

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

PC Staff Report  
1/25/12

**ITEM NO. 10C SPECIAL USE PERMIT FOR ASPEN HEIGHTS; 1900 W 31<sup>ST</sup> ST (SLD)**

**SUP-11-5-11:** Consider a Special Use Permit for Aspen Heights for the development of multiple detached dwelling structures on a single lot in an RM District as required by Section 20-402 of the Land Development Code. The property is located at 1900 W. 31<sup>st</sup> Street. Submitted by Landplan Engineering, for Mid-America Manufactured Housing Communities, Inc., property owner of record.

**STAFF RECOMMENDATION:** Planning Staff recommends approval of the Aspen Heights for the development of multiple detached dwelling structures on a single lot in an RM District as required by Section 20-402 of the Land Development Code located at 1900 W. 31<sup>st</sup> Street and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions to be completed prior to the release of the site plan associated with the SUP for building permits:

1. Submission and approval of a local floodplain development permit prior to the release of the Special Use Permit for issuance of building permits.
2. Applicant shall submit the following additional documents to the Planning Office for review and approval prior to release of the Special Use Permit for issuance of a building permit:
  - a. Provision of a revised plan to include pedestrian lighting along interior sidewalks and the multi-use path.
  - b. Provision of an addressing scheme proposing distinct references for each building.
  - c. Provision of an exhibit designating minimum elevation of building openings for units adjacent to a drainage easement.
  - d. Provision of additional detail to assure that fencing proposed for the site does not obstruct the multi-use path.
  - e. Provision of a revised General Note 19 that states All trash enclosures shall be constructed per City of Lawrence design specifications and shall be screened from view of adjacent properties and street rights-of-way per City of Lawrence Land Development Code Sec.20-1006(a)
  - f. Provision of a revised plan per the approval of the City Stormwater Engineer that provides stormwater mitigation per Section 20-901 (c).

**Applicant's Reason for Request:** *The contract purchaser, Aspen Heights, intends to redevelop the property into a student living community (See the attached SUP site plan). The building types proposed consist of 2BR and 3BR duplexes and 4 BR detached homes. Under the proposed RM12 zoning district, detached dwellings are permitted only as a special use.*

**Other Action Required**

- Publication of the rezoning ordinance.
- Submission and approval of public improvement plans.
- Approval and recording of the final development plan.
- Submission and approval of a local floodplain development permit.

**KEY POINTS**

- Multi-dwelling development including duplex and detached dwelling on a single lot.
- Special Use Permit is required for detached dwelling structures in the RM District (20-402).

**FACTORS TO CONSIDER**

**CHARACTER OF THE AREA**

- Property abuts a principal arterial street, commercial corridor and low density residential development.

**CONFORMANCE WITH *HORIZON 2020***

- The proposed uses conform to land use recommendations included in the *Revised Southern Development Plan* discussed in detail in the staff report Z-11-28-11.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- Communication from residents asking for clarification of the project, access connections and off-street parking concerns.
- Letter from Dale Willey expressing concerns about traffic circulation.

**ATTACHMENTS**

1. Area Map
2. Site Plan

<b>GENERAL INFORMATION</b>	
Current Zoning and Land Use:	RS10 (Single-Dwelling Residential) District; existing manufactured home park known as Gaslight Village.
Surrounding Zoning and Land Use:	OS (Open space), RS7 (Single-Dwelling Residential) District, and RM12 (Multi-Dwelling Residential) District to the north; developed residential homes and public park, Naismith Valley Park.  CS (Commercial Strip) District, PD-[Home Improvement Center PCD] District, and PD-[Home Improvement Residential] District to the west; Existing commercial uses.  RM15 (Multi-Dwelling Residential) District to the south; existing apartment development.  A (Agricultural) District and OS (Open Space) District to the east; existing rural residence and south end of Naismith Valley Park.

