

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
1/25/16

ITEM NO. 6: SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-IN; 4300 W 24TH PLACE (SLD)

SUP-15-00521: Consider a Special Use Permit for approval of a neighborhood commercial shopping area that includes one building to house a Fast Order Food, Drive-in, located at 4300 W 24th Place. The plan proposes 31,625 sq. ft. of commercial development in five buildings with four drive-in uses indicated. Submitted by Paul Werner Architects, for RPI, LLC, property owner of record.

STAFF RECOMMENDATION: Planning Staff supports one Fast Order Food, Drive-in use at this neighborhood center. However, in order to revise the site plan to provide a more appropriate design that reduces pedestrian/auto conflicts, as discussed in this report, staff recommends deferral of this Special Use Permit request. Additionally, the applicant should be aware of the following potential conditions of approval prior to the Planning Commission voting on this item.

1. Prior to release of the site plan for issuance of a building permit the applicant shall;
 - a. Submit a revised Special Use Permit (site plan) to include building elevations demonstrating compliance with the Commercial Design Guidelines, photometric plan per section 20-1103 for administrative review and approval. This same note shall be included as a note on the face of a revised plan.
2. Provision of a revised site plan to include the following general notes:
 - a. Provision of a note on the face of the plan that limits the number of Fast Order Food Drive-in uses for this property to one (1). Any additional Fast Order Food Drive-in uses for this property shall require approval of a Special Use Permit prior to construction.
 - b. Add a note that states: "Any tenant or use shall require review regarding maximum Gross Square Feet allowed per Article 5 of the Land Development Code. Future tenants should be advised that in most cases the maximum gross square feet allowed for an individual use is 3,000 SF."
 - c. "All ground mounted and mechanical equipment shall be screened from public view of the public right-of-way and adjacent properties per section 20-1006."
 - d. Add a note that states: "A photometric plan per section 20-1103 shall be submitted for review and approval prior to issuance of a building permit."
 - e. Revised the landscape notes to include street trees required along Clinton Parkway and revise drawing to graphically show the required street trees.

Applicant's Reason for Request: [A fast order food with drive-through is proposed for the site.](#)

KEY POINTS

- This request complies with the Inverness Park District Plan which designates neighborhood commercial uses for this location.
- This application is speculative. Specific tenants or users have not been identified at this time.
- This application is intended to secure the conceptual design of a future commercial development with drive-in uses.

- A Special Use Permit is required for drive-in uses for Fast Order Food in the CN2 District. Other retail drive-in uses such as a pick-up window or bank teller window are not subject to a Special Use Permit.
- This CN2 District was approved with a condition of the zoning that any site plan shall first be considered by the City Commission, with notice, prior to approval. Typical Site Plan applications are subject to administrative review.
- If approved, building elevations will require separate review for compliance with the Commercial Design Standards.
- Fast Order Food includes a range of eating and drinking establishments that include high turn-over restaurant uses.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Family Fun Center Related Requests
 - TA-13-00488; Special Use in CN2 District - denied by City Commission
 - Z-13-00483; RSO to CN2 – approved and published
 - SUP-13-00486; Family Fun Center – withdrawn by applicant
 - SUP-14-00026; Retail/restaurant uses with drive-in; included 3.106 acres with two pad sites and two drive-in uses – withdrawn by applicant
- Residential and Commercial Requests
 - Z-15-00198; rezoning request from RSO to CN2 for 10 acres, Ordinance # 9128
 - PP-15-00196; Preliminary Plat including 14 duplex lots and one 7.027 commercial lot approved by the Planning Commission on June 22, 2015.
 - PF-15-00585; Final Plat has been approved.
- Refer to attached history for complete summary.

Other Action Required

- City Commission approval of Special Use Permit and adoption of ordinance.
- Recordation of Final Plat with Register of Deeds Office.
- Approval of Public Improvement Plans and provision of a guarantee prior to Recoding the Final Plat.
- Submission and approval of a site plan for compliance with commercial design guidelines, and photometric plans and any other conditions of approval.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Notice to neighborhood from Paul Werner
- Paul and Marilyn Meier; letter in opposition to development, attached.
- Leanna McRenalds, Raintree Montessori School regarding questions about proposed development, via telephone.
- Dawn Shew, email communication
- Larry Grecian, email communication

ATTACHMENTS

1. Area Map
2. History of Development Memo
3. Inverness Park Neighborhood Land Use Plan
4. Site Plan
5. Site plan from SUP-14-00026
6. Neighborhood letter from Paul Werner with concept plans
7. Updated Traffic Study
8. Off-street parking summary

| GENERAL INFORMATION | |
|----------------------------------|--|
| Current Zoning and Land Use: | CN2 (Neighborhood Commercial) District, undeveloped land. |
| Surrounding Zoning and Land Use: | |
| To the northwest/west: | RM12 (Multi-Dwelling Residential District) a church and duplexes are located west and northwest of the subject property. |
| To the southwest: | RS7 (Single-Dwelling Residential) District a subdivision of single family residences is located southwest of the property to the west of Inverness Drive. GPI (General Public and Institutional) District: elementary and middle schools located farther southwest along Inverness Drive. |
| To the south: | PRD-[The Grove] and PRD-[The Legends at KU]: multi-dwelling residences. |
| To the north: | RM12 (Multi-Dwelling Residential) District; Bishop Seabury Academy campus. PD-[Wimbledon Terraces PRD]; existing multi-dwelling townhouse residential development. RSO (Single-Dwelling Residential-Office) district; Clinton Parkway Animal Hospital. |
| To the east: | RM15 (Multi-dwelling Residential) District; multi dwelling residences. |

Summary of Request

The plan is conceptual and does not include specific building elevations for review as required to demonstrate compliance with Commercial Design Guidelines. This application is for the development of property in the CN2 (Neighborhood Commercial) District to include both Retail Sales and Services and Fast Order Food uses. At this time specific tenants are not known. The CN2 District allows a variety of land uses that would be permitted subject to only site plan approval. However, Fast Order Food uses with a Drive-in specifically require approval of a Special Use Permit in the CN2 (Neighborhood Commercial) District. The focus of this report regards compliance and appropriateness of proposed Fast Order Food with a Drive-in uses in this location. It will be helpful to the reader to review the previous application site design. A copy of the previous plan is attached to this report for reference.

