

**PLANNING COMMISSION REPORT**  
**Regular Agenda -Public Hearing Item**

PC Staff Report  
1/26/15

**ITEM NO. 4B: PRELIMINARY DEVELOPMENT PLAN FOR A RESTAURANT & RETAIL USE; 525 WAKARUSA DRIVE (MKM)**

**PDP-14-00517:** Consider a Preliminary Development Plan for a Restaurant and Retail use located on approximately 2.982 acres at 525 Wakarusa Dr. Submitted by Schwerdt Design Group, Inc., for CPC Ventures, Inc., property owner of record.

**STAFF RECOMMENDATION:** Planning Staff recommends approval of the Preliminary Development Plan based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Approval of the Comprehensive Plan Amendment revising the *Area Plan for the Intersection Area of West 6<sup>th</sup> Street & Wakarusa Drive* to increase the amount of commercial area available for this corner of the intersection prior to the recording of the Final Development Plan with the Douglas County Register of Deeds.
2. Approval of the rezoning request and publication of the rezoning ordinance for the CC600-PD zoning prior to the recording of the Final Development Plan.
3. Provision of a revised Preliminary Development Plan with the following changes:
  - a. Addition of a continuous hedge of evergreen shrubs for perimeter parking lot landscaping along the Overland Drive and Wakarusa Drive parking area frontages.
  - b. Addition of a note indicating the amount of Commercial building area that is provided with this plan.
  - c. Minor technical changes per Planning approval.

**Reason for Request:** The Preliminary Development Plan was submitted concurrently with a rezoning request to rezone the property from CO (Commercial Office) to CC600-PD (Community Commercial with Planned Development Overlay) District to accommodate commercial development in this location consisting of the following uses: *Quality Restaurant, Accessory Bar, and General Retail Sales.*

**KEY POINTS**

- The property is located within the boundary of the *Area Plan for the Intersection Area of West 6<sup>th</sup> Street & Wakarusa Drive*. The amount of commercial development proposed with this development plan exceeds that recommended in the area plan. A Comprehensive Plan Amendment to increase the amount of commercial development permitted in the northwest corner of the intersection was submitted concurrently with this application. Approval of the rezoning request and development plan are contingent upon the amendment of the area plan.
- The Preliminary Development Plan establishes a real project for the property as the rezoning request is processed. No waivers or modifications to the Development Standards are being requested with this planned development.

### **FACTORS TO CONSIDER**

- Compliance with the *City of Lawrence Land Development Code*, including the purpose of Planned Developments (Section 20-701).
- Conformance with *Horizon 2020*.

### **ASSOCIATED CASES**

#### **REZONING**

- A rezoning request, Z-14-00515, from the CO (Commercial Office) to CC600-PD (Community Commercial with a Planned Development Overlay) District was submitted concurrently with the Preliminary Development Plan and is also on the Planning Commission's January agenda.

#### **COMPREHENSIVE PLAN AMENDMENT**

- A Comprehensive Plan Amendment, CPA-14-00516, to revise the *Area Plan for the Intersection Area of West 6<sup>th</sup> Street & Wakarusa Drive* to increase the amount of commercial development recommended for the northwest corner of the intersection was submitted concurrently with the Preliminary Development Plan and is also on the Planning Commission's January agenda.

### **OTHER ACTION REQUIRED**

- City Commission approval of Comprehensive Plan Amendment and publication of ordinance.
- City Commission approval of rezoning request to the CC600-PD District and publication of ordinance.
- City Commission approval of the Preliminary Development Plan.
- Submittal and administrative approval of a Final Development Plan.
- Recording of Final Development Plan with the Douglas County Register of Deeds.
- Building permits must be obtained prior to construction.

### **PUBLIC COMMENT**

No comments were received prior to the publication of this report.

### **GENERAL INFORMATION**

Current Zoning and Land Use:

CO (Commercial Office) [CC600-PD (Commercial Center with Planned Development Overlay) submitted with this development plan]; *Undeveloped*.

