

**SP-17-00220** for conversion of the former Jayhawk Bookstore at 1420 Crescent Road to McClain's Market, *Fast Order Food or Quality Restaurant*, retaining the second story apartments, *Non-Ground Floor Apartments*. Submitted by BG Consultants, Inc. for Axiom-Jayhawk LLC, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the Site Plan referenced above based on the findings listed in this report and subject to the following conditions:

1. An Access Easement shall be dedicated by separate instrument for the portion of the property containing the public sidewalk along Naismith Drive prior to the release of the site plan.
2. City Commission approval of a Use of Right-of-Way license for the parking spaces within the Naismith Drive right-of-way prior to the release of the site plan.
3. Historic Resources Commission approval of the proposed changes prior to the release of the site plan.

#### KEY POINTS

- The project meets the definition of a Standard Development Project provided in Section 20-1305(b)(2) of the Development Code in that it involves a change in use to a more intensive use. Those improvements or modifications proposed and approved with a Standard Site Plan are required to be compliant with the standards of the Development Code and/or the Community Design Manual, unless otherwise determined by the Planning Director to be waived for good cause shown by the applicant provided the criteria listed in this section are met.
- The subject property is located within the environs of a property that is listed on the Local Historic Register, the Chi Omega Sorority House. Development within the historical environs requires review by the Historic Resource Commission.
- The subject property is zoned MU (Mixed Use) District; therefore, the project will be reviewed per the general development standards for the MU District, Section 20-1108 of the Development Code. Where these standards are silent, the standards of the Development Code apply.
- The rezoning was conditioned with Ordinance No. 8331 to prohibit certain uses, to require extraordinary notice, and to require City Commission approval for any site plan which proposes a new use. This site plan has been placed on a City Commission agenda as it proposes a change in use from *General Retail Sales* to *Fast Order Food*.

#### OTHER ACTION REQUIRED

- Application for and issuance of building permits prior to construction activity.

#### ASSOCIATED CASES

**Z-05-10-08:** Rezoning of property from RMG (Multi-Dwelling Residential-Greek Housing) to MU (Mixed Use) District. Approved by the City Commission on October 28, 2008 with adoption of Ordinance No. 8331.

**B-17-00284:** Variance request from off-street parking requirement. Approved by Board of Zoning Appeals at their July 6, 2017 meeting.

## REQUIRED STUDIES

- **Drainage Study:** The drainage letter dated 4-25-2017 meets the specified requirements and is approved.
- **Traffic Impact Study:** The Traffic Impact Study provided with the application is approved.
- **Downstream Sanitary Sewer Analysis:** The fixture count analysis and cover letter dated April 24, 2017 has been reviewed and is accepted for this project to satisfy the criteria required for the DSSA as outlined in Administrative Policy 76.

## GENERAL INFORMATION

### Current Zoning and Land Use

MU (Mixed Use) District, with conditions; vacant bookstore, *General Retail Sales* and apartments, *Non-Ground Floor* dwelling units.

### Surrounding Zoning and Land Use

To the north and east: RMG (Multi-Dwelling Residential-Greek Housing) District; *Fraternity or Sorority Houses*.

To the west: U-KU (University-Kansas) District; *Detached Dwellings* [Property within the U District is exempt from the City Development Code but is subject to the City-KU Agreement.]