The proposed plan shows one Fast Order Food, Drive-in use located in the southwest corner of the site nearest the intersection of Inverness Drive and W 24th Place. The site plan shows additional pad sites and two buildings located on the north portion of the site each with a drive-in. Drive-in uses, excluding Fast Order Food, Drive-in uses, are allowed in the CN2 district, and do not require a Special Use Permit review. Examples of this type of use include banks, pharmacy, dry cleaning, or liquor store.

Zoning District Summary

This CN2 District was approved in June 2015 consistent with the adopted Inverness Park District Plan land use recommendations. The zoning was approved with specific limitations and use restrictions including the following (Ordinance # 9228):

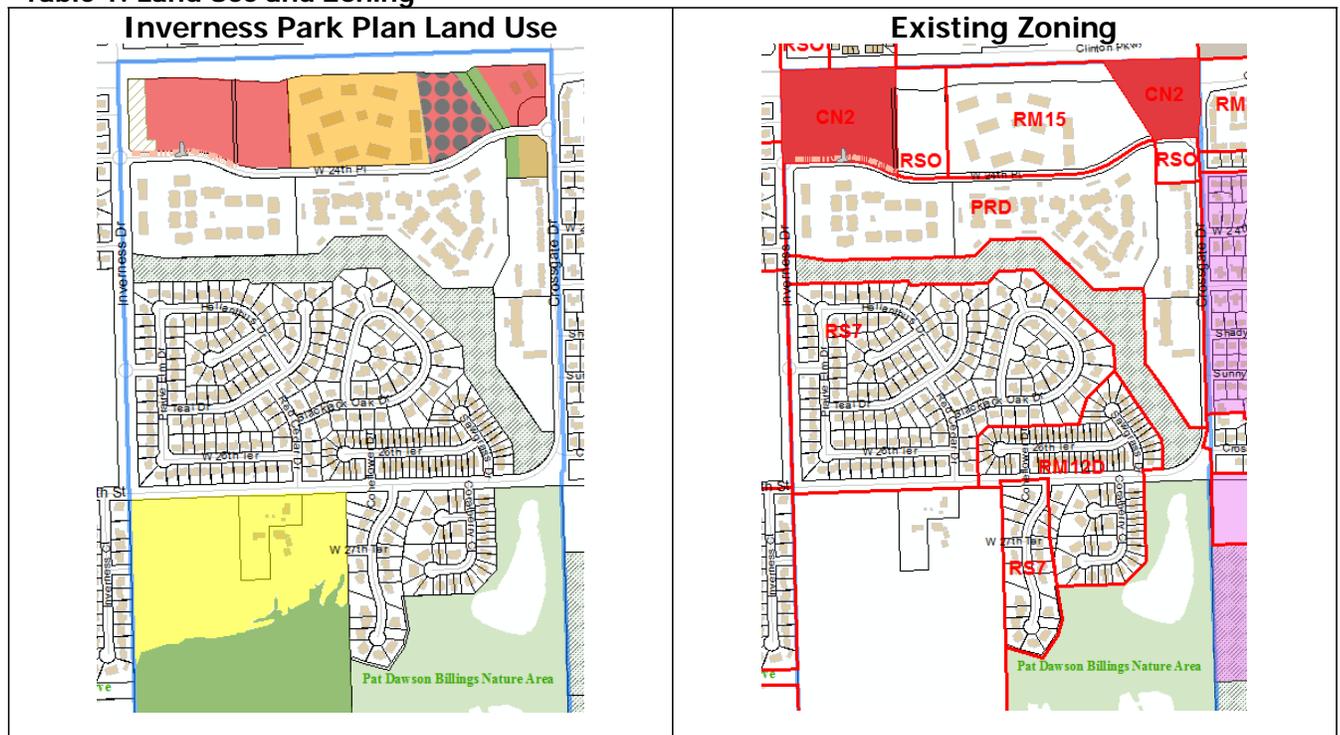
1. City Commission shall review and approve any site plan application prior to issuance of a building permit.

2. Development shall include the extraordinary buffer yard along Inverness Drive and shall be limited to open space, landscaping, and park-type amenities.
3. Residential uses are prohibited.
4. Notice to property owners shall extend 1000'.

As a Special Use Permit, this application will be forwarded to the City Commission for final actions as part of the decision making process. The proposed development includes a wide buffer yard along Inverness Drive. This element is discussed later in this report. There are no proposed residential elements included in this proposed Special Use Permit. Extraordinary notice was provided, per the zoning ordinance, for this application.

The purpose of the CN2 District is for neighborhood commercial uses. These uses can include such things as grocery stores as well as the “sale of good and services.” Uses included in a neighborhood commercial development are expected at a minimum to have strong pedestrian connections between the commercial development and the residential areas as discussed in the Inverness Park District Plan. That Plan identifies the primary uses as including, “Eating and Drinking Establishments, General Office, Retail Sales and Services, Fuel Sales, Car Wash, Civic and Public Uses, and Medical Facilities.” Fast Order Food, Drive-in is a specific use listed under the heading of “Eating and Drinking Establishments.”

Table 1: Land Use and Zoning



Duplex residential was approved as part of the zoning and preliminary plat applications considered for this property in June 2015. The commercial rezoning did not include the entire 11-acre parcel included in the Plan. By reducing the acreage; the intensity of the commercial development was also reduced. An additional enhancement of the Plan included a substantial buffer area along the east side of Inverness Drive. This buffer area was defined in the subdivision plat as a 65' by 350' area. The actual development of the buffer area is included and implemented in this application.

Uses with Specific or Additional Design Standards when located in the CN2 District.

The purpose of the CN2 District is primarily intended to implement the Comprehensive Plan's Neighborhood Commercial Centers policy of providing for the sale of goods and services at the neighborhood level. (Section 20-208). As such, this district includes additional use restrictions for various uses listed in Articles 4 and 5. Below is a summary of some of the restrictions for uses in this district.

