



**SP-16-00155:** A site plan for a phased, commercial development with multiple buildings for a mix of retail and quality restaurant and/or fast order food but excluding fast order food-drive-in uses located at 4300 W 24<sup>th</sup> Place. Submitted by Paul Werner Architects, for RPI, LLC, property owner of record.

**ADMINISTRATIVE DETERMINATION:** The Planning Director approves the above-described Site Plan with the requirement that prior to issuance of a building permit the applicant shall provide building elevations and photometric plans for staff review and approval and subject to the following conditions:

1. Prior to issuance of a building permit the applicant shall:
  - a. Provide a site plan performance agreement.
2. Prior to issuance of a building permit the applicant shall submit a revised site plan to include the following notes and changes:
  - a. Correct the parking summary to show 129 spaces located in Phase 2 and the required parking for Building B as 34 spaces.
  - b. Revise general note 2.9 to note permits are required through "Development Services" rather than "Neighborhood Resources."
  - c. Revise note 4.4 to update interior parking lot landscaping for Phase 2 based on 129 parking spaces (13 trees and 39 shrubs required/provided).
  - d. Revise Landscape plan to note minimum 2 gallon container size required for Deciduous Shrubs and minimum 5 gallon container size or B & B for Evergreen Shrubs.
  - e. Correct note 2.1 to include roof-mounted equipment screening per Section 20-1006 (b).
3. Provision of a revised plan to reduce the excess parking spaces by 12 per staff's approval.

### **ASSOCIATED CASES**

#### *Residential and Commercial Requests*

- Z-15-00198; rezoning request from RSO to CN2 for 10 acres, Ordinance No. 9128.
- PP-15-00196; Preliminary Plat (14 duplex lots and one 7.027 acre commercial lot) approved by the Planning Commission on June 22, 2015.
- PF-15-00585; Final Plat.

#### *Family Fun Center Related Requests*

- TA-13-00488; Special Use in CN2 District - denied by City Commission.
- Z-13-00483; RSO to CN2 – withdrawn by applicant.
- SUP-13-00486; Family Fun Center – withdrawn by applicant.
- SUP-14-00026; Retail/restaurant uses with drive-thru; included 3.106 acres with two pad sites and two drive-thru uses – withdrawn by applicant.

### **KEY POINTS**

- 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.
- The site plan is conceptual at this time and specific tenants are unknown.
- This project is proposed as a phased development.

- Public improvement plans are required to extend utilities within the lot to serve individual buildings.
- This application is intended to secure the conceptual design of a future commercial development.
- If approved, building elevations will require separate review for compliance with the Commercial Design Standards.
  - ❖ Note on face of site plan acknowledges this requirement.
- Fast Order Food includes a range of eating and drinking establishments that include high turn-over restaurant uses.

### OTHER ACTION REQUIRED

- City Commission approval of Site Plan.
- Approval of Public Improvement Plans prior to issuance of building permits.
- Submission and Staff approval of a site plan for compliance with commercial design guidelines, and photometric plans and any other conditions of approval.

### PLANS AND STUDIES REQUIRED

- *Traffic Study* – Previously submitted with SUP-15-00521 and accepted by City Staff.
- *Downstream Sanitary Sewer Analysis* - The downstream sanitary sewer analysis and cover letter provided by BG Consultants has been reviewed and is accepted for this project to satisfy the criteria required for the DSSA as outlined in Administrative Policy 76.
- *Commercial, Industrial Design Standards or Other Standards* – Subject to Commercial Design Review. Additional information is required prior to issuance of a building permit. See discussion in staff report.
- *Drainage Study* – The drainage letter dated 4-16-2016 meets the specified requirements and is approved.
- *Retail Market Study* – Not required for this application.
- *Alternative Compliance* – Not requested for this application.

### COMMUNICATIONS RECEIVED

- No communication received. Notice was sent to owners within 1000' of the subject site.

**Table 1: Zoning and Land Use**

GENERAL INFORMATION	
Current Zoning and Land Use	CN2 (Neighborhood Commercial) District, undeveloped land.
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.
Legal Description:	Lot 1, Block 1, 24 <sup>th</sup> Place Addition.