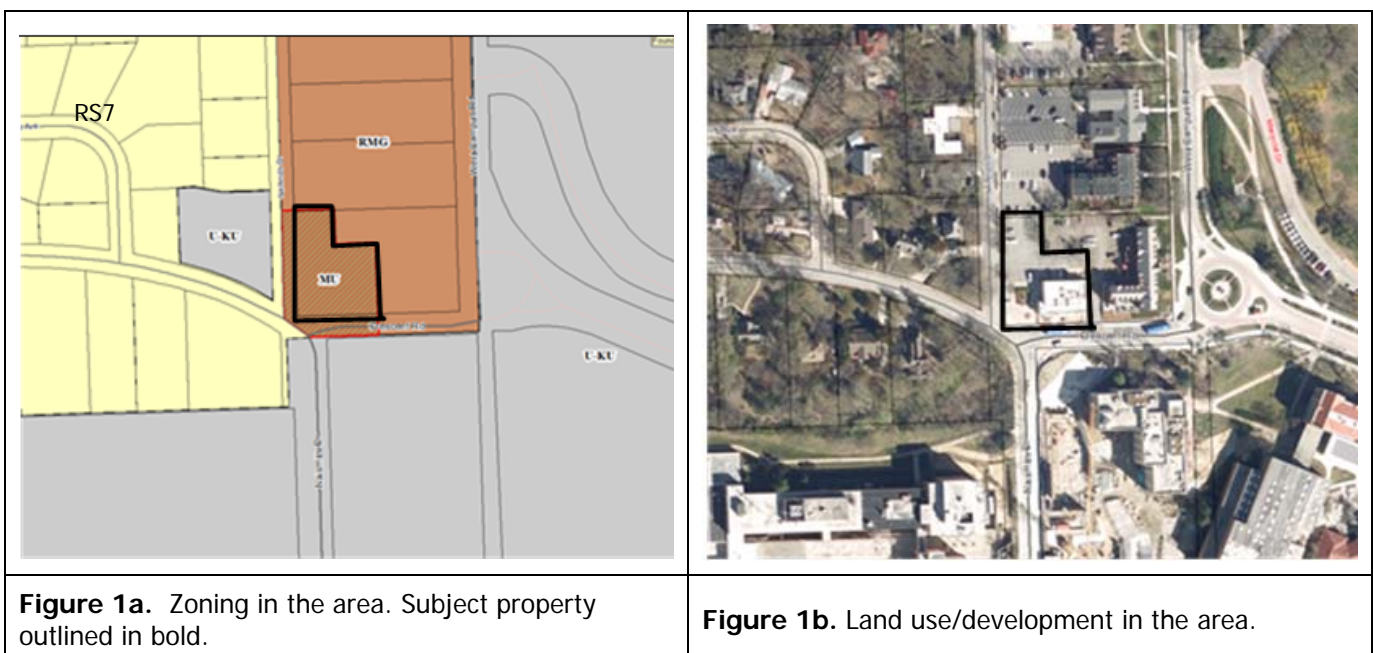
RS7 (Single-Dwelling Residential) District; *Detached Dwellings*.

(Figure 1)

To the south: U-KU (University-Kansas) District; University of Kansas campus, *School*. [Property within the U District is exempt from the City Development Code but is subject to the City-KU Agreement.]

### Legal Description:

Lots 11, 12, and West 70 ft of Lot 13, University Heights, a subdivision in the City of Lawrence, Douglas County, Kansas.



## SITE SUMMARY

	Existing	Proposed	Change
Buildings (sq ft)	4,038	4,038	---
Pavement (sq ft)	15,451	15,505	+ 54
Impervious (sq ft)	19,489	19,543 (92.3%)*	+ 54
Pervious (sq ft)	1,692	1,638	- 54
Site Area (sq ft)	21,181	21,181	--

\* Maximum building coverage and impervious surface coverage listed in Section 20-601(c) applies only to properties that were platted after the Development Code was adopted, July 2006. As the property was platted in 1909, the impervious surface and building coverage standards do not apply. Impervious surface coverage increase is result of addition of sidewalk along Naismith Drive frontage.

## PARKING SUMMARY

	Requirement	Required	Provided
<i>Fast Order Food</i>	1 space per 100 sq ft of customer service area plus 1 per employee based on the largest shift	3,400 sq ft customer service area, (2,970 interior and 430 exterior ) PLUS 12 employees 46 spaces	30 spaces *
<i>General Retail Sales</i>	1 space per 300 sq ft	1,200 sq ft: 4 spaces	
<i>Non-Ground Floor Dwelling</i>	1 space per bedroom	6 bedrooms: 6 spaces	
<b>Total</b>		56 spaces	
ADA accessible spaces	Parking spaces with between 26 and 50 spaces require 2 ADA accessible spaces with 1 being van accessible	2 ADA a spaces, with 1 being van accessible	2 spaces, 1 being van accessible
Bicycle	Fast Order Food: 5 or 1 per 10 auto spaces (greater of) General Retail Sales: 1 per 10 auto spaces Non-Ground Floor Dwelling: none	30 spaces = 5 spaces	6 spaces

\*Variance from the off-street parking requirement of 56 parking spaces to permit the development to occur with 30 parking spaces was approved by the Board of Zoning Appeals at their July 6, 2017 meeting.