<b>Site Summary</b>	<b>Existing</b>	<b>Proposed</b>
Total area:		
Lot Size:	1,548,321	1,548,321
Building: (SF)	178,255	309,793
Impervious Cover: (SF)	647,443	809,507
Pervious Cover: (SF) percent	900,878 58%	738,814 48%
Tract A Drainage Easement		211,140

### **Summary of Request**

The request is for the development of a multi-dwelling project that includes duplex and detached dwellings rather than traditional multi-story apartment buildings. Density is spread across the property with two-story buildings and surface parking. The northeast corner of the site is encumbered by floodplain and is shown as a dedicated drainage easement and platted as a separate tract. Along with the residential development there are several resident amenities included. A clubhouse and pool are located in the northeast portion of the lot and a multi-use path will be constructed through the site connecting 31<sup>st</sup> Street to the Naismith Valley Park path located north of the property.

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

NOTE: This review assumes approval of the proposed RM12 District.

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

Applicant's Response: *The attached SUP site plan complies with all provisions of the Development Code applicable to the two proposed uses: duplex and detached dwelling.*

The proposed development includes 304 units comprised of 118 four-bedroom detached dwelling units, 92 two-bedroom duplex units, and 94 three-bedroom duplex units. The RM12 zoning conveys a maximum density of 12 dwelling units per acre. The proposed development proposes a density of 8.5 units per acre. Density is based on the unit and not the number of bedrooms. The proposed development complies with the pending base zoning district.

Articles 6, 9, 10, and 11 of the Development Code address the site specific design standards applicable to development. The site design standards addressing setback, parking, landscaping, and lighting are discussed later in this report. The proposed uses of the site comply with the Development Code. As conditioned, the proposed development complies with the Development Code.

**Staff Finding** – Pending approval and publication of the RM12 zoning, the proposed use conforms to the minimum use requirements of the RM12 District. As conditioned, the proposed development complies with the provisions of the Development Code regarding specific site plan elements.

#### **2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS**

Applicant's Response: *The entire development, as proposed, will be under single ownership and managed uniformly as a rental student living community. The proposed detached dwellings and duplexes will both be leased to residents under similar terms. These two uses are mixed heterogeneously throughout the community. They take access to the same system of private roads, parking lots, and utilities. They are designed to similar scales and employ the same style of architecture.*

The proposed development includes multiple dwellings on a single lot. Access for the development is accommodated via 31<sup>st</sup> Street, Ousdahl Road on the south side and an additional connection for emergency vehicle access on the north end also from Ousdahl Road. Ousdahl Road in this area is

discontinuous, stopping at the north property line and extending only in the south portion of the site. The setback along the north property line accommodates the drainage and utility easement dedications and an area for landscaping along the property line. The proposed buildings generally maintains the same setback as the existing development with respect to the north property line.

Proposed buildings are two-story. Existing residences along W. 28 Terrace north of the proposed development include a mix of both single-story and two-story structures. Structures located on the west side of Ousdahl Road are single-story duplex units. Residential structures north of the development tend to be ranch style homes with a 60' x 40' footprint. Proposed development includes buildings with a typical foot print of 46' by 40' for the 3-bedroom duplex and a 33' x 37' footprint for the 4 bedroom detached dwelling units. The building massing is comparable to the existing development. The building setback and bufferyard provide additional transition between uses.

Surrounding uses include a commercial corridor to the west and an established residential neighborhood to the north. The proposed use would have similar characteristics as the residential neighborhood. Buildings are setback farther from the residential uses along the north property line then from the adjacent commercial uses to the west.

The minimum side yard building setback of the RM12 district is only 5'. The plan shows buildings to be setback 22' along the west side of the property. This area is also shown to be densely landscaped to provide a buffer between the residential and commercial uses.

The development proposes gated access to the units that will restrict traffic especially in the evening and overnight hours.

**Staff Finding** – The proposed use is compatible with surrounding development by virtue of its location and low profile buildings.