**Table 2: Summary Table**

	Existing	Proposed	This site is currently undeveloped. The proposed project will develop the lot in two phases. The site complies with the maximum 80% impervious cover restrictions for the district. A substantial portion of the site will be retained as open space.
Land Use:	Vacant	Mixed Use	
Land Area:	306,077	306,077	
(Acres)	7.03	7.03	
Total Building	0	33,625	
Total Pavement (est)	0	141,756	
Total Impervious Area (sq ft): % Impervious	0 0%	175,381 57%	
Total Pervious Area (sq ft): % Pervious	306,077 100%	130,696 43%	

### SUMMARY OF REQUEST

This proposed site plan is conceptual in nature and does not include specific uses, tenants or building elevations. The plan identifies the major elements such as building placement, parking lot layout, vehicular and pedestrian circulation, and pedestrian amenities along with landscape and screening details.

This site includes a mix of retail and office uses including eating and drinking establishments. The site shows one building, Building F, with drive-thru access. Drive-thru uses are permitted in the CN2 District with the exception that *Fast Order Food* uses with drive-thru access require Special Use Permit approval. This project does not include *Fast Order Food, Drive-In*.

### PARKING SUMMARY

Specific tenants/uses are unknown. This site plan is intended to provide a concept of development for marketing purposes to demonstrate the proposed development complies with bulk, area, setback, and parking, screening, and neighborhood features. As tenants/uses are identified off-street parking will be further evaluated. The Parking summary below suggests the highest uses of individual buildings as designed. The overall design of the commercial site includes shared parking and access throughout the development. However, since the property is platted as one single lot interior access easements are not needed.

**Table 3: Off-Street Parking Summary - Standard Calculation**

<b>USE SUMMARY /PARKING SUMMARY PER SECTION 20-902</b>						
<b>Use</b>	<b>Parking Requirement</b>					
Fast Order Food	1 space 100 SF of Customer Service Area + 1 Space per Employee					
Quality Restaurant	1 space 100 SF of Customer Service Area + 1 Space per Employee					
Office	1 space per 300 SF					
Retail	1 space per 200 SF					
<b>Building</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>Use</b>	Fast Order Food	Quality Rest.	Fast Order Food	Quality Rest.	Office	Mixed
<b>Building SF</b>	1,800	3,500	2,900	3,200	12,725	9,500
<b>Patio SF</b>	500	0	750	1,800	0	0
<b>Office SF</b>	0	0	0		12,725	4,500
<b>Retail SF</b>	0	0	0	0	0	5,000
<b>TOTAL SF</b>	2,300	3,500	3,650	5,000	12,725	9,500
<b>Customer Service Area SF</b>	1,940	2,800	2,920	3,360	0	0
<b>Employees</b>	6	6	6	7	NA	NA
<b>Required Parking</b>	26	34	36	41	43	40
<b>Total Parking Required</b>		220 Spaces				
<b>Total Parking Proposed</b>		232 Spaces: 103 spaces Phase 1; 129 spaces Phase 2				

The site plan should be revised to show the total off-street parking proposed for the development. The plan includes a typo indicating that 221 spaces are proposed. It is probable that the tenant mix will fluctuate thus requiring a higher or lower off-street parking requirement. The plan, as proposed, conservatively estimates the required parking for uses associated with *Eating and Drinking Uses*; meaning that the off-street parking may be excessive for the use when a specific tenant is determined.

Section 20-901(c) requires developments with excessive parking mitigate the impacts of the increased impervious surface through the use of storm drainage Best Management Practices.

