

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
09/27/2017

**ITEM NO. 2B SPECIAL USE PERMIT FOR ACTIVE RECREATION; 3705 CLINTON
PKWY (BJP)**

SUP-17-00383: Consider a Special Use Permit for *Active Recreation* at 3705 Clinton Pkwy. Submitted by Allen Belot Architect, for Kansas District of Wesleyan Church Inc, property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of a Special Use Permit to allow a building addition for *Active Recreation* at 3705 Clinton Parkway, and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

1. Provision of a site plan performance agreement.
2. Submittal of building elevations for the new structure with the building permit for review for compliance with the Community Design Standards.
3. Submittal of a drainage study and approval by the City Stormwater Engineer.

**Applicant's Reason for
Request:**

"The Connect Church has owned & occupied this facility since 2001 and has now outgrown this and has found a new location. They have a contract purchaser that desires to locate their IT business along with other similar businesses in this location. Professional offices of this size are an allowed use in this zoning district but only through the SUP process due to square footage limits. Additionally, this contract purchaser would like to construct a 9,935 gsf indoor baseball practice/training facility on undeveloped land to the rear of the existing building and use some of the existing site improvements to serve this use. This would be an allowed use in this zoning district but again, only through the SUP process."

ASSOCIATED CASES/OTHER ACTION REQUIRED

The following items are being considered by the Planning Commission at their September 27, 2017 meeting:

- **Z-17-00386:** A request to rezone approximately 150,000 sq ft from RSO (Single-Dwelling Residential) District to RMO (Multi-Dwelling Residential) District, located at 3705 Clinton Pkwy. Submitted by Allen Belot Architect, for Kansas District of Wesleyan Church Inc, property owner of record.

Other Action Required

- Submittal of 1 copy of the approved site plan for release to Development Services for building permits in a digital format.
- Elevations for the new structure shall be submitted with the building permit for review.

KEY POINTS

- The property is currently zoned RSO (Single-Dwelling Residential – Office) District. A request to rezone the property to the RMO (Multi-Dwelling Residential – Office) District is being considered by the Planning Commission at their September 27, 2017 meeting. The rezoning would accommodate development of the existing building with office uses (Z-17-00386).
- The SUP application accommodates the construction of a second building on the property that would contain an *Active Recreation* use.
- The staff report assumes approval of the corresponding rezoning request; however, approval of this SUP request is not contingent on the approval of the RMO rezoning request. The *Active Recreation* use is permitted in the RSO and RMO zoning districts with approval of a Special Use Permit. Also, the Density and Dimensional Standards (Section 20-601) are the same for both districts, with the exception of the maximum building height permitted. The RSO district permits a 35' building and the RMO permits a 45' building. The new building is proposed to be 24' high. The proposed site plan complies with the Density and Dimensional Standards of both zoning districts.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No public comment was received for this item prior to the printing of this staff report.

ATTACHMENTS

1. Site Plan
2. Traffic Study

Current Zoning and Land Use:	RSO (Single-Dwelling Residential – Office) District; <i>Religious Assembly Neighborhood Institution.</i>
Surrounding Zoning and Land Use:	North: PUD-Alvamar (Planning Unit Development) District; <i>Multi-Dwelling Structures.</i> East: RM24 (Multi-Dwelling Residential) District; <i>Duplexes</i> West: RM24 (Multi-Dwelling Residential) District; <i>Multi-Dwelling Structures.</i> South: RS7 (Single-Dwelling Residential) District; <i>Detached Dwellings.</i>

Summary of Request

The subject property contains a building and surface parking. The proposed development includes conversion of the building from a church to offices. It also includes construction of an approximately 10,000 square foot one-story building in the southeast portion of the property. This building would contain Team Performance, a baseball and softball training facility. This is classified as an *Active Recreation* use which requires approval of a SUP in the RMO District.

While the redevelopment of the property includes the *Office* use, this SUP staff report pertains only to the *Active Recreation* use as the *Office* use is permitted by right in the RMO District. [The *Office* use is incorporated in the Site Summary below as the associated site plan contains both uses.]

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

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

Applicant's Response: *"Yes as evidenced by the attached site plan."*

The proposed use of *Active Recreation* is allowed in the RMO District with approval of a Special Use Permit.

The following is a review of the property for compliance with the Development Code. While this SUP is specially related to the *Active Recreation* use, the corresponding site plan includes the conversion of the existing building from a church to an *Office* use, as well as the construction of the new building for the *Active Recreation* use. Given this, the following is a site plan review for the entire site, including the *Active Recreation* and *Office* uses.

