

Memorandum

City of Lawrence

Planning and Development Services

TO: David L. Corliss, City Manager

FROM: Scott McCullough, Planning and Development Services
Director

Date: April 26, 2011

RE: Alternative Conditions for Dillon's

This memo provides alternative (revised) conditions to staff's approved conditions for the Dillon's project based on concerns/questions raised by the Mayor and Vice-Mayor. In addition, the applicant has reviewed staff's memo of April 22, 2011 related to the Architectural Review Committee's decision on the elevations and is unable to accept a condition requiring murals on the west and south elevations. Please see new condition 9.B.xii for revised language on this issue.

Deleted language is ~~stricken~~ and highlighted and new language is ***bold, italics, underlined and highlighted***.

1. Provision of an executed site plan performance agreement.
2. City Commission approval of the associated sidewalk dining and use of right-of-way requests.
3. City Commission affirmation of the Planning Director's approval of the site plan with conditions.
4. Use of right-of-way agreements for the use of the Massachusetts and New Hampshire Streets right-of-way, including street furniture, sidewalk dining, all constructed elements related to the drive-through pharmacy, the bio-swale, etc., shall be executed and recorded prior to the release of the plan for building permits.
5. Public Improvement Plans shall be submitted and approved prior to the release of the plan for building permits.
6. The applicant shall contact the U.S. Postal Service to arrange the removal of the mailboxes on Massachusetts Street.
7. Dillon's has offered to donate \$40,000 to be used for traffic calming measures on 18th, 17th Terrace or New Hampshire if the traffic calming measures are agreed upon by the City and the neighborhood. Therefore, it shall be a condition of site plan approval that \$40,000 be provided to the city at time of building permit issuance. The city shall work diligently with the Barker Neighborhood Association to determine the best traffic calming measures and locations. If a traffic calming project is not developed within 12 months

of the date of the certificate of occupancy for the Dillon's store, then the \$40,000 will be returned to Dillon's and Dillon's shall have no responsibility to participate in future traffic calming projects in the area as it relates to this development project.

8. Prior to occupancy of the store, the city, Dillon's and neighbors shall work to devise a parking plan for on-street vehicular parking on New Hampshire Street related to semi-trucks accessing the loading docks. Removal and addition of parking spaces in the right-of-way may be necessary to accommodate semi-truck movement to the loading docks.
9. Applicant shall provide a revised site plan that includes the following notes and changes:

A. LANDSCAPING

- i. The landscape calculations shall be revised to list the required street tree ratio correctly as 1 tree per '40' ft of street frontage and the required number of street trees noted per street frontage: Massachusetts Street (530 ft) – 14 trees and New Hampshire Street (370 ft) – 9 trees with a note that the City Horticulture Manager recommended 12 trees on Massachusetts Street due to driveway placement and sight distance. The plan should also note that 12 street trees are provided on Massachusetts and 9 are provided on New Hampshire Street.
- ii. The following note shall be added to Sheet L1.1: *"All interior parking lot landscaping areas shall be planted with turf, ground cover, ornamental trees, or shrubs in addition to the required landscaping."*
- iii. The interior parking lot landscaping revised to include 3 shrubs per each tree, placed on approximately 5 ft centers.
- iv. The plan and legend shall be revised to reflect the landscaping approved through Alternative Compliance with the species recommended by the City Horticulture Manager.
- v. The plan shall note that the Planning Director approved the parking lot and bufferyard landscaping shown on the plan through Alternative Compliance.
- vi. The following note shall be added to the plan: *"All mechanical equipment shall be roof-mounted. Per Section 20-1006, mechanical equipment shall be fully screened from view of adjacent properties and from street rights-of-way (as measured 6 ft above ground level). Screening shall be in the form of an architectural treatment compatible with the architecture of the building."*
- vii. A 3 ft high architecturally compatible ~~fence or~~ wall shall be shown along the perimeter of the parking lot adjacent to New Hampshire Street and set back 1.5 ft from the curb of the parking lot. Day Lilies and/or feather-reed grasses shall be shown along the street side of the fence. The ~~fence or~~ wall shall be approximately 6" off the ground to permit storm water flow.
- viii. Additional landscaping, in the numbers approved through Alternative Compliance, shall be provided along the New Hampshire Street frontage, with water tolerant plants in the bio-swale and yews and other shade tolerant shrubs and ornamental plants along the pharmacy drive thru. (see alternative compliance memo)
- ix. The street trees to the north and south of the Massachusetts Street north access point (2 trees) shall be located on the east side of the walk where more space is available. The trees must be planted at least 8 ft from the utility lines in this area.

