

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item:

PC Staff Report
07/20/09

ITEM NO. 4 SPECIAL USE PERMIT FOR DRIVE-THRU ADDITION; 1520-1540 WAKARUSA DRIVE (SLD)

SUP-5-7-09: Special Use Permit for the addition of a drive-thru addition to Wakarusa Market Place located at 1520 Wakarusa Drive, Suite A & B. Submitted by Peridian Group for Block & Company Inc. Realtors, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of SUP-05-07-09, a Special Use Permit for the addition of a drive-thru use in the CN2 District located at 1520 Wakarusa Drive, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Prior to the release of the site plan for issuance of building permits the applicant shall provide a copy of the Westar Encroachment agreement.
2. An ordinance per Section 20-1306(j) shall be published by staff.

Applicant's Reason for Request: *To add a drive thru window on the NE side of existing building.*

KEY POINTS

- Fast food with drive-thru uses allowed in CN2 District subject to Special Use Permit (20-403).
- Site is currently developed.
- Proposed use will occupy north side of building.

FACTORS TO CONSIDER

- Procedural requirements of Section 20-1306; Special Use Permits.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- BZA-04-04-09; Parking Reduction.
- Publication of a Special Use Permit ordinance per Section 20-1306(j).

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Received/approved by Staff.
- *Downstream Sanitary Sewer Analysis* – Not required, use consistent with existing zoning and building.
- *Drainage Study* – Not required.
- *Retail Market Study* – Not applicable to request. Existing commercial area.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

Jason Bradley, property owner to the north indicated concern about traffic circulation.

GENERAL INFORMATION

Current Zoning and Land Use: CN2 (Neighborhood Commercial Center) District; existing commercial development.

Surrounding Zoning and Land Use: CN2 (Neighborhood Commercial) District to the north; existing commercial development.

RM12 (Multi-Dwelling Residential-Office) District to the east and south; existing nursing home and independent living units [Brandon Woods].

IBP (Industrial Business Park) District to the east; developing office buildings.

Summary of Special Use

The property is located on the southeast corner of Bob Billings Parkway and Wakarusa Drive. The property is developed with a mixed use retail building. The purpose of the request is to allow for the construction of a drive-thru window on the north side of the building for a food related use. Section 20-403 of the Development Code requires approval of a Special Use Permit for fast order food with drive-in uses located in the CN2 District.

The site plan also shows the addition of angled parking along the rear of the building. A variance was approved May 7, 2009 to allow for reduced parking for the center. The proposed parking addition is intended to add rear parking to more fully comply with the current Development Code requirements.

SITE SUMMARY

	Existing	Proposed	Change
Property Area (sq ft):	209,915	209,915	-
Building Area (sq ft):	35,370	35,370	-
Total Impervious Area (sq ft):	164,310	169,678	5,368 SF more
Total Pervious Area (sq ft):	45,605	40,237	5,368 SF less

Site Plan Review:

The proposed site changes include the construction of a service window on the north side of the existing building. The drive-thru lane will result in the removal of the existing parking spaces along that section of the building. The plan includes an island that separates the drive-thru from the northern two-way access drive.

Parking Summary

This retail property shares parking and access with the abutting office/commercial development to the north via a shared agreement as referenced on the face of the site plan.¹ The Parking summary provided on the face of the plan reflects the current tenant mix as of the review of this proposed site plan. The May 7, 2009 variance request reduced the amount of required off-street parking spaces for the development from 340 parking spaces to a minimum of 247 spaces.

In response to the site changes the applicant is seeking an encroachment agreement with Westar to extend parking along the east side of the parking. This additional parking does reduce the amount of green space and buffer between the commercial and multi-family land uses.

Required Parking	BZA approved Reduction	Proposed Parking
340 spaces	247 Spaces Existing on Site	272 spaces