**Table 4: Parking by Phase Summary**

<b>Phase 1</b>		<b>Phase 2</b>	
Building A; 1,940 SF + 500 SF patio	26 spaces	Building C; 2,900 SF + 750 SF patio	36 spaces
Building B; 2,800 SF	34 spaces	Building D; 3,200 SF + 1,800 SF patio	41 spaces
Building F; 9,500 SF	40 spaces	Building E; 12,725 SF	43 spaces
Total Required Off-Street Parking	100 spaces	Total Required Off-Street Parking	120 spaces
Total Provided Off-Street Parking	103 spaces	Total Provided Off-Street Parking	129 spaces

The excess parking based on the applicant's estimate of required parking (220) is 12 spaces or 5.4% of the required parking. The applicant may be required to implement Stormwater drainage best management practices when additional information is known about the specific users of the buildings. Best Management Practices could include a reduction in total parking provided; provision of bio retention; use of permeable pavement; or an alternative design to meet this code requirement.

**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.

***General Design Standards applicable to CN2 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 GSF, then the maximum amount of commercial space permitted in the CN2 District is 125,000 GSF.
- ❖ No one building shall exceed 40,000 GSF except a grocery store may exceed this number up to a maximum of 60,000 GSF.

***Use Specific Design Standards when located in the CN2 District.***

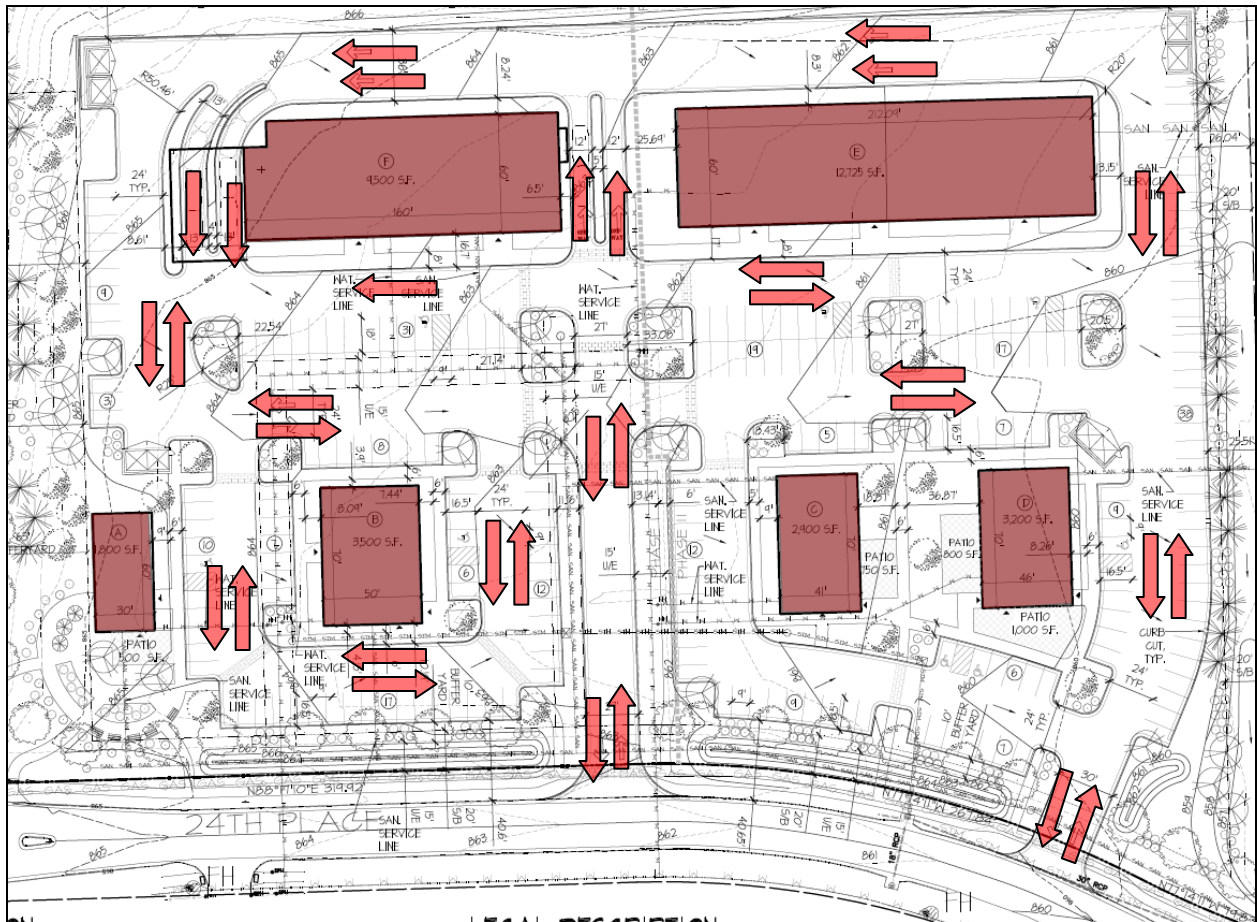
- *Cemetery* use permitted with direct access to Arterial Street per section 20-505.
- *Day Care Center* use permitted. Site can meet design standards per section 20-507.
- *Eating and Drinking Establishments* are permitted uses as follows.
  - *Accessory Bars* cannot exceed 25% of the floor area of the establishment.
  - *Bar or Lounge* use permitted not to exceed 3,000 GSF. Area larger than 3,000 GSF subject to a Special Use Permit.
  - *Brewpub* use permitted without limit on size per section 20-524
  - *Fast Order Food* establishments may not exceed 3,000 GSF.
    - Building A includes 2,300 GSF
    - Building C includes 3,650 GSF
    - If use is designated as a Brewpub or Restaurant Quality, the 3,000 SF limitations would not be applicable.
  - *Fast Order Food, Drive-In* use permitted subject to Special Use Permit review and approval to allow drive-in/drive-thru use.
    - Previous request for *Fast Order Food, Drive-In* use was withdrawn by applicant.
  - *Nightclub* Not Permitted.
  - *Quality Restaurants* are permitted without limit on size per section 20-524.
    - Building B includes 3,500 GSF
    - Building D includes 5,000 SF
- *Food and Beverage Sales* use permitted not to exceed 3,000 GSF (exception for grocery use) per section 20-511.
- *Personal Convenience* use permitted not to exceed 3,000 GSF per section 20-520.
- *Repair Service, Consumer* use permitted not to exceed 3,000 GSF per section 20-523.
- *Retail Sales, General* use permitted without limit on size per section 20-525 except that *Retail Establishment, Large* (includes 100,000 GSF) 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.