- ❖ The maximum amount of commercial space in the CN2 District is 100,000 GSF.
- ❖ If the commercial center includes a grocery store with more than 60,000 GSF, but not to exceed 80,000 SF, then the maximum amount of commercial space permitted in the CN2 District is 125,000 SF.
- ❖ No one building shall exceed 40,000 GSF except a grocery store may exceed this number up to a maximum of 60,000 GSF.
- Cemetery use permitted but site does not have direct access to Arterial Street per section 20-505.
- Day Care Center uses are permitted. Site can meet design standards per section 20-507.
- Eating and Drinking Establishments are permitted uses excluding an Accessory Restaurant and a Nightclub per section 20-509.
 - Accessory Bars cannot exceed 25% of the floor area of the establishment.
 - Fast Order Food establishments may not exceed 3,000 SF
 - Building A [Restaurant] includes 2,600 SF
 - Building B [Restaurant] includes 1,800 SF
 - Building C [Restaurant] includes 2,900 SF
 - Building D [Restaurant] includes 3,200 SF
 - If use is designated as a Brewpub or Restaurant Quality, the 3,000 SF limitations would not be applicable.
 - Bar or lounge use permitted not to exceed 3,000 SF. Area larger than 3,000 SF subject to a Special Use Permit.
 - Quality Restaurants are permitted without limit on size per section 20-524.
- Food and Beverage Sales is permitted not to exceed 3,000 SF (exception for grocery use) per section 20-511.
- Personal Convenience uses are permitted not to exceed 3,000 SF per section 20-520.
- Repair Service, Consumer uses are permitted not to exceed 3,000 SF per section 20-523.
- Retail Sales, General uses are permitted without limit on size per section 20-525 except that Retail Establishment, Large (includes 100,000 SF) is not permitted.
- Vehicle Sales and Service uses are permitted subject to limitations on design, number of vehicles stored (12 maximum), and enclosed activities per section 20-545.
 - Building E [Office/Retail] includes 14,125 SF
 - Building F [Office] includes 8,000 SF

This summary is provided here since specific uses are not identified at this time. As uses or tenants are identified, additional review with the building permit will be required to assure the uses comply with these design standards.

Phasing Summary

This site is divided into two phases. Phase 1 includes "Building A, B" and "Building F", located on the west half of the lot. Phase 2 includes "Buildings C", "D", and "E" located on the east half of the lot. The residential uses located on the east side of the commercial development are a separate development project and therefore unrelated to the phasing of the CN2 property.

Two pad-site “restaurant” uses, located in Phase 2, are proposed on the east side of the property along W 24th Place. Two mixed-use buildings, one located in each phase, are designed to accommodate drive-in uses but are not subject to a Special Use Permit. These buildings are noted as office/retail buildings located on the north side of the development.

Drive-in uses related to the non-food related uses are anticipated to be retail-service uses such as a bank, dry cleaners, or other personal service use. This site includes a total of three optional drive-in uses. Only drive-in uses associated with a Fast Order Food use are subject to the Special Use Permit review process.

Not only are specific tenants not identified but tenant lease spaces are not indicated as well. While not unusual for commercial development, some uses permitted in the CN2 District have specific area limitations. The purpose to limiting the size of the use is to ensure neighborhood compatibility within the context of the zoning district. If approved, notes should be added to the plan that indicate limitations on specific uses. Any future application for site plan or building permit will require an assessment of the specific use and a determination that the use complies with the zoning restrictions for the district.

STRUCTURE OF THIS REPORT

The first half of this report addresses the Decision-Making criteria set out in Section 20-1306 (i) of the Land Development Code. The second half of the report addresses specific site plan design standards. As a conceptual project, only some elements of a site plan can be reviewed at this time. Elements such as building elevations and site lighting are deferred until a more detailed application is available. Staff recommends that if approved, the commercial design elements be subject to the review and approval by the City Commission per Ordinance No. 9228. This condition is intended to provide appropriate public involvement in the final design of the project as it relates to the neighborhood context. Additionally, it provides a timing path for to the developer that is more flexible than the public hearing process than includes a Planning Commission review as well.

PART 1 – REVIEW CRITERIA

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: [The Development Code allows Fast Order Food in CN2 Districts and permits Fast Order Food with a Drive-in via the SUP process.](#)

This application is submitted as a conceptual development plan for commercial property located on the northeast corner of W 24th Place and Inverness Drive. Detailed review of certain elements is not possible since final tenants or users are unknown at this time. Additionally, a review for compliance with the Commercial Design Guidelines as they related to specific building elevations is not possible with this application.

The intention of this application is to provide **conceptual approval** of the number and general location of a specific future use; Fast Order Food, Drive In.

This development proposes three total drive-in uses that include:

- ❖ one (1) Fast Order Food , Drive-in use related and
- ❖ Two (2) non-Fast Order Food related drive-in uses.

The Development Code addresses the purpose of the CN2 District (Article 2), permitted uses in specific districts (Article 4), specific design standards (Article 5), density and dimensional standards

(Article 6), parking and landscaping design standards (Articles 9 and 10), and site lighting and residential protection standards (Article 11).

- The proposed uses shown on this plan are clearly allowed uses in the CN2 District. Requirements of Articles 2 and 4 have been met.
- Fast Order Food uses are allowed in the CN2 district provided the gross floor area, including any outdoor area, is less than 3,000 SF. The proposed application shows:
 - Building A = 2,600 SF
 - Building B = 1,800 SF with a 800 SF patio
 - Building C = 2,900 SF
- Brewpub or Quality Restaurant uses are allowed in the CN2 district and do not have a maximum gross square foot requirement. Buildings shown on the plan larger than 3,000 SF could accommodate these uses.

An additional review will be required with the submission of future applications or building permits to ensure compliance with Article 5 of the Land Development Code. Notes added to the face of the site plan to identify the area restrictions and provide notice to future tenants of the commercial center will be required.

