

**MEETING  
DATE:**

August 25, 2020

**STAFF:** Brian L. Harker, Planner

**PROJECT NAME:** Kentucky Place

**CASE NUMBER/REQUEST:** Case 20-810-02 – Preliminary Development Plan – 3206 N. Spring Street – Shawn Caton, on behalf of Isosceles Properties, LLC, requests approval for a duplex development

**APPLICANT:** Shawn Caton

**OWNER:** Isosceles Properties, LLC

**PROPERTY ADDRESS:** 3206 N. Spring Street

**SITE ACREAGE:** 2.535-acres

**CURRENT USE:** vacant community center/church and land

**SURROUNDING ZONING/LAND USE:**

**N:** R-30/PUD (High Density Residential/Planned Unit Development); Single Family Residential

**SEW:** R-6 (Single Family Residential); Single Family Residential

**PUBLIC NOTICE:**

- Letters to adjoining property owners – August 7, 2020
- Public notice published in the Independence Examiner – August 8, 2020
- Sign posted on property – August 7, 2020

**FURTHER ACTION:**

Following action by the Planning Commission, this application is scheduled for its first reading by the City Council on Sept 14<sup>th</sup> and the public hearing/second reading on Sept 21<sup>st</sup>.

## RECOMMENDATION

Staff recommends that this PUD/Preliminary Development Plan **NOT BE APPROVED** for the following reasons:

- 1) The residential infill development standards of Section 14-505-06, intended to encourage infill development that is compatible with the physical character of the neighborhood in which the property is located, would not be met.
- 2) The orientation of the duplex driveways will create a traffic flow and parking problem along N. Pleasant Street and N. Spring Street.
- 3) The old storm and sanitary sewer systems in place in the area are operating near their limits.

- 4) The applicant has not provided a rough draft of covenants or indication of other provisions for the maintenance of the common tract, including its drainage basin and amenities.
- 5) The amenity provided (a gazebo) is not adequate.

## PROJECT DESCRIPTION & BACKGROUND INFORMATION

### PROJECT HISTORY AND DESCRIPTION:

On January 8, 2019, Isosceles Properties, LLC requested approval of a Preliminary Development Plan for a 38-unit Planned Unit Development (PUD) on a 2.54-acre property located at 3206 N. Spring Street. The site was located within the Kentucky Hills neighborhood. Lying north of Colonel Drive between Pleasant Street and Spring Street, the underutilized tract was the site of a vacant community center/pre-school/church that was no longer occupied. The existing structure was to be removed and replaced by a duplex, a fourplex, four six-plexes and an eight-plex. The development, Kentucky Place, would have been a subdivision of seven structures on individual lots and driveways oriented toward N. Pleasant Street and N. Spring Street. The Planning Commission, after a thorough public hearing that included many neighborhood and community stakeholders, denied the application for the following reasons:

- 1) The residential infill development standards of Section 14-505-06, intended to encourage infill development that is compatible with the physical character of the neighborhood in which the property is located, would not be met;
- 2) Section 14-501-10-B requires that no more than 40 percent of the front yard area in an R district may be paved or used for vehicle use;
- 3) The design and orientation of the project will create a traffic flow and parking problem along N. Pleasant Street and N. Spring Street;
- 4) The old storm and sanitary sewer systems in place in the area are operating near their limits;
- 5) The plat needs a detention tract separate from the individually owned lots planned for each residential structure;
- 6) The applicant has not provided covenants or indication of other provisions for the maintenance of the individual lots or a common tract.

The case was forwarded on to be heard at the February 4, 2019 City Council meeting; however, on January 22<sup>nd</sup>, prior to meeting, the applicant requested the case to be withdrawn.

Isosceles Properties, LLC now requests approval a Preliminary Development Plan for a 22-unit development duplex development. The applicants plan to hold a virtual public meeting with surrounding property owners and residents on August 19, 2020. **Due to the proposed date of this meeting, staff will be providing a supplemental report summarizing this meeting.**

With this current submittal, the existing structure would be removed, the site cleared, and replaced by 11, single-story, two-bedroom duplexes. Kentucky Place would be a subdivision of structures sited on individual lots, with driveways oriented toward N. Pleasant and N. Spring streets. There would be five lots along the east side of Pleasant Street and six lots on the west side of Spring Street. The south tract, along the north side of Colonel Drive will be the site of the proposed drainage basin.