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.

## STAFF REVIEW

### Parking Lot Design

The proposed parking lot is designed to shared access and parking between buildings and phases. A main driveway is located in the center of the development and a secondary driveway is located on the east side of the property. Additionally, drive-thru uses are located at the north end of the development.



**Figure 1: Interior vehicular pattern**

The City Engineer noted that the drive-thru window locations may need to be adjusted based on future review of the tenant space to ensure vehicle stacking requirements are met. The proposed or future bank use located on the west end of Building F appears to provide adequate stacking. The use on the east end of the building may or may not require additional stacking depending on the final tenant.

### Access

Vehicular Access to this site is restricted to W. 24<sup>th</sup> Place. Two driveways provide access to the site. Interior access ways provide circulation within the development and to each of the buildings.

## Landscaping and Screening

*Street Trees:* Street trees are required along Clinton Parkway, Inverness Drive and W. 24<sup>th</sup> Place. The proposed site plan shows the required street trees.

*Interior Landscaping:* The site plan shows the plan complies with the required interior landscape standards for interior parking. As noted earlier in this report, there is 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. It is the Commission's discretion to determine if the plan should be returned to the City Commission or if staff is directed to review the plan administratively for compliance of these minimum design elements. Changes to the site plan that substantial will require City Commission approval.

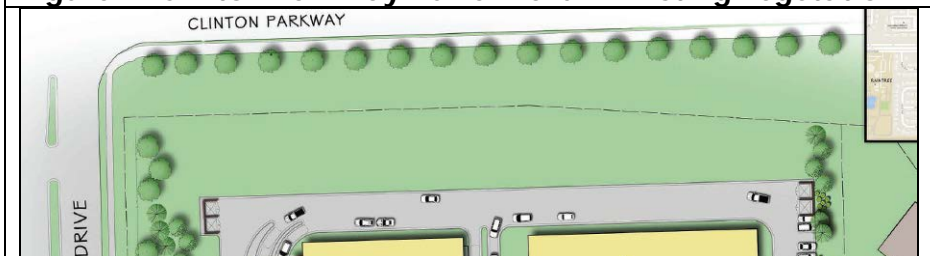
*Perimeter:* This property is adjacent to public streets on three sides. Parking is proposed along Inverness and W. 24<sup>th</sup> Place. The plan shows a mix of trees and shrubs as well as berms along W. 24<sup>th</sup> Place to address screening requirements. The parking areas are screened per the Development Code.