The Commercial Design Guidelines are intended to promote “sound site planning and design practices for commercial development to” among other things, “ensure that site circulations promotes contiguous, efficient and safe pedestrian and vehicular circulation.” The Guidelines discuss:

- Walkway connections that allow for pedestrian movement within the development and surrounding area.
- Within the development auto oriented conflicts should be minimized.
- Walkways need to be conveniently tied to logical destinations.

Interior walkways and pedestrian connections should be fully integrated into the site design and are discussed in Section E of the Commercial Design Guidelines. The Special Use Permit as proposed does not meet the intent of the guidelines.

At this time, the Special Use Permit plan only lays out the building and parking arrangement but does not provide any building elevations or photometric plans as required by the Land Development Code. As such, approval of this SUP would require a condition that additional detail be submitted for review and approval prior to release of the SUP for issuance of a building permit.

Staff Finding – Drive-in services for Fast Order Food uses are allowed in the CN2 District subject to approval of a Special Use Permit. Staff is of the opinion that the site conflicts with design guidelines as it relates to pedestrian layout.

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: [The Inverness Park District Area Plan recognizes this site would be developed with more intensification which would lead to more activity, traffic noise and light. A larger 65’ landscape buffer has been provided along Inverness Drive to minimize light and noise for the properties west of Inverness Drive.](#)

This proposed retail use is intended to be integrated and compatible with the developed neighborhood areas. The property is adjacent to Clinton Parkway, an arterial street, to the north and Inverness Drive, a collector street, to the west. Higher intensity uses are located to the south

along W 24th Place (multi-dwelling residential uses). Office, religious assembly, multi-dwelling and education facilities (Bishop Seabury Academy) are located to the north. Lower density uses including detached and duplex uses are located along the west side of Inverness Drive. Public elementary and middle schools are located farther south on Inverness Drive. A recently approved subdivision plat that included 14 duplex lots to the east.

Hours of Operation: The proposed retail uses would presumably have comparable operating hours similar to existing non-residential uses in the area along Clinton Parkway. Uses identified for retail or office use are likely to be in operation between 8:00 A.M. till 5:00 P.M. or similar hours. Fast Order Food uses or other Eating and Drinking Establishment uses range in operation from 24 hours to morning/afternoon hours to afternoon/evening hours. Mixed commercial developments with a variety of uses are typically more successful in sharing parking and keeping a site activated. Office or business uses that are closed in the evening hours are compatible with residential uses and offer an opportunity to share parking with restaurants that tend to be open during evening hours, such as a sit down dinner establishment, or early morning hours, such as a coffee shop.

A restaurant use, as a Neighborhood Commercial Center activity, is not expected to occur 24/7 as can be found with some Fast Order Food uses. Often the drive-in use is extended beyond the hours of operation of the dining room portion of some restaurants. The Planning Commission has the authority to establish restrictions and limitations on hours of operation to ensure compatibility with the surrounding uses.

Traffic Generation: A traffic study was provided for this development and is a generic summary of development since specific uses are unknown at this time. Direct vehicular access to Clinton Parkway and Inverness Drive are expressly prohibited for this development. The only access to this site is from 24th Place. City staff has reviewed several development applications for this property. These previous studies concluded that there were no improvements required for the existing street network serving the area. As the undeveloped properties in the neighborhood develop additional traffic will be added to the area. Traffic congestion occurs in the surrounding area related to the location and operation of several schools in the vicinity of the area.

Previous public comments about traffic signal timing at the intersection of Inverness Drive and Clinton Parkway would suggest a long delay. It should be noted that the primary traffic circulation occurs on Clinton Parkway. Staff will continue to monitor traffic signal function and traffic efficiency of the network in the area. As changes are warranted, modifications to the network will be made.

Lighting: As noted, review of the site lighting must be deferred to the future submittal of application documentation for this design element.

Establishment of key elements, including building arrangement and pedestrian connectivity are critical to the initial approval of this application as it will be the foundation for the ultimate development of the site. Compatibility of this site with the immediately surrounding residential uses to the west and south should be enhanced with better aligned pedestrian connections and pedestrian amenities within the development and appropriate building placement within the site.

Staff Finding – A limited number of drive-in uses within the commercial development can be compatible, and even benefit the development and the neighborhood, if located in a manner that promotes strong pedestrian orientation to the site. Staff supports a development that includes only one Fast Order Food, Drive-in at this location. Staff does not support the location of a Fast Order Food, Drive-in at the immediate corner of Inverness Drive and W 24th Place.

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 will not cause neighboring property to decline in value, but instead will provide great amenities to the neighborhood.](#)

This evaluation criterion is related to the intensity of the development and, more specifically, the traffic generated by the proposed Fast Order Food use. Drive-in uses are not inherently pedestrian oriented as they function to provide auto oriented accessibility. Some Fast Order Food uses include multiple order and pick up windows, and multiple drive-in lanes, to accommodate a high volume of turn-over traffic. These types of uses often are located near major intersections, highway access points, and with direct access to arterial streets. Other Fast Order Food uses are more characteristically sit-down restaurant type uses with drive-in uses being more accessory to the business rather than the primary use if they are even included. Additionally, many high-volume Fast Order Food uses include late night drive-in only hours. These types of Fast Order Food uses are inconsistent with a neighborhood commercial development.

The Development Code does not distinguish between high volume traffic oriented Fast Order Food and other types of Fast Order Food uses with a drive-in as an accessory use. This application does not include a specific tenant. It is unlikely that popular chain store type restaurant (Fast Order Food) uses would find this particular location desirable as there is no direct access to Clinton Parkway. A lower traffic volume class use is more probable to be patronized and supported by immediate neighborhood customers. Such uses include coffee, pastry, or specialty signature type businesses that could benefit from the existing peak hour traffic associated with the many local school and residential uses in the immediate area. This type of use would likely be considered beneficial to the neighborhood.

Appropriate site design is important to ensure compatibility and minimum buffering standards are met. A development with multiple Fast Order Food, Drive-in uses would be undesirable in this location and would be considered a diminishment to very low-density uses (to the west). This concern may be mitigated by restricting the number of drive-in uses that may be permitted for this property. Providing site design criteria that manage the expectations for both the future uses and the neighborhood should be established with this application. Specific recommendations are discussed in the Site Design portion of this staff report.