A. Site Summary

Site Summary:			
	Existing	Proposed	Change
Land Use:	<i>Neighborhood Institution</i>	<i>Active Recreation and Office</i>	
Land Area:	150,000 sq ft	150,000 sq ft	0
Building:	9,896 sq ft	18,176 sq ft	8,280 sq ft
Impervious Cover:	60,504 sq ft 40%	66,753 sq ft 45%	6,249 sq ft 5%
Pervious Cover:	89,496 sq ft 60%	83,247 sq ft 55%	-6,249 sq ft -5%

Density and Dimensional Standards:		
	Required	Provided
Min. Lot Area:	5,000 sq ft	150,000 sq ft
Min. Lot Width:	50 ft	308.67 ft
Front Setback:	25 ft	200 ft
Side (interior) Setback:	5 ft	77 ft (west), 44' (east)
Rear Setback:	20 ft	28 ft

B. Access and Parking

Use	Vehicle Parking Requirements	Vehicle Spaces Required	Spaces Provided
<i>Active Recreation</i>		Traffic Study - 22	23
<i>Office</i>	1 space per 300 sq ft	15,315 sq ft/300 = 51	54
Total Parking Provided:			77
ADA	Total Parking Spaces Provided: 76-100	3 autos and 1 van	2 auto and 3 van

Use	Bicycle Parking Requirements	Bicycle Spaces required	Spaces Provided
<i>Active Recreation</i>	1 per 4 auto spaces	23/10 = 3 spaces	6
<i>Office</i>	1 per 10 auto spaces	54/10 = 6 spaces	6

Per Article 9 of the Development Code, parking for the *Active Recreation* use is determined by the Planning Director based on results of a traffic study completed by the applicant. The study estimated the traffic that will be generated for the *Active Recreation* use by using the Batting Cages land use in the ITE Trip Generation Handbook. The study estimates that the use will generate 22 total weekly trips. The new structure will be used by Team Performance, which is relocating from their existing facility at 1811 W 31st Street. The study also indicates that the business generates the same amount of trips as that estimated by the traffic study. Using the traffic study to determine the required parking, 22 parking spaces would be needed.

The parking requirements for the *Active Recreation* use could also be calculated using the *Participant Sports & Recreation, Indoor* use requirement since the two uses are similar in nature. The parking requirement for the *Participant Sports & Recreation, Indoor* is 1 per 500 square feet of customer/activity area. This was the method used to determine the parking requirements for Team Performance at their current location. Using this method, 20 parking spaces would be required ($9,840/500=20$).

The provided parking for the *Active Recreation* use meets the requirement of either method used to determine parking. There is also in opportunity for more parking, if needed. The entire parking provided for both the *Active Recreation* and the *Office* uses combined is 77 spaces. The offices and Team Performance will operate at different times and days of the week. While the offices will be used during the weekdays, Team Performance will operate in the evenings during the week, and on the weekends.

C. Design Standards

There are no façade changes proposed to the existing building that will contain the office uses. The new structure will be located behind the existing building and screened from view by the bufferyard landscaping. Design of the new structure has not been completed. Elevation drawings of the new building will be subject to review with the building permit.

D. Landscaping and Screening

Street Trees

As shown in the calculations below, the street tree requirement per section 20-1002 is met.

Street	Requirement	Required	Provided
Clinton Parkway	1 shade tree per 40 ft of street frontage	311.25 ft / 40 = 8 Trees	8

Interior Parking Lot Landscaping

As shown in the calculations below, the interior landscaping requirements per section 20-1003 are met.

Required	Provided
Landscaping Area: 77 stalls X 40 sq ft = 3,080 sq ft	5,490 sq ft
Trees: 77 stalls / 10 = 8 X 1 = 8 trees	8 trees
Shrubs: 77 stalls / 10 = 8 X 3 = 24 shrubs	24 shrubs

Perimeter Parking Lot Landscaping

Section 20-1004 of the Development Code requires that parking lots be screened from view of street right-of-way with a minimum of one tree per 25 linear feet. The parking perimeter is 311.25 linear feet and requires 13 trees. This requirement is met.

Bufferyard Requirements

The subject property is surrounded by residential development on the east, west, and south. The zoning to the east and west is RM24 District, and RS7 zoning is located to the south. Assuming the request to rezone the property to RMO is approved, a bufferyard would not be required adjacent to the properties zoned RM24. However, the applicant is providing added landscaping to meet the bufferyard requirements along the west property line. The existing landscaping along the east property line provides more trees than is required by the bufferyard standards.

	Type	Requirement	Required	Provided
West Property Line (North)	Type 1 – 25 ft	2 Trees & 5 Shrubs per 100 linear ft	240 ft = 5 Trees & 12 Shrubs	5 Trees & 12 Shrubs
West Property Line (South)	Type 1 – 15 ft	3 Trees & 8 Shrubs per 100 linear ft	240 ft = 8 Trees & 20 Shrubs	8 Trees & 20 Shrubs
East Property Line	Type 1 – 25 ft	2 Trees & 5 Shrubs per 100 linear ft	474.87 ft = 10 Trees & 24 Shrubs	15 Trees & 0 Shrubs*
South Property Line	Type 1 – 25 ft	2 Trees & 5 Shrubs per 100 linear ft	310 ft = 7 Trees & 16 Shrubs	7 Trees & 16 Shrubs

*Assuming the rezoning request is approved, a bufferyard is not required along the east property line; however, there are more existing trees along the property line than would be required. The shrubs are not required to be planted.