Surrounding Zoning and Land

To the north:

CO (Commercial Office) District; *Health Care Office*.

To the west:

PCD-[6Wak] (Planned Commercial Development) District; *General Retail Sales*.

To the east and southeast:

PCD-[Bauer Farm] (Planned Commercial Development) District; *Cleaning (Car Wash), Undeveloped, General Retail Sales, Food and Beverage Sales* - under construction, and *Fast Order Food*.

To the south:

PCD-[6Wak] (Planned Commercial Development) District; *Undeveloped* with development approvals for

commercial development.  
 (Figure 1)

<b>Area</b>	
Gross Area	2.99 acres (130,410 sq ft)
Right-of-Way	0
Net Area	2.99 acres (130,410 sq ft)
Legal Description	Lot 2, Block One, Wakarusa Place Addition

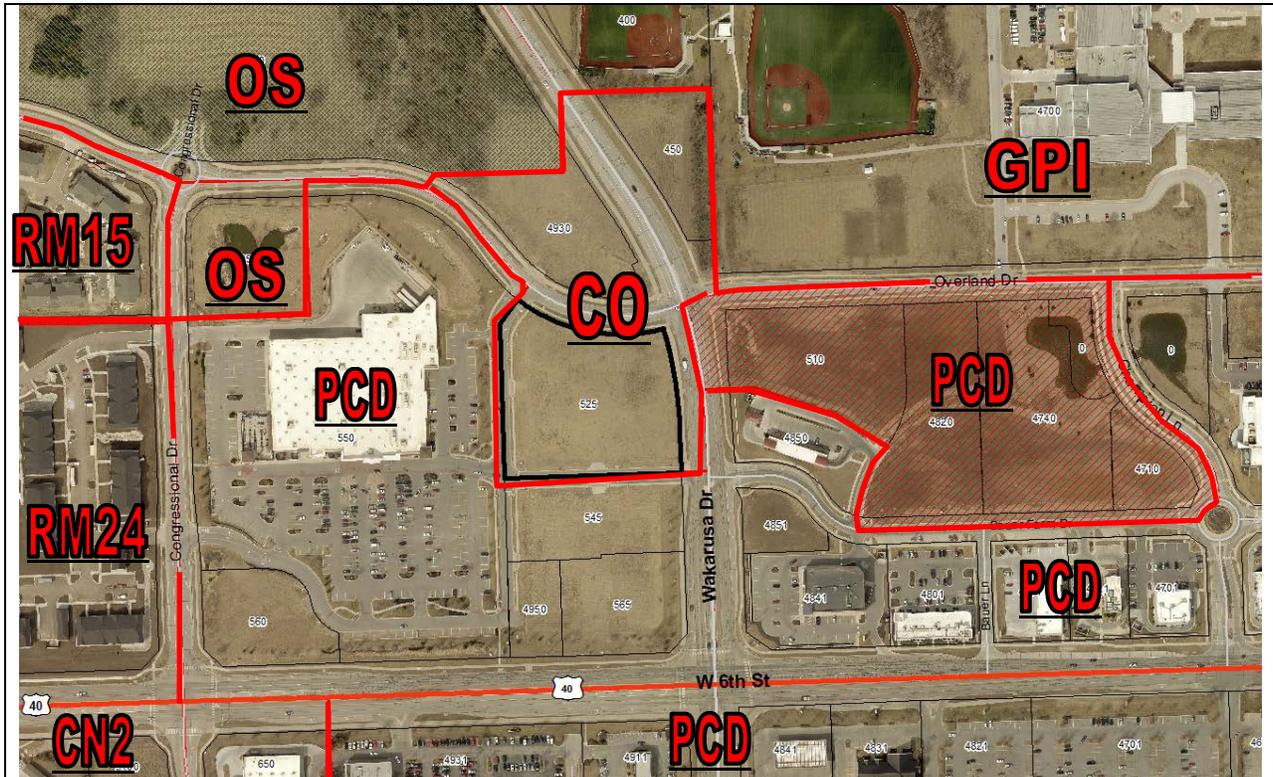


Figure 1. Zoning and land use in the area. Subject property is outlined.

