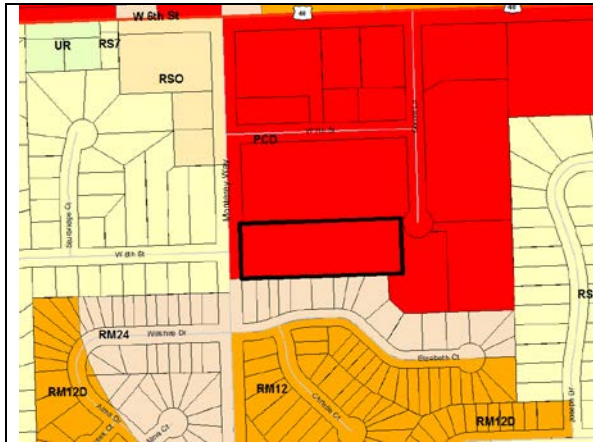
RS7 (Single-Dwelling Residential) District; *Detached Dwellings*.

To the east:

PCD-[6<sup>th</sup> & Monterey Way] (Planned Commercial Development) District; *Construction Sales and Services*.

To the south:

RM24 (Multi-Dwelling Residential) District; *Duplex residences*.(Figure 2)



**Figure 2a.** Zoning in the area. Subject property is outlined.



**Figure 2b.** Land use in the area. Subject property is outlined.

### Area

Gross Area 2.29 acres (99,980 sq ft)

Right-of-Way No additional right-of-way being dedicated with this project or the associated Morgan Addition Final Plat

Net Area 2.29 acres (99,980 sq ft)

Legal Description Lot 1 Block 1, Morgan Addition; pending approval of Morgan Addition Final Plat.

Section 34 Township 12S Range 19E Beginning at point 881 ft south of NW Corner of NE 1/4 Ten east 580 ft, north 185 ft, west 580 ft, then south S to point of beginning.

SITE SUMMARY	Existing	Proposed	Change
Land Use:	<i>Detached Dwelling, Construction Sales and Service</i>	<i>Multi-Dwelling Structure; Detached Dwelling; Construction Sales and Service</i>	Change in use
Land Area:	99,980 sq ft	99,980 sq ft	---
Building Area:	4,630 sq ft	16,640 sq ft	+12,010 sq ft
Pavement Area:	5,350 sq ft	30,815 sq ft	+25,465 sq ft
Impervious Area:	9,980 sq ft	47,455 sq ft (47.5%)	+37,475 sq ft
Pervious Area:	90,000 sq ft	52,525 sq ft	- 37,475 sq ft

<b>Parking Summary</b>			
<b>Use</b>	<b>Req. per Article 9</b>	<b>Parking Required</b>	<b>Parking Provided</b>
<i>Detached Dwelling</i>	2 spaces per dwelling unit	<u>2 spaces</u>	<u>2 spaces</u>
<i>Multi-Dwelling Structure</i>	1 space per bedroom PLUS 1 space per 10 units for guest parking	<ul style="list-style-type: none"> <li>• 21 one-bedroom apts</li> <li>• 12 two-bedroom apts (45 bedrooms / 33 units)</li> </ul> <u>49 spaces</u>	<u>49 spaces</u>
<i>Construction Sales &amp; Services</i>	1 space per each 500 sq ft of floor area PLUS 1 space per acre of outdoor storage or 4 assembly	<ul style="list-style-type: none"> <li>• 1200 sq ft building/3 spaces</li> <li>• No outdoor storage or assembly area</li> </ul> <u>3 spaces</u>	<u>3 spaces</u>
<b>TOTAL</b>		<b>54 spaces</b>	<b>54 spaces</b>
ADA Accessible Spaces	<i>Detached Dwelling:</i> not required <i>Multi-Dwelling:</i> parking lot with 51-75 spaces requires 3 ADA spaces with 1 being van accessible <i>Construction Sales &amp; Services:</i> none required as business does not include customer activity on site	3 ADA spaces with 1 being van accessible	3 ADA spaces all van accessible
Bicycle Parking	<i>Detached Dwelling:</i> no requirement <i>Construction Sales &amp; Services:</i> 1 per 10 auto spaces <i>Multi-Dwelling Structure:</i> 1 per 4 auto spaces	<i>Construction Sales &amp; Services:</i> 1 <i>Multi-Dwelling Structure:</i> 13 spaces	<i>Construction Sales &amp; Services:</i> 1 <i>Multi-Dwelling Structure:</i> 12 spaces

## STAFF ANALYSIS

The subject property, addressed as 800 Monterey Way, contains approximately 2.5 acres and is located south of W 6<sup>th</sup> Street and east of Monterey Way. This property has been part of the Sixth & Monterey Way PCD since its inception. The original plan intended for this area to be developed with apartments; however, the plans now include retaining the existing residence located at the eastern edge of the property. The existing contractor shop will be demolished and a combination automobile garage for the residence and contractors shop will be constructed to the west of the existing house. The remainder of the property will be developed with the previously approved multi-family dwellings.

The previously approved Preliminary Development Plans divided the development by Phases and listed the permitted uses per Phase. The subject property was listed as Phase A-2 in the Preliminary Development Plans. The Development Plan provided this list of permitted uses for this Phase:

**Use Group 4. Residential – Multi-Family:** Medium and high density multi-family residences.  
1. Residential Uses Multi-family dwelling, including duplex

Rooming and/or boarding house  
Single-family attached dwelling (row house or townhouse)  
Bed & Breakfast Establishment

3. Accessory Uses

**Use Group 9. Professional Offices**

Offices for medical, professional and governmental purposes and accessory use, not including retail sales to the public, that are of a nature that may be located adjacent to combined with residential uses without harmful effects to said residential uses.

