

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
6/25/12

ITEM NO. 4B SPECIAL USE PERMIT FOR AN OFFICE/RETAIL BUILDING DEVELOPMENT WITH A DRIVE-THRU; 650 CONGRESSIONAL DRIVE (SLD)

SUP-4-3-12: Consider a Special Use Permit for an office/retail building with a drive-thru for an eating and drinking establishment use at 650 Congressional Drive. Submitted by Williams Management, for BWB-WSC, LLC, property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of an office/retail building with a drive-thru for an eating and drinking establishment use at 650 Congressional Drive and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions to be completed prior to the release of the site plan associated with the SUP for building permits:

1. Submission and approval of a photometric plan for the new parking lot.
2. Submission and approval of building elevations compliant with the Commercial Design Guidelines.
3. Submission and approval of a Downstream Sanitary Sewer Analysis per AP-76 prior to the release of the site plan for issuance of a building permit.
4. Provision of a revised site plan to include the following changes:
 - a. Revision of the legal description to reflect the platted lot less the right-of-way acquired for the W. 6th Street project.
 - b. Provision of the deed book and page reference on the face of the plan that amends the cross access for this site to include the vacation of a portion of the existing north access easement.

Applicant's Reason for Request: *Use of a drive through in a CN2 zoning district requires a Special Use Permit. The Applicant also requests an administrative waiver to the standard drive-through stacking requirements.*

OTHER ACTION REQUIRED

- Publication of the Rezoning ordinance.
- Publication of the Special Use Permit ordinance.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Study approved by staff.
- *Downstream Sanitary Sewer Analysis* – Additional documentation required.
- *Commercial Design Guidelines* – Applicable to project.
- *Drainage Study* – Not required for project.
- *Retail Market Study* – Not applicable to project.
- *Alternative Compliance* – Requested relating to parking standards for screening and stacking.

KEY POINTS

- Existing site improvements provide overflow commercial parking and access for customers and service vehicles to the existing commercial center to the east.
- The parking lot and access was designed to accommodate a future building.

FACTORS TO CONSIDER

CHARACTER OF THE AREA

- Existing developed neighborhood bounded by major arterial street.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- A local martial arts studio is a potential tenant and support for the project is reflected in multiple letters of support for proposed development.

ATTACHMENTS

1. Area Map
2. Site Plan
3. Communications

GENERAL INFORMATION	
Legal Description:	Lot 2, Block 1, Colonial Northwest No. 3 less right-of-way acquired for the W 6 th Street project.
Current Zoning and Land Use:	RMO (Multi-Dwelling Residential-Office) District; existing improvements include surface parking lot supporting the existing development to the east and access drives for customer and service vehicles to the center. There are no buildings currently developed on this property.
Surrounding Zoning and Land:	<p>RMO (Multi-Dwelling Residential-Office) District to the west, existing vacant lot along W 6th Street and multi-family development on the south side of Congressional Circle.</p> <p>RM12D (Multi-Dwelling Residential) District to the southwest; existing duplex development.</p> <p>PUD (Colonial Place Planned Residential Development) to the south; existing duplex development.</p> <p>PUD (Colonial Northeast and Colonial Northwest Planned Commercial Development) to the east; existing commercial development.</p> <p>PUD (6th and Wak Planned Commercial Development) to the north; Developing commercial project including Wal-Mart and undeveloped pad sites.</p>

ASSOCIATED CASES

- Annexed into the City of Lawrence A-1-2-95.
- A to RO-1A; Z-1-2-95
- Colonial Northwest Subdivision - 1995
- Colonial Northwest #3 Subdivision – 2001
- SP-3-12-00 – access drives only
- SP-3-1602 – office building and parking lot

Summary of Request

This request for a Special Use Permit is related to the drive-thru uses associated with the proposed commercial development.

Review and Decision-Making Criteria (Land Development Code Section 20-1306(i))

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

Applicant's Response: *Yes, as set forth in greater detail in the Applicant's rezoning and comprehensive plan amendment applications, the use of the property as a multi-tenant commercial building is consistent with the Development Code.*

The proposed use as a commercial retail building with uses that include drive-thru service is allowed (with a Special Use Permit) pending approval and publication of the related zoning ordinance. The site design complies with the Development Code with the exception of the minimum stacking requirement for the drive thru on the east side. The applicant is requesting a waiver from this standard as discussed in the site plan portion of this report. Additional information is needed to document the sanitary sewer capacity. This item is reflected as a condition of approval and would not substantively alter this proposed development or staff's recommendation for approval.