<b>SITE SUMMARY</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change</b>
Land Use:	<i>Undeveloped</i>	<i>General Retail Sales Quality Restaurant Accessory Bar</i>	Change in use
Land Area:	130,410 sq ft	130,410 sq ft	---
Building Area:	0 sq ft	12,400 sq ft	+12,400 sq ft
Pavement Area:	15,657 sq ft*	87,384 sq ft	+71,727 sq ft
Impervious Area:	15,657 sq ft	99,784 sq ft (28.8%)	+ 84,127 sq ft
Pervious Area:	114,753 sq ft	30,626 sq ft (71.2%)	- 84,127 sq ft

\*The site is currently undeveloped; however, pavement was added to the site with the construction of the access drives in the access easements on the west and south side of the property to serve the other commercial development on the property.

<b>Parking Summary</b>			
<b>Use</b>	<b>Req. per Article 9</b>	<b>Parking Required</b>	<b>Parking Provided</b>
<i>General Retail Sales</i>	1 space / 300 gross sq ft of building area	3,600 sq ft = <u>12 spaces</u>	
<i>Quality Restaurant</i>	1 space / 100 sq ft of customer service area PLUS 1 per employee	<ul style="list-style-type: none"> <li>• 8000 sq ft customer service area = 80 spaces</li> <li>• 30 employees= 30 spaces</li> </ul> Total = <u>110 spaces</u>	
<i>Accessory Bar</i>	1space / 3 occupants based on maximum occupancy PLUS 1 per employee.	<ul style="list-style-type: none"> <li>• Accessory Bar employees are included with the Quality Restaurant employee count, above.</li> <li>• 96 max occupants/3= <u>32 spaces</u></li> </ul>	
<b>TOTAL</b>		<b>154 spaces</b>	
ADA Accessible Spaces	Phase 1: Parking areas with between 101 and 150 spaces require 5 ADA spaces with 1 being van accessible:	154 spaces requires 6 ADA spaces with 1 being van accessible	6 ADA spaces 1 van accessible
Bicycle Parking	<i>Quality Restaurant and Retail</i> : 1 per every 10 vehicle spaces <i>Accessory Bar</i> : none required	122 auto spaces for retail and restaurant/10 = 13 bike spaces	15 bike spaces

**STAFF ANALYSIS**

The property contains approximately 3 acres and is located in the northwest corner of the Wakarusa Drive and West 6<sup>th</sup> Street intersection. The property was platted as Lot 2, Block One, 6Wak Addition in 2008 with the remainder of the property bounded by W 6<sup>th</sup> Street on the south, Wakarusa Drive on the east, Overland Drive on the north, and Congressional Drive on the west. A rezoning request to the CC600-PD Overlay District was submitted with the Preliminary Development Plan to extend the commercial zoning to the entire area bounded by these 4 roads.

The development will consist of 2 restaurant uses, one with an accessory bar, and several retail tenants. Access to the development will be provided through shared access drives from Wakarusa Drive to the east and Overland Drive to the north. No new access points on the adjacent street network will be required with this project. Access Easements were dedicated with the final plat for the 6Wak Addition. These are shown and labeled on the plan.

The proposed Preliminary Development Plan has been evaluated based upon findings of fact and conclusions per Section 20-1304(d)(9) of the Development Code for the City of Lawrence, requiring consideration of the following nine items:

**1) *The Preliminary Development Plan's consistency with the Comprehensive Plan of the City.***

The amount of commercial area proposed in the Preliminary Development Plan exceeds that currently permitted in the adopted plan for the area, *Area Plan for the Intersection Area of W 6<sup>th</sup> Street and Wakarusa Drive*. A Comprehensive Plan Amendment to increase the amount of commercial area recommended for this corner of the intersection was submitted with this development plan. The plan is compliant with the proposed Comprehensive Plan Amendment. Approval of the Preliminary Development Plan is contingent upon approval of the Comprehensive Plan Amendment.

