

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
2/24/14

ITEM NO. 5C: SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH PLACE (SLD)

SUP-14-00026: Consider a Special Use Permit for a *Fast Order Food with Drive-Thru* as part of the future commercial pad site development, to be located on the west portion of property located at 4300 W 24th Place. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of a special Use Permit for *Fast Order Food with Drive-Thru* as part of a future commercial development located at 4300 W. 24th Place and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

1. Approval contingent on approval of rezoning to CN2.
2. 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 and a photometric plan per section 20-1103 per staff approval.
3. Provision of a revised site plan to include the following notes and changes
 - a. Revise note 1.7 to state that a photometric plan per section 20-1103 shall be submitted for review and approval prior to release of the Special Use Permit for issuance of a building permit.
 - b. Provision of a note on the face of the plan that limits the number of *Fast Order Food Drive-Thru* uses for this property to one (1). Any additional *Fast Order Food Drive-Thru* uses for this property shall require approval of a Special Use Permit prior to construction.
 - c. Provision of a revised site plan that reduces the total off-street parking and/or provides a plan for best management practices per 20-901 (c) and per the approval of the City Stormwater Engineer.
 - d. Provision of a revised landscape plan that shows shrubs along the off-street parking spaces adjacent to W 24th Place.
4. Prior to the Consideration of this Special Use Permit by the City Commission the applicant shall submit a revised site plan that provides pedestrian connections, pedestrian amenities, and buffer yard treatment along Inverness Drive and at the intersection of Inverness Drive and W. 24th Place consistent with the recommendations in the Inverness District Plan.
5. Operating hours for Drive-Thru operation shall be restricted to 11:00 P.M. Sunday –Thursday and midnight on Friday-Saturday.

Applicant's Reason for Request: *A fast order food with drive-through is proposed for the site.*

ASSOCIATED CASES/OTHER ACTION REQUIRED

ASSOCIATED ITEMS BEING CONSIDERED AT THE FEBRUARY PLANNING COMMISSION MEETING:

- TA-13-00488; Special Use in CN2 District – applies to the overall project but does not apply to this specific application.
- Z-13-00483; RSO to CN2
- SUP-13-00486; Family Fun Center
- **SUP-14-00026; Retail/restaurant uses with drive-thru**

Other Action Required

- City Commission approval of rezoning and adoption of ordinance.
- City Commission approval of Special Use Permit and adoption of ordinance.
- Publication of rezoning ordinance.
- Submission and approval of a site plan for compliance with commercial design guidelines, and photometric plans and any other conditions of approval.

KEY POINTS

- This application is intended to secure the conceptual design of a future commercial development with drive-thru uses.
- Specific tenants are not identified at this time.
- A Special Use Permit is required for drive-thru uses for Fast Order Food in the CN2 District. Other retail drive-thru uses such as a pick up window or bank teller window, not subject to a Special Use Permit.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Inquiries via phone regarding proposed development.
- Communication from Wimbledon Terrace Townhomes Association

ATTACHMENTS

1. Area Map
2. Inverness Park Neighborhood Land Use Plan
3. Site Plan

GENERAL INFORMATION

Current Zoning and Land Use: RSO (Residential Office) District, undeveloped.

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. Proposed use to the immediate east will be the recreation center (SUP-13-00486).

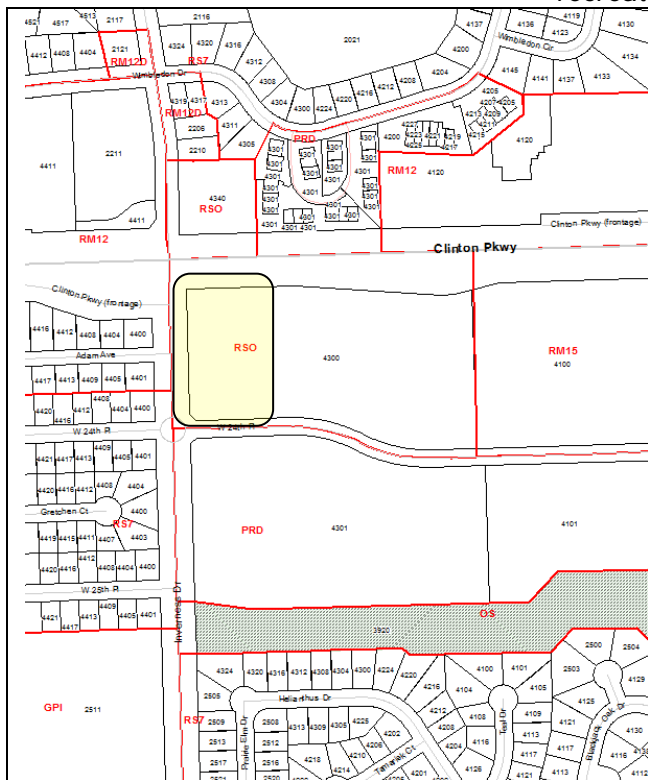


Figure 1 Existing zoning



Figure 2 Existing land use

Summary of Request

This application is for the development of property in the CN2 District to include both retail and fast food uses. At this time specific tenants are not known. The development is subject to pending approval of CN2 zoning. If approved the CN2 District would allow a variety of land uses that would be permitted subject to only site plan approval. However, *Fast Order Food uses with a Drive-Thru* specifically require approval of a Special Use Permit in the Neighborhood Commercial District.

Any conditional approval of the CN2 District must also be applied to this application. The review of this application assumes the approval of the proposed CN2 District and assumes restrictions on uses

such as multi-dwelling residences discussed in the related rezoning application. There are no proposed residential elements included in this proposed Special Use Permit.

The proposed plan shows two drive-thru uses. One drive-thru use is anticipated to be related to retail-service uses such as a bank, dry cleaners, or other personal service use. The other drive-thru is anticipated for a *Fast Order Food* use as a stand alone pad site within this commercial development.

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 concurrently with the application for CN2 (Neighborhood Commercial) District zoning and an application for a Special Use Permit for a recreation facility use to the immediate east. The primary purpose of this application is to provide a conceptual design for the establishment of a pad site likely to be developed with a *Fast Order Food* (with drive-thru) use in the future.

The plan shows two drive-thru uses. The pad site at the south end of the site is intended as the primary drive-thru generating use as a *Fast Order Food, Drive In*. The building at the north end also shows a drive-thru use that could accommodate retail uses that include a drive-up window or a *Fast Order Food*. Some drive-thru uses are allowed in the CN2 district (non-food related) and do not require a Special Use Permit. For the purposes of this application the SUP request relates only to the *Fast Order Food with Drive-Thru* use.

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 within this specific area are expected to have strong pedestrian connections between the commercial development and the residential areas as discussed in the *Inverness Park District Plan*. The Area 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* would be included in this list of uses.

A detailed discussion of the physical site plan portion of this proposed development is discussed in the second part of this report.

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 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-Thru services for *Fast Order Food* uses are allowed in the proposed CN2 District subject to approval of a Special Use Permit. As conditioned, this use complies with the applicable provisions of the Development Code.

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 50' landscape buffer has been provided along Inverness Drive to minimize light and noise for the properties west of Inverness Drive.*

As noted earlier, this application was submitted concurrently with the Special Use Permit application for the recreation use. This proposed retail use is intended to be integrated and compatible with the proposed recreation use with connectivity between the two developments. 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.

The proposed retail uses would presumably have comparable operating hours similar to existing non-residential uses in the area along Clinton Parkway and the proposed recreation use to the east. 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-thru 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.

A Neighborhood Commercial Center is expected to have connectivity and sensitivity to the residential uses in the immediate area. Site lighting and pedestrian pathways are integral to achieving this compatibility. As noted earlier, a photometric plan will be required as a condition of approval.

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 of the ultimate development of the site. Compatibility of this site with the residential uses to the west and south should be enhanced with better aligned pedestrian connections and pedestrian amenities at the southwest corner of the property.

Staff Finding – The proposed use is compatible with the adjacent uses in terms of size & massing of non-residential uses in the immediate area. Improved pedestrian connections and amenities are needed to enhance the compatibility of the site with the residential uses in the area. A photometric plan is required to insure lighting is compatible with the surrounding uses.

**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 criteria is specifically related to the intensity of the development and, more specifically, the traffic generated by the proposed *Fast Order Food* use. Drive-thru 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-thru 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-thru uses being more accessory to the business rather than the primary use. Additionally, many high-volume *Fast Order Food* uses include late night drive-thru only hours. These types of *Fast Order Food* uses are not consistent 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-thru as an accessory use. This application does not include a specific tenant. It is unlikely that well known chain store type restaurant (*Fast Order Food*) uses would find this particular location desirable as there is no direct access to Clinton Parkway. As a lower traffic volume class use is more probable it is likely 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 buffering standards are met. A development with multiple *Fast Order Food*, *Drive-Thru* uses would be undesirable in this location and would be considered a diminishment to very low density uses (to the west). This concern can be mitigated by restricting the number of drive-thru uses that may be permitted for this property.