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

Applicant's Response: *The proposed detached dwellings will not cause any diminution in value to other property in the neighborhood. The entire development, including all duplexes and detached dwelling, will be under single ownership and managed as a rental community.*

The proposed request is for redevelopment of the existing mobile home park. The appearance of the park has declined over the years with little or no investment in upgrades or resident amenities. As discussed in the zoning staff report, the property is not part of a specific neighborhood. However the proximity to the Indian Hills Neighborhood, the developed residential area to the north and the commercial corridor to the west provide a character defining identity to this property.

The proposed development includes low profile buildings that are similar in design to the existing residential structures to the north. The project does not extend the local street network through this property except to provide for emergency vehicle access. This configuration maintains the separation of the uses but provides access compliant with minimum Fire Code design standards.

Approval of the request will facilitate new investment in the property and the community.

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

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

This property will be served by municipal water and sanitary sewer. The redevelopment will include stormwater improvements that benefit properties upstream to the northwest. The design of the property accommodates minimum emergency vehicle access and movement within the development. Improvements to the property include a turn lane on 31<sup>st</sup> Street that allows traffic to access the site and pass-by traffic to be unimpeded by turning movements.

**Staff Finding** – Adequate public facilities and transportation access is accommodated for this development. The redevelopment of property as infill rather than urban fringe development preserves efficient use of public services.

**5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED**

This development includes multiple dwelling located on a single parcel. The project is not designed to provide individual ownership of units. The Special Use Permit, if approved, will be the enforcement document for this site. The property owner will be responsible for maintaining the site consistent with the approved plan.

**Staff Finding** – Adequate assurances of continued maintenance are inherent in the use and the Special Use Permit approval process.

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

Applicant's Response: *"The proposed detached dwelling will not cause significant adverse impacts on the natural environment. The entire community is designed to preserve existing floodplain, streams, wetlands and stands of mature trees. See the attached sensitive Lands Site Plan."*

The proposed development includes stormwater improvements and the dedication of 4.847 acres for a detention area that is also encumbered by regulatory floodplain. A small portion of the 100 year floodplain is not included in the easement and extends into Lot 1 in the northeast portion of the lot and in the area south of clubhouse. A local Floodplain Plain Development Permit is required for the project and reflected as a condition of approval. The dedication of easement and the floodplain development permit provide protections for the natural features of the site.

**Staff Finding** – The proposed development includes regulatory controls to protect the significant natural feature, floodplain, of this site.

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

This Special Use Permit is required to accommodate a building type (detached dwellings) in the multi-family district. The intention of the development and purpose of the base zoning district are for medium density multi-dwelling development.

**Staff Finding** – Staff does not recommend a time limit on the Special Use Permit.

**STAFF REVIEW**

**A. Site Summary**

The proposed development includes 118 detached dwellings and 186 duplex units for a total of 304 units. The units include 2, 3 and 4 bedrooms depending in the type. Surface parking is proposed and provided throughout the development. The project includes resident amenities and open space. The project also includes the extension of a multi-use path for non-motorized activity that provides a connection between the Naismith Valley Park to the north and the public sidewalk along 31<sup>st</sup> Street. Some of this improvement will be off site and within the public park. Public Improvement Plans will show the required construction detail for the multi-use path on the park property.

**B. Access and Parking**

As discussed above, three access points provide access to this site. The primary access is from 31<sup>st</sup> Street in the same location as exists today. This access would be improved with a divided median and gates that restrict access. A secondary access is provided from Ousdahl Road extended with this development. Ousdahl is not intended to extend to the north providing a complete north-south connection. The street will terminate in a cul-de-sac. The segment of Ousdahl Road adjacent to the north property line will be extended as a driveway, crossing the drainage way, to provide emergency vehicle access only. This access would remain gated at all times except for an emergency. An appropriate gate configuration should be used since this location is at the end of a developed residential street.

**On-site Parking:**

This project includes surface parking only. The parking spaces are arranged to serve the clusters of housing throughout the development. Additional parking is provided in areas along the main drive in a parallel parking configuration.