**Current Zoning:** The R-30/PUD zoned tract permits and conditionally allows; residences with two or more units, foster care homes, daycare with less than 21 children, civic uses, churches, schools, cemeteries and crop agriculture.

**Adjacent Land Use and Zoning:** The proposed duplex development would be an enclave within Kentucky Hills; an existing single-family development of small ranch homes built in the 1960's and zoned R-6.

**Public Improvements, Public Utilities and Sanitary Sewers:** Sidewalks along all three rights-of-way would be required and some curb reconstruction may be necessary. All public utilities and sanitary sewers are available adjacent to the proposed lots. However, the condition of the old sanitary sewer system is not optimal, and the Municipal Services Department may need to reconstruct portions of the inlets and storm sewer system.

The properties in this neighborhood have experienced sanitary sewer backups in heavy weather events. The applicant will need to confirm the actual peak flows from all the fixtures in all the units and not exceed the additional 0.04 cubic feet per second change from single-family use to multi-family residential. It's recommended all old sewer laterals be properly abandoned to minimize additional storm water inflow and infiltration.

Fire hydrants and water lines might need to be added and brought up to code to meet the intent of the IFC 2018 edition and to be enough for fire flow requirements and fire hydrant distancing.

**Storm Water:** A detention basin for storm water runoff would be provided on the southwest portion of the site, just north of E. Colonel Drive. This would address existing storm water drainage issues and the new impervious surfaces created by the proposed development.

**Residential Design Standards:** The proposed single-story duplexes generally meet the residential design requirements of the UDO. The façades of the structures also meet the requirements for materials and architectural articulation. The applicant provided five different variations of siding and colors when staff asked for architectural variation to create additional appeal. The proposed development **does not** meet the Purpose of Section 14-505-06 of the UDO which states, "The residential infill development standards of this section are intended to encourage infill development that is compatible with the physical character of the neighborhood in which it is located." The duplex structures are not be compatible with the physical character of the single-family structures in the neighborhood.

**Landscaping:** The landscaping/site plan and tree preservation plan indicated trees to be saved along the rights-of-way and new trees to be added. However, the health of some of the existing trees are questionable and they may need to come down and be replaced. Further, trees should be planted in the rear yards of each of the buildings.

**Parking/Traffic:** With garages and driveways having depth for two cars, the minimum code requirement for off-street parking would be met. However, given the density of driveways and that cars parked on the driveway could regularly block other departing vehicles, the limited on-street parking spots are likely to be heavily used creating traffic flow problems. Staff believes that the density of the development's driveways and limited on-street parking in front of the development would push on-street parking to the other side of the streets occupied by single-family residences.

Merge Midwest Engineering, the traffic engineering firm for the project, indicates minimal traffic impact. Their study indicates 20 vehicles per hour during the AM peak and 25 vehicles per hour during the PM Peak.

**Historic and Archeological Sites:** There are no apparent historic issues with this property.

## ANALYSIS

### **Consistency with *Independence for All*, Strategic Plan:**

*The Comp Plan outlines principles for providing a variety of housing options, ensuring a balance of housing types, and promoting a mix of housing types within neighborhoods. However, this plan **does not** preserve the integrity of the existing neighborhood. The proposed development remains too dense and impacts on the neighboring properties could compromise the existing integrity of the neighborhood.*

### **Comprehensive Plan Guiding Land Use Principles:**

*The Imagine Independence 2040 Comp Plan does provide the guiding principles to “foster redevelopment opportunities within the City to revitalize unused or underused property.” It does this by promoting in-fill development, **where appropriate**, to support compact urban form and reduce needless sprawl. Unfortunately, the proposed plan seeks to utilize a parcel once used as the neighborhood pool in a planned single-family subdivision to construct 11 duplexes.*

