

Alternative Compliance Review

Dillons Store, 1740 Massachusetts Street [SP-12-62-10]

April 20, 2011

This Alternative Compliance request is in association with a site plan [SP-12-62-10] for the redevelopment of the Dillons property at 1740 Massachusetts Street. This is a major development project as the existing building will be razed and a new structure built; therefore, compliance with all applicable City codes is required. Alternative Compliance has been requested from the Interior Parking Lot Landscaping, Section 20-1003, Perimeter Parking Lot Landscaping, Section 20-1004, and Bufferyard Landscaping, Section 20-1005.

APPROVAL CRITERIA

Per Section 20-1007(a) of the Development Code, alternative methods of compliance may be used when space constraints or other site conditions are such that full compliance is impossible or impractical. The size of this property, 2.58 acres, poses a constraint for providing the required parking and landscaping for a grocery store. Other grocery stores in Lawrence are located on sites that range from 4.6 acres, The Merc, to over 9 acres, Dillons at 6th and Wakarusa.

An option to alternative compliance would be for the applicant to reduce the size of their store to provide the necessary space. However, the applicant indicated that the purpose of this redevelopment is *"to offer an enhanced selection of fresh foods and customer service to downtown Lawrence. Rebuilding the store, and expanding to the right-of-way, will allow Dillons to operate efficiently, and accommodate this broader selection of goods and services. Specifically, the proportions of the proposed building footprint can accommodate continuous service area inside the building around both sides and the rear. It maximizes the sales floor area, relative to required circulation and support space."* This is an infill redevelopment which faces space constraints; however, the result will be an improved grocery store to serve the area. Based on the proposed improvement and the size and configuration of the lot, Alternative Compliance is a necessity.

Approval criteria for alternative compliance [Section 20-1007(b)]: *"To be approved, an alternative compliance landscape plan shall be equal to or exceed traditional compliance in terms of quality of materials and visual effect, effectiveness in meeting the purpose established in Sec. 20-1001, and material durability and hardiness.*

PERIMETER PARKING LOT LANDSCAPING

Per Section 20-1004(b)(2) of the Code, Perimeter Parking Lot Landscaping requirements do not apply to redevelopment of a parking lot which does not result in an increase of 20% or greater in the number of parking spaces in the existing parking lot. 178 parking spaces are shown on the current site plan for the property and 129 spaces will be provided with the redevelopment of the site. The number of parking spaces is being decreased with this redevelopment; however, as the entire site is being razed and reconfigured, the change constitutes more than a 'parking lot redevelopment'. The Planning Director determined that, due to the scope of the project, perimeter parking lot landscaping requirements in Section 20-1004 apply to this project.

Perimeter Parking Lot Landscaping	
Code Requirement:	Provided on plan:
Screening: Masonry wall or berm. [Section 20-1004(b)] May be waived by Planning Director per Section 20-1004(c)(3).	Wall or berm is not included on the plan. A solid hedge of shrubs is provided along the street frontage.
	Deficit: wall or berm
Area: Landscape area of 10' or 5' if wall is included. [Section 2-1004(d)]	7 ft wide landscaped area on property on Mass Street; 17 ft of landscaped area in right-of-way. 20 ft of landscaped area on New Hampshire right-of-way.
	Deficit: a portion of the required landscaping area will be located on the right-of-way.
Planting: 1 tree per 25 ft of parking lot frontage [Section 20-1004(c)] : 215' frontage: Mass = 9 trees 125' frontage: NH = 5 trees	Mass: 8 trees NH: 6 trees
	1 tree on Massachusetts frontage

Discussion:

As this is an infill redevelopment project on a relatively small lot for a grocery store, space is not available to install a berm with a 3:1 slope. It may be possible to install a masonry wall along both street frontages; however, the shrubbery will provide additional vegetation and impervious surface for the site while providing an effective screen for the parking lot.