<b>Parking Summary</b>			
<b>Use</b>	<b>Parking Requirements</b>	<b>Spaces Required</b>	<b>Spaces Provided</b>
Detached Dwelling	2 per bedroom * 118 units = 238 spaces	118 units with 4 br per unit (472 bedrooms) 238 spaces per applicant	
Duplex Dwelling	1 per bedroom * 184 = 184  1 per bedroom * 282 = 282 spaces	92 units with 2 br per unit (184 bedrooms)  94 units with 3 br per unit (282 bedrooms)  466 spaces per applicant	
Office/Clubhouse	1 space per 300 SF	7,000 SF @ 1 per 300 = 24 spaces	
Total Per Applicant		required spaces for residential use= 704 office uses = 24 728 spaces	<b>1,230 spaces</b>
Multi-Dwelling	1 per bedroom +1 per each 10 units	304 units (938 bedrooms)	
Total Per Development Code	304 units with 938 bedrooms	Spaces per bedroom: 938 Spaces per units: 31 Spaces per office/clubhouse: 24 Total Required Spaces: 993	237 excess spaces per code.

The significant issue with this project is the determination of use and the applicable off-street parking. The structure types meet the definitions of a detached dwelling and a duplex; however none of the buildings are placed on individual lots. A multi-dwelling structure is defined as one that contains three or more dwellings. The land underneath the structure is not divided into separate lots. This project has many similarities to more traditional apartment development including surface parking that is not specifically dedicated to a particular building or lot. Access to parking is provided from access aisles. Individual driveways to units are not proposed.

Initial discussions with the applicant originally anticipated the duplex and detached dwelling form. Upon further review of the project and the zoning district it was determined that inclusion of the detached dwelling unit form required a Special Use Permit. As a multi-dwelling development applicable design standards are required. If however the project had included only duplex units a site plan would have been required. Multi-dwelling development standards would be applied regardless of the inclusion of detached dwelling structures. The applicant was informed of the need for a Special Use Permit in October. The parking calculation concern was included in the review comments of the official submittal.

Staff's position is that this is a multiple-dwelling development and parking requirements related to this type of project detailed in Article 9 (Parking) apply. The applicant's position is that development consisting of duplex and detached homes per 20-901(c)(ii) is exempt from the standard that requires stormwater mitigation of excess parking. This exception contemplates dwellings located individually on their own lots and accessed directly on a separate driveway for parking. The layout of this project is similar to other apartment complexes, therefore the parking requirements of 1 space per bedroom and 1 space per 10 units has been applied. Staff has determined that stormwater mitigation for the additional parking spaces provided is required. The impact of this decision is that the project would need to be revised to demonstrate compliance with standard or seek a waiver from the standard.

### C. Design Standards

This project is not subject to specific design guidelines related to the building type other than minimum building construction standards and applicable Zoning Code Standards included in Article 6, 9, 10, and 11 and floodplain development standards of Article 12.

#### ***Building Elevations:***

These structures clearly have a distinctive low density character and could easily be found in traditional neighborhoods. However, the overall design of the project with little "front yard" area per unit and moderate pedestrian connections in the form of interior sidewalks and shared parking are not characteristic of traditional neighborhood design.







***Pedestrian accessibility:***

The proposed development provides a significant pedestrian link between 31<sup>st</sup> Street and development to the south and existing multi-use recreation paths to the north and through Naismith Valley Park. Improvements include an off-site connection of the path within the park. This connection is shown in larger detail on Sheet 5 of the plans. The connection north of the bridge in Naismith reduced the number of creek crossings required for its construction.

Much of the proposed development will be fenced. The use of the shared path follows a path along 31<sup>st</sup> Street then northbound along Ousdahl Road within public right-of-way. The path then extends to the east through the pedestrian easement and north to the north property line extending into Naismith Park. Fences and gates will inhibit movement and use of this path. Gates that allow pedestrian and bicycle movement shall be provided. Staff recommends that additional detail be provided to assure that fencing proposed for the site does not obstruct the multi-use path.

A graphic is attached that highlights the location of the multi-use path and interior sidewalks through the development and the two points where gates may conflict with access to the sidewalks.