## REVIEW CRITERIA

Recommendations and decisions on a proposed Preliminary Development Plan must be based on consideration of the criteria listed in Section 14-703-05-H:

1. **The consistency with the Comprehensive Plan.** – *The Comprehensive Plan envisions Residential Neighborhoods. A Guiding Principle of the Comp Plan is to preserve the integrity of existing neighborhoods and to encourage protection of existing residential areas from encroachment by incompatible development. As discussed above proposed development itself is incompatible with the neighborhood.*
2. **The consistency with the PUD standards of Section 14-902, including the statement of purpose.** – *Section 14-902 is intended to allow design flexibility that results in greater public benefit than would be achieved using conventional zoning regulations. The proposed development does not represent such a unique design that it could not be achieved using conventional zoning regulations. The proposed development could be accomplished through a rezoning to R-12. The plan seeks to develop 11 duplexes on a parcel that was once the neighborhood pool in a planned single-family development. In that sense, it is not compatible with the surrounding neighborhood and not unique enough to warrant a PUD.*
3. **The nature and extent of Common Open Space in the PUD.** – *The application provides for open space at the south end of the development. However, this is primarily planned for storm water detention and most of the area does not appear to be usable. Additionally, staff discusses with the applicant the need for amenities, but only a gazebo has been proposed.*

*This is not enough to warrant a PUD designation. Additional, features such as internal sidewalks or walking paths with aesthetic lighting to a common space area with amenities such as benches or water fountains could be provided.*

4. **The reliability of the proposals for maintenance and conservation of Common Open Space.** – *The applicant states that the project will be marketed to residents 65 and older and will have an HOA to maintain the grounds. However, the applicant has not provided a rough draft of covenants or other provisions for maintenance of the individual lots or possible common tracts.*
5. **The adequacy or inadequacy of the amount and function of Common Open Space in terms of the densities and dwelling types proposed in the plan.** – *The preliminary development plan proposes open space at the south end of the site that is predominantly to be used for storm water detention.*
6. **The extent to which the proposed use will adversely affect the capacity of safety portions of the street network or present parking problems in the vicinity of the property. Whether adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment.** – *It has been staff's experience in these types of developments with single-car garages and single-wide driveways that vehicles will park on the street. Given the density of driveways and that parked cars could regularly block departing cars, the limited on-street parking spots are likely to be heavily used creating traffic flow problems. Additionally, the proposed development is not compatible with the physical character of the neighborhood in which it is located.*
7. **The extent to which the proposed use will have a substantially adverse effect on adjacent property and the development or conservation of the neighborhood area.** – *The Kentucky Hills subdivision was developed in the 1950s-60s. This site was once the neighborhood swimming pool. At some point, the pool closed and in the early 2000s, the site was used as a church. The proposed density was never planned for this site and would have a negative impact on the character of the neighborhood, existing residents' enjoyment of their property, their properties' salability, on street parking, and sanitary and storm sewer usage.*
8. **Whether potential adverse impacts have been mitigated to the maximum practical extent.** – *On-street parking and traffic flow issues could be migrated by redesigning the proposed development to be internally focused toward the center of tract or by providing common vehicular access in another way. The proposed development would provide other public services to adequately serve the project.*
9. **Whether the Preliminary Development Plan represents such a unique development proposal that it could not have accomplished through use of (non-PUD) conventional zoning regulations.** – *The R-30/PUD zoning classification requires the review and approval of a Preliminary Development Plan. The proposed development could be accomplished through a standard R-12 zoning. The proposed layout does not constitute a unique development proposal.*
10. **The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PUD in the case of a plan that proposes development over a period**

**of years.** – *The applicant states this development will be constructed in 1 phase. However, the project lacks covenants or indication of other provisions for the maintenance of the individual lots or a possible common tract.*

**EXHIBITS**

1. Applicant's Letter
2. Mailing Affidavit
3. Property Owner Notification Mailing List
4. Preliminary Development and Landscaping Plan
5. Preliminary Plat
6. Elevations
7. Zoning Map
8. Comprehensive Plan Map
9. Staff Comment/Revision Letter
10. Public Comment Letters sent directly to Planning Commission