1. Medical and Related Offices
2. Professional and Governmental Offices
3. Veterinarian
4. Financial Institutions
5. Other Offices
6. Accessory Uses

This revised Preliminary Development Plan proposes a revision to this list of permitted uses to include *Detached Dwelling* and *Construction Sales and Services*. These uses are both permitted in the PCD-2 District and were not restricted through the zoning ordinance; therefore, the permitted uses can be revised with a revised Preliminary Development Plan. The plan should include a revised sheet showing the uses which are permitted/proposed in the A-2 Phase.

The most recently approved PDP shows 4 two-story multi-dwelling buildings on the south side of the property with parking to the north. This plan keeps the general building layout but reduces the number of structures to 3 with a total of 33 dwelling units. Per Section 20-701(f)(3)(ii) of the Development Code, residential density for Planned Developments is calculated based on the number of bedrooms in each apartment. With this calculation, the density of a 12 unit apartment building would be greater for a building with 12 four-bedroom apartments, than 12 one-bedroom apartments. The residential density of this development would be calculated as: 21 one-bedroom units x .4 dwelling unit = 8.4 dwelling units; 12 two-bedroom units x .6 dwelling unit=7.2 dwelling units for a total of 15.6 or 16 dwelling units.

As noted earlier, the plan modifies the lot layout to add the *Detached Dwelling* and *Construction Sales and Services* uses.

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

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

This planned development was zoned and received preliminary approval prior to the adoption of the Comprehensive Plan for Lawrence, Horizon 2020. The Future Land Use Map, (page 3-4) shows this area as Medium Density/High Density Residential and Commercial. The proposed development will consist of a mix of uses: medium density residential (apartments); commercial (construction shop); and low density residential (detached dwelling). The area is adjacent to multi-dwelling or commercial uses within the PCD to the north and east and to medium density residential to the south. Low density residential uses are located west of the property across Monterey Way.

Recommendations from *Horizon 2020* related to this development are listed below with staff discussion following in red.

#### Residential Land Use Goals and Policies; Medium and Higher Density Residential Land Use

*Goal 2: Create a Functional and Aesthetic Living Environment.*

*Policy 2.1: Preserve natural features such as natural drainageways, ridgelines and stands of mature trees through sensitive site layout and design.*

*Policy 2.3 Higher-density residential areas shall be screened from lower-density areas. Where possible, natural barriers and dense vegetation and/or berms shall be used.*

Multi-Dwelling development was previously approved on this site. The development is being located in the same area and general configuration as shown on the previously approved plans with the exception of approximately .6 acres on the eastern portion of the property. The existing house will remain on this .6 acres and a combination contractor shop/garage will be constructed. The current plan utilizes two story buildings which will be set back approximately 47 ft from Monterey Way. The buildings will be oriented so the side of one building faces Monterey Way. The parking lot will be screened with a continuous hedge of evergreen shrubs and street trees will be planted along Monterey Way.

The applicant designated an area along the south property line as an area for 'tree protection' and noted the steps to be taken during construction to maintain the trees in this area. Some of these trees, however, are located within a 10 ft utility easement. It is the goal of the applicant to maintain all the trees along the south property line, but if utility work is required in this area, trees within or near the utility easement may be damaged or removed. The plan notes that if trees identified for preservation are destroyed or damaged they shall be replaced by similar trees on a 1:1 basis. It will be necessary to locate replacement trees out of any utility easements.

*Policy 5.4 Ensure Adequate Ingress and Egress*

*The site design of a residential development should accommodate multiple points of access (direct and indirect), with attention to directing vehicular traffic to and from a development to collector and/or arterial street/roads.*

The original development plan included a shared access easement connecting Monterey Way to Comet Lane. However, the property was not included in the Benefit District for improvements to extend Comet Lane and the City Commission minutes for the Benefit District note that the subject property was not permitted to have access to Comet Lane. (See Attachment) Staff and the applicant are requesting that the City Commission reverse this decision and allow the subject property access to Comet Lane to improve traffic circulation and provide multiple points of access for Fire/Emergency vehicles.

**Staff Finding** – The proposed development complies with the general residential land use provisions found in *Horizon 2020*.

#### **2) Preliminary Development Plan's consistency with the Planned Development Standards of Section 20-701 including the statement of purpose.**

The purpose statement includes the following (staff comments follow in *italics*):

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



- b) Ensure that development can be conveniently, efficiently and economically served by existing and planned utilities and services.  
*City utilities and services currently serve the area and can be conveniently and economically extended to serve the proposed development.*
- c) Allow design flexibility which results in greater public benefits than could be achieved using conventional zoning district regulations.  
*This area was zoned and partially developed as a Planned Commercial District prior to the adoption of the 2006 Development Code. The property is being developed per the standards of the Development Code and the standards for Planned Developments in the pre-2006 Code. The development consists of a mix of uses which would not be possible under conventional zoning district regulations but is in keeping with the remainder of the planned development.*
- d) Preserve environmental and historic resources.  
*There are mature trees on the property. The plan proposes to protect trees along the south side of the property as much as possible, given that the southern 10 ft lies within a Utility Easement.*
- e) Promote attractive and functional residential, nonresidential, and mixed-use developments that are compatible with the character of the surrounding area.  
*The development will utilize 2 story apartments, similar to those approved with the previous PDPs. This is similar to the development to the north. Development to the south consists of single story duplex residences. The project will maintain a back-to-back orientation with these residences.  
(Figure 3)*



**Figure 3.** Development in the area. Two story multi-dwelling development to the north, single-story duplex development to the south, and a mix of one- and two- story single-dwelling residences to the west of Monterey Way. Other structures in the area include a contractors shop to the east.