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-thru service as secondary to seating. However, multiple *Fast Order Food* uses offering drive-thru 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 is accommodated for this development.

Staff Finding – 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. The key consideration of this application is intended to address the approval of the drive-thru activity for the *Fast Order Food* use. 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-Thru*, 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.

This application for a Special Use Permit is specific to drive-thru use as it relates to *Fast Order Food* uses. This activity is intended for the Building A as shown on the site plan as the primary recipient of this approval. Approval of this Special Use Permit should not be considered to be transferable to any of the tenant spaces to the north as shown on this site plan. Each *Fast Order Food* use that intends to provide “pick up/order window” shall be required to first secure a Special Use Permit. This will ensure that neighborhood concerns are addressed as tenants change over time within the building. 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.

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 Family Fun Center to the east. This application separates the request from the Family Fun Center but does not specify the development time frame of the property for either building.

If approved, the drive-thru feature for a Fast Order Food use would be considered a permanent and integral part of the use. Therefore, placing a time limit on the use would not be recommended. The Commission can however restrict the activity or hours of operation of the drive-thru 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-thru use.

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. The site summary addresses the west 3 acres of the 10.9 acre site. The east 7.7 acres is addressed in the staff report for SUP-13-00486; Family Fun Center.

A. Site Summary

Site Summary: West portion of Lot 2, Remington Square Addition No. 1		
	Existing	Proposed
Total area:	10.9 Acres (entire platted lot)	3.106 Acres
Lot Size:	10.9 Acres (entire platted lot)	3.106 Acres
Building: (SF)		
• Pad site	0	2,700
• Multiple tenant building	0	12,500
Note: This property may be subdivided in the future to create a separate lot or lots		

There are several discrepancies in the site plan drawing and the site notes that need to be addressed for consistency, if approved.

B. Access and Parking

On-site Parking:

The site plan as proposed identifies a pad site and multiple tenant building with various uses. Restaurant uses require parking at a ratio of 1 space per 100 SF of customer service area plus 1 space per employee. As an example the pad site requires a minimum of 23 off-street parking spaces if 2300 SF of customer service area is provided. 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.

This site plan shows a total of 57 required spaces and 124 spaces proposed. In accordance with Section 20-901 (a) this excess parking must be mitigated through best management practices for stormwater surface runoff. A condition of approval shall be to either reduce the total number of off-street parking spaces, provide a parking lot design that includes bio-swales, permeable pavement, or other engineering solution or a combination of both parking reduction and best management practices per the approval of the City Stormwater Engineer. This design criteria does not affect the proposed request to consider a *Drive-Thru* for a *Fast Order Food* use.

Direct Access: Access to this site is provided via a single shared driveway at the east end of the property to W 24th Place. Access to Clinton Parkway and Inverness Drive is prohibited.

C. Design Standards

Basic design standards have been evaluated for this proposed commercial development. Much of the evaluation will 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 with Drive-Thru* use on this property. As proposed, this use would be located nearest the existing residential uses at the south end of the property. Conditions of approval reflect the need for additional documentation to demonstrate compliance with Zoning Code and Commercial Design Guidelines that are typically reviewed at the administrative level.

This property is uniquely located within the Inverness Park District Plan boundary. A recommendation contained in the plan is that any project or development subject to site planning would be required to be considered by the City Commission. Staff's recommendation is that prior to the City Commission's consideration of the Special Use Permit, a revised site plan be submitted to address inconsistencies in the drawing and to address any conditions of approval recommended by the Planning Commission.

In addition to site summary information required, staff recommends additional pedestrian connections, pedestrian amenities, and buffer yard treatment along Inverness Drive and at the intersection of Inverness Drive and W 24th Place be provided prior to consideration of the Special Use Permit by the City Commission. These elements were specifically identified in the District Plan to mitigate more intensive commercial activity on this site.

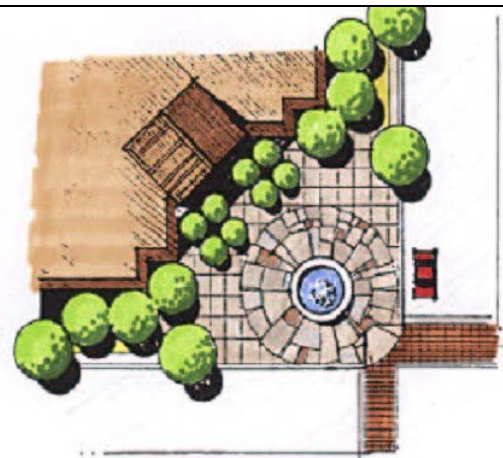
Building Elevations: Prior to issuance of a building permit, a revised plan including building elevations is required to demonstrate compliance with the Commercial Design Guidelines. This requirement is reflected as a condition of approval.

Pedestrian accessibility and amenities: Several pedestrian connections within the development and from the public sidewalks to the development are mislocated, inappropriate or lacking. Additional attention should be given to pedestrian connections to the recreational uses to the east. Many of the participants will be youth and safe transitions between the retail center and the recreation uses are necessary.

Previous development discussions of this property and specifically the southwest corner of this property, have focused on the need for a wide buffer that provide 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).



an internal green space, water feature, & seating areas oriented to the pedestrian user



example showing how to incorporate a focal point at the corner of a street intersection



pedestrian seating areas, enhanced with landscaping, encourages pedestrian activity

Figure 3 Commercial Design Guideline Examples

The proposed site plan includes landscaping within a 50' wide buffer at the south end of the development along Inverness Drive.

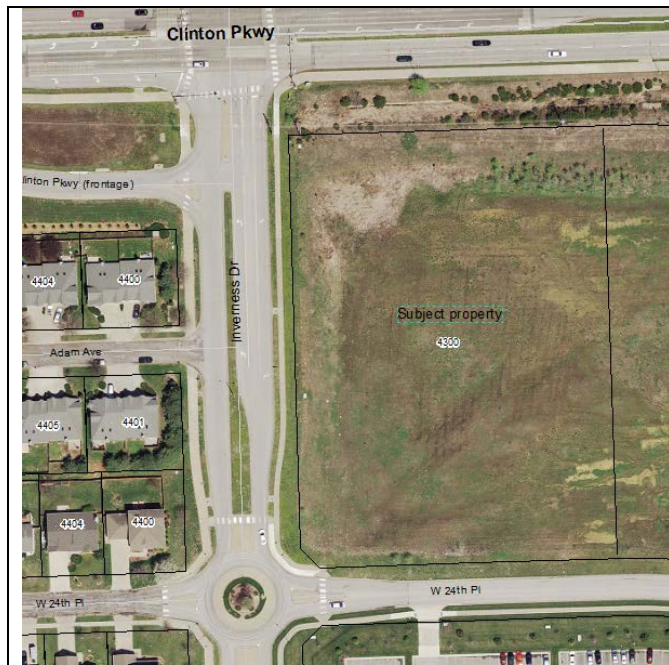


Figure 4 Existing Development

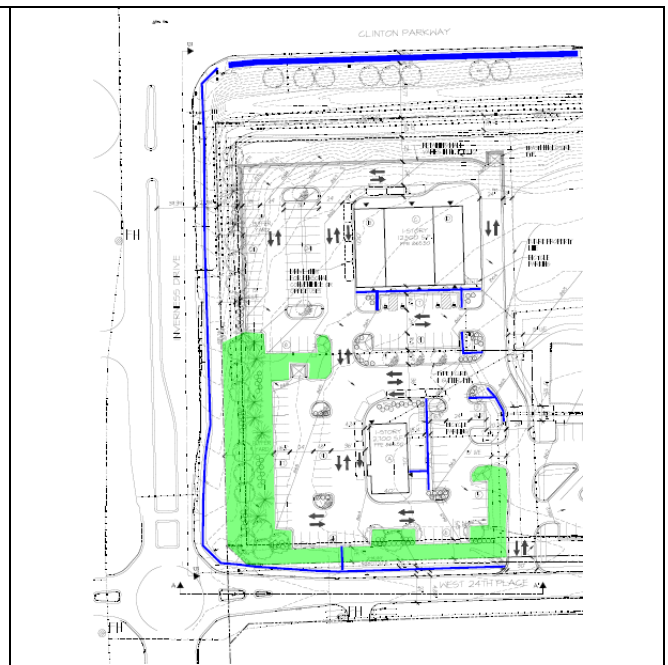


Figure 5 Existing Development

D. Landscaping and Screening

Street Trees: The proposed plan shows the required street trees along Clinton Parkway (within the right-of-way) and along Inverness Drive. Street trees along W 24th Place are setback north of an existing utility easement and are within the parking lot landscape islands rather than spaced uniformly along the street frontage. The site plan does not clearly indicate that there are existing utilities within the easement adjacent to W 24th Place. If the easement is vacant then street trees can be appropriately located uniformly along the street frontage. Additional clarification is needed to confirm the presence of utilities in this easement.

Interior Landscaping: The site plan shows the plan complies with the required interior landscape standards for interior parking. Several notes on the plan must be revised to address consistency. Notably this proposed plan includes more than double the required parking for the proposed uses. A reduction in the off-street parking area will increase the amount of landscape space within the site and along the perimeter of the development.