Staff Finding – Substantial diminution of other property values in the area is not anticipated with a low volume Fast Order Food use that offer drive-in service as secondary to seating. However, multiple Fast Order Food uses offer drive-in services at this site would be considered to be detrimental.

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

The applicant has submitted the required drainage, traffic and downstream sanitary sewer studies for the overall project. City staff has accepted all of them and no off-site improvements are required. Adequate public facilities and transportation access are accommodated for this development.

Staff Finding – Adequate public facilities and transportation access are accommodated for this development.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

The proposed request provides an enforceable tool to address the use and continued maintenance of the property with regard to landscaping, exterior activity, and off-street parking. This application for a Special Use Permit is specific to drive-in use as it relates to Fast Order Food uses but as a necessity also incorporates design elements such as location and building orientation as part of the approval. This activity is proposed for the Building A as shown on the site plan.

Some uses within the CN2 district allow drive up windows and are not subject to the provisions of a Special Use Permit. Without the proposed Fast Order Food with Drive-in, site development would only be subject to site plan approval. Both the Site Plan and the Special Use Permit process provide adequate assurance of continuing maintenance.

Approval of this Special Use Permit should not be considered to be transferable to any of the other tenant spaces within the site. If approved, any future use for Fast Order Food use that intends to provide “pick up/order window” shall be required to first secure a Special Use Permit, as a public process. This ensures that neighborhood concerns are addressed as tenants change over time within the development. This will result in additional review time that must be considered by the developer when leasing spaces within the proposed building.

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

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

Applicant's Response: [The natural environment will be improved with substantial landscaping on the site and the proposed uses will not cause adverse impacts on the natural environment.](#)

There are no identified natural features subject to special protection for this property. Existing vegetation will be augmented or rehabilitated as part of the development of this property especially along Clinton Parkway and Inverness Drive. There is no regulatory floodplain encumbering this property. The north side of the property adjacent to Clinton Parkway includes a significant slope. This feature of the site makes direct access to Clinton Parkway impractical in addition to the access restrictions preventing driveway cuts.

Staff Finding – The proposed development is not subject to regulatory controls to protect the significant natural features. This property is free from regulatory floodplain encumbrances.

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, Fast Order Food, Drive-in, in this district. The proposed project was initially submitted as a future phase of a Family Fun Center. Use of the property has evolved to include residential duplex development along the east side of the property through the approved subdivision and rezoning plans for this area.

If approved, the drive-in feature for a Fast Order Food use would be considered a permanent and integral part of the site's overall use. However, in the context of the neighborhood design, the Commission can restrict the activity or hours of operation of the drive-in to further ensure compatibility as discussed earlier.

Staff Finding – Staff recommends a condition on the Special Use Permit as it relates to the hours of operation for the drive-in use shall not include overnight hours (24 hour activity).

Part 1 Summary:

Key conclusions of this section of the report find that the maximum number of Fast Order Food, Drive-In uses should be restricted to one (1). Additionally, the placement of the drive-in should be prohibited from the immediate intersection of Inverness Drive and W 24th Place to provide for pedestrian-oriented site design. A site design that places a Fast Order Food, Drive-In use to the north or central portion of the site would be consistent with a more cohesive design of a neighborhood commercial center and would better implement staff’s understanding of the expectations of the Development Plan to manage auto-pedestrian conflicts.

PART 2 – SITE PLAN REVIEW

STAFF REVIEW

The following review provides a summary of the site plan elements of this Special Use Permit request. It is probable that the commercial portion of this property may be subdivided in the future.

Site Summary

Table 2: Use and Parking Comparison Table

| Lot 1, 24th Place Addition (Final Plat approved, to be recorded with Register of Deeds) | | | | |
|---|--|--------------------|--|--------------------------------------|
| Lot Size | 7.027 Acres | | | |
| Inverness Drive Buffer | 65' by 350' = 22,750 SF (.5 acres) | | | |
| Building Use per Plan | Phase | Patio Space | Examples of use with similar SF | SF |
| A – Restaurant with Drive-in | 1 | | Raising Canes Pet World | 2,600 SF |
| B – Restaurant | 1 | 800 SF | Taco John's | 1,800 SF |
| C - Restaurant | 2 | | Panda Garden | 2,900 SF |
| D – Restaurant | 2 | 1000 SF | Beimer's BBQ | 3,200 SF |
| E – Retail / Office Drive-in option | 2 | | Walgreens 23 rd and La. | 14,125 SF |
| F – Retail / Office Drive-in option | 1 | | 23 rd Street Brewery | 8,000 SF |
| Total Proposed Building Including patio space | | | | 32,625 SF 34,425 SF |
| Maximum allowed SF in CN2 | Without grocery = 100,000 SF With grocery greater than 60,000 = 125,000 SF Maximum grocery use = 80,000 SF Maximum primary building = 40,000 SF | | | |
| Maximum SF for specific uses | 3,000 SF | | | |

This table represents a speculative development. The building footprints used in the site plan are also used for calculating off-street parking requirements. Specific uses may be larger or smaller than what is represented in this application. However, some uses are expressly limited to a maximum 3,000 SF in the CN2 district. As specific applications are submitted for tenants within the development, additional development review will be required.

A. Access and Parking

On-site Parking:

The site plan, as proposed, identifies multiple pad sites and buildings that can accommodate one or more tenant spaces as mixed retail/office buildings. Restaurant uses require parking at a ratio of 1 space per 100 SF of customer service area plus 1 space per employee. Additionally, drive-in uses require a minimum of four (4) stacking spaces at an order board or window as well as four (4) stacking spaces for a pick up window. Other commercial uses vary in the required off-street parking; however, most are required to provide parking at 1 space per 200 SF of building area.