The proposed development, as conditioned, meets the standards for a Planned Development in Section 20-701.



Section 20-701(d) states that all of the standards of the Development Code apply to development within a PD District except as expressly authorized by regulations of Section 20-701. The dimensional standards of the PCD-[6<sup>th</sup> and Monterey Way] District are:

Minimum Lot Area	4,000 sq ft
Minimum Lot Width	40 ft
Front Setback	15 ft
Side Setback	10 ft between buildings 20 ft from property line for detached or semi-detached buildings
Rear Setback	25 ft for residential 35 ft for commercial
Peripheral Boundary	30 ft*
Common Open Space	20% of site
Maximum Height	As approved by Planning Commission

\*The peripheral boundary applies to the perimeter of the Planned Development but does not apply where a planned development is proposed adjacent to an existing planned development which provides the minimum peripheral setback .

The structures comply with these setbacks with the exception of the detached home and the proposed single-story shop. The applicant is requesting a variance from the setback requirements to allow the existing detached home to maintain the existing 12 ft 4 in setback from the east property line and to allow the proposed single story shop to extend to within 21 ft of the south property line. This would encroach into the required peripheral and rear setbacks. The applicant indicated that the proposed design will provide room for vehicles with equipment to maneuver in and out of the shop without impacting the required parking. Locating the shop behind the garage keeps it behind the existing residence and proposed apartment building to the west and creates a more aesthetically pleasing site. Per Section 20-1007(E) of the pre-2006 Code, the Planning Commission may approve lesser setbacks, provided that special building code requirements apply if buildings are to be located closer than 10 ft apart. The buildings will maintain or exceed the 10 ft separation.

Sidewalks are required along both sides of streets, public or private. A sidewalk is provided along the south side of the shared access; however it does not extend east of the multi-dwelling residences. The applicant requested that the sidewalk not be required to be extended further to the east if there is no connection permitted to Comet Lane. However, if access to Comet Lane is permitted, the sidewalk will be extended to connect to Comet Lane to the east.

The landscaping requirements in Article 10 of the Development Code apply to this project. Landscaping is reviewed generally with the Preliminary Development Plan, but is reviewed in greater detail with the Final Development Plan. The required number of street trees is being provided along Monterey Way. The plan lists an interior landscape requirement of 60 sq ft of landscaping per parking space. The Code was revised to require 40 sq ft of landscaping per parking space. The plan should be revised to note that the 49 parking spaces would require 1960 sq ft of landscaping. The amount of interior parking lot landscaping provided exceeds that required by Code.

The amount of perimeter parking lot landscaping provided meets the Code requirements, but isn't listed on the plan. The species should be revised to create a continuous hedge of evergreen shrubs. These changes can be made on the Final Development Plan.

The Development Code requires bufferyard landscaping between uses in different zoning districts. The property has commercial zoning but the portion that is adjacent to other zoning districts is being developed with *Multi-Dwelling Structures*. The required bufferyard will be calculated based on the proposed use, rather than the zoning. The property to the south is zoned for Multi-Dwelling use and is developed with *duplex* residences. The property to the west is zoned for Single-Dwelling use and is developed with *detached dwellings*. Based on the existing zoning and land uses, a Type 1 Bufferyard is required along the west property line. A 25 ft wide Type 1 Bufferyard requires 2 trees and 5 shrubs per 100 linear ft of frontage. The west side of the property has 185 ft of frontage, therefore 4 trees are required and 10 shrubs. Street trees may count toward bufferyard landscaping; however, at least half of the trees and shrubs are required to be evergreen species. As street trees are shade trees, 1 evergreen tree is required in addition to the street trees and 5 evergreen shrubs should be located in the bufferyard area as well. This will be provided with the Final Development Plan.

The shop represents a more commercial or industrial use and will encroach into the required rear setback and peripheral setback. Additional screening landscaping along the rear of the property may not be possible given the utility easement in this location. Staff recommends the installation of a fence behind the shop and its access drive to provide buffering between this use and the adjacent residence to the south.

The parking provided is compliant with the Development Code, as shown in the parking table

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

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

Per Section 20-701(j), at least 20% of the total site area shall be designated as Common Open Space. Common Open Space is area that is designed for the use and enjoyment of all tenants, residents, or users of a site. 50% of the Common Open Space is to be developed as Recreational Open Space which can include picnic tables, ball fields, walking areas, pedestrian seating, etc.

The Common Open Space shown on the plan covers more than 20% of the site. The plan should note the area within the Common Open Space and the percentage of the site. The Common Open Space is large enough to facilitate recreational uses and the placement of picnic tables and other amenities. (Figure 4)

**Staff Finding** – The proposed Preliminary Development Plan provides Common Open Space which has been determined to fulfill the purpose and intent of the Planned Development Standards.