B. SITE PLAN:

- i. Addition of the following note: *"The BZA acted on January 6, 2011 to approve a variance from the landscaping requirements to allow Alternative Compliance and on Feb 3, 2011 to allow 129 parking spaces and 0-foot setbacks on New Hampshire and Massachusetts Streets."*
- ii. The 3 ft. wide pedestrian walkway connecting Babcock Place to the store entrance shall be increased to 5 ft. To accommodate this, the trees in this bufferyard shall be planted further to the east, while maintaining separation, as approved by the Utilities Department, from the sanitary sewer line.
- iii. Addition of the following note regarding the design of the restricted access on New Hampshire Street shall be added to the plan: *"The restricted access located on New Hampshire Street between the pharmacy entrance-only point and the north entrance-only point and including mountable curbing and grass pavers shall only be used for emergency personnel, when necessary, and for semi-truck deliveries in the very rare occasion that the surrounding city street system prevents semi-trucks from reaching the New Hampshire Street loading docks. ~~If the mountable curbing and grass pavers do not function adequately to restrict ingress and egress at the restricted access location, then a~~ **A physical structure approved by the Fire Department, such as removable bollards, ~~or~~ a gate with an opti-com system, or 2-3 small removable directional signs pointing to the exit** shall be installed at or near the property line that permits emergency personnel and the occasional semi-truck, but that otherwise prevents patron vehicular access at this location. The grass pavers on and off site shall be maintained by the property owner in a healthy, aesthetically pleasing fashion at all times."*
- iv. Plan Sheet CD1, and other applicable sheets, shall be revised to show the correct location of the sanitary sewer service line, per the approval of the City Utilities Engineer.
- v. The height of the retaining wall in the New Hampshire Street right-of-way adjacent to the pharmacy drive-through lane shall be noted on the plan.
- vi. The plan may be revised to eliminate the raised pavement in the main access drive, but the pavement markings shall remain.
- vii. Show 'Do Not Enter' signs at each side of the entrance-only access from New Hampshire as well as the pharmacy drive thru-lane exit point.
- viii. Addition of the following note: *"Pallets, bakery racks, and other items associated with the operation of the store are to be stored within the fenced enclosure on the south side of the building. Storage of any such items shall not be permitted outside of the fenced area."*
- ix. Note that the fenced **storage** area **on the south side of the building** will be enclosed by **an** 8 ft. high view-obscuring ~~fencing or~~ **cmu wall, except that different material may be used across the sewer easement for ease of access to the sewer as long as it is architecturally compatible with the building (no chain link or slatted fencing).**
- x. Additional bicycle parking (5-bike minimum) shall be provided on the north side of the building near the main entrance.
- xi. All code required perimeter light levels shall be achieved to not exceed one (1) foot candle at the property line, where necessary per code, except that

lighting levels at the pharmacy drive-through may exceed this threshold by installing only one ceiling mounted fixture in the canopy that is tilted toward the building wall. The bulb in the canopy fixture shall not be visible and the light level at the adjacent New Hampshire Street west curb line shall be zero foot candles.

- xii. *To minimize the loss of the originally proposed windows on the west façade, and to create an active façade on the west that faces Massachusetts Street and on the south for vehicular travelers traveling north on Massachusetts Street, the southwest corner of the elevation drawings shall be revised and approved by the Architectural Review Committee of the Historic Resources Commission prior to the release of the site plan for building permits.*