**D. Landscaping and Screening**

***Street Trees:*** The site includes right-of-way along 31<sup>st</sup> Street and Ousdahl Road requiring street trees. Because of the need to locate water and sewer lines along 31<sup>st</sup> Street as well as other utilities it was determined that street trees shall be located between the sidewalk and the curb within the right-of-way. No such conflict exists on Ousdahl Road and therefore street trees are located behind the sidewalk. Some field adjustment may be required at the time of construction. Street trees should be shown in the public improvement plans to mitigate the need to relocate trees during or after construction.



**Bufferyard:** The property requires a bufferyard along a portion of the north property line where the RM abuts the RS zoning and along the west property line where the RM zoning abuts the Commercial zoning. A bufferyard is not required along 31<sup>st</sup> Street.

The east property line is zoned A (Agricultural) a County zoning district. The code does not address the applicability of the standard for non-city districts. However, the property is developed with an existing residence. Future land use recommended for the county property is medium density residential development. The east property line is also encumbered with utility easements. The east side of the property is vegetated with mature trees that are identified to be retained on Sheet 6 of the plan. This existing condition provides screening between the proposed development and the existing residence to the east.

**North Bufferyard:** The north property line is adjacent to existing residential development. The RM/RS association requires a Type 1 Bufferyard. Infrastructure improvements will disturb most of the vegetation along the applicant's north property line. Installation of new landscape material is shown within the 5' area between the property line and the nearest drainage easement. Buildings are also setback 65' providing additional separation of uses. The proposed plan complies with the design standards of a Type 1, 25' wide Bufferyard.

**West Bufferyard:** the western property line includes an east/west segment. The RM/CS and PCD association requires a Type 2 Buffer Yard. The plan shows dense vegetation to be planted in this area. These units are located within 25' of the property line. The plan also shows a fence around the perimeter of the site in this location. The proposed plan complies with the design standards of a Type 2, 25' wide Bufferyard.

**Interior Landscaping:** Interior landscaping is a factor of off-street parking requirements. Typically a minimum of 40 SF per parking space is required for parking lots. This project includes 1,230 spaces. The plan noted that 48,800 SF of interior landscape area is required. The plan shows 72,944 SF of interior landscape. These interior spaces include corner and internal islands and larger center islands within parking areas throughout the development. The proposed development complies with the Development Code.

**Perimeter Landscaping:** Perimeter landscape requirements apply to those areas where parking is adjacent to public right-of-way. The proposed development pattern orients the parking areas internally. Buildings back up to the adjacent right-of-way screening the parking lots from the streets. The plan shows shrubs located between buildings located along the public right-of-way. This addition of shrubs provides full screening of the parking areas from the public right-of-way.

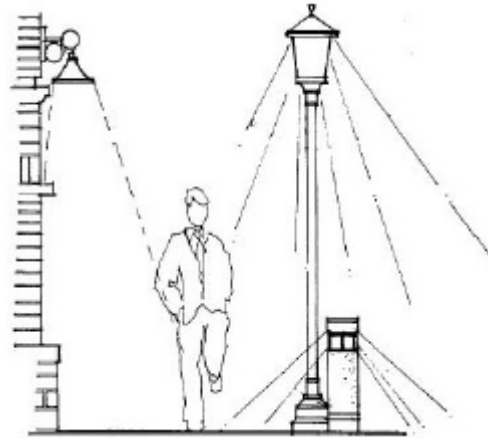
**Mechanical Equipment Screening:** The plan and building elevations do not show the location of mechanical equipment. The plan notes that mechanical equipment shall be screened in accordance with the Development Code. Final inspections upon completion of the construction will assure this design standard is met. Particular attention must be paid to the areas abutting public rights-of-way and adjacent properties.

The site includes several trash enclosure areas within the development. They are centrally located with proximity to building clusters. The scale of the plan does not provide sufficient detail regarding the proposed trash enclosures. Enclosures must be constructed to city standards. Staff recommends that General Note 19 be revised to include a reference to the construction of the enclosures compliant with the City design standards.