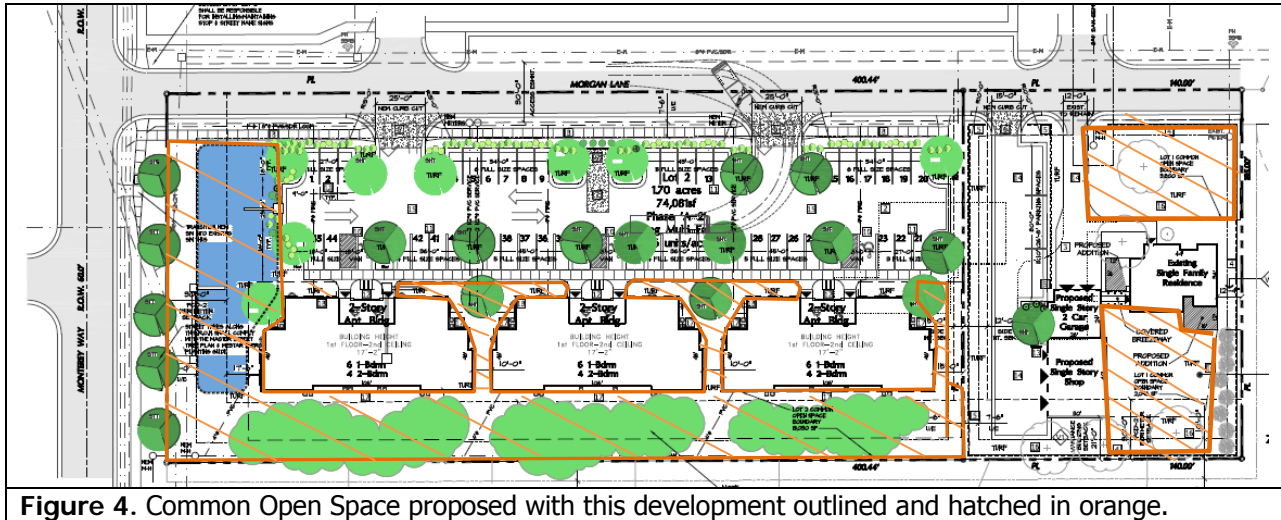
***4) The reliability of the proposals for maintenance and conservation of the common open space.***

**Staff Finding** –The property owner will maintain the common open space in conjunction with the required landscaping on the property.

***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 common open space is provided in large enough areas to serve as recreational open space and to provide open space for the residents on the property.

**Staff Finding** – The amount and function of the common open space is adequate for this development.



**Figure 4.** Common Open Space proposed with this development outlined and hatched in orange.

**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.**

The plan proposes connections to the public utilities which are available to serve the development in the area. Access into the site will be taken from the shared access drive to the west. Parking is located on the north side of the buildings. Landscaped setbacks and landscaping within the interior and perimeter of the parking lots will further the amenities while accommodating the mixed use development.

**Staff Finding** – Adequate provisions for public services, vehicular traffic, light, air, and visual enjoyment have been provided.

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

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

The project will increase traffic in this area as development on the property will increase. The previously approved development plan permitted 36 dwelling units on this property with an unspecified number of bedrooms but if 3 or 4 bedroom apartments were used there would be 108 to 144 bedrooms. The current plan proposes one detached home, 30 dwelling units with a total of 42 bedrooms, and a construction shop. The amount of traffic being proposed should be very similar to that which would occur with the development on the previously approved plans.

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

The development proposes two story apartment buildings, a single story construction shop and an existing single story detached residence. The buildings will be oriented away from

the residences to the south and separated by a 30 ft peripheral boundary. The building types, heights and massings are compatible with the established neighborhood pattern.

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

The property to the west of Monterey Way has a maximum density of 7,000 sq ft lots or 6.2 dwelling units an acre. The property to the south of the subject property is permitted a maximum density of 24 dwelling units an acre but has been developed to an approximate density of 6 dwelling units per acre. The revised development plan proposes a residential density of 16 dwelling units (when calculated with the weighted density provision in Section 20-701) on 1.7 acres or 9.4 dwelling units per acre. This equates to 33 dwelling units under the standard calculations or 19.4 dwelling units per acre. This is more than 34% increase above the density of adjacent residential properties; however, it is less than is currently approved for this property. As the proposed revised plan reduces the density by reducing the number of buildings and dwelling units, it is seen as more compatible with the adjacent residential properties than the currently approved plan.

**Staff Finding--** The Preliminary Development Plan is not expected to have measurable and adverse impact on the development or conservation of the neighborhood area.

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

The use is similar to adjacent uses. A photometric plan will be provided and reviewed with the Final Development Plan to insure that spillover light onto the right-of-way or other properties is within the limits set by Code. The development will utilize an existing shared access drive and will not require any new access points to the adjacent street network. Potential adverse impacts have been mitigated as much as possible.

**Staff Finding** – As the use is a mixed use within a developed mixed use area, little adverse impact is anticipated. Exterior lighting will comply with the Development Code lighting standards and no new access points are required on the adjacent streets.