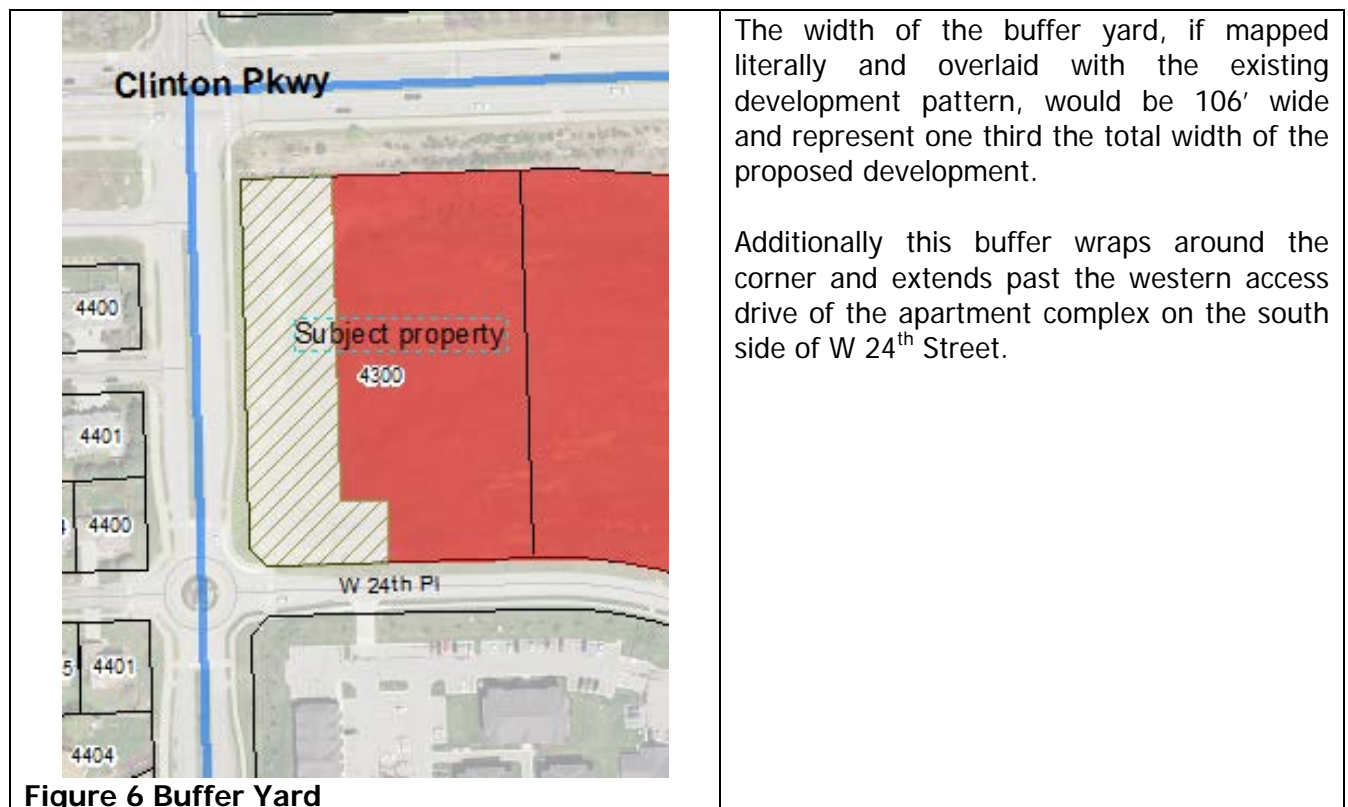
Perimeter Landscaping: This property is adjacent to public streets on three sides. Parking is proposed along Inverness and W. 24th Place. The parking areas are screened per the Development Code with the exception of W 24th Place. Staff recommends the plan be revised to add additional shrubs along the parking spaces adjacent to W 24th Place. The applicant has indicated there isn't room due to the existing easement and utilities. The applicant can redesign the site to provide the code required landscaping

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.

Bufferyard: Bufferyard standards are applicable to the north, west, and south sides of this property.

Clinton Parkway Buffer Yard. The applicant has requested alternative compliance for the provision of landscaping along the north side of the property as the existing topography includes a 10' hill and thus screening is not necessary between the proposed use and Clinton Parkway. Staff concurs 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 buffing for this property.

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 proscribe 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. The plan specifically states: "Compliance with the buffer will be required with site plan/development plan approval." The following graphic provides a representation of the depth of the buffer yard.



A Type 1 Buffer yard along Inverness Drive is required for this development. The Development Code provides options for buffer yards from as narrow as 10' to as wide as 25'. The north portion of the buffer yard proposed is 25' wide. The south portion is 50' wide.

The proposed plan provides a code compliant buffer yard along Inverness Drive as shown in the following image. Staff recommends that the area at the immediate intersection be widened and extended along W 24th Place to provide a buffer consistent with the District Plan recommendations.

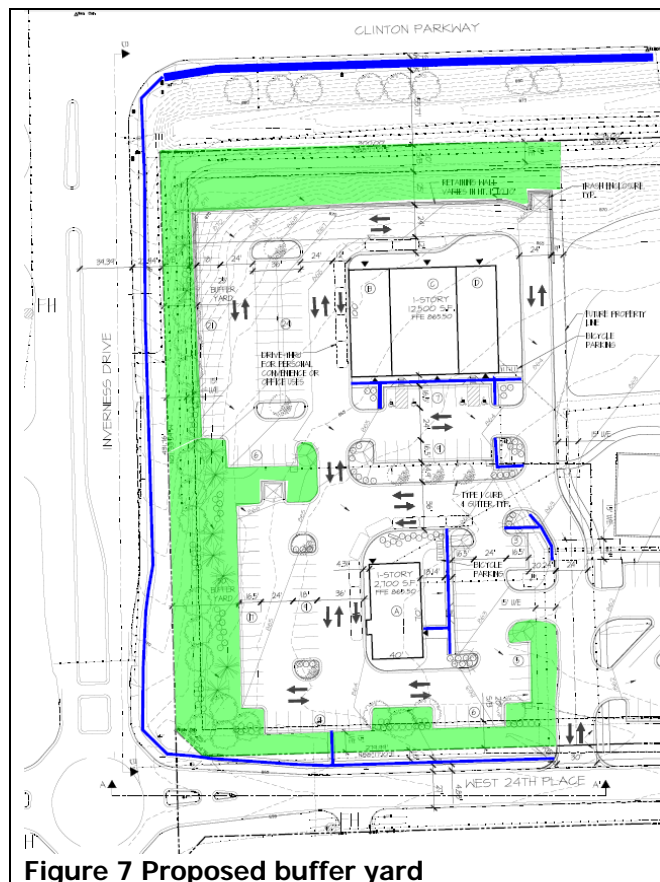


Figure 7 Proposed buffer yard

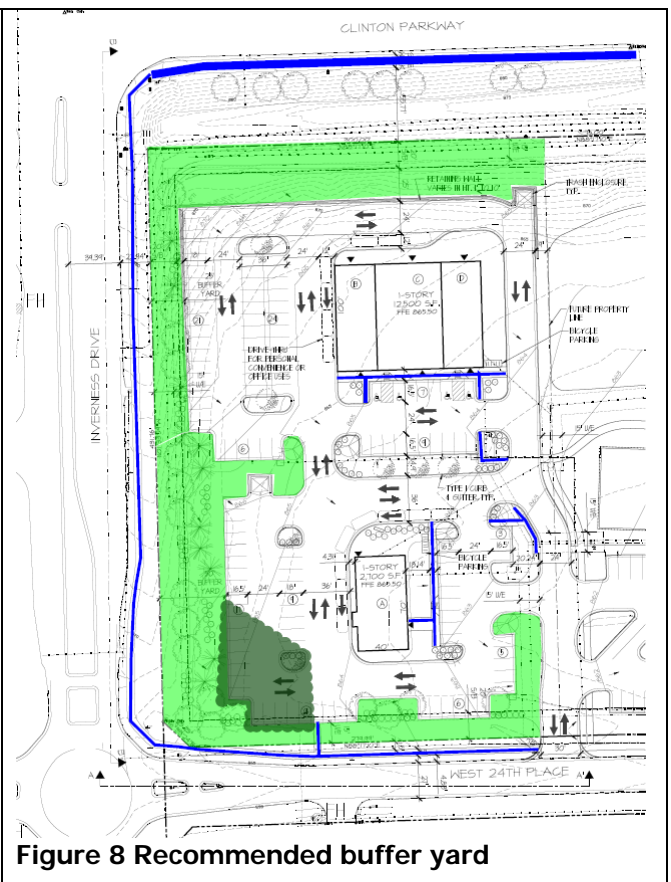


Figure 8 Recommended buffer yard

E. 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 note 1.7 be revised to clarify that a building permit for any part of this development shall not be issued until a photometric plan has been submitted for review.