*Buffer Yard Requirements:* A Type 1 Buffer Yard is applicable to all boundaries this project. The surrounding area is developed with the exception of the east side of the property, platted for future duplex development.

**Clinton Parkway Buffer Yard to the north.** The existing topography along the north side of the property includes a 10' hill. The natural topography provides adequate screening. The majority of this property is much lower than Clinton Parkway the existing vegetation along the natural swale and the addition of Street Trees are sufficient to meet the intent of buffering for this property.



**Figure 2: Clinton Parkway Buffer Yard – Existing vegetation**

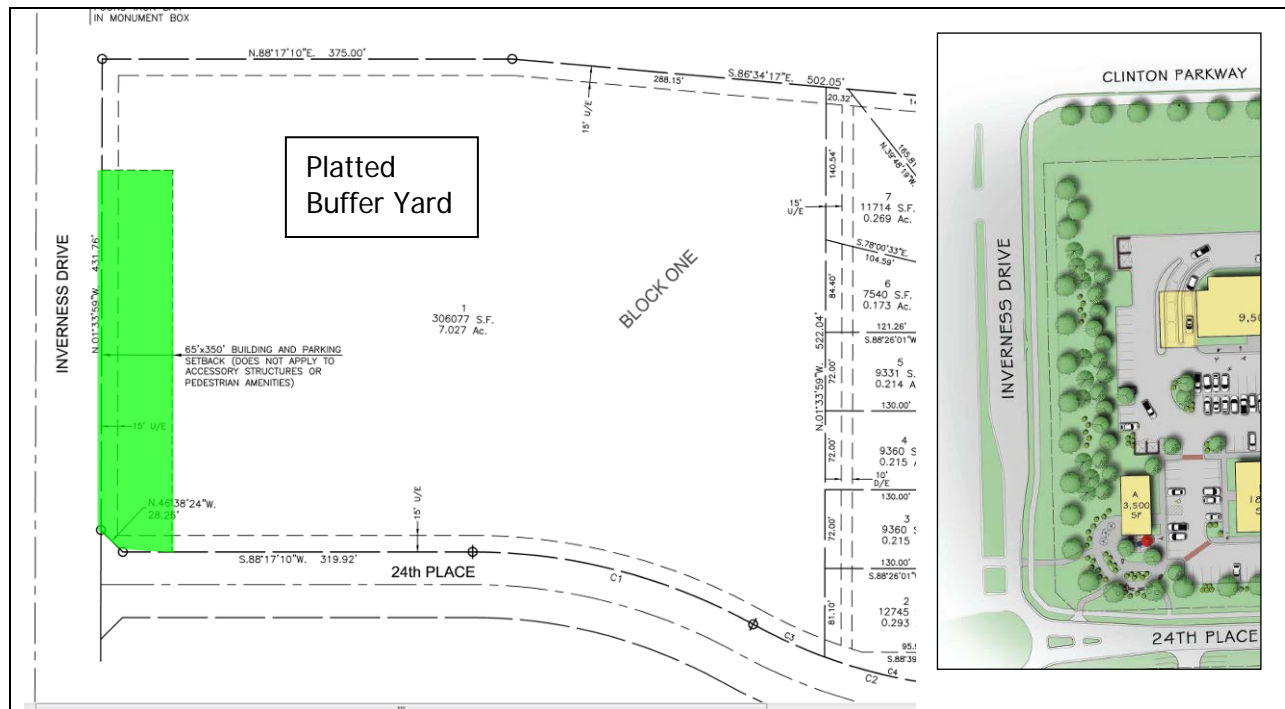


**Figure 3: Clinton Parkway Buffer Yard - Site Plan**



**Inverness Drive Buffer Yard to the west.** Inverness Drive is the dividing line between the proposed commercial use on the east side of the Inverness Drive and low density residential uses on the west side of the street. This transition area is specifically shown in the *Inverness Park District Plan*. The plan does not prescribe a minimum 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. The subdivision plat established a 65' wide, 350' long area that is prohibited from development of either building or parking improvements. Accessory structures and pedestrian amenities are permitted in this space.