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

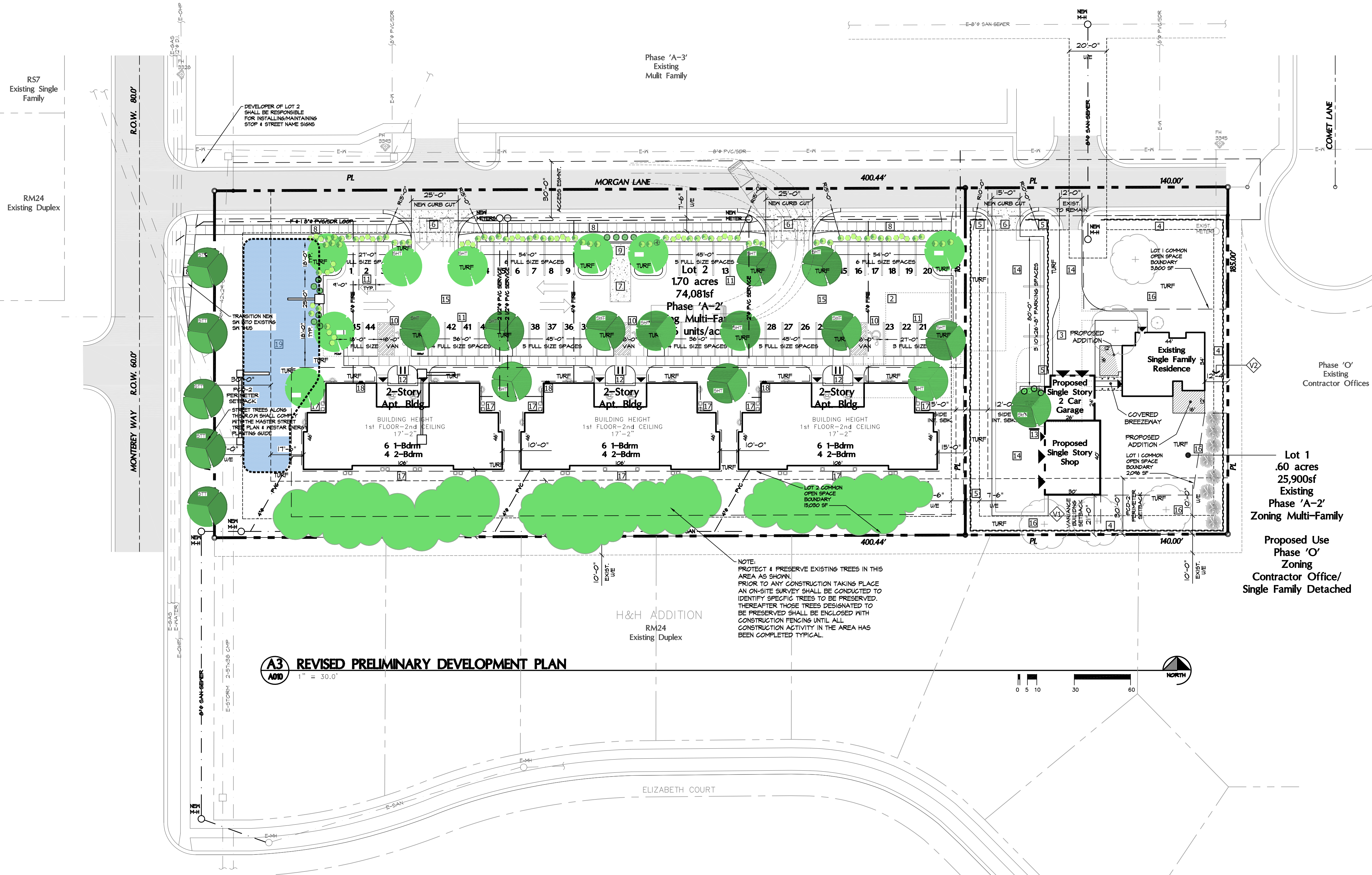
**Staff Finding-** A phased development has not been proposed.

**Staff Review and Conclusion**

The proposed Preliminary Development Plan varies from the previously approved development plan by reducing the number of apartment buildings from 4 to 3 so the existing residence can remain and a new contractor shop/garage be constructed to the west of the house. The property will be divided into 2 lots with the Morgan Addition Final Plat so the home, garage, and contractor shop are on one lot and the apartments are on another lot. The revised Preliminary Development Plan, with the variance requested and as conditioned, is compliant with the Development Code and will result in a development that is compatible with the land uses in the area.

There are minor technical landscaping and other details that will be finalized with the Final Development Plan, but the Final Development Plan will conform to the Preliminary Development Plan. Any substantial changes would require submittal of a revised Preliminary Development Plan.





### Legal Description

Lot 1 & Lot 2, of the Final Plat of the Morgan Addition a subdivision of the City of Lawrence, Douglas County, KS S16, Sec 28-1125-R19E, Containing approximately 2.30 acres.

### Land Development Code Standards

#### Use Table/Permitted in PCD

APPROVED PCD-2 Non-Residential Uses for 'O'		Use Category	A=Accessory P=Permitted S=Special	Use Specific Standards
Existing Use(s)	Proposed Use(s)			
SF Residence/ Contractors Office	SF Residence/ Contractors Office	Construction Service	P	None

APPROVED PCD-2 Residential District for 'A-2'		Use Category	A=Accessory P=Permitted S=Special	Use Specific Standards
Existing Use(s)	Proposed Use(s)			
Undeveloped	Apartment	Attached Dwellings	P	20-503

#### Density & Dimensional Standards

Standard	Required	Lot 1	Lot 2
Existing Zoning	PCD 2	PCD 2	PCD 2
Min Lot Width	40'	140'	400.44'
Minimum Setbacks			
Front	15'	82'	88'
Side Detached Structures	20'	22 7/12-4'	container
Side Attached Structures	0'	n/a	7.5/15'
Side Interior	10'	n/a	n/a
Rear Residential Structures	25'	75'	35'
Rear Commercial Structures	35'	21'	n/a
Periphery Boundary	30'	30'	30'

Common Open Space Required 20% 5,180 sf  
Common Open Space Provided 5,896 sf 14,816 sf  
15,030 sf

#### Parking, Loading & Access

Use	Basis	Min Required	Provided
Proposed:			
SF Dwelling	2 per dwelling	2	2
Contractor Shop	1 per 500sf of bldg	3	3
Outdoor Storage	1 per acre	0	0
Bicycle			
Contractor Shop	1 per 10 auto spaces	1	1
Multi-Dwelling	1 per bedroom + 1 per 10 units		
1 Bedrooms	18 units x 1 space	18	18
2 Bedrooms	12 units x 2 spaces	24	24
Guest	1 space / 10 units	45	45
Bicycle			
Multi-Dwelling	1 per 4 auto spaces	12	12