Staff Finding – The proposed use is allowed in the pending CN2 District subject to a Special Use Permit. The project, as conditioned, complies with the Development Code.

2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

Applicant's Response: *Yes, the proposed development will be compatible with the scale, design and characteristics of the existing commercial development located immediately east of the subject property and elsewhere in the West 6th Street/Wakarusa commercial node. Traffic generation will occur primarily to and from West 6th Street (a major arterial roadway), and is not anticipated to negatively impact traffic on Congressional Drive south of the site's southernmost access point (a minor collector). All other external impacts, including noise, lighting, and hours of operation, are appropriate in the context of existing developments.*

This request represents infill development and provides additional land use transition between the intensive uses along W 6th Street and the existing residential uses to the west and south. The arrangement of access and parking limit the building size and orientation. This building placement also facilitates the land use transition between W 6th Street and the neighborhood. This site currently provides secondary access and overflow parking for the adjacent commercial development. This arrangement is not altered by the proposed development.

The applicant was required to provide a traffic study to assess several intersections in the vicinity of the proposed development. Staff concurs with the applicant's findings that the intersections and access points can handle the increased traffic with only minimal delay for specific turns for short durations during the day. There are no recommended intersection changes recommended at this time. Staff will continue to monitor traffic in this area.

Staff Finding – The proposed development is compatible with the adjacent land uses and provides a reasonable transition between W 6th Street and the residential portion of the neighborhood.

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

Applicant's Response: *The proposed use is more likely to increase the value of adjacent tracts, and will have no negative impact on the economic value of properties located in the neighborhood, because the site is not anticipated to cause a material increase in traffic or noise, and will not negatively affect the area's aesthetics. There is adequate buffering between the proposed site of the commercial building and the closest single-family residences.*

This site is developed with parking and access facilities that current serve the adjacent commercial development. The remaining "green space" represents the developable area of this site. Approval of the request will result in development that will frame the street frontage consistent with the Commercial Design Guidelines. This framed appearance will serve to buffer the residential neighborhood and provide additional options for neighborhood services. The proposed development is integrated into the surrounding area consistent with the established neighborhood pattern.

Staff Finding – There is no diminution in value of adjacent properties anticipated by this proposed development.

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

This site is currently served by public utilities. Additional documentation is required regarding the sanitary sewer service and is reflected as a condition of approval. With regard to the traffic impact in the area, staff concurred with the applicant's findings and that the impact to key intersections in the area is only minimally impacted by this development.

Internal site circulation is not altered for the main access driveway and the service driveway at the south end of the property. The stacking of vehicles for the east side of the building (eating and drinking establishment with drive-thru) may result in short duration back-up internal to the site and will not impede traffic on the public street network.

Staff Finding – Adequate public facilities and transportation access is accommodated for this development as conditioned.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

The site plan associated with the Special Use Permit is the enforcement tool used to ensure site compliance after development. This project is a single phase development.

Staff Finding – Adequate assurances of continued maintenance are inherent in the use and the Special Use Permit approval process.

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

Applicant's Response: *The subject property is presently a parking lot, with a small area of open space. The construction of a multi-tenant building will have no negative impact on the natural environment. By contrast, the aesthetic value of the property will increase upon completion of development.*

The proposed improvements are located within the existing urban area. This area is not encumbered by any regulatory floodplain.

Staff Finding – The proposed development includes a large detention pond at the south end that will serve the proposed site development.

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

This Special Use Permit is required to accommodate a specific use and related improvements in this district. The intention of the development and purpose of the base zoning district is to accommodate neighborhood commercial uses with drive-thru services. Assuming the base zoning is rezoned to CN2 there is no need to further restrict the development. The requirement to publicly review developments with automotive characteristics that can dominate neighborhood development provides the public and the review bodies an opportunity to tailor conditions appropriate to the development to protect the residential and transitional neighborhood elements. The uses proposed, a bank and a food and beverage establishment in a small format commercial space, will provide neighborhood services and transition from the more intensive commercial center to the residential portion of the neighborhood. A time limit is not necessary for this request.

Staff Finding – Staff does not recommend a time limit on the Special Use Permit.

STAFF REVIEW

The following section of this report addresses the physical site development of this property.