F. 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 the number of *Fast Order Food Drive-Thru* uses for the site and the applicable treatment of the intersection of Inverness Drive and W 24th place. Appropriate pedestrian connections and amenities at the intersection should be provided to insure neighborhood connectivity and compatibility.

PROPERTY OWNERS OF RECORD:

PROPERTY OWNER:
CORPORATE HOLDINGS, LLC
PO BOX 1800
OLATHE, KS 66051

LEGAL DESCRIPTION:

REMINGTON SQUARE ADDITION NO. 1, REPLAT OF LOTS 2 & 3, BLOCK 1 INVERNESS PARK PLAZA
ADDITION NO. 1, WEST 300 FEET OF BLOCK 1, LOT 2, IN DOUGLAS COUNTY, KANSAS.

GENERAL NOTES:

- 1.1 ALL REQUIRED ACCESSIBLE SIDEWALK RAMP PER A.D.A. STANDARDS.
- 1.2 SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28CFR PART 36.
- 1.3 THE CITY OF LAWRENCE WILL NOT BE HELD RESPONSIBLE FOR PAVEMENT DAMAGE CAUSED BY TRASH TRUCKS.
- 1.4 PLAN FOR CITY APPROVAL ONLY! CONSTRUCTION DOCUMENTS TO BE FURNISHED AT THE REQUEST OF OWNER.
- 1.5 INFORMATION TAKEN FROM AERIAL PHOTOS, SURVEY PERFORMED BY BG CONSULTANTS.
- 1.6 ALL TRAFFIC CONTROL SIGNS PLACED ON PRIVATE PROPERTY OPEN TO THE GENERAL PUBLIC SHALL COMPLY WITH THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" AND "STANDARD HIGHWAY SIGNS," PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION, WITH RESPECT TO SIZE, SHAPE, COLOR, RETROREFLECTIVITY, AND POSITION.
- 1.7 PHOTOMETRIC PLAN FOR EXTERIOR LIGHTING TO BE SUBMITTED AND APPROVED PRIOR TO THE RELEASE OF BUILDING/ELECTRICAL PERMITS FOR EXTERIOR LIGHTING.
- 1.8 EXTERIOR GROUND-MOUNTED OR BUILDING-MOUNTED EQUIPMENT INCLUDING, BUT NOT LIMITED TO, MECHANICAL EQUIPMENT, UTILITY BOXES AND METERS, SHALL BE FULLY SCREENED FROM VIEW OF ADJACENT PROPERTIES AND FROM STREET RIGHTS-OF-WAY (AS MEASURED 6 FT ABOVE GROUND LEVEL). SCREENING SHALL BE IN THE FORM OF LANDSCAPE PLANTING OR AN ARCHITECTURAL TREATMENT COMPATIBLE WITH THE ARCHITECTURE OF THE THE PRINCIPAL BUILDING.
- 1.9 PER CITY CODE SECTION 9-402, ANY OUTDOOR DINING AREA WILL BE MANAGED TO PREVENT STORMWATER POLLUTION. FOOD WASTE, TRASH, CIGARETTES AND OTHER SOLID WASTES MUST BE CONTAINED, COLLECTED, AND DISPOSED PROPERLY. COLLECTION MUST BE FREQUENT ENOUGH TO PREVENT WASTES CARRIED OFF BY WIND OR STORMWATER RUNOFF. FLUID WASTE, INCLUDING WASTEWATER FROM PAVEMENT OR FURNITURE CLEANING, WILL BE COLLECTED AND DISCHARGED TO THE SANITARY SEWER SYSTEM.
- 1.10 ALL CURB INLETS WILL BE CONSTRUCTED PER CITY STORM SEWER STANDARD DETAILS. PER CITY CODE CHAPTER IX ARTICLE 9-403(B)

PROJECT SUMMARY:

2.1	CURRENT ZONING:	RSO
2.2	PROPOSED ZONING:	CN2
2.3	CURRENT USE:	VACANT
2.4	PROPOSED USE:	FAST ORDER FOOD, DRIVE-IN, PERSONAL IMPROVEMENT SERVICE; FOOD AND BEVERAGE RETAIL SALES
2.5	LAND AREA:	3,106 ACRES (135,328 SQ. FT. +/-)
2.6	PROJECT PROPOSED:	PAD SITES





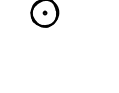
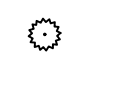
PROPERTY SURFACE SUMMARY:

EXISTING SUMMARY:		PROPOSED SUMMARY:	
	SQ. FT.	AC.	
TOTAL BUILDINGS:	0	0	TOTAL BUILDINGS FOOTPRINT:
TOTAL PAVEMENT:	0	0	10,700
TOTAL IMPERVIOUS:	0	0	71,963
TOTAL PERVIOUS:	0	0	1,651
TOTAL PROPERTY AREA:	135,328	3,106	TOTAL IMPERVIOUS:
			82,663
			1,641
			TOTAL PERVIOUS:
			52,665
			1,204
			TOTAL PROPERTY AREA:
			135,328
			3,106

PARKING INFORMATION:

- 2.1 PARKING: PHASE III
REQUIRED/ PROVIDED
A - FAST ORDER FOOD, DRIVE-IN: 1 SPACE PER 100 S.F. OF CUSTOMER SERVICE AREA + 1 PER EMPLOYEE
1,680 S.F. / 100 = 16.8 = 17 SPACES + 6 EMPLOYEES = [23 SPACES REQUIRED/21 PROVIDED]
B - PERSONAL CONVENIENCE SERVICE, DRIVE-IN: 1 SPACE PER 300 S.F. OF CUSTOMER SERVICE AREA + 1 PER EMPLOYEE
1,600 S.F./300 = 5.33 = 5 SPACES + 6 SPACES REQUIRED/21 PROVIDED
C - PERSONAL IMPROVEMENT SERVICE: 1 PER 200 S.F.
4,000 S.F. / 200 = [20 SPACES REQUIRED/22 PROVIDED]
D - FOOD AND BEVERAGE RETAIL SALES: 1 PER 300 S.F.
2,400 S.F. / 300 = [8 SPACES REQUIRED/24 PROVIDED]
BICYCLE: 5 OR 1 PER 10 AUTO SPACES, WHICHEVER IS GREATER = 7 REQUIRED/1 PROVIDED
- 2.2 TYPICAL DIMENSIONS: REGULAR AND HANDICAPPED SPACES - 9' X 18' (16.5' + 1.5' OVERHANG AT SIDEWALKS OR PERIMETER ROWS)
SIDEWALKS SHALL BE 4' CONCRETE - 5' OR 6' WIDE DEPENDING UPON THE LOCATION.
HANDICAPPED SPACES TO INCLUDE ACCESS AISLE 5' MIN. WIDTH.
- 2.3 PAVEMENT (PER CITY STD.): APPROACHES: 1" CONCRETE W/ #5 BARS 12" O.C.B.W. - PER CITY STANDARDS
PARKING AREAS: 5" CONCRETE ON 4" CRUSHED LIMESTONE
CONCRETE PAVEMENT WILL MEET CITY OF LAWRENCE PUBLIC WORKS STANDARD TECHNICAL SPECIFICATIONS (SECTION 2000 - CONCRETE) FOR 4000 PSI CONCRETE.
- 2.4 PAVEMENT SUBGRADE SHALL BE PREPARED PER THE GEOTECH REPORT

LANDSCAPING NOTES:

