

PC Minutes 2/21/18

ITEM NO. 3A REZONING FROM UR TO RM12-PD; 5275 W 6th St (KEW)

Z-17-00471: Consider a request to rezone approximately 2.5 acres from UR (Urban Reserve) District to RM12-PD (Multi-Dwelling Residential-Planned Development Overlay) District, located at 5275 W 6th St. Submitted by Grob Engineering Services, LLC, on behalf of Beckmeisters LLC, property owner of record. *Deferred by Planning Commission on 11/15/17.*

ITEM NO. 3B PRELIMINARY DEVELOPMENT PLAN; 5275 W 6th ST (KEW)

PDP-17-00695: Consider a Preliminary Development Plan for a multi-family residential development located at 5275 W 6th St. Submitted by Grob Engineering Services LLC on behalf of Beckmeisters LLC, property owner of record.

STAFF PRESENTATION

Ms. Katherine Weik presented items 3A & 3B together.

APPLICANT PRESENTATION

Mr. Robert Wilson, Beckmeisters LLC, showed conceptual elevations on the overhead. He said the development would be geared toward senior citizens being able to age in place. He said from the street level the development would be one story but would have a walk-out basement. He said the center area of the development would be a garden area instead of a clubhouse. He stated there would also be a playground in the southeast corner for kids/grandkids.

Mr. Grob Engineering, Grob Engineering Services, said the density would be less than 5 units per acre and not the typical RM12 development. He said the development would be similar to the PUD south of this location. He said the utilities would not disturb the perimeter landscaping. He said the trash collection would be polycarts and would require normal storage in the garage and only be out at the curb on trash day. He said the proposed plan for lighting was on the buildings and maybe in the center of the development or wayfinding accent lighting. He said the parking lot would mostly be on the inside of the development so the surrounding neighbors would not have to look at it. He said there was no plan to install a fence on the south or east. He said there could be a decorative type landscaping fencing around the site. He said the units would be townhomes with covenants and restrictions.

PUBLIC HEARING

Ms. Judy Dreiling asked why there wouldn't be a 35' setback line like their PRD was required to have. She expressed concern about one entrance/exit to the development. She also expressed concern for decreased property value. She said the applicant was not restricting the development to senior citizens and could possibly be younger residents. She wondered if the property would be owner occupied or rented.

Mr. Tom Carlson expressed concern about the lack of details to unanswered questions. The idea of senior residents versus any other younger residents. He expressed concern about the value of his property decreasing. He felt the property was out of character of the neighborhood.

Mr. Michael Dreiling asked for the plat to be displayed on the screen. He expressed concern regarding his view with the close setback. He suggested moving the project 25' north. He felt the project would decrease his property value.

Ms. Michelle Leeson wondered about a planned overlay for this project.

Mr. McCullough said the initial application was a straight rezoning. He said Planning Commission compelled the applicant at the last meeting to pursue a planned overlay. He said the neighborhood would receive notice of

the final development plan that would show more details. He said this was the time when Planning Commission could address and condition height requirements or setback requirements.

Ms. Leeson requested a fence along the east to separate the property.

APPLICANT CLOSING COMMENTS

Mr. Wilson said the price point of the units would be \$300,000-\$350,000 which would likely be higher than the neighborhood property values. He said the units would be ADA compliant and geared toward seniors but he would not discriminate against younger people.

Mr. Grob said the access location was the result of restricted access when the intersection was built. He said the only option was to line the entrance up with the entrance to the new Cooperative Village development. He said he concentrated landscaping as a buffer. He said the setback on the south met Code requirements. He said 6th Street had a 50' setback so moving the project north was not an option.

COMMISSION DISCUSSION

Commissioner Willey asked staff about different setbacks in different settings.

Ms. Weik said the RM12 zoning district required an internal side yard setback of 5' and this proposal development exceeded that with a 10' side yard setback. She said the development met the rear and front setbacks of 25'.

Commissioner Willey asked for clarification on the back of the south building being considered the side yard.

Ms. Weik said the development was on one single lot. She stated the front yard setback would be off Branchwood, the rear yard setback would be to the east and the side yards were to the north and south.

Mr. McCullough said it was not atypical to have different setbacks. He said the placement of the drive was due to the closeness of the intersection.

Commissioner Kelly inquired about the setback of the existing white outbuilding.

Mr. Grob said the building was within 5' of the property line but he did not know the exact distance.

Ms. Weik said that building was very near the property line, within 5'.

Commissioner Sands asked the applicant about owner occupied units.

Mr. Wilson said the development would be marketed in different ways but the primary intent was owner occupied. He said the homeowner association would be tight and he did not envision parked cars on the street or driveway at night.

Commissioner Sands said the development was platted as one property. He asked staff for an example of other similar developments in town.

Mr. McCullough said there were examples throughout the city. He said through the townhouse act one lot could be platted with condominiums owned individually. He said ownership was not regulated by the City. He provided the examples of the Cottages at Deerfield and the Villas at Alvamar.

Commissioner Sands said the design suggested a flat roof.

Mr. Wilson said the roof appeared flat but it had a hidden pitch.

Commissioner Willey asked staff if the Final Development Plan would be administrative.