## STAFF REVIEW

The subject property contains two upstairs apartments and formerly housed the Jayhawk Bookstore. The property had been zoned RS-2 (Single Family Residence District) prior to the adoption of the 2006 Land Development Code. The property was included in the RMG (Multi-Dwelling Residential-Greek Housing District) District when the zoning districts converted with the new Development Code in July of 2006. The retail and apartment uses were not permitted uses in either the RS-2 or the RMG District and were considered nonconforming uses. In 2008, the property was rezoned to the MU (Mixed Use) District with rezoning request Z-05-10-08. This rezoning removed the nonconforming use status as the retail and multi-dwelling uses were permitted in the MU District.

The primary change being proposed with this site plan is to change the use from *General Retail Sales* to *Fast Order Food* with a gathering or study lounge area on the second floor, while maintaining the two non-ground floor apartments. The gathering or study lounge area is considered part of the *Fast Order Food* use as food and beverages may be taken into this area.

Physical changes being proposed to the site include:

- 1) Addition of a 40 ft x 17 ft patio, to be used for outside dining, and a 23 ft x 6 ft balcony, that will not be used for outside dining, on the south façade.
- 2) Revision to the landscaped area on west side of building to accommodate trash enclosure.
- 3) Addition of 5 ft wide sidewalk along Naismith Drive to connect to the sidewalk to the north.
- 4) Restriping of parking spaces along north side of the building.
- 5) Addition of mechanical equipment and fencing on the north side of building.
- 6) Addition of one tree on Crescent Road frontage and two trees along Naismith Drive.

This site plan is being reviewed with the standards for the MU (Mixed Use) District provided in 20-1108 of the Development Code. Where that section is silent, other sections of the Development Code apply.

## 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;

The property is platted as Lots 11, 12, and West 70 ft of Lot 13, University Heights, a Subdivision in the City of Lawrence, Douglas County, Kansas. Replatting of the property to consolidate the lots is not required with this development, as no change to the development pattern is proposed. (Section 20-801(e)(2)(iii) of the Subdivision Regulations notes that properties which include partial lot descriptions or multiple lot descriptions which were created prior to December 19, 2006, are not required to replat provided the property meets the standards of the zoning district and the development pattern is not altered. As shown in the following table, the subject property is compliant with the lot standards required in the MU District.

	MU District	Subject Property
Min. Lot Area	3,000 sq ft	21,181 sq ft
Min. Lot Width	25 ft	140 ft minimum width

**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;**

This development meets the definition of a 'Standard Development Project'; therefore, those modifications or improvements being proposed are required to comply with the standards of the Development Code and the Community Design Manual.

The impervious surface coverage is being increased slightly, due primarily to the addition of a sidewalk along the Naismith Drive frontage.

## **LANDSCAPING**

### **Street Trees**

Street trees are required at a rate of 1 tree per 40 ft of street/road frontage. The subject property is bounded on the south by Crescent Road and on the west by Naismith Drive. Crescent Road with 140 ft of frontage would require 4 trees; Naismith Drive with 180 ft of frontage would require 5 trees. With a standard site plan, landscaping is required to comply with the previously approved plan, unless changes are being proposed to the landscaped area. The most recently approved site plan for this property, SP-5-52-89, showed two street trees along Crescent Road and five street trees along Naismith. The proposed site plan shows 2 street trees along Crescent Road and 4 along Naismith Drive. The City removed 3 of the street trees along Naismith due to their condition and they are being replaced with 2 trees.

Per Section 20-1305(b)(v) of the Development Code, the Planning Director may waive code requirements when he determines that the development project fulfills the intent of the Code and otherwise meets sound site planning principles. The addition of a sidewalk along Naismith Drive will increase pedestrian connectivity in the area. Established street trees are located in the Naismith Drive right-of-way; therefore, it's necessary to veer the sidewalk onto the property so that it can provide the pedestrian connection without damaging the existing trees. The Planning Director administratively waived the street tree requirement to allow space for a sidewalk to be installed along Naismith Drive. This should be noted on the plan.