A wall of shrubbery, 33 shrubs, is provided along the Massachusetts Street frontage to screen the parking area from the street. Shrubs are not a possibility along the New Hampshire Street frontage due to the bio-swale which is being utilized in this area for stormwater management. Two interests are in play here, the screening of the lights of the parked vehicles and the provision of a bioswale for stormwater management. The stormwater engineer indicated that the swale should be as wide as possible. A fence may be used as an option to the masonry wall as it may require less space. An architecturally compatible fence or masonry wall a minimum of 3 ft high is required along the New Hampshire Street frontage of the parking lot to provide a screen from the headlights. The Stormwater Engineer recommended that the face of the fence or wall be at least 6" off the ground to allow room for water flow. The City Horticulture Manager recommended the fence be installed 1.5 ft back of the curb to allow room for vehicle overhang and that Day Lilies or Feather-reed Grasses be planted on the street side of the fence. Historic Resource Commission approval of the wall or fence details is required.

Planning Director Determination on Perimeter Parking Lot Landscaping/Screening:

The Planning Director approves alternative compliance to permit a continuous screen of shrubbery to be used along Massachusetts in lieu of the wall or berm, with the exception of the area near the monument sign on Massachusetts Street as shown on the site plan.

The Planning Director approves alternative compliance to permit a fence or wall along New Hampshire with the following conditions:

- the fence be placed 1.5 ft back of the curb,
- the face of the fence is raised at least 6" from the ground to allow water flow
- plantings of day lilies and feather-reed grasses along the street side of the fenced are approved in lieu of the required shrubs
- the fence or wall shall be architecturally compatible with the building

INTERIOR PARKING LOT LANDSCAPING

The following table shows the required landscaping per Section 20-1003 of the Development Code and the landscaping which is provided on the plan:

Interior Parking Lot Landscaping		
Code Requirement:	Provided on plan:	
Area: 40 sq ft / parking space 129 spaces x 40 = <u>5160 sq ft</u>	Area: <u>2241 sq ft</u>	
	Deficit: 2919 sq ft	
Plantings: 1 tree and 3 shrubs per 10 spaces 129 spaces = 13 trees and 39 shrubs	Trees: 13	Shrubs: 0
	No Deficit	Deficit: 39 shrubs

Discussion:

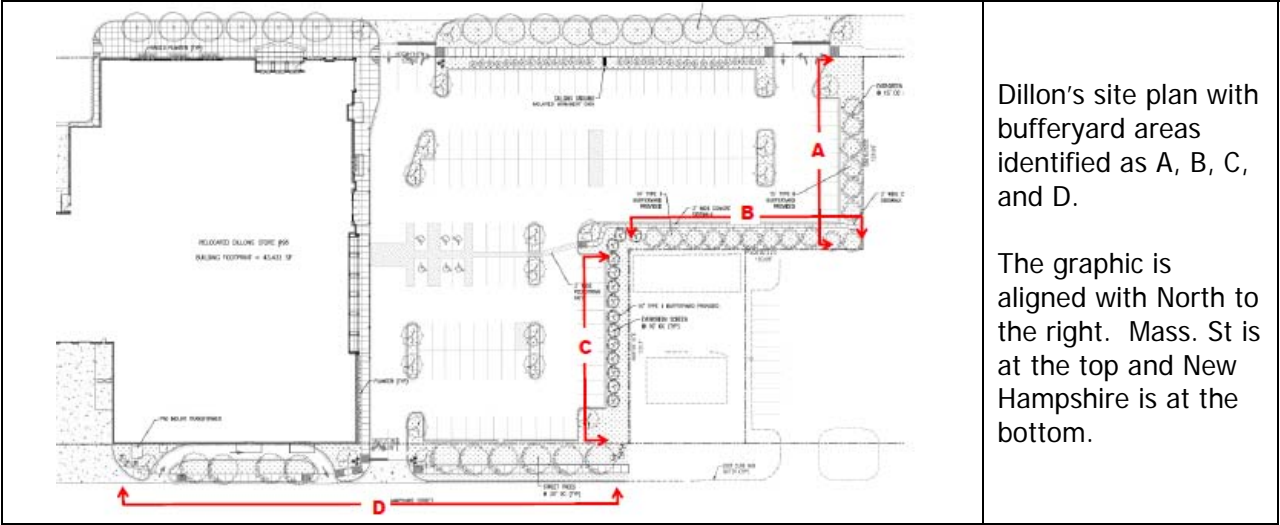
The irregular configuration of the property and small area creates a space constraint for redevelopment. The applicant requested a variance from the Board of Zoning Appeals from the amount of parking required to permit 129 parking spaces which they've indicated should be adequate for their business. Requiring additional interior parking lot landscaping area would reduce the area available for parking or for the store itself. The amount of landscaping being provided is much greater than that which is currently provided on site: 1,895 sq ft of pervious surface is currently provided; 9,985 sq ft, is proposed. With the overall increase in landscaping with this redevelopment, alternative compliance from the interior parking lot landscaping area requirement is appropriate. The City Horticulture Manager indicated that space is available on the interior parking lot landscaping islands to provide 3 shrubs per tree.