**Alternative Compliance:** None is proposed with this request.

**E. Lighting**

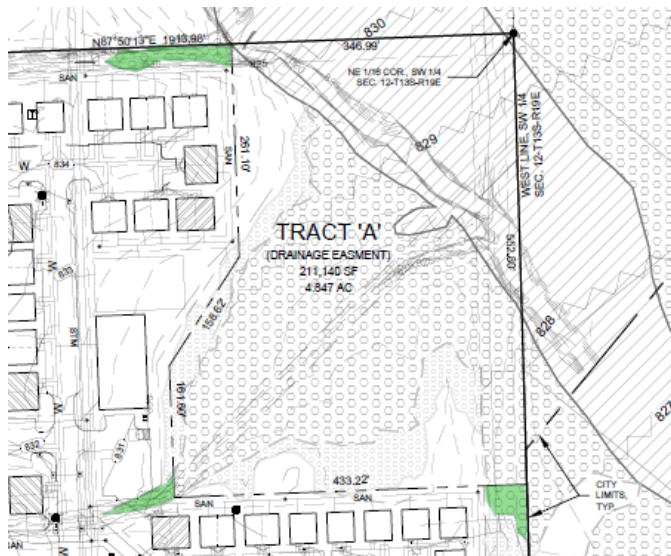
The plan notes that the parking lot will be lit by use of building mounted fixtures with 150 watt incandescent bulbs. A photometric plan is not required. Pedestrian scale lighting is recommended along interior pathways as a personal safety measure. Bollard and pole lighting are both effective options in providing location specific lighting. An example of this design recommendation is located in the City's *Community Design Manual, Section two: Commercial Development* (Commercial Design Guidelines) Page 2-22.



This type of lighting is recommended for the sidewalk extending north of Ousdahl Road, along the designated shared use path in the central portion of the site and the segment extending north along the clubhouse.






**F. Floodplain**

This property is encumbered by regulatory floodplain. A majority of the area is contained within Tract A and dedicated as a drainage easement. Small areas of the 100 year floodplain extend beyond Tract A into the development area. The site also includes drainage easements through the site. Additional notation is required to note minimum building openings for structures that abut these easements.



TOTAL BUILDING	1,050 (-17%)	TOTAL
TOTAL PAVEMENT	100 (-1%)	TOTAL
TOTAL IMPERVIOUS	1,165 (-11%)	TOTAL
TOTAL PERVIOUS	209,975 (-99%)	TOTAL
TOTAL	211,140 (100%)	TOTAL
LOT 1		
TOTAL BUILDING	178,255 (12%)	TOTAL
TOTAL PAVEMENT	469,188 (30%)	TOTAL
TOTAL IMPERVIOUS	547,443 (42%)	TOTAL
TOTAL PERVIOUS	900,878 (58%)	TOTAL
TOTAL	1,548,321 (100%)	TOTAL

**LEGEND:**

-  FLOODWAY (ZONE AE, PER FEMA FIRM)
-  100-YR FLOODPLAIN (ZONE AE, PER FEMA FIRM)
-  500-YR FLOODPLAIN (ZONE X, PER FEMA FIRM)
-  EXISTING BASE FLOOD ELEVATION (PER FEMA FIRM)
-  EXISTING TOPOGRAPHIC CONTOUR

**G. Addressing**

For ease of assessment staff recommends the plan be revised to provide a numbering scheme for buildings for reference. An addressing scheme will also be required for this development. The provision of a plan that provides a discrete reference for each building will facilitate administration of the project during construction and inspection phases.

**CONCLUSION**

The proposed multi-dwelling project includes substantial improvements and reinvestment in existing infrastructure. The development is intended to be marketing for collage age residents. The design does not preclude other segments of the population from being attracted to the development as a housing choice. There is no restriction or requirement related to marking of the development. The proposed development provides an appropriate transition from the low density residential development to the north and the higher density residential development to the south.