Recommendations from *Horizon 2020* related to commercial development are listed below with staff discussion following in red.

Commercial Land Use Goals and Policies;

Goal 1, Established Commercial Area Development: *Encourage the retention, redevelopment and expansion of established commercial areas of the community.*

This development is an expansion of an established commercial area.

Policy 1.3 A *Encourage new development and redevelopment to consider horizontal and vertical proportions, building forms, roof types, and exterior materials and details existing in the surrounding area.*

The building forms, roof types, and exterior materials are illustrated in Figure 4. The new development is compatible with the existing development.

Policy 1.3B *New development and redevelopment shall conform to the applicable adopted design guidelines.*

The development complies with the Commercial Design Guidelines. The review of the Design Guidelines is included in a later section of this report.

Goal 4, Transportation Considerations:

Policy 4.1: *The expansion of existing or new commercial development shall not occur until the surrounding street system can provide an acceptable level of service.*

The Traffic Impact Analysis submitted for this development concluded that the net increase in traffic during afternoon peak-hour would be between 61 and 82 trip-ends. No off-site improvements were determined to be necessary to accommodate this development.

**Staff Finding** – The proposed development complies with the general commercial land use provisions found in *Horizon 2020*. It does not comply with the commercial area restrictions recommended in the *Area Plan for the Intersection Area of W 6<sup>th</sup> Street and Wakarusa Drive*, but is compliant with the proposed amendment. Approval of the Preliminary Development Plan is contingent upon the approval of the Comprehensive Plan Amendment.

**2) *Preliminary Development Plan's consistency with the Planned Development Standards of Section 20-701 including the statement of purpose.***

The purpose statement includes the following (staff comments follow in *italics*):

a) Ensure development that is consistent with the comprehensive plan.

*As discussed previously, the development is consistent with the comprehensive plan and with the proposed amended plan for the area.*

- b) Ensure that development can be conveniently, efficiently and economically served by existing and planned utilities and services.  
*City utilities were extended to serve this property with the public improvements for the 6Wak Development. The shared access drives have been installed and access easements dedicated. The development can be conveniently, efficiently, and economically served by existing utilities and services.*
- c) Allow design flexibility which results in greater public benefits than could be achieved using conventional zoning district regulations.  
*This area could develop as a conventional CC District; however, the applicant elected to develop as a Planned Development to ensure compatibility with surrounding land uses and site design.*
- d) Preserve environmental and historic resources.  
*There are no known historical or environmental resources on the property.*
- e) Promote attractive and functional residential, nonresidential, and mixed-use developments that are compatible with the character of the surrounding area.  
*The development has been evaluated with the Commercial Design Standards to insure an attractive and functional design. The rezoning to the CC600 District will provide commercial zoning on all the properties within the boundaries of W 6<sup>th</sup> Street/Hwy 40, Wakarusa Drive, Overland Drive, and Congressional Drive. Using the streets as zoning boundaries provides buffering between differing zoning districts and establishes a clear boundary for the commercial area.*

The proposed development, as conditioned, meets the standards for a Planned Development in Section 20-701. The proposed development exceeds the minimum area requirement for a PD district of .5 acre.

Section 20-701(d) states that all of the standards of the Development Code apply to development within a PD District except as expressly authorized by regulations of Section 20-701. The dimensional standards of the CC600 District are:

Minimum Lot Area	20,000 sq ft
Minimum Lot Width	100 ft
Front setback (Wakarusa Drive)	25 ft
Interior side setback	0—when adjacent to non-residential
Exterior side setback (Overland Drive	20 ft
Rear setback	12 ft
Maximum Impervious Surface	80%
Maximum Height	50 ft

The landscaping requirements in Article 10 are met with the Preliminary Development Plan with the exception of the continuous hedge of evergreen shrubs for perimeter parking lot landscaping. This should be added to the Preliminary Development Plan prior to submittal of a Final Development Plan. There are minor inconsistencies with the count of the interior parking lot landscaping, but this will be finalized with the Final Development Plan.