Planning Director Determination on Alternative Compliance for Interior Parking Landscaping:

The Planning Director approves Alternative Compliance to permit 2,241 sq ft of interior parking lot landscaping area. The number of required trees and shrubs shall meet the code requirement of 13 trees and 39 shrubs.

BUFFERYARD LANDSCAPING

The subject property is zoned CS; therefore, a Type II Bufferyard is required along the north and east property lines as RM Zoning is located to the north and RS Zoning to the east. The plan proposes 15 ft wide bufferyards along the north and east property line, with the exception of New Hampshire Street, where a variance has been requested to permit 0 setback. These bufferyard areas are identified in the following graphic:



The following tables show the required landscaping for a Type II Bufferyard and the landscaping which is being proposed for each buffer area:

Area A: Buffer area between the parking lot and Babcock, (125 linear ft)	
Standard: Wall or Berm 4 trees/100 linear ft 1.25 x 4 = 10 trees 15 shrubs/100 linear ft 1.25 x 15 = 19 shrubs	Provided on plan:
	7 trees
	0 shrubs
Deficit: Wall or berm, 3 trees and 19 shrubs.	
Discussion: The City Horticulture Manager indicated that the evergreen species shown would create a screen which could shade out the neighboring lot. She recommended using 3 smaller evergreen species and 3 redbuds in this area. In order to provide visibility for the pedestrian walkway, trees should not be planted within 15 ft of the walkway (to the west and east) in this buffer area, but shrubs that will not exceed 3 ft in height are recommended.	
Determinatino: Approve alternative compliance from requirement to have a wall or berm in this area and to allow the reduction in the required number of trees to 7. The species in this Bufferyard should be revised as recommended by the Horticulture Manager and the 19 shrubs should be added.	

Area B: Buffer between the east side of the parking lot and the west side of the apartment building and Babcock parking area. (150 ft)	
Standard: Wall or Berm 4 trees/100 linear ft $1.5 \times 4 = 6$ trees 15 shrubs/100 linear ft $1.5 \times 15 = 23$ shrubs	Provided on plan:
	Trees: 12
	Shrubs: 0, with substitution of shrubs for additional trees at rate of 3/1, the extra 6 trees = 18 shrubs for a total of 18 shrubs.
	Deficit: Wall or berm, 5 shrubs
Discussion: The City Horticulture Manager indicated that the trees would need to be placed further to the east to allow room for a 5 ft walkway in the Bufferyard. The trees should be moved as far to the east as possible while maintaining adequate separation from the sanitary sewer line. She recommended planting loripe or using mulch along the trees so mowing under the trees would not be necessary. Two trees on the north side of this Bufferyard area will be replaced with shrub plantings to increase visibility of the walkway.	
Determination: Approve alternative compliance from requirement to have a wall or berm in this area and to allow the planting of 10 trees with 5 shrubs in the northern 15 ft of the buffer area, no trees in this area. The trees in this buffer area should be moved as far to the east as possible while maintaining an adequate separation from the separation from the sanitary sewer line, per the City Utility Engineer's approval. Loripe or mulch should be used under the trees.	