### **Bufferyard Landscaping**

The property is bounded by the RMG (Multi-Dwelling Residential-Greek Housing) and U-KU (University) Zoning Districts. No bufferyards are required between the MU and the RMG or U-KU Districts.

### **Interior And Perimeter Parking Lot Landscaping**

No changes are being proposed to the parking lot, except for restriping. Additional parking lot landscaping is not required with this project but may be required if a development project requiring approval of a major site plan is proposed.

## **SIDEWALKS**

A 5 ft wide sidewalk will be installed along Naismith Drive with this project. This sidewalk will connect to the sidewalk on the adjacent property to the north. To avoid the mature trees in the area, a portion of the sidewalk will be located on the subject property rather than in the right-of-way. An Access Easement for the portion of the sidewalk that is located on private property should be dedicated by separate instrument and noted on the site plan with the recording book and page number. An existing sidewalk is located on the Crescent Road frontage.

## PARKING

Section 20-1108(k) notes that the off-street parking requirements in Article 9 of the Development Code apply to the Mixed Use District. This section recommends utilizing shared parking and also notes that in the MU District on-street parking is to be counted toward the minimum off-street parking requirements, with the exception of streets classified as Principal Arterials.

The 2008 rezoning staff report noted that the property was the location of a KU On Wheels bus stop. The MU Zoning District provides development bonuses as incentives that permit increased development provided certain features are on the site or in the nearby area. At the time the property was rezoned it was eligible for the following bonus points:

- 100 points: property located directly adjacent to a transit stop and the stop was integrated into the development with pedestrian amenities being provided.
- 25 points; property located within ¼ mile of public open space.
- 25 points: property located within ¼ mile of a school.

The points related to transit allowed a reduction in the parking requirements at the rate of one parking space per five bonus points.

With the transit stop on the site, the parking requirement would have been reduced by 20 spaces; however, the transit stop was removed from the site in 2014 for safety reasons. As a result of this removal, all required off-street parking must be provided with new development unless a variance is obtained from the Board of Zoning Appeals. A variance from the off-street parking requirement was approved by the Board of Zoning Appeals at their July 6, 2017 meeting. The site plan should be revised to note the date and the variance.

As noted in the parking table provided earlier in this report, 56 parking spaces are required for the use and 30 are provided on-site and on Naismith Drive. A use of right-of-way license will need to be approved by the City Commission for the parking within the Naismith Drive right-of-way.

The property is currently developed with the parking lot along Naismith Drive located within the required 15 ft parking setback. The parking area is not being revised with this site plan; therefore, compliance with this requirement is not required at this time. It would be required, or a waiver or variance obtained, with any significant development project which requires approval of a site plan for a 'Major Development Project'.