#### Landscaping & Screening

Symbol	Name	Size	Quantity	Package
SPS	Goldtime Spruce	3 gal.	As Shown	container
MBB	Mentor Barberry	3 gal.	As Shown	container
KJ	Keteleeri Juniper	6 ft.	As Shown	b&b

Street Trees (STT) Monterey Way: 185.0' = 5 Required

The following is a list of approved shade trees (STT) for installation that comply with the Master Street Tree Plan that will be filed with the Final Plat of the Summer Tree West

Symbol	Common Name	Genus-Species
STT	Red Maple	Acer rubrum 'Autumn Blaze' or 'Columnar'
STT	Honeylocust	Gleditsia triacanthos 'Spiralis'
STT	Norway Maple	Acer platanoides 'Emerald Queen'
STT	Bloodgood London Plane Tree	Platanus x acerifolia Bloodgood
STT	Northern Red Oak	Quercus borealis

Substitution of appropriate similar species shall be approved by the Lawrence-Douglas County Metropolitan Planning Office in advance of planting.

#### Interior Parking Lot Landscaping

Parking lots shall contain at least 60 square feet of Landscaping area per Parking Space.  
Required: 45 spaces x 60sf/space = 2,700 sf Provided: 2,882sf  
Note: Provide 1 Tree & 3 shrubs/10 spaces Provided 16 Trees & 24 shrubs

#### Additional Screening Requirements

Dumpster & Trash Receptacles shall be screened from view of adjacent properties & street right-of-way on at least three sides with a 6 foot high solid fence of cedar, redwood, masonry or other comparable building material.

#### Mechanical Equipment

Exterior ground-mounted or building-mounted equipment, including but not limited to mechanical equipment, utility boxes & meters, shall be fully screened from view of adjacent properties and from r.o.w.'s (measured 6' above ground level). Screening shall be in the form of landscape or architectural treatment compatible with the Principal Building.

#### Existing Trees & Vegetation

Damaged or Destroyed Trees: Trees identified for preservation, credit or located in easements are destroyed or damaged, they shall be replaced by similar trees at 1:1 basis. Replacement trees shall be minimum 4" caliper for deciduous or 8 feet in height for ornamental & evergreen trees.

#### General Development Standards

##### 20-1103 Outdoor Lighting

Outdoor lighting fixtures shown thus: = 175W H.I.D. wall Post  
Outdoor/security lighting shall be restricted to wall mount units as shown & shall confine light emitted by each fixture to the site on which they are installed.  
Any Pole mounted or higher wattage than specified above lighting shall be prohibited prior to submission & approval of a revised site plan including photometrics for proposed raised lighting. Fixtures shall be screened to prevent off-site glare.

##### Stormwater Management

Impervious Surfaces	Existing	Proposed Lot 1	Proposed Lot 2	TOTAL
Buildings	4,830 GSF	3,590 GSF	13,090 GSF	16,640 GSF
Pavement	9,330 GSF	7,640 GSF	21,947 GSF	29,187 GSF
Sub-total	9,330 GSF	11,230 GSF	34,597 GSF	47,458 GSF
PerVIOUS	90,000 GSF	14,670 GSF	39,484 GSF	52,526 GSF
	99,980 GSF	25,900 GSF	74,081 GSF	99,981 GSF

Per City Code, a Stormwater Pollution Prevention Plan (SWP3) shall be provided for this project and shall not be released for building permits until an SWP3 has been approved.

#### General Notes

##### Americans With Disabilities Act Compliance

This site has been designed to comply with the provisions of the Americans With Disabilities Act (ADAAG) Accessibility Guidelines for Buildings & Facilities, Appendix A to 28 CFR Part 36.  
The Architect has used reasonable professional efforts to interpret & comply with applicable ADAAG requirements as they relate to this document. However, since the requirements of the ADAAG are subject to various and possibly contradictory interpretations, the Architect cannot and does not warrant or guarantee that this document will comply with all interpretations that may occur and revisions may be required to comply with those interpretations.

##### UTILITIES

The utility locations/status/types shown on this document are for general reference only. The Owner or Owner's agent shall be responsible for contacting the utility location service(s) for exact locations/status/types.

#### Key Notes

- Existing concrete paved street access to remain.
- Existing 2,400 sf two story frame structure to be removed from site.
- Existing concrete paving to be removed.
- Existing 6' cedar fence to remain.
- F&I New 6' cedar screen fence.
- F&I 5" concrete approach to City Standard detail & specifications.
- F&I 5"x10"x20" concrete trash truck pad & inside dumpster enclosure similar to City Standard approach detail & specifications.
- F&I 5"x6" x 4" reinf. concrete sidewalk with ADA ramps as shown per City Standard detail & specifications and ADAAG.
- F&I 7"x4" high masonry wall trash enclosure (14"x12" inside dimension min.) per Sanitation Dept. design guidelines as shown.
- Stripe universal parking space & provide 'van accessible' sign in accordance with ADAAG Standards.
- Stripe parking spaces to dimensions shown.
- Bicycle parking x 4.
- Bicycle parking x 1.
- F&I reinf. concrete driveway 4" min.
- F&I 2" asphalt paving over 5" granular rock base compacted. Unless otherwise noted.
- Existing mature landscaping to remain as shown.
- Ground mounted a/c compressors: See ADDITIONAL SCREENING REQUIREMENTS above.
- Fire Department connection.
- Storm Water Detention Structure: REF. Grading Plan & Storm Water Detention Study Prepared by Landplan Engineering, PA.

#### Variance

- Variance: encroachment into perimeter boundary, 9'x30', for building only.
- Variance: Existing Residence 20' required to 12'-4" side setback.