Area C: Buffer between the north side of the parking lot and the apartment building. (125 ft)	
Standard: Wall or Berm 4 trees/100 linear ft $1.25 \times 4 = 10$ trees 15 shrubs/100 linear ft $1.25 \times 15 = 19$ shrubs	Provided on plan:
	Trees: 13
	Shrubs: 0, with substitution of shrubs for additional trees at rate of 3/1, the extra 3 trees = 9 shrubs for a total of 9 shrubs.
	Deficit: Wall or Berm, 10 shrubs.
Discussion: The City Horticulture Manager recommended moving the trees to the north and keeping the swale between the trees and the parking lot. She recommended replacing 4 of the evergreens at the west side of this bufferarea, near the walkway with a crabapple tree and replacing the 3 eastern evergreens with a silky dogwood as it is more tolerant of wet conditions. Feather-reed grasses should be planted in this area as well.	
Recommendation: Approve alternative compliance from requirement to have a wall or berm in this area. 10 trees are required with these recommended species: from the west to the east there should be a crabapple tree, 8 Taylor Junipers, and a Silky Dogwood at the east edge of the buffer area. Feather-reed grasses should be planted in the planting area at the east.	

Area D: Buffer area along New Hampshire Street frontage. (370 ft, app.)	
Standard: Wall or Berm 4 trees/100 linear ft $3.7 \times 4 = 15$ trees 15 shrubs/100 linear ft $3.7 \times 15 = 56$ shrubs	Provided on plan:
	Trees: 11 Shrubs: 44
Discussion: The City Horticulture Manager recommended limiting the number of trees in this area to 11 to provide sight distance and adequate growing space. Single Stem River Birch are recommended for the area containing the swale as they are water tolerant species. Space is available for additional shrubs; however, feather-reed grasses or other water tolerant plantings should be used in the swale. Shrubs and ornamental plantings should be provided to screen the drive-thru lane.	
Determination: Approve alternative compliance from requirement to have a wall or berm in this buffer area. Approve alternative compliance to allow 11 trees with species as recommended by the City Horticulture Manager. 44 plantings should be added in this area, with water tolerant species such as feather-reed grasses in the swale and shrubs, and ornamental plants along the drive-thru lane.	

ALTERNATIVE COMPLIANCE APPROVED

Planning Director Determination on Perimeter Parking Lot Landscaping/Screening:

The Planning Director approves Alternative Compliance to permit a continuous screen of shrubbery, with the exception of the area near the monument sign on Massachusetts Street as shown on the site plan, to be used along Mass Street in lieu of the wall or berm.

The Planning Director approves Alternative Compliance to permit a fence at least 3 ft high as an alternative to a masonry wall along the New Hampshire Street parking lot frontage with the following conditions applicable to the fence or wall:

- The fence must be 1.5 ft back of parking lot curb to allow for vehicle overhang.
- The face of the fence must be at least 6" above the ground to allow for water flow.
- Day lilies and/or feather-reed grasses shall be planted along the street side of the fence
- Details of the fence or masonry wall must be provided to the Historic Resource Commission for approval.

Interior Parking Landscaping:

The Planning Director approves Alternative Compliance to permit 2,241 sq ft of interior parking lot landscaping area.

Alternative Compliance from the landscaping requirements related to the number of trees and shrubs was not approved.

Buffer Areas:

The Planning Director approves Alternative Compliance from the requirement to install a wall or berm in Bufferyard areas A-D.

Area A

The Planning Director approves Alternative Compliance to allow 7 trees in Area A (buffer area between Dillons and Babcock) with species as recommended by City Horticulture Manager.

Alternative compliance not approved for shrubs, the 19 required shrubs shall be provided.

Area B

The Planning Director approves Alternative Compliance for Area B (buffer area west of Babcock parking lot and apartment building) to allow 10 trees and 5 shrubs (the northern 15 ft of the buffer area will contain the 5 shrubs and no trees), with the trees in this buffer area being located as far to the east as possible while maintaining adequate separation from the sewer line, per the City Utility Engineer.

Area C

The Planning Director approves Alternative Compliance from landscaping required in Section 20-1005(e) for Area C, buffer area between the north side of the parking lot and the 6 unit apartment building to allow 10 trees per the City Horticulture Manager recommended species. Feather-reed grasses or other water tolerant plants should be planted in the eastern portion of this Bufferyard.

The Planning Director approves Alternative compliance from landscaping required in Section 20-1005(e) for Area D (buffer area along New Hampshire Street) to allow 11 trees and to allow the 44 shrubs plantings to include ornamental or water tolerant plants, using species recommended by the City Horticulture Manager.