The parking provided is compliant with the Development Code, as shown in the parking table

The Commercial Design Standards require 4-sided architecture. The elevations included with the Development Plan, show the detail that is provided for all sides of the building. The Commercial Design Guidelines require a focal point within 250 ft of any intersection. A focal point is provided at the intersection; however, the landscaping may conflict with the sight-distance triangle. Given the small size of the lot, and the need for a clear sight triangle the requirement for a focal point at the intersection is waived if it isn't possible to locate the focal point outside of the sight triangle.

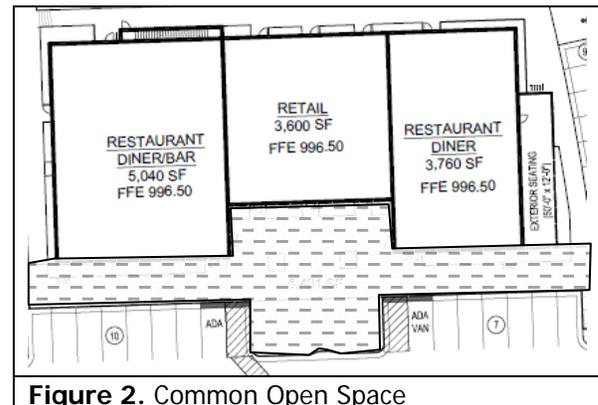
The proposed development, as conditioned, is compliant with the standards of the Development Code.

**Staff Finding** – The proposed Preliminary Development Plan is consistent with the Statement of Purpose of Planned Developments and, as conditioned, is consistent with the standards of Section 20-701 of the Development Code.

**3) The nature and extent of the common open space in the Planned Development.**

Per Section 20-701(j), at least 20% of the total site area shall be designated as Common Open Space. Common Open Space is area that is designed for the use and enjoyment of all tenants, residents, or users of a site. 50% of the Common Open Space is to be developed as Recreational Open Space which can include picnic tables, ball fields, walking areas, pedestrian seating, etc.

A common open area to the front of the building is shown on the plan. (Figure 2) This common open area contains approximately 5,400 sq ft or about 4% of the total site. Given the commercial nature of the area and the fact that the property is being developed with interior commercial uses, which include outdoor dining areas, the amount of Common Open Space provided on the plan has been determined to be adequate, while not meeting the 20% required by the Code. The Common Open Space requirement is primarily geared toward residential uses or campus like developments where multiple uses and buildings share the open space. Little activity is expected to occur on the site outside of the commercial buildings and the outdoor dining areas.



**Figure 2.** Common Open Space

The Common Open Space provided with this project fulfills the purpose and intent of the Code.

**Staff Finding** – The proposed Preliminary Development Plan provides Common Open Space which has been determined to fulfill the purpose and intent of the Planned Development Standards based on the nature of the uses proposed with this development.

**4) The reliability of the proposals for maintenance and conservation of the common open space.**

**Staff Finding** –The property owner will maintain the common open space in conjunction with the required landscaping on the property. Given the amount of common open space provided, no additional proposals for maintenance or conservation are required.

**5) *The adequacy or inadequacy of the amount and function of the common open space in terms of the densities and dwelling types proposed in the plan.***

This development will not contain any dwellings. The common open space will serve only the public that is visiting the site, employees, and pedestrians/bicyclists traveling through the area. The common open space provided is adequate for this purpose.

**Staff Finding** – The amount and function of the common open space is adequate for this development.

**6) *Whether the Preliminary Development Plan makes adequate provisions for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment.***

The plan proposes connections to the public utilities which have been extended to serve the development in the area. Access into the site will be taken from the shared access drive to the west and south. Parking is located primarily on the west, south, and east side of the building with limited parking provided on the north access drive. This is a two-way drive on the north side of the building which will be used for deliveries and for limited parking (7 spaces provided). Landscaped setbacks and landscaping within the interior and perimeter of the parking lots will further the amenities while accommodating commercial development.