A. Site Summary

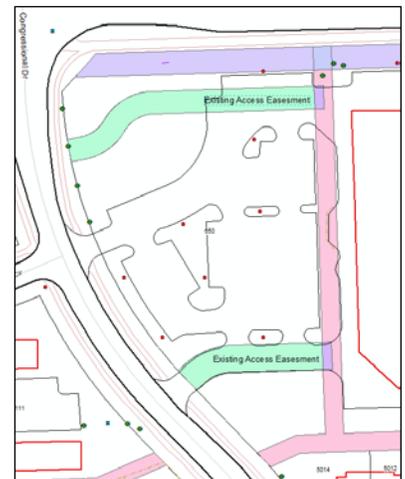
Site Summary	Existing	Proposed
Total Area:	97,660	97,660
Building: (SF)	0	10,000
Impervious Cover: (SF)	49,868	62,963
Pervious Cover: (SF) percent	47,792 48.93%	34,697 35.52%

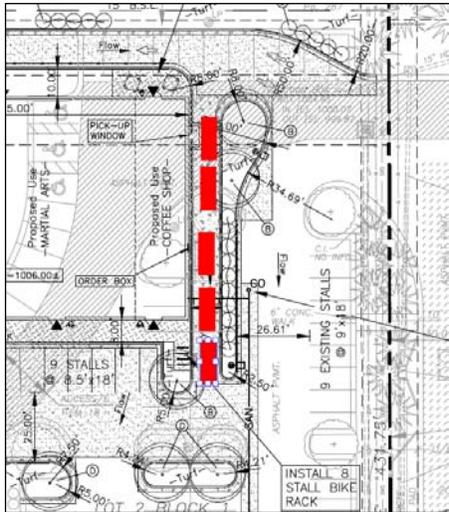
B. Access and Parking

Access:

Two existing driveways provide access to this site from Congressional Drive. These driveways provide shared access between Congressional Drive on the west and the Commercial development to the east. The north cross access drive was not constructed within the easement. The driveway point of access occurs approximately 100' to the south of the easement. The proposed building would be located over a portion of this unused easement. As a condition of the approval a portion of the north access easement must be vacated to accommodate the proposed development.

On-site Parking:





This property is improved with a surface parking lot and access drives providing shared access and parking with the adjacent commercial development. The proposed development will reduce the total off-street parking from 113 spaces to 87 spaces but retain the shared conditions between the two sites.

An initial parking summary is provided in the table below. Stacking spaces for the drive-thru and bank use are accommodated in the drive-thru lanes for the site. The stacking for the coffee shop is short, generally accommodating two vehicles each at the pick-up window and one space at the order window. Any backup caused by this use will occur completely within the site and will not affect the public street circulation. Access through the interior of the site is not significantly impeded since there are multiple paths of travel through the site. Approval of this request includes a reduction in the stacking spaces from 8 to 5.

PARKING SUMMARY: 10,000 SF multi-tenant retail building

<i>Use</i>	<i>Parking Requirements</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
<i>Coffee Shop – Fast Order Food, Drive-In</i>	1 per 100 SF of customer service area [including patio seating area] Plus 1 per employee + 4 spaces at each order box and 4 spaces at each pick-up window	1,500 SF (70%*) = 1,050 = 11+ 4 employees = 4	
<i>Bank – Finance, Insurance, and Real Estate Services</i>	1 per 300 plus 4 per teller window 2 per automated teller machine	2,000 = 7 spaces + 2 drive –thru = 8 No ATM is proposed	
<i>Retail Sales – Retail Establishment Specialty</i>	1 per 300 for buildings [1-45,000 SF]	2,000 = 7 spaces	
<i>Martial Arts – Personal Improvement Service</i>	1 per 200	4,500 = 23 spaces	
<i>Total</i>		60 spaces	123 spaces prior to development 87 paces post development
<p><i>*Applicant numbers and staff number used in parking calculation differ. Staff used a more conservative number resulting in a slightly higher off-street parking requirement for the fast order food use. This space is not yet programmed so exact customer service area and employees are unknown at this time.</i></p>			

C. Design Standards

This project is subject to the Commercial Design Guidelines. The applicant has not at this time developed specific building elevations. The applicant is seeking reasonable assurance of the project concept through the zoning and Special Use Permit process prior to the development of detailed architectural documents associated with building elevations. If approved, staff recommends the project be subject to the provision of elevations compliant with the Commercial Design Guidelines prior to the release of the Site Plan for issuance of a building permit.