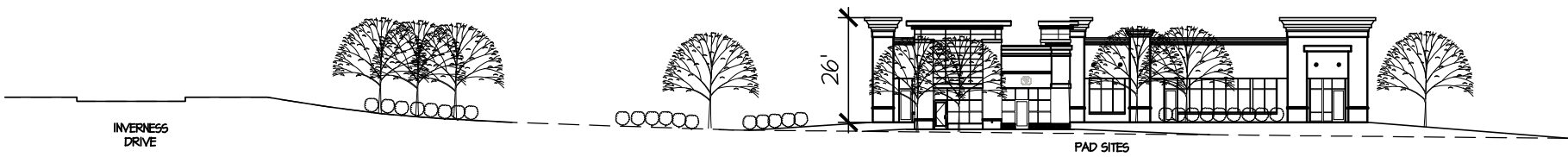
SYM.	DESCRIPTION	QTY.	APPROVED TYPES	BOTANICAL NAMES	SIZE	COND.
	STREET TREES	21	LEGACY SUGAR MAPLE SUMMERSHADE NORWAY MAPLE LACEBARK ELM SHAWARD OAK GREENSPIRE LINDEN LONDON PLANE TREE	ACER SAGCHARUM 'LEGACY' ACER PLATANOIDES 'SUMMERSHADE' ULMUS PARVIFOLIA QUERCUS SHAWARDII TILIA CORDATA 'GREENSPIRE' PLATANUS OCCIDENTALIS 'BLOODGOOD'	2"-2 1/2" CAL	B & B
	SHADE TREES	6	ELM, LACEBARK HORNBARK, COLUMNAR MAPLE, AUTUMN BLAZE MAPLE, COLUMNAR NORWAY MAPLE, PACIFIC SUNSET MAPLE, SIENNA GLEN OAK, BUR BALD CYPRESS OAK, NORTHERN RED OAK, SHINGLE ZELKOVA, GREEN VASE OAK, SHAWP WHITE SAH TOOTH OAK THORNLESS HONEY LOCUST	ULMUS PARVIFOLIA CARPINUS BETULUS 'FASTIGIATA' ACER FREEMANII 'JEFFERRED' ACER PLATANOIDES 'COLUMNAR' ACER TRUNCATUM X PLATANOIDES ACER FREEMANII 'SIENNA' QUERCUS MACROCARPA TAXODIUM DISTICAHM QUERCUS RUBRA FAGACEAE QUERCUS ZELKOVA SERRATA QUERCUS BICOLOR QUERCUS ACUTISSIMA ACER PLATANOIDES 'SUPERFORM' GLEDETISIA TRIACANTHOS VAR. INERMIS	2"-2 1/2" CAL	B & B
	EVERGREEN TREES	11	WHITE PINE EASTERN RED CEDAR GREEN GIANT, ARBORVITAE BLUE SPRUCE	FINIS STROBUS JUNIPERUS VIRGINIANA THUJA 'GREEN GIANT' PICEA PUNGENS	6'-8' HT.	B & B
	ORNAMENTAL TREES	7	KOUSA DOGWOOD CORAL BURST CRABAPPLE EASTERN REDBUD GRAB, ARGENTINA PEAR, CLEVELAND SELECT	CORNUS KOUSA MALUS 'CORALBURST' CERISUS CANADENSIS MALUS ARGENTII 'TINA' PYRUS CALLERYANA	1 1/2"-2" CAL	B & B
	DECIDUOUS SHRUBS	75	BARBERRY, CRIMSON PIGMY BURNING BUSH, DWARF SPIREA, MAGIC CARPET NINE BARK, PURPLE LILAC, DWARF KOREAN VIBURNUM ALLEGANY	BERBERIS THUNBERGII 'CRIMSON PYGMY' EUNYMIUS ALATUS 'COMPACTUS' SPIREA X PYNOSCARPUS OPHULIFOLIUS SYRINGA MEYERI 'PALBIN' VIBURNUM X RHYTIDOPHYLLOIDES	18"-24" HT.	CONT
	EVERGREEN SHRUBS	44	DWARF SPREADING YEW JUNIPER, SEA GREEN JUNIPER, CALLERY CARPET HOLLY, BLUE JUNIPER, GREY OHL	TAXUS CUSPIDA DENSEA JUNIPERUS VIRGINIANA 'GREY OHL' JUNIPERUS SARDINIA 'MONNA' ILEX X MESERVEAE JUNIPERUS X PFITZERIANA 'SEE GREEN'	24"- 36" HT.	CONT

- 3.1 THERE MUST BE A MIN. OF (4) SPECIES USED IN EACH CATEGORY, (6) SPECIES MIN. FOR STREET TREES.
- 3.2 ALL TURF AREAS TO BE SEEDED WITH K-31 FESCUE, SOD, OR AS ALLOWED BY CITY CODE.
- 3.3 REQUIRED INTERIOR LANDSCAPING AREA = 718 SURFACE SPACES*40 SQ. FT. PER SPACE = 28,720 SQ. FT.; 31,281 SQ. FT. PROVIDED.
- 3.4 BUFFERYARDS
- BUFFERYARD ALONG WEST 24TH PLACE - WAIVER REQUESTED DUE TO 15' W/E BEING AT THE FRONT OF THE SITE. SHRUBS HAVE BEEN PROVIDED IN FRONT OF THE PARKING LOT TO MEET SHRUB REQUIREMENTS HOWEVER THERE IS NO ROOM FOR THE ADDITIONAL 5 TREES NOT PROVIDED VIA STREET TREES.
TYPE 1 - 15' WIDE, 2714.91 IN LENGTH BUFFERYARD = 9 TREES AND 23 SHRUBS REQUIRED/ 0 TREES AND 21 SHRUBS PROVIDED
(5 TREES AND 12 SHRUBS MUST EVERGREEN BUT A WAIVER IS REQUESTED FROM THE EVERGREEN TREES SINCE THEY WOULD BE PLACED IN PARKING LOTS DUE TO SITE CONSTRAINTS. THERE IS NOT ADDITIONAL ROOM FOR EVERGREEN TREES IN PARKING LOT ISLANDS DUE TO STREET TREES BEING PLACED THERE.)
- BUFFERYARD ALONG INVERNESS DRIVE - TYPE 1 - 25' WIDE, 431.16' IN LENGTH, - REQUIRED: 2 TREES AND 5 SHRUBS PER 100' = 9 TREES, 24 SHRUBS (5 TREES AND 11 SHRUBS MUST EVERGREEN), PROVIDED: 24 TREES AND 41 SHRUBS
- BUFFERYARD ALONG CLINTON PARKWAY- A WAIVER IS REQUESTED DUE TO THE SITE FRONTAGE BEING BUFFERED BY THE 10' +/- HILL SOUTH OF CLINTON PARKWAY
- 3.5 INTERIOR PARKING LOT LANDSCAPING
- A - 57 SPACES X 40 S.F. LANDSCAPING AREA PER PARKING SPACE = 2,280 S.F. REQUIRED/1,683 S.F. PROVIDED
1 TREE AND 3 SHRUBS PER 10 SPACES; 5 TREES, 16 SHRUBS REQUIRED/16 TREES, 16 SHRUBS PROVIDED
B - D 61 SPACES X 40 S.F. LANDSCAPING AREA PER PARKING SPACE = 2,480 S.F. REQUIRED/1,401 S.F. PROVIDED
1 TREE AND 3 SHRUBS PER 10 SPACES; 7 TREES, 23 SHRUBS REQUIRED/7 TREES, 23 SHRUBS PROVIDED

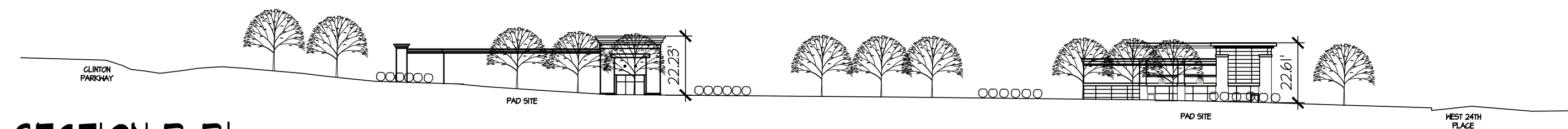
LOCATION MAP



- 3.6 STREET TREES
- WEST 24TH PLACE - 2714.91 L.F./40 = 7 TREES REQUIRED/7 TREES PROVIDED
- INVERNESS DRIVE - 451.01 L.F./40 = 12 TREES REQUIRED/12 TREES PROVIDED
- CLINTON PARKWAY - 300 L.F./40 = 8 TREES REQUIRED/8 TREES PROVIDED



SECTION A-A'
SCALE 1" = 40'



SECTION B-B'
SCALE 1" = 40'

paulwerner
ARCHITECTS

123 W. 8TH STREET
SUITE B2
LAWRENCE, KS 66044

OFFICE: 785.832.0804
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INFO@PAULWERNERARCHITECTS.COM