Parking shown for the proposed development includes a combined parking requirement of 234 spaces and shows 237 spaces provided. However, the applicant has calculated the Eating and Drinking uses at 80% or more of the building footprint dedicated to the customer service area. This ratio is more than double the past seven site plans for Fast Order Food and Restaurant, Quality uses approved in 2015. If the off-street parking requirement is adjusted to an average of the approved projects, then the required parking is reduced from 234 spaces to 179 spaces. This would suggest the proposed development includes excessive parking. The proposed parking lot design and building orientation both focuses on automobiles as a primary user when a more balanced approach to a pedestrian mix is in order. A separate parking summary is attached to this report for reference.

In accordance with Section 20-901(a), this excess parking must be mitigated through best management practices for stormwater surface runoff. An assessment of the parking finds that there may be as many as 40 excess parking spaces. This supports the position that building orientation may be changed and adequate off-street parking can be provided for the site. Any excess parking should be removed from the site design and additional open space, patio spaces, and pedestrian connections should be made.

Direct Access: Access to this site is provided from W 24th Place. Access to Clinton Parkway and Inverness Drive is prohibited.

Pedestrian access within a neighborhood commercial center should be as prominent as vehicular circulation. Pedestrian access is discussed in detail later in this report.

B. Design Standards

Basic design standards have been evaluated for this proposed commercial development. Specific evaluation of building elevations must be deferred until more specific land use plans and/or specific tenants are identified. Approval of this Special Use Permit secures the ability to provide at least one Fast Order Food, Drive-in use on this property. As proposed, this use would be located nearest the existing residential uses at the south end of the property. Staff does not support a plan that includes a drive-in at this location.

This property is uniquely located within the Inverness Park District Plan boundary. This property includes residential uses to the west and south and future duplex use to the east. Building placement, orientation and relationships external to the development, as well as internal, are key to creating an inviting neighborhood commercial development.

The following graphic highlights the buffer areas, initial pedestrian pathways and focal points of the development. Transition areas at the southwest and southeast corners of the site are not appropriate locations for auto oriented uses (drive-in) in this specific neighborhood context.

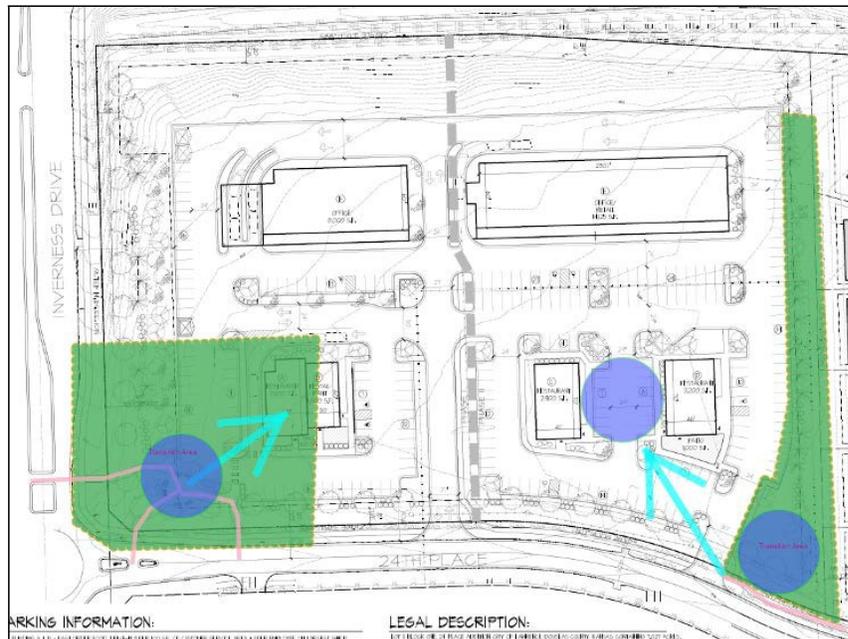


Figure 1: Pedestrian Focal Points

Building Elevations: Prior to issuance of a building permit, a revised plan including building elevations is required to demonstrate compliance with the Commercial Design Guidelines. This requirement is reflected as a future condition of approval.

Pedestrian accessibility and amenities: Several pedestrian connections within the development and from the public sidewalks to the development need to be more fully developed. This plan provides a stronger pedestrian amenity at the intersection than has been seen in previous plans; however, this space immediately connects to a parking lot with crossings through a drive-in lane.



Figure 2: Southwest Corner Development

Previous development discussions of this property, and specifically the southwest corner of this property, have focused on the need for a wide buffer that provides transition between the residential uses to the west and the commercial uses to the east. These discussions have included mini-park like

areas with pedestrian amenities. The following examples of pedestrian amenities are provided for reference and can be found in the Commercial Design Guidelines (page 21).