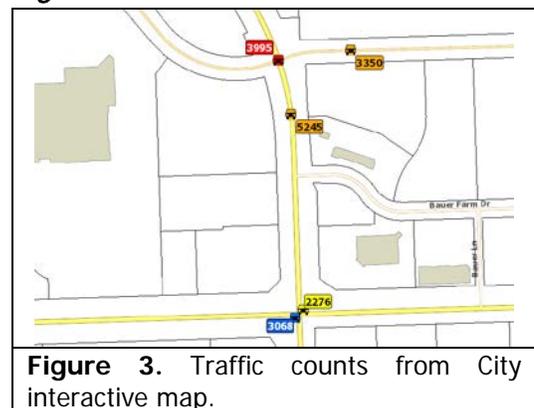
**Staff Finding** – Adequate provisions for public services, vehicular traffic, light, air, and visual enjoyment have been provided.

**7) *Whether the plan will measurably and adversely impact development or conservation of the neighborhood area by:***

**a) *doubling or more the traffic generated by the neighborhood;***

The Traffic Impact Analysis submitted with this project estimated that, on average, between 968 and 1,296 trip-ends (two-way volumes) will occur during the 24-hour period of a typical weekday. KDOT's 2013 traffic count provided on the City Interactive Map notes that the 24 hour count on Wakarusa Drive in this area is 5,245 and on Overland Drive is 3,350. (Figure 3)

The trips being added with this development will not double the traffic on the adjacent streets. 1,296 trips would increase the lowest traffic count (3,350) by 38%.



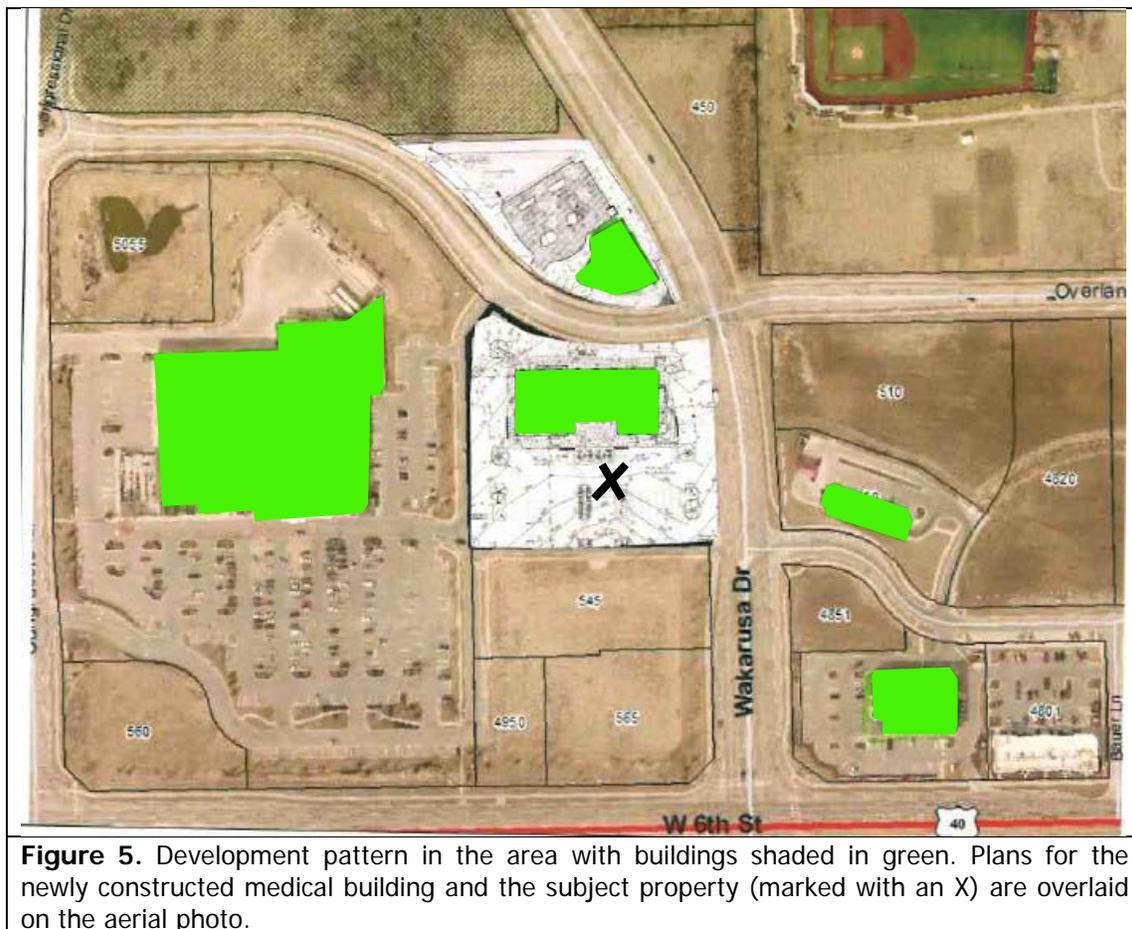
**Figure 3.** Traffic counts from City interactive map.