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INVERNESS CORNER
WEST 24TH PLACE & INVERNESS DRIVE
LAWRENCE, KANSAS

PROJECT # 213-730

RELEASE: 1.0
1.1
DATE: 1.23.14
2.14.14

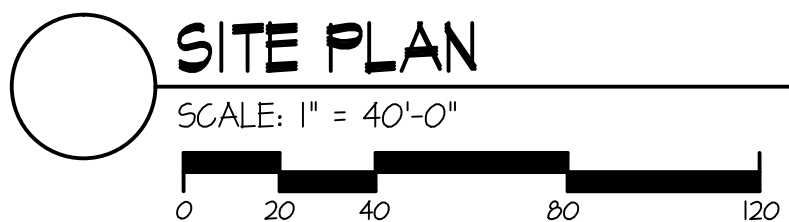
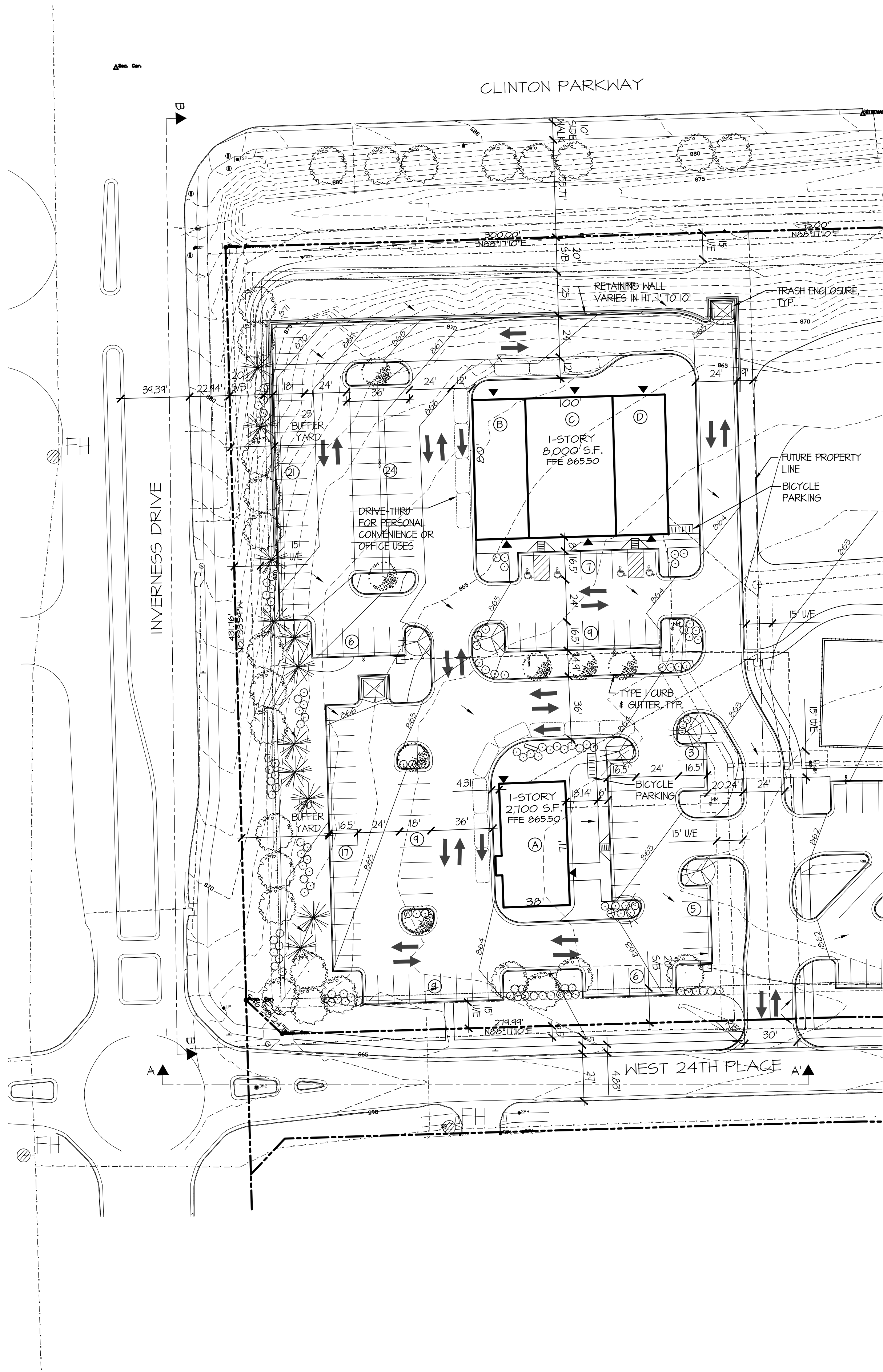
Approved and Released

City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Case No. _____
Approval Date: _____
Release Date: _____
Planner: _____
of _____ Sheets
Asst./Director: _____

SUP-1

J:\Project\213-000\213-730\CAD & CAD PDF\Site\CAD SITE PLAN\213-730 SP SH1 2 - INVERNESS CORNER.dwg, 2/19/2014 9:44:31 AM, DWG To PDF.pc3



paulwerner
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INVERNESS CORNER
WEST 24TH PLACE & INVERNESS DRIVE
LAWRENCE, KANSAS