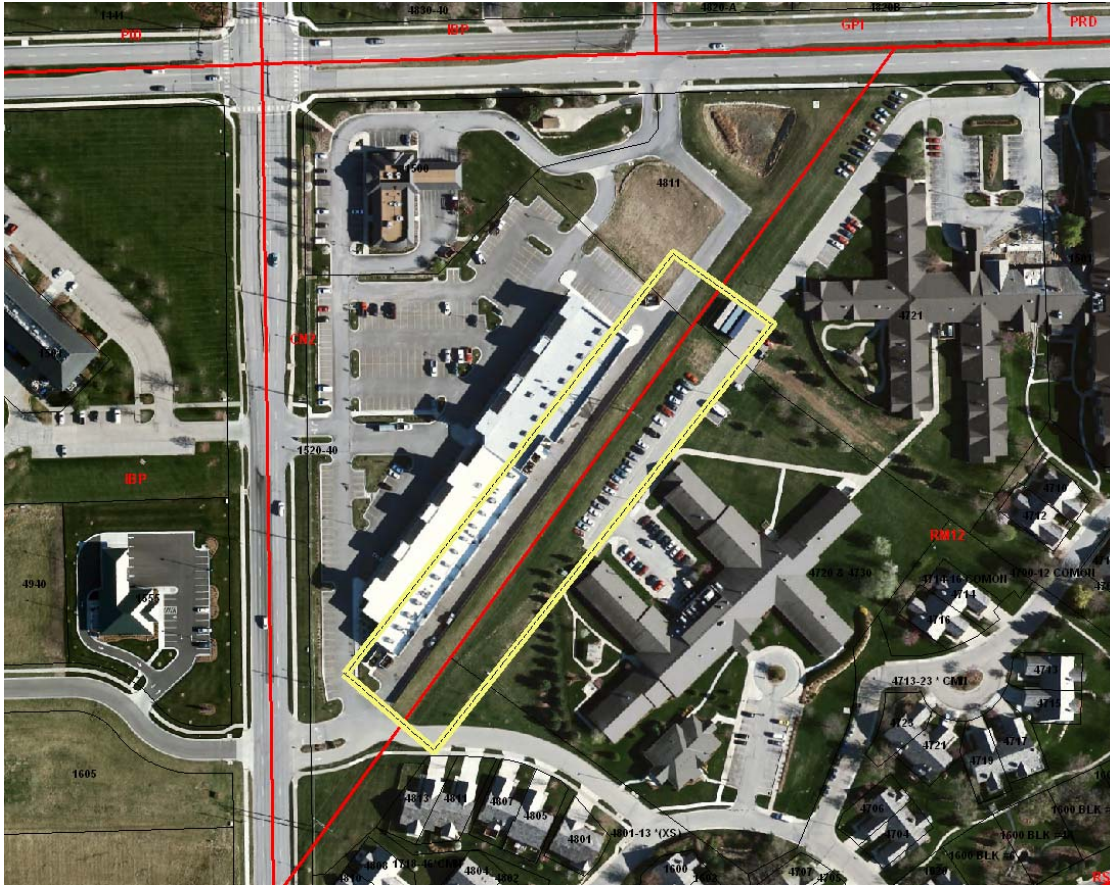
Landscape and Screening

The plan shows landscape along Wakarusa Drive. This material has been installed but is not grown to maturity at this time. This portion of the site is not affected by the proposed improvements.

The current development code requires a total of 16,320 SF for interior green space for the 272 parking spaces. The plan provides approximately 16,566 SF of interior green space. The addition of the parking in the rear of the lot reduces the current total open space from 15,196 to 10,996. This area is also the buffer yard between the CN2 and the abutting RM12 residential district. The location of the easement and overhead transmission lines and poles limit the ability of the applicant to install landscape materials within that space. A relocated fence is proposed to provide screening from the abutting Brandon Woods development.

The highlighted area would have two abutting parking lots with a center green space. Fencing is currently provided on the commercial property between the commercial development and the residential facilities.

¹ Deed 1034, Page 2508 for shared parking; SP-08-50-01 - 137 required spaces, 227 provided spaces.



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

Staff Finding – The proposed use is compliant with all applicable provisions of the Development Code.

The proposed use is similar to adjacent uses in terms of scale and operating characteristics. The proposed site must be altered to accommodate the drive-thru window and on-site traffic circulation. The abutting residential use is setback from the commercial property and separated by existing green space (Westar Utility Transmission Easement) and a parking lot. There are no speaker boxes associated with the proposed change. Orders will be given and filled at the window. The proposed use is a coffee shop with anticipated heavier morning hours.

Staff Finding – The proposed use is compatible with adjacent commercial uses and is adequately setback from the abutting residential development to the south.

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

The property is developed as retail space. The retail center is part of an existing commercial node located at the corner of Wakarusa Drive and Bob Billings Parkway. The proposed use is consistent with similar retail and restaurant uses located within the commercial center.

Staff Finding –The proposed use will not cause a substantial diminution in the value of surrounding property.

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

The subject property is located within the City of Lawrence. Public sewer and water are available to the site.

Staff Finding –Public safety, transportation and utility services are currently available and a sufficient level of such services is available to support the proposed use.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

Staff Finding –The site plan will function as the enforcement document to assure that maintenance and use of the property is consistent with the approval.

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

The proposed drive-thru use is at the north end of an existing commercial building and located within a developed neighborhood retail area. The City Stormwater Engineer has reviewed the plan and did not have any comments on the proposed use. Physical changes to the site include the reconfiguration for drive-thru lance and landscaping islands on the north side of the building and portions of additional parking along the east side of the property.

Staff Finding – The proposed use will not cause significant adverse impacts on the natural environment.

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

Staff Finding – It is not appropriate to place a time limit on this type of Special Use given the nature of the use and the site improvements required to change the use or expand the use.

Conclusion

This Special Use Permit site plan proposes to establish a drive-thru fast food use in the CN2 (Neighborhood Commercial Center) District. The intent of the center as a mixed use retail development is not altered by the addition of the drive-thru.

There is no speaker box associated with this change. The plan notes that if a speaker box is proposed in the future, a revised site plan will be required that meets the setback requirements in 20-602. This change can be reviewed administratively. The applicant is providing the site plan performance agreement in advance of the public hearing. It is therefore not reflected as a condition of approval.