**Figure 4: Inverness Drive Buffer Yard**

The plan exceeds the required landscape planting standards for screening along Inverness Drive.

**W. 24<sup>th</sup> Place Buffer Yard to the south.** The south side of W. 24<sup>th</sup> Place is developed with a multi-dwelling residential use (apartment complex). The existing development to the south and the proposed development include peripheral parking with green spaces located back of sidewalk between the sidewalk and the private property. The proposed commercial development is intended to serve the immediately surrounding neighborhood and is designed to accommodate a high level of pedestrian connectivity and interaction with multiple sidewalk extensions to the development from the public sidewalk.

This space also overlaps with the peripheral screening area applicable to the parking spaces along W. 24<sup>th</sup> Place. The south property line is encumbered by utilities and easements limiting the available space for planting, especially for trees. Trees are setback behind the easement.



The development includes trees and shrubs in excess of the minimum standard and includes a berm for additional screening along the south property line.



**Figure 5: W 24th Place Buffer Yard**

The buffer yard is appropriately addressed in this application. The proposed design meets the purpose and intent of the design standard.

**Duplex Residential Buffer Yard to the east.** The CN2 District requires a minimum 20' building setback along the east property line since the adjacent zoning is residential. Off-street parking must be setback a minimum of 10' from the east property line. The minimum width of a Type 1 buffer yard is 10'. The proposed development exceeds all of these design standards with a buffer yard that is generally 25' wide along the majority of the east property line. The area is wider at the southeast corner to accommodate stormwater detention. The area is heavily landscaped. The buffer yard is appropriately addressed in this application.

*Mechanical Equipment and Dumpsters:* 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 however the note should be revised to include both ground mounted and roof mounted equipment with the current Code citation. 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.



**Figure 6: East Property Line Buffer Yard**

*Alternative Compliance:* Not applicable to this development request.