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SIXTH & MONTEREY WAY PCD  
MORGAN ADDITION  
REVISED PCD & PRELIMINARY PLAN  
800 Monterey Way Lawrence, KS

PROJECT # 1511  
DATE 20JULY15  
DRAWN BY:  
CHECKED BY:  
REVISIONS: 24AUG15  
02SEP15

REVISED  
PRELIMINARY  
DEVELOPMENT  
PLAN

Sheet

A010

of Sheets



**Moved by Kennedy, seconded by Henry,** to approve a fifty percent (50%) tax abatement for the expansion of the Reuter Organ Company estimated to be \$3,000,000.00. Motion carried unanimously. (19)

Mayor Hodges called a public hearing on the proposed benefit districts for improvement of 7<sup>th</sup> Street from Comet Lane to Monterey Way and Comet Lane south of West 6<sup>th</sup> Street.

George Williams, Public Works Director, presented schematic drawings of the benefit districts and tracts included in each district. The method of assessment was based upon the gross area in the benefit district and assumptions he made about the areas of each tract that was benefited. The Morgan property was included in the benefit district for Comet Lane even though they did not have direct access to Comet Lane at the present time.

Dunfield asked if the Preliminary Development Plan showed access to the Morgan property from Comet Lane.

Linda Finger, Planning Director, said the Preliminary Development Plan did show access to the Morgan property from Comet Lane.

Rundle asked if staff would require access to the Morgan property from Comet Lane because of the development.

Finger said assess would be based upon the size and type of the development. At this time, access may not be required off of Comet Lane.

Steve Snavelly, 100 Lawrence Ave., speaking on behalf of the Daugherty's, opposed the formation of the benefit district for West 7<sup>th</sup> Street. Any cost of acquiring land from the Daugherty's would be assessed back specifically to that property. Because the property was long and narrow, the uses for the property would be limited and the cost of the benefits would outweigh any advantages or benefit from the street. The marketability of the property would be severely damaged. It would be an extremely

large assessment for a relatively small lot. Snavely said the Daugherty's did sign the agreement for the PCD and its changes without legal council.

Ernest Haley, 1045 East 945 Road, asked the method of assessment for the benefit district.

Williams said the assessment was based upon the total gross area of the benefit district and his estimated percentages of benefit.

Phil Strubble, Landplan Engineering, said the City Commission required as a condition on a previous portion of this PCD, the construction of 7<sup>th</sup> Street and Comet Lane. He supported the formation of the benefit districts as presented and encouraged the City Commission to proceed with the benefit district. Strubble said all the property in the area would have a benefit from these improvements.

Dunfield asked if there were any specific development plans for the Morgan property.

Strubble said at the present time there were none and the proposed concept of apartments was developed through a brain storming session conducted in 1988 or 1989. It was only a conceptual.

Beverly Morgan, 800 Monterey Way, said they should not be in the benefit district for Comet Lane because they do not have access to that street. They have access from Monterey Way and have paid special assessments for that improvement. They do not want to access Comet Lane. They were willing to sign anything saying they would not take access from Comet Lane.

**Moved by Kennedy, seconded by Henry, to close the public hearing.**  
Motion carried unanimously.

Dunfield asked if there was any legal way to recoup funds from the Morgan property if they were excluded from the benefit district and in the future a connection was made.

David Corliss, Legal Services Director, said the City could not go back retroactively and increase the size of the benefit district or charge a connection fee as they do with water or sewer. Corliss said the City Commission could put property that did not directly connect with the improvements in the benefit district. The City would need to show the benefit of that particular tract and why they excluded others from the district.

**Moved by Hodges, seconded by Henry,** to delete the Morgan property from the Comet Lane benefit district. Motion carried unanimously. (20)

The City Commission concurred to direct staff to not plan any access to the Morgan property from Comet Lane.