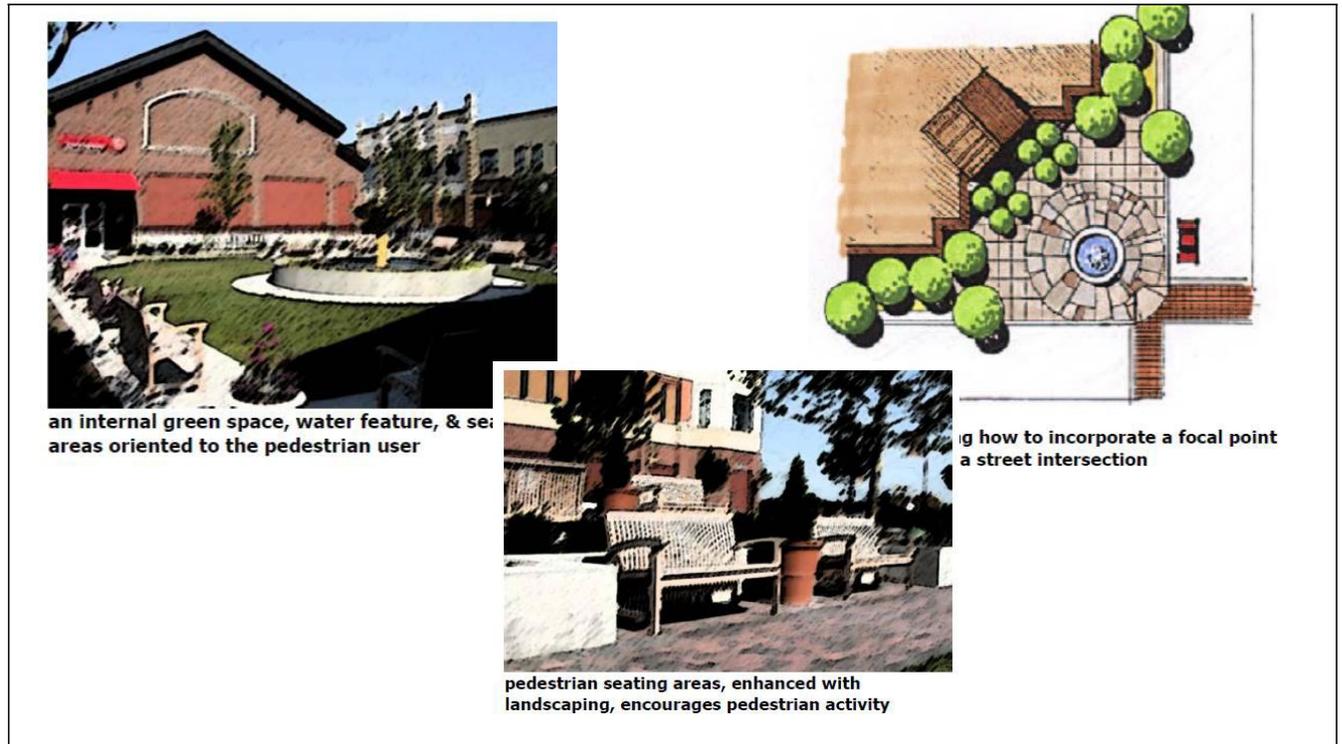


Figure 3: Commercial Design Guideline Examples

By revising the plan and moving the Fast Order Food, Drive-in use to the north or central portion of the site, the pedestrian connections within the site can be enhanced and interior green space, open space, or patio/plaza space can be provided that allow customers or diners to overlook something other than a surface parking lot. By moving patio spaces interior to the site, between buildings, the activity is contained and sheltered from the adjacent residential uses. The residential uses on the east side include duplex lots with relatively small year yards. Dense landscaping along the perimeter provides additional buffering between the uses. An example of this shared patio space is shown below.



Figure 4: Development Alternative

The graphic above is intended only to reflect the following values:

- Create a strong pedestrian use at the corner of Inverness Drive and W 24th Place.
- Enhanced pedestrian network for the entire project.
- Provide additional open space in lieu of extra parking

Staff encourages the applicant to incorporate the values into a revised plan.

C. Landscaping and Screening

Street Trees: The proposed plan does not show the required street trees along Clinton Parkway (within the right-of-way). However, along Inverness Drive and W 24th Place, street trees are provided. W 24th Place street trees are setback north of an existing utility easement. Staff has confirmed that some utilities are using parts of the easement along the north side of W 24th Place. The proposed landscape provides trees, shrubs and berms to accommodate screening and buffering required for this development. The applicant's rendered (colored) drawing shows street trees along Clinton Parkway. The plan must be revised to include the required street trees along Clinton Parkway.

Interior Landscaping: The site plan complies with the required interior landscape standards for interior parking. As noted earlier in this report, there is significantly more off-street parking than is likely needed for the proposed uses. Reducing the parking and adding interior green space or other usable spaces provide a more human scale to the development. If approved, staff recommends that the amount of off-street parking be reduced and that additional open space be provided. Within the site, open space may be interior landscaped islands or it may be courtyards, patio spaces or other public spaces within the development. A cautionary note is that as patio space is added for restaurant related activity, additional parking must be accommodated. For this reason, it is appropriate to require a revised plan to show compliance.

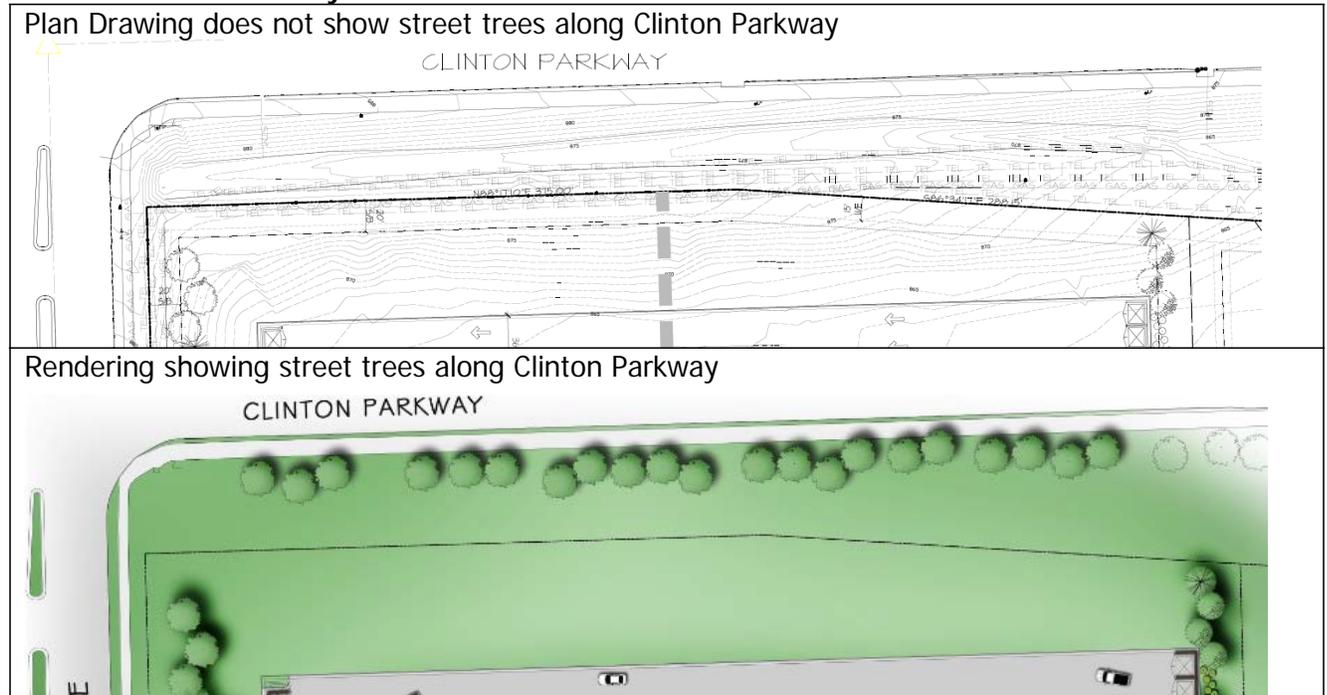
Perimeter Landscaping: This property is adjacent to public streets on three sides. Parking is proposed along Inverness and W 24th Place. A wide buffer yard with dense screening is provided along Inverness Drive. W 24th Place includes a mix of street trees and shrubs that will provide parking lot screening. The parking areas are screened per the Development Code.