D. Landscaping and Screening

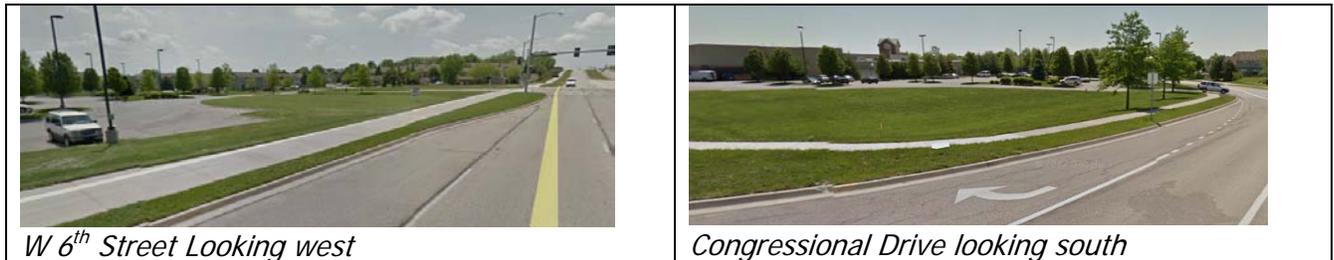
Street Trees: Existing trees are located on the public right-of-way. This project includes the addition of shrubs along the curb line to provide additional screening of the parking lot. Street trees are not

currently planted along this segment of W 6th Street. Approval of this project will extend the landscaping treatment in this area.

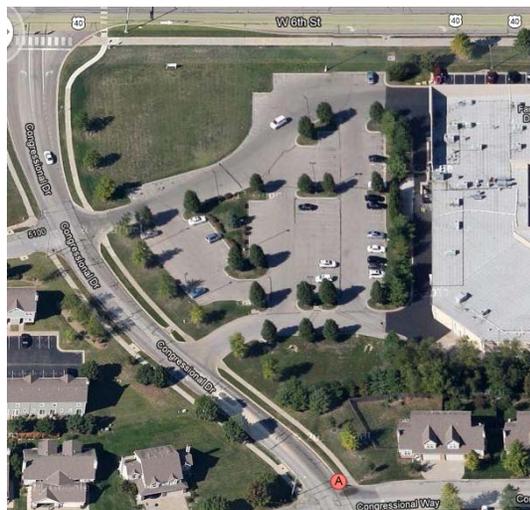
Interior Landscaping: Improvement to the site will alter the parking lot. Interior parking lot landscaping is required to be upgraded. This project exceeds the minimum required interior landscaping established by the Development Code.

- 3,480 SF green space required.
- 7,042 SF green space provided.

Perimeter: The parking lot will be screened with a row of shrubs. This landscape material addition will be located along the public right-of-way.



Bufferyard: The zoning in all directions varies. Commercial zoning is located north and east and residential zoning is located south and west. A large detention pond separates the residential and commercial uses to the south. This area includes mature trees and shrubs providing an adequate buffer between land uses. The area along Congressional Drive will be enhanced with shrubs providing additional screening of the existing parking lot.



Alternative Compliance: Alternative compliance is requested with regard to the perimeter landscape standard as it relates to the tree requirement. In addition to street trees at 1 tree per 40' of frontage, the Development Code requires 1 tree per 25' of perimeter parking area (11 street trees + 3 additional trees for screening or 14 total street/screening trees). This standard applies to Congressional Drive for this development. This segment of Congressional Drive is characterized by uniform spacing of trees along the street frontage. The applicant proposes to add shrubs along the back of the parking lot curb to screen the parking lot rather than install three additional trees along this corridor. This request is reasonable given the existing site conditions and mature nature of the existing landscape materials.

Mechanical Equipment: Any mechanical equipment associated with the building shall be screened per the Development Code. The plan provides an appropriate note referencing the minimum standard for screening. This element will be reviewed with the submission of building elevations to assure compliance.

E. Lighting

A photometric plan is required for this site and is reflected as a condition of approval.

F. Floodplain

This property is not located within the regulatory floodplain. The south end of the property includes a large detention pond that can be utilized for this proposed development.

CONCLUSION

The applicant is seeking land use approval prior to execution of final architectural elevations being commissioned for this development. Assumptions made during the planning phase of this project require additional documentation prior to issuance of a building permit for this development. These items include submission of additional documentation related to the downstream sanitary sewer capacity and submission of building elevations and a photometric plan for the site. These items are reflected as conditions of approval.