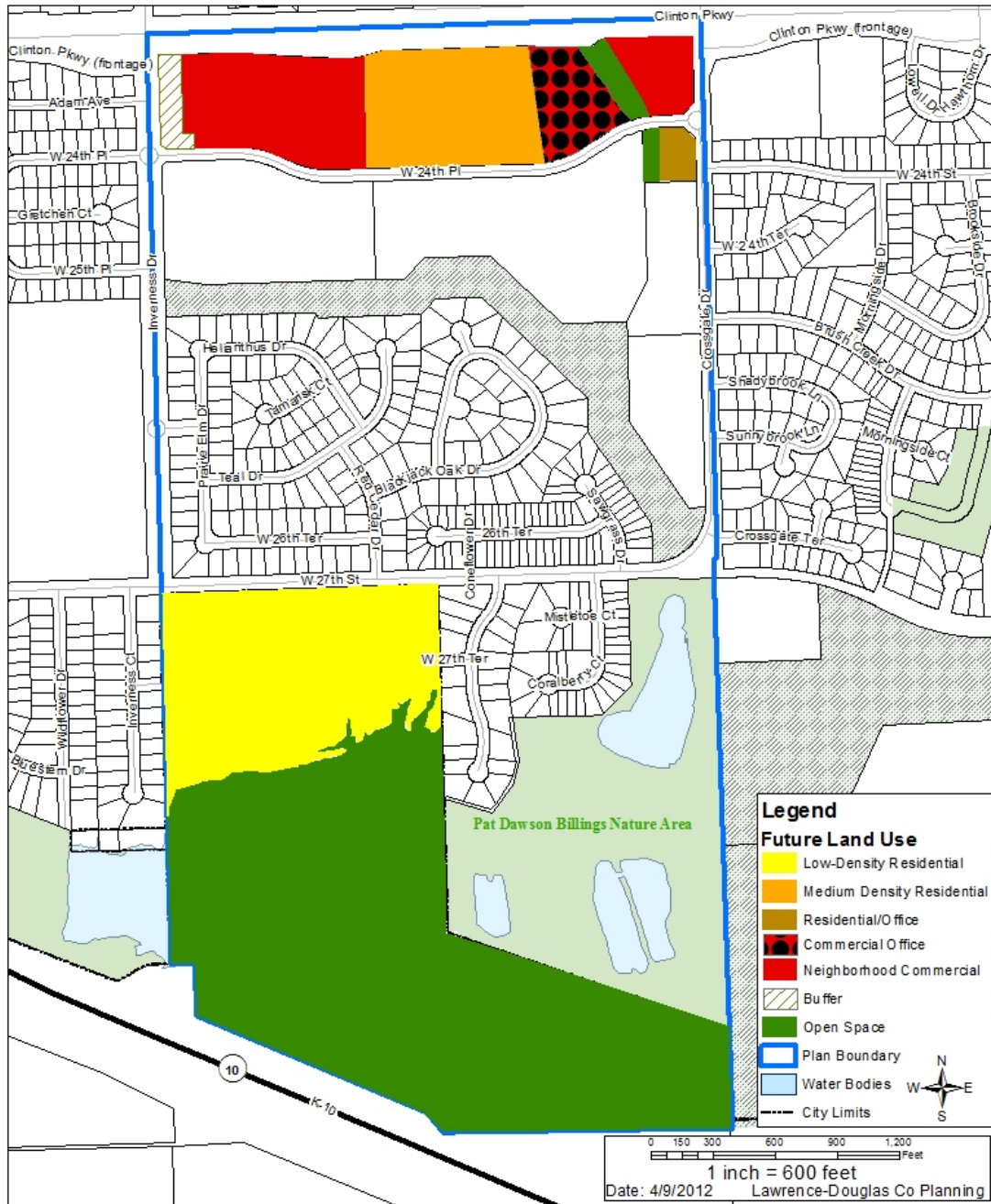
PROJECT # 213-T30

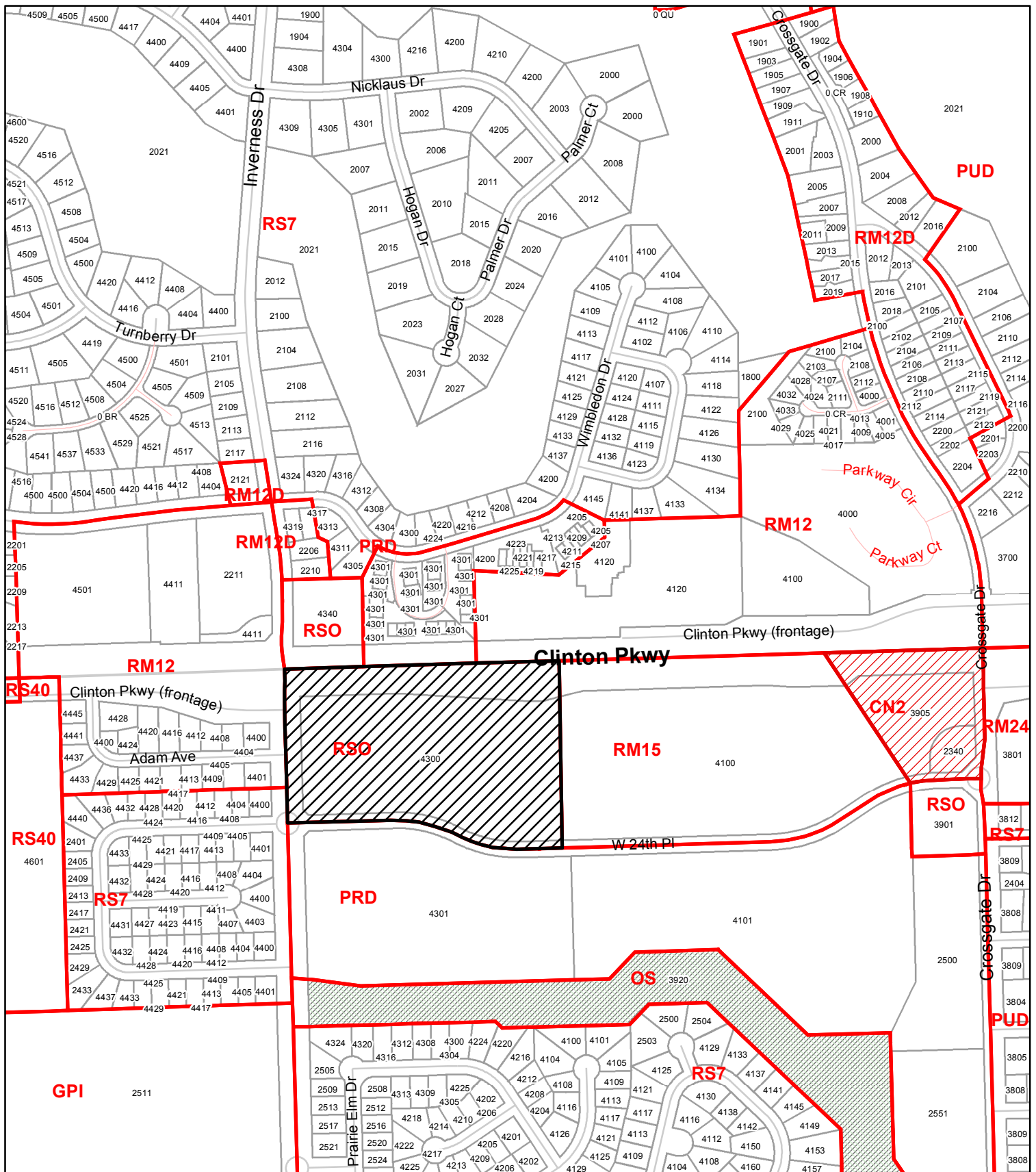
RELEASE:	DATE:
1.0	1.23.14
1.1	2.19.14

SUP - 2

Map 4-1 – Future Land Use


Inverness Park District Plan Future Land Use





Z-13-00483: Rezone 10.97 acres from RSO District to CN2 District
SUP-13-00486: Special Use Permit for a Family Fun Center &
SUP-14-00026: Special Use Permit for Fast Order Food with Drive-thru
Located at 4300 West 24th Place

Lawrence-Douglas County Planning Office
 February 2014

 Subject Property



From: [Mulloy, Molly](#)
To: [Travis Halm](#)
Subject: Letter from Wimbledon Terrace Townhomes Assn
Date: Sunday, February 16, 2014 10:35:35 AM

Dear Mr. Halm,
Please see the letter below being sent on behalf of the 23 townhome owners at 4301 Wimbledon Terrace. As noted in the letter, we have some serious concerns about the proposed Family Fun Center project under consideration for the vacant land near Clinton Parkway and Inverness. Thank you for forwarding our letter to the Commissioners.
Molly Mulloy

February 14, 2014

Lawrence-Douglas County Planning Commission
Planning & Development Services
PO Box 708
Lawrence KS 66044

Dear Commissioners,

Members of the Wimbledon Terrace Townhomes Association, comprised of the 23 townhome owners at 4301 Wimbledon Terrace, strongly object to the proposed rezoning and special use permit for the large property at 4300 W. 24th Place (southeast corner of Inverness and Clinton Parkway). We are referring to the following items, Z-13-00483, SUP-13-00486, and SUP-14-00026, scheduled for discussion at your meeting on Monday, February 24, 2014. Our townhome development is directly across Clinton Parkway from the proposed project. We believe it will have a seriously negative effect on our neighborhood and the safety of the many children in this area.

We are concerned that the proposed "Family Fun Center" and its go-cart track will result in high levels of noise pollution and toxic emissions, that the miniature golf course and batting cages will require excessively bright lights at night, and that the huge increase in traffic at the already-busy intersection of Inverness & Clinton Parkway will be problematic and even dangerous for the school children crossing that intersection. There are four schools located within a few blocks of the proposed project (Bishop Seabury, Raintree Montessori, Sunflower Elementary, and Southwest Middle School), with hundreds of little children who might be intimidated by the large numbers of teenagers and young adults who would frequent the project. Rather than being built in the midst of this residential area, it would seem more appropriate for the massive "Family Fun Center" project to be built in a more commercial or rural area at the edge of the city such as was done with the youth soccer complex south of town and the new recreation center to the west.

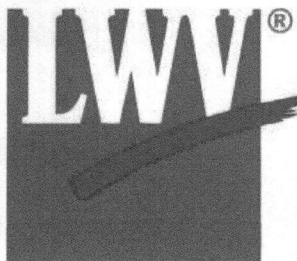
Several homeowners from the Wimbledon Terrace Townhomes Association will be present at the meeting on February 24th and would be happy to explain our concerns at the meeting, if appropriate.

Thank you for considering our objections to this rezoning request.

Respectfully, ,

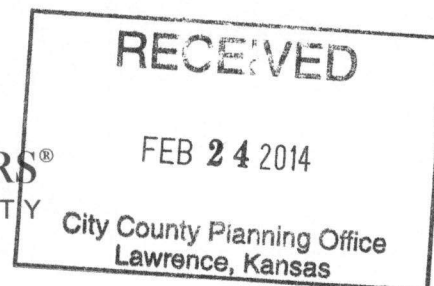
Wimbledon Terrace Townhomes Assn.
Molly Mulloy, Executive Committee (mmulloy@ku.edu)
Ruth Hiss, Executive Committee (mrsdeltachi@yahoo.com)
Jane Tedder, Executive Committee (jtetter@sunflower.com)
Debbie Saiz
Alice Holtz
Ann Eversole
Kathy Rauckman
Letty Seidl
Sarah Williamson

Lenora Barker



LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

February 23, 2014



To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT
SPORTS & RECREATION,

OUTDOOR USES WITH SUP IN CN2

ITEM NO. 5B: SPECIAL USE PERMIT; FAMILY FUN CENTER; W. 24TH PLACE AND
INVERNESS DRIVE

ITEM NO. 5C: SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH
PLACE

Dear Chairman Culver and Planning Commissioners:

For many reasons, we request that you **not** approve Items No. 4, 5B and 5C.

The CN districts are neighborhood commercial districts and were designed to provide goods and services for the immediate neighborhoods where they are located. The recreational uses that will be permitted, if the **Text Amendment, Item No. 4** is approved, permit the type of commercial outdoor recreational uses that have multiple environmental and planning ramifications. We believe that the likely negative impacts of these proposals have not been adequately reviewed in the Staff Report, and when carefully considered, would lead to the conclusion that because of these possible outcomes, they should not be included as permitted uses in the CN districts, even with a SUP.

1. The applicant has indicated the proposed uses in his report to the Staff. The **noise levels** of the outdoor uses, specifically the batting cages, Go-Karts, and shouting customers, cannot be buffered.

2. The lights will not be able to be properly screened. Although the lights may shine down, the reflections cannot be shielded.

3. The intensity of the traffic can be predicted to be worse at times than would be the case for normal shopping areas.

4. In terms of the planning considerations, the recreational use and the drive-ins **will absorb all of the available commercial space** so that the uses really needed by a neighborhood such as a drug store, grocery store, sit-down restaurant, and the other uses for which the CN2 District was intended, will not be possible. The Comprehensive Plan severely limits the amount of recreational space for the Neighborhood Centers and the CC200 Centers for this reason (please see **Chapter 6**

of Horizon 2020, page 6-12, paragraph 2 under the Section, "Recreational Uses.")

5. The type of outdoor commercial recreation proposed to be permitted here with the SUP we believe belongs in more regionally based commercial districts; that is, the CC4 or CC6 Districts. The more logical location for this type of use would be in the larger shopping center or centers close to the Rock Chalk Park, or for that matter, in the Rock Chalk Park itself.

Co-President
David Burress

Co-President
Cille King

President-Elect
Cille King

Vice President
marci francisco

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors
Margaret Arnold

Caroljean Brune

Scott Criqui

James Dunn

Ruth Gibbs

Midge Grinstead

Marlene Merrill

LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY
Page 2

For the same reasons, **we ask that you not approve the SUP for Item No. 5B.**

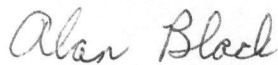
We also ask that you not approve Item No. 5C, the SUP for the Fast Order Food With Drive-Thru use. The Fast Order Food With Drive-Thru use would be much more intense than under normal circumstances because the clientele of the recreation center would add to the customer base. The use, itself, was not anticipated for CN districts under normal circumstances because of the increase in traffic and clutter that it would bring, and the combination of fast food drive-thru plus the outdoor commercial recreation center here could do real damage to the neighborhood.