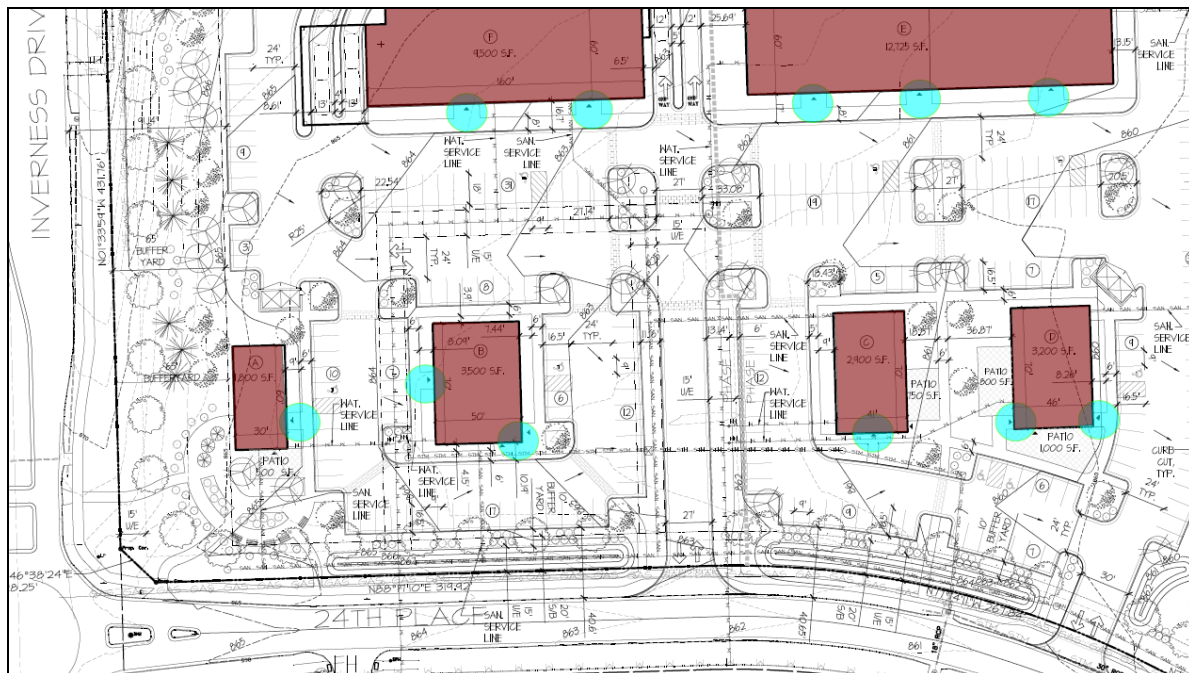
## Lighting

At this time a detailed photometric plan is not available. The plan includes a note indicating that a plan and lighting details are required prior to the submission of a building permit to demonstrate compliance with the Development Code.

## Design Guidelines

This project is conceptual to the degree that the specific tenant and final building size is unknown. The building arrangement, off-street parking and pedestrian connections and amenities however are basic elements of the site plan proposed for approval. Prior to issuance of a building permit the developer is required to submit building elevations to demonstrate compliance with the Commercial Design Guidelines. A note on the face of the site plan provides adequate notice of this requirement.

The CN2 district does not allow off-street parking between the street and the main entrance of a building. This standard applies to Buildings A, B, C and D as shown on the site plan.



**Figure 7: Main Building Entrance**

The building entrances are shown conceptually. As final building elevations are determined building entrances will need to be on the east/west sides of the buildings to comply with the design standard per Section 20-908.

## Pedestrian Connectivity

This project has been designed with a high degree of pedestrian connectivity within the development and provides interface with the surrounding residential neighborhood. The project includes a pedestrian plaza area on the southwest corner of the site.

## Floodplain

This property is not located within the regulatory floodplain and is not subject to a local floodplain development permit.

## Findings

Per Section 20-1305, staff shall first find that the following criteria have been met:

**1) The Site Plan shall contain only platted land;**

This property is platted as Lot 1, Block One, 24 Place Addition. Lot 1 includes a wide buffer yard along Inverness Drive.

**2) The site plan shall comply with all standards of the City Code, this Development Code and other adopted City policies and adopted neighborhood or area plan;**

The site is compliance with the design standards as conditioned. Additional review of the project is required with a future building permit application and submission of building elevations.

**3) The proposed use shall be allowed in the district in which it is located or be an allowed nonconforming use;**

The site is zoned CN2 (Neighborhood Commercial) District. This district allows *Eating and Drinking Establishments*, *Retail Uses* and *Office Uses* with some limitations. As specific tenants are identified, uses will need to be evaluated based on compliance for specific use standards. For *Eating and Drinking Establishments/ Fast Order Food* establishments and *Retail Sales/ Food and Beverage Sales* the maximum gross floor area shall not exceed 3,000 SF. However, an *Eating and Drinking Establishments/ Restaurant, Quality* establishment could exceed that maximum gross floor area.

**4) Vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well and shall also conform with adopted corridor or access management policies and;**

The site is accessed from W. 24<sup>th</sup> Place. Direct access to Inverness Drive and Clinton Parkway are prohibited. The site provides a main entrance drive in the center of the development with secondary access circulation aisles located along the fronts of buildings. The drive-thru uses are located within Building F at the north end of the site. Additionally review of the building will be required when uses are determined to assure that adequate vehicle stacking is provided for the east side of Building F.

**5) The site plan provides for the safe movement of pedestrians within the site;**

The proposed site plan includes a well-developed pedestrian plan and plaza area along with connectivity throughout the development.

## Conclusion

The proposed site plan is conceptual in nature but provides a detailed expectation for the treatment of the transition area between the existing residential and the proposed commercial development. Additional review will be required as additional information is made available about tenants and building details.