**b) *proposing housing types, building heights or building massings that are incompatible with the established neighborhood pattern; or***

The proposed building height, approximately 26 ft, will be compatible with building heights in the area. The medical office to the north is approximately 26 ft and the Wal-Mart building to the west is 49 ft at its highest point. The proposed building will have a varied roofline with parapets, which will be similar to the Wal-Mart roofline. The building will be located on the north portion of the property, closer to Overland Drive, with the parking away from the street. This is similar to the location of the Wal-Mart and the medical building. (Figures 4 and 5) The building type and massing are compatible with the established neighborhood pattern.



**Figure 4.** Comparison of building type and materials with other buildings in the area. (Wal-Mart—top image, proposed development--middle, car wash and pharmacy located west of Wakarusa Drive--bottom.)



**Figure 5.** Development pattern in the area with buildings shaded in green. Plans for the newly constructed medical building and the subject property (marked with an X) are overlaid on the aerial photo.

*c) increasing the residential density 34% or more above the density of adjacent residential properties.*

There is no residential component to this development.

**Staff Finding--** Staff has determined that the Preliminary Development Plan will not have measurable and adverse impact on the development or conservation of the neighborhood area.

*8) Whether potential adverse impacts have been mitigated to the maximum practical extent.*

The use is similar to adjacent uses. A photometric plan has been provided which illustrates that spillover light onto the right-of-way or other properties is within the limits set by Code. The development will utilize existing shared access drives and will not require any new access points to the adjacent street network. Potential adverse impacts have been mitigated as much as possible.

**Staff Finding –** As the use is a commercial use within a commercially developed area, little adverse impact is anticipated. Exterior lighting will comply with the Development Code lighting standards and no new access points are required on the adjacent streets. The Traffic Impact Study concluded that this development did not require improvements to the nearby streets or intersections.

*9) The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the Planned Unit Development in the case of a plan that proposes development over a period of years.*

**Staff Finding-** A phased development has not been proposed.

**Staff Review and Conclusion**

The proposed Preliminary Development Plan conforms to the anticipated land use for this area as stated in the Comprehensive Plan. The plan is in conformance with the proposed amended *Area Plan for the Intersection Area of W 6<sup>th</sup> Street and Wakarusa Drive*. The building will be located near Overland Drive, similar to the office building north of Overland Drive and the massing and style of the building will be compatible with others in the area.

The building is located at the north edge of the area designated for commercial development and the medical office building to the north provides a transition to the less intense land uses to the north. Common Open Space is provided to serve the guests to the retail and restaurant uses and pedestrians through the area. While the amount provided is less than 20%, in staff's opinion it is adequate due to the fact that most of the uses on this site are interior and there are no residential uses proposed.

There are minor technical landscaping and other details that will be finalized with the Final Development Plan, but the Final Development Plan will conform to the Preliminary Development Plan. Any substantial changes would require submittal of a revised Preliminary Development Plan.