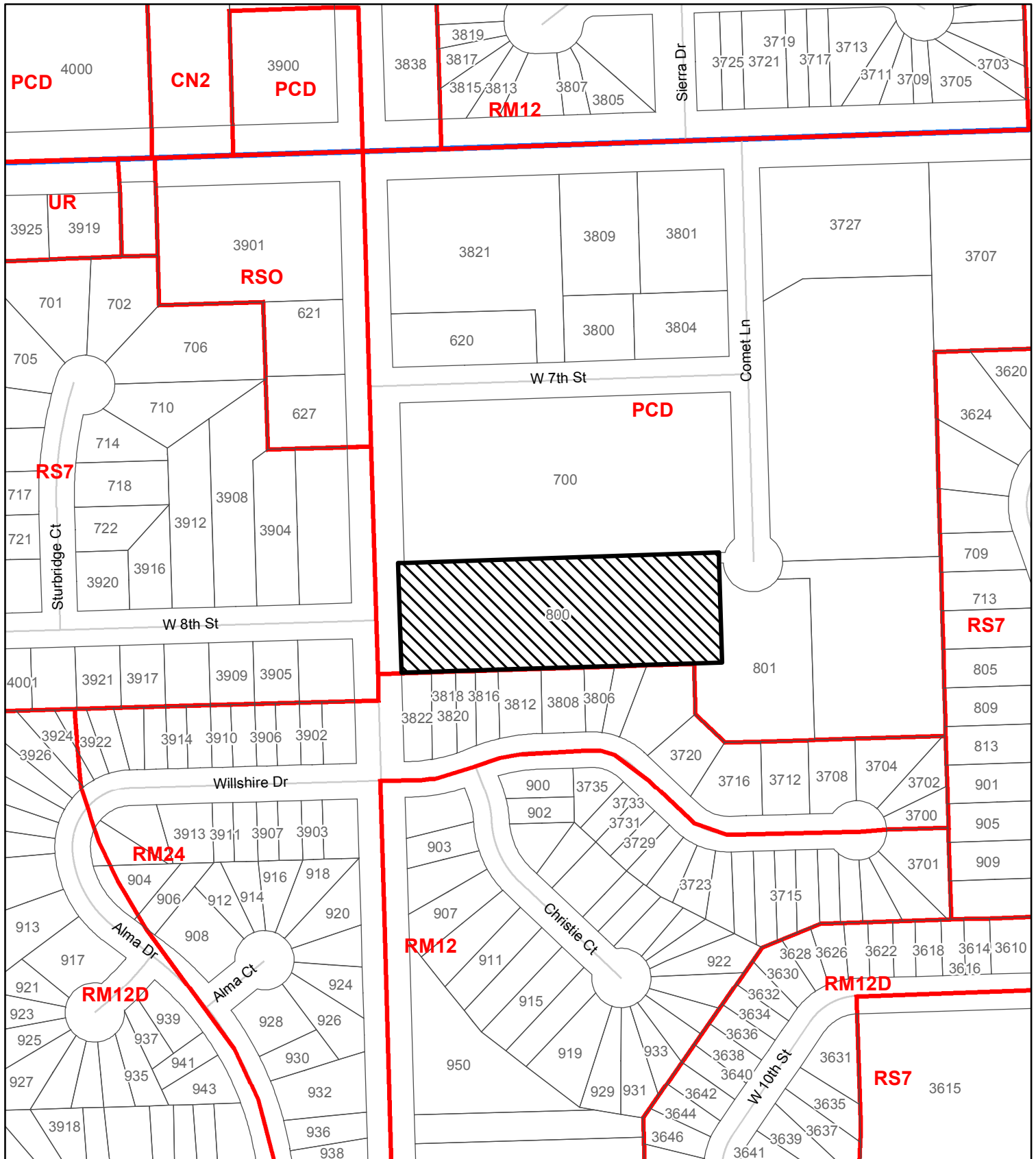
Dunfield asked about the acquisition of right-of-way being assigned back to a specific parcel and not the entire benefit district.

Mike Wildgen, City Manager, said that was the typical procedure. It was allowed by State Statute and it was assumed those people dedicating or giving right-of-way should not be penalized monetarily by their donation or dedication.

**Moved by Hodges, seconded by Dunfield,** to direct staff to prepare the necessary Resolutions on the formation of a benefit district for the improvement of Comet Lane, south of West 6<sup>th</sup> Street as presented by staff with the exclusion of the Morgan property from the benefit district. Motion carried unanimously.

**Moved by Hodges, seconded by Dunfield,** to direct staff to prepare the necessary Resolutions for the formation of a benefit district for the improvement of 7<sup>th</sup> Street from Comet Lane to Monterey Way. Motion carried unanimously.

Margene Swarts, Community Development Manager, presented the staff report on the substantial amendment to the Investment Summary of the City's Consolidated Plan on the Community Drop-In Center Office Spacer Renovation located at 214 West 10<sup>th</sup> Street in the amount of \$35,000.00. The Community Drop-In Center submitted a



**PDP-15-00378: Preliminary Development Plan for a Mixed-Use Development consisting of Multi-Dwelling Residential Structures, a Detached Dwelling and Construction Sales & Services Located at 800 Monterey Way, which is in the 6th & Monterey Way PCD on the West side of Monterey Way South of West 6th Street**



**From:** [Chad Simpson](#)  
**To:** [Mary Miller](#)  
**Subject:** PDP-15-00378 / PF-15-00380 Morgan Addition  
**Date:** Saturday, September 19, 2015 11:40:24 PM

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Mary

I have concerns about the development of this property and how it impacts my neighbors and my property values and our quality of living and comfort in each of our own homes. All of us bordering the southern property line have bedrooms with large glass doors opening into our back yards and my primary concern is that as much of a buffer as possible is established between the new Apartment buildings and the existing homes so that we can continue to enjoy the outdoor space in our back yards and ensure that rows of windows are not staring directly into our bedrooms each evening. If we could be ensured that mature trees, (possibly evergreen) could be established along the South Property line. I suggested flipping the layout so that the apartments are further north and the parking lot be closer to the property line but most people feel that this layout would bring more noise and lights and people directly into the space adjacent to our back fence. Since it appears that having the buildings directly there would block the majority of the noise of people outside I just want to be assured that as much as possible can be done to eliminate line of sight views into our bedrooms. I do greatly appreciate that the plan has been altered to only have 2 stories instead of the earlier plan of having 3 story buildings to contend with.

I am also very concerned with the increase in potential for crime with so many new non-homeowner neighbors 30 feet from my back fence I would like to know if there can be a fence on that side of the utility easement that will make it more difficult for people to access my property. I for one have a gate that opens into the utility easement and cannot afford to have someone come over and let my dogs out of my back yard and / or break into my home.

Although I am concerned about the potential for increased crime, I would like to be assured that there are no tall bright lights going to be set up that are visible from my back yard or bedroom. Once again we all have large windows facing that direction and bright lights at night would be unbearable.

I am also wondering if the drive on the North of the new parking lot is going to be finished that would allow these additional residence to Access Comet Ln. on the East of the property and ease some of the congestion on Monterey Way at rush hour times or is all of this additional traffic going to be forced to get onto Monterey Way and further back up the traffic at the 6th Street and Monterey Way intersection? It would make a lot of sense to finish the last 10 feet of this road so that these cars can directly access Comet Ln. to the east please.

Sincerely,

Chad Simpson  
3820 Elizabeth Ct.  
Lawrence, KS. 66049