## SCREENING

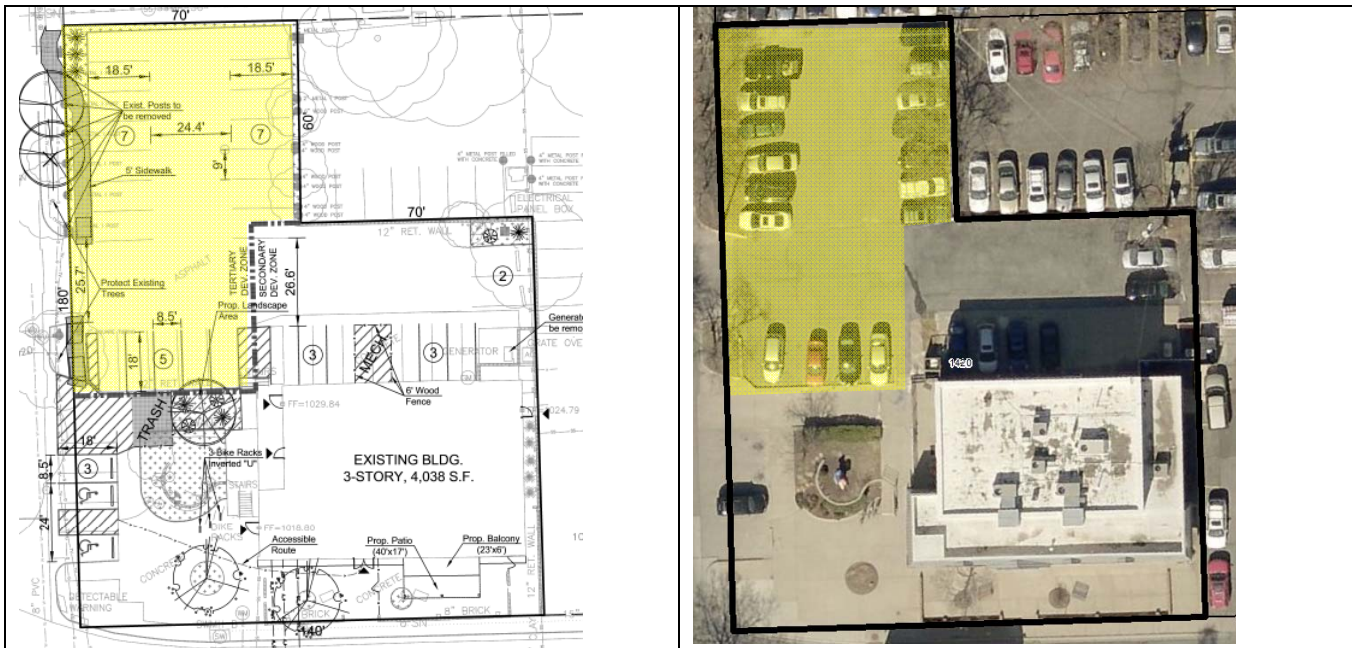
Mechanical equipment is shown adjacent to the north side of the building. This will house the exhaust fan for the kitchen hood. This will be screened with a 6 ft tall wood fence.

## OTHER

The following Development Zones are possible with mixed use development: Primary, Secondary and Tertiary. Figure 2 shows the two zones which were identified with the 2008 rezoning of the property. The area along Crescent Road was designated as a Secondary Zone and the area to the north as a Tertiary Zone. Per Section 20-1108(f) of the Development Code, a Secondary Development Zone may contain a vertical mixed use structure. A Secondary Public Frontage is to be designed to accommodate moderate amounts of pedestrian traffic. A Tertiary Development Zone is the portion of the development that contains the least intense development. This zone permits a development intensity which is no greater than that of surrounding existing development and the development form is to be consistent with that of the surrounding development. The Tertiary Development Zone



contains a parking area which is similar in intensity and design to the adjacent parking areas to the north and east. The secondary and tertiary zones provided with this project are compliant with the requirements in the Development Code.



**Figure 2.** Development Zones, Secondary shown without highlighting, Tertiary, highlighted in yellow.

## LIGHTING

The plan notes that no new exterior lighting is being proposed with this site plan and that any additional exterior lighting will require the submission and approval of a photometric plan.

With the variance and administrative waiver noted in this section, the site plan is compliant with all standards of the Code and adopted City policies.

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

The rezoning ordinance, Ordinance No. 8331, was conditioned to prohibit the following uses:

- a. Sexually-Oriented Media Store
- b. Manufacturing & Production, Limited.

The proposed uses: *General Retail Sales*, *Non-Ground Floor Dwelling*, and *Fast Order Food*, are not prohibited by the zoning ordinance and are listed as permitted uses in Section 20-403.

The building is a vertical mixed use structure which is permitted in the Secondary Development Zone. *Non-Ground Floor Dwellings* are permitted in Vertical Mixed Use Structures. The ground level is to be designed for and occupied by non-residential uses.

The Density and Dimensional Standards in Section 20-601(c) permit up to 15 dwelling units per acre in the Secondary Development Zone. The Secondary Development Zone contains approximately 13,470 sq ft. The density achieved with two dwelling units on the subject property is 6.5 dwelling units per acre.

- 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**

No changes are being proposed to the circulation within the site, or to and from the site, with the exception that the dumpster is being moved to the west side of the building. Trash trucks will access the dumpster from Naismith Drive.

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

The only pedestrian traffic expected within the site is from the parked cars to the building entrance. Most pedestrian traffic is expected to occur from the University of Kansas properties from the south and east or the Greek Student Housing in the area along public sidewalks.