Ms. Weik said yes, it would be administrative.

Mr. McCullough said the RM12 zoning district height requirement of 35' was the same as all RS districts and was compatible with other uses in the area.

Commissioner Sands asked if the homeowner association covenants and restrictions would be recorded with the Douglas County Register of Deeds.

Mr. McCullough said yes, a homeowner association could create a civil document managed by the HOA. He said the City only enforces the City Code.

Commissioner Kelly asked Mr. Dreiling if he had something further to comment on. *(Mr. Dreiling indicated he had more to say after the applicant spoke.)*

Mr. Dreiling said the white outbuilding mentioned earlier was built prior to the city expanding. He said the apartments west of 6th Street and Folks did not have 50' setback. He wanted this development moved further north toward 6th Street.

Commissioner Kelly said the applicant designed setbacks within the requirements of the Code.

Commissioner Sands said there were restrictions on the north due to required 6th Street setback. He said this was a better layout than the concept plan that Planning Commission previously saw. He felt the applicant had done everything in his power to minimize the footprint.

Commissioner Willey said the project had come a long way from when they first looked at it. She felt this was a much better. She said the road access was not negotiable due to restrictions. She stated the development fell within the setback Code requirements and that they could not demand additional setbacks.

Mr. Wilson said one building and the two-story clubhouse were eliminated. He said the center area could possibly be reduced slightly but that a fire truck needed to be able to gain access.

Mr. McCullough said the one building shown on the south property line with a 10' setback. He said if the setback were 15' the building design would need to change.

Mr. Wilson said it would cost more money to redesign but that he would see what could be done to capture a few additional feet.

Commissioner Carpenter inquired about fencing on east side.

Mr. Wilson said he thought the entire east side had a fence but he would be willing to fill in gaps in the fence.

Commissioner Willey said the proposed 12 units were good and the applicant was giving quite a bit to the character of the neighborhood.

Commissioner Sands wondered if they needed to add a condition or just ask the applicant to change the setback.

Mr. McCullough said adding a condition to the Preliminary Development Plan was preferred. He suggested language to mitigate the impact of the side yard to rear yard nature of the project to the property on the south, with the setback increased to 15' instead of the 10' Code requirement.

Commissioner Sands was in favor of the project.

ACTION TAKEN on 3A

Motioned by Commissioner Sands, seconded by Commissioner Paden, to approve the rezoning request from UR (Urban Reserve) District to RM12-PD (Multi-Dwelling Residential) with Planned Development Overlay District, located at 5275 W 6th St, and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Commissioner Carpenter said this was a good example of the side yard really being the rear yard setback in Code language. He stated this was low density development for what was permitted in the zoning district. He felt the Code language could create quirks for future infill development.

Commissioner Struckhoff felt this version of the proposal was better than last time and he would support the rezoning.

Commissioner Kelly thanked the applicant for reworking the design to address concerns and spending the money. He said he would support the motion.

Unanimously approved 9-0.

ACTION TAKEN on 3B

Motioned by Commissioner Sands, seconded by Commissioner Sinclair, to approve the Preliminary Development Plan with the addition of condition 5 to increase the southern setback to 15' to mitigate concerns by existing neighbors, and forward to City Commission with a recommendation of approval.

Commissioner Willey said she was in favor of looking at loopholes for a how side yard becomes a backyard. She said she had a hard time requiring the developer to increase the setback and would prefer to ask the developer.

Mr. Grob said the plan already provided 5' extra than required and he would prefer not to add more.

Commissioner Willey asked to hear from the neighbors.

Mr. Carlson expressed concern that windows would look directly into his home. He felt 5' extra setback would help but he wanted extra screening to block the view.

Commissioner Willey said screening may be more helpful than extra setback footage.

Mr. Carlson said a larger setback would be needed for screening.

Commissioner Paden said she was inclined to not require the additional setback.

Commissioner Weaver did not feel it was fair to require the developer to exceed the Code setback.

Commissioner Sands amended the motion, seconded by Commissioner Weaver, to approve the Preliminary Development Plan based upon the findings of fact and forwarding to the City Commission for approval subject to the following conditions:

1. Provision of a revised Preliminary Development Plan to include the following changes:
 - A sidewalk connection from the south units across to the sidewalk that leads to Branchwood Drive.
 - Dedication of 10' Right-of-Way along the remainder of Branchwood Drive.
 - Dedication of an access easement for sanitation services.
 - Updated landscape notes and common/recreational open space total locations.
 - Note regarding ownership and maintenance of Common Open Space and Non-encroachable areas.
2. Vacation of permanent easement along 6th Street. Reimbursement for permanent easement is to be remitted to the City.
3. Submittal of Public Improvement Plans for utility/infrastructure extensions prior to Final Development Plan submission.
4. Subject to City Commission Approval of rezoning request from UR to RM12-PD.

Commissioner Kelly said he would vote for the motion because it met the Code and Planning Commission's responsibility was toward land use. He said the neighbors would have another opportunity to voice their concerns at City Commission. He said the developer was developing per the Code and it would be pulling the rug out from him if it was changed.

Unanimously approved 9-0.