The SUP also shows a 4 foot cedar fence between the drop off area and the south property line. This fence will provide additional screening for the residences from the headlights of the vehicles as they approach the area.

E. Lighting

A photometric plan is not required for this special use as no changes are proposed to the existing site or lighting. The new building will only have wall packs mounted near the entry doors.

F. Floodplain

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

Staff Finding – This use complies with the applicable provisions of the Development Code as an allowed use in the RMO districts subject to a Special Use Permit.

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 Church building previously housed the administrative offices for USD 497 from the early 90's until 2001. This use had definite similarities in intensity of use as the proposed offices during the day but had numerous night meetings during the week that proposed use would not have. Prior to that, this building was originally occupied by a fraternal organization that provided a full service dining room, private club and outdoor swimming pool. The proposed indoor baseball practice facility would have limited hours, due to the availability of its users, with weekday hours of*

operation between 4-8 p.m. & Saturdays from 8 a.m. to 2 p.m. Since both proposed uses hours would not overlap, it is anticipated that the baseball facility would share parking with the offices although there is enough parking on-site to meet the needs of both simultaneously."

The proposed *Active Recreation* use would be adjacent to duplexes to the east, and single-family residences to the south. The use will be screened from the single-family residences to the south by a 25' bufferyard. There are mature trees along the east property line that will provide screening for the duplexes to the east. There will also be a 25' bufferyard located along the west property line to provide screening to the multi-family residences located there.

There are no outdoor recreation areas proposed. The training facilities associated with Team Performance will all be located within the new structure.

Staff Finding – The proposed use is generally compatible with the adjacent uses in terms of size, massing, orientation, hours of operation and other external impacts.

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: *"Changing the zoning to match existing and historic uses of the building, built before the residences surrounding it, will have no negative impact to nearby properties, whereas retaining the existing zoning will result in loss of a useful space and/or services that would benefit the neighborhood. Rather than trying to 'convert' a business building to solely residential use per the current zoning, the Special Use Permit would help preserve a historical artifact of the neighborhood, i.e. the 'corner store' and an artisan woodworking shop."*

Approval of the request facilitates the development of an *Active Recreation* use. This will include construction of a new building that will contain baseball and softball training facilities (batting cages). There are no outdoor recreation areas proposed with this development. The site was originally developed as a Fraternal Lodge, which contained an outdoor swimming pool. The pool was removed with new developments, and the existing building was later remodeled for office uses and a neighborhood church.

The site has had active uses occupy it over the last 50 years. The neighborhood has developed around this site. The proposed development is similar to uses that have existed on the property in the past.

Staff Finding – Substantial diminution of other property values in the area is not anticipated.

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

Staff Finding – This property will be served by existing municipal water and sanitary sewer. The property is accessed from frontage road for Clinton Parkway and no changes to the access are proposed with this project. Adequate public facilities and transportation access is 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.

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

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

Applicant's Response: *"The existing building will not have adverse impact as it will remain relatively unchanged. The proposed building in the rear will be designed to a scale & character as to be compatible with the existing building and the residential neighbors. Additionally, generous buffering & landscaping has been proposed, the total amount of impervious surfaces will be reduced by 3,000 sq ft and stormwater run-off will be contained on-site so as to not impose on the surrounding neighbors."*

The assessment of this factor is intended to address the "natural environment" or that area that is undisturbed by development and includes floodplains, jurisdictional wetlands, stream corridors and stands of mature trees as well as archaeological and historic sites. This property is developed with a building and surface parking lot. This project proposes the construction of an additional 9,995 square foot building that would be located near the southeast corner of the property.

The property is not located within the regulatory floodplain, nor does it contain other environmentally sensitive lands. The proposed development will increase the landscaping on-site through the addition of bufferyards and street trees.

Staff Finding – The proposed development is subject to regulatory controls to protect the significant natural features including the existing site drainage.

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

The Development Code, Section 20-1305 (I), includes a process to revoke an approved Special Use Permit. Other than non-compliance with the scope or conditions of approval, reasons for revocation could include nuisance complaints from adjacent property owners or some future incompatibility with the neighborhood. This provision provides an opportunity to monitor the use as needed.

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

CONCLUSION

Section 20-402 of the Land Development Code requires a Special Use Permit for the *Active Recreation* use in the RMO District. The use, as planned, is compatible with this location. Staff recommends approval of the Special Use Permit, as conditioned.