Mechanical Equipment Screening: At this time details of the building mechanical plans are not available. A general note on the face of the plan recognizes the requirement that these elements must be screened. Prior to issuance of a building permit, the applicant shall be required to provide building elevations that demonstrate compliance with this standard. Of particular concern is how equipment will be screened from Clinton Parkway. The street elevation is substantially higher than the pad site elevations and anticipated building height. Standard parapet screening of roof equipment may not meet the design standard.

Buffer Yard: Buffer yard standards are applicable to all four sides of this property.

Clinton Parkway Buffer Yard. The north side of the property abuts Clinton Parkway. The existing topography includes a 10' hill with the street elevation much higher than the pad site of the buildings. The hill side creates a natural buffer between the proposed use and Clinton Parkway. The rear building facades and service areas are likely to be screened by the natural topography. It is probable that only the rooftops of the buildings will be visible from the public street.

Table 3: Clinton Parkway Street Tree Exhibit



Inverness Drive Buffer Yard. Inverness Drive is the dividing line between the proposed commercial use on the east side of the street and low density residential uses on the west side of the street. The plan exceeds the required landscape planting standards for screening along Inverness Drive. This transition area is specifically shown in the Inverness Park District Plan. The plan does not prescribe a specific width of the buffer yard. It is assumed from the graphic representation and the text contained on page 19 of the plan the buffer would be more substantial than the minimum area requirements set out in the Development Code. A described buffer area along Inverness Drive was created as part of the subdivision process establishing this commercial lot. A Type 1 Buffer yard along Inverness Drive is required for this development.

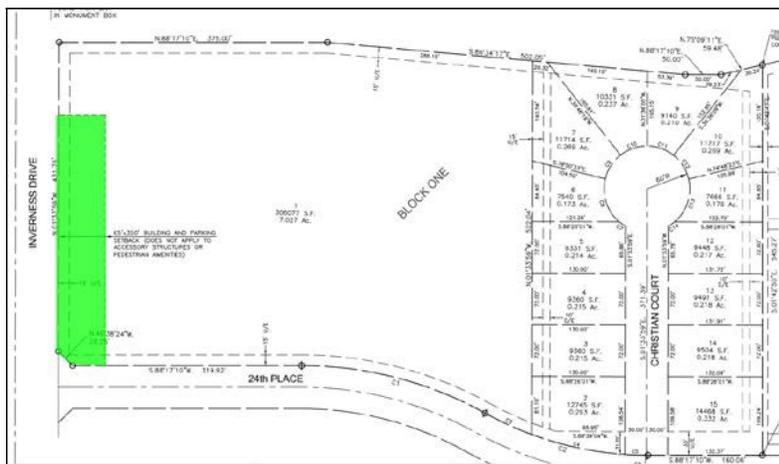


Figure 5: Subdivision Plat with Dedicated Buffer Yard

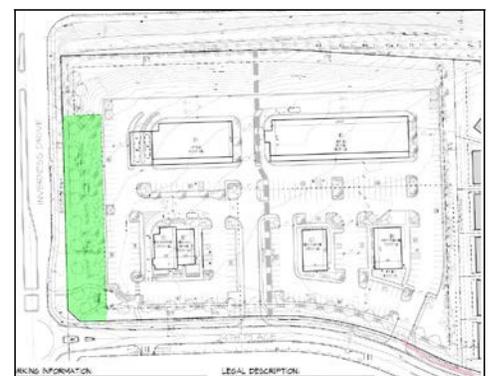


Figure 6: Site Plan with Buffer Yard

Green space extends to the north along Inverness Drive and to the east along W 24th Place. The proposed plan provides a code compliant buffer yard along Inverness Drive as shown in the following images.

W 24th Place Buffer Yard. The interface between the neighborhood and the proposed development occurs along W 24th Place. Within this area pedestrian connections are made between the public sidewalk and the individual businesses. The intersection of Inverness Drive and W 24th place provide a focal point for the transition between the low density development to the west and the higher intensity uses to the east. The site includes appropriate street trees and parking lot screening to both buffer and transition higher and lower intensity uses.

East Property Line Buffer Yard. The east property line represents the area between commercial and residential land uses. There is no public street separating uses along the east property line as there are on the other three sides of the property. The site plan includes dense vegetation to provide a buffer separation between uses in this buffer yard application.

D. Lighting

The applicant has not provided a photometric plan at this time. A photometric plan will be required prior to the issuance of a building permit. Staff recommends a note be added to the plan to clarify that a building permit for any part of this development shall not be issued until a photometric plan required per section 20-1103 has been submitted for review.

E. Floodplain

There are no regulatory floodplain encumbrances on this property.

CONCLUSION

As discussed in the body of this staff report several changes are needed to the plan. Key decisions regarding this development must address:

1. The location of drive-in uses
2. The allowance of parking between buildings and the property line in the southwest corner of the site.
3. Appropriate pedestrian connections within the site.

Additional approval of the buildings for compliance with Commercial Design Guidelines and lighting plans are required prior to issuance of building permits for this property.