Again, we appeal to the Planning Commission to deny Items 4, 5B, and 5C.

Sincerely yours,



Cille King, President



Alan Black, Chairman
Land Use Committee

From: Deborah M. Galbraith [<mailto:dgalbraith@waverly-partners.com>]

Sent: Monday, February 24, 2014 9:49 AM

To: 'amalia.graham@gmail.com'; 'montanastan62@gmail.com'; 'jonjosserand@gmail.com'; 'pkelly@usd497.org'; 'bculver@bankingunusual.com'; 'denney1@sunflower.com'; 'squampva@aol.com'; 'clay.britton@yahoo.com'; 'bruce@kansascitysailing.com'; 'eric.c.struckhoff@gmail.com'

Subject: OPPOSITION to Proposed Development for corner of Inverness and Clinton Parkway

Dear Planning Commissioners – This email is to voice my opposition to the proposed Family Fun Center development project at the corner of Inverness and Clinton Parkway in west Lawrence. I am not opposed to such a center as I believe in general it could be a nice leisure alternative, however think that the placement of such a facility within two blocks of four schools is NOT a wise idea. In addition to the proposal that would allow alcohol be served, the increased traffic in the area would be a hazard. Moreover, I have never seen a development such as this placed squarely in the middle of a residential neighborhood.

I am unable to attend the planning meeting tonight due to previous commitment that cannot be changed so thank you for providing a vehicle to voice opposition to the plan.

Debbie Galbraith
4205 Nicklaus Drive

From: Katie Huff [<mailto:kayteekate@hotmail.com>]

Sent: Sunday, February 23, 2014 10:58 PM

To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; dcbritt@yahoo.com; eric.c.struckhoff@gmail.com

Subject: Planning Commission Meeting

Dear Planning Commissioners,

We are writing you with concern and opposition to several items to be discussed at your meeting on Monday, February 24th. We are **opposed** to Item 4, Item 5A, Item 5B, and Item 5C.

We are a family with three small children, so we are not opposed to a "Family Fun Center"; in fact, we believe Lawrence could use a place like this. But we **strongly disagree** with it being built in the middle of a residential area. We own a house at 4424 Gretchen Ct and enjoy the quiet, family and school focused neighborhood that this area provides. But we believe with the addition of this proposed "Family Fun Center", it would dramatically change our neighborhood. We are opposed to the noise, traffic, alcohol near schools, lights, and late night hours that this place would promote. This is not the right location for this type of facility.

Please understand our concerns.

Thank you.

Dustin & Katie Huff

4424 Gretchen Ct

From: Michele Vignola-Rogers [<mailto:mvr@sunflower.com>]

Sent: Sunday, February 23, 2014 7:28 PM

To: montanastan62@gmail.com; amalia.graham@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com

Subject: Family Fun Center

Dear City Planning Commissioners,

This letter is in regards to the Family Fun Center that is being considered for W 24th Place between Crossgate and Inverness Drives. As I was reading through the article regarding this project I was struck by a number of issues. First, why there? We have land further away from all of the apartments, houses and schools in the area to build this. Why create more noise, lights and traffic in an area that is not empty by any means? That area has plenty of housing and people who prefer it the way it is. I agree that we do need a Family Center - there is no question that we are lacking places for pre-teens and teens to go and hang out that is safe and fun, but to crush it into a development of houses and apartments where the average family is going to be subjected to the loud and often obnoxious teenage behavior that comes with a place like this seems counterproductive. Moreover, this is a college town which means this will not cater to just the elementary, middle school and high school kids, but also the college population. This means that although the place may close at ten or midnight - the noise will continue well into the late night/early morning hours especially if alcohol is going to be served.

Second, I do not understand the need for a BAR at a Family Fun Center. If a person cannot have fun with their children without alcohol, then maybe help is necessary, but certainly not a bar. Alcohol and places like this should NOT exist together. We have plenty of bars in this town and no matter what little alcohol is in the beer - it's still beer and people can still get drunk and drive. Of course lighting is a huge issue and I can't imagine how any form of boundary is going to block the lighting of a batting cage area (unless it is indoors). I grew up with batting cages and miniature golf near my house in NJ and I can assure you that the lighting required for the batting cages and miniature golf (if it is an outdoor venue) is incredibly bright (almost like daylight) - imagine that at 10:00 p.m. when you are trying to put a child or yourself to bed. The noise is another factor, the Go-Karts are only a part of it - usually a place like this will have music blaring and people talking over the music and shouting at one another (profanity and all). I recommend that the City Planning Commissioners visit a place like this in a larger city where it is close to housing and see what the effects are. I remember hanging out at our batting cages until midnight or later and the music blaring across the fields while the lights lit up the whole area - you could see the lights from the highway - three miles away. However, we were lucky - our Fun Center was out in the woods nowhere near homes or apartments. This might be something you could consider when picking a spot for this type of venue. If it is there - people will come - and they will drive ten minutes to get there - it is not necessary to put this in the center of family living, you'll decrease the value of homes and most of the apartments will be empty or rent below average because no one will pay to live by a venue such as this. At first it may seem a great idea to live by such a place, but it won't take long before people realize the mistake they've made and move to get away from the traffic, noise and constant activity that lasts into the late hours.

A third concern has to do with security. I remember the old Putt-Putt from 20 years ago and the roller rink (which is now Kohls) and a big problem was security or lack thereof. When you open a place like this in a college town, you MUST have very good security - not rent-a-cops, but security. A security group that can keep people in line and behaving in crowds that can get a bit rowdy especially if alcohol is involved. Underage drinking is a huge problem in Lawrence and this place serving alcohol will not help the issue. But the right security can help. In NJ our places used off duty police officers or trained bouncers - Lawrence is no longer a small town - it is no longer a small community. Guns, knives, and drugs are growing and a place like this can attract that type of element and security is where it stops. So, please if you vote this project in - please take into consideration that a place like this is great when it is open and doing what it is supposed to do, it's no good to anyone if it's shut down due to violence, drugs or gang activity - it just becomes another empty building on another piece of land which this town cannot afford to have.

Thank you for taking the time to read this e-mail and considering the points. I live near this piece of land and I am very opposed to this project being built so close to us and our extended family. We enjoy the quiet.

Sincerely,
Michele Vignola-Rogers

From: Mark Simpson [<mailto:markandrewsimpson@yahoo.com>]

Sent: Monday, February 24, 2014 8:58 AM

To: Caitlyn Cargill

Subject: Comments regarding 4300 W. 24th Place

Planning Commissioners,

I write you with concerns about agenda items 4, 5A, 5B, and 5C regarding the proposed development at 4300 W. 24th Place. My family and I live at 4305 W. 26th Terrace and my daughter attends preschool at Raintree Montessori at 4601 Clinton Parkway. When she begins kindergarten she will attend Sunflower Elementary School at 2521 Inverness Drive.

My main concern with the proposed development is the increase in traffic on Inverness and surrounding streets. It appears to me that the one lane traffic circle at 24th Place and Inverness is already close to full capacity. My understanding is that the proposed development may include fast food restaurants. When I see the constant flow of traffic into the McDonalds at 6th and Wakarusa it convinces me that multiple fast food restaurants at 4300 W. 24th Place would create traffic gridlock. At peak hours my guess is that the roads and traffic circle could not handle the traffic from the apartments, the schools, and two fast food restaurants.

Also, I do not think that the proposed development is consistent with the surrounding neighborhood. The proposed development seems more appropriate for an area that is not right next to residential areas. I have doubts about how much meaningful noise and light mitigation is possible given the extremely close proximity to residences.

Thank you for taking my concerns into account and for your service on the Planning Commission. I sincerely appreciate the time and effort you put into the consideration of this and other important issues for our community.

Respectfully,

Mark Simpson

From: Luke Sinclair [<mailto:sincluke@gmail.com>]

Sent: Friday, February 21, 2014 11:20 AM

To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; Clay Britton; eric.c.struckhoff@gmail.com

Cc: Lori Sinclair

Subject: Opposition to Agenda Items 4, 5A, 5B, 5C for 2/24 PC Meeting

Dear Planning Commissioners:

My wife (Lori Sinclair) and I are the own and live at 4400 W. 24th Pl., which is directly across Inverness from the potential family fun center and fast-food drive-thru restaurant development. Items 4, 5A, 5B, and 5C on the Commission's agenda for the February 24th meeting are geared toward enabling this development. We write to oppose it all.

We purchased our home in 2008 because we loved the property and we were attracted to the quiet, appealing nature of the neighborhood, the proximity to neighborhood schools, and the ease of access to outdoor recreation. We take pride in our home and have invested capital to maintain and improve both the inside and outside appearance of our house and property, and we take advantage as much as we can of the benefits of living where we do. We believe the proposed development will interfere with, disrupt, and degrade our quality of life and the value of our property, as well as our neighbors'.

To be clear, we have strong doubts as to the long-term viability of a go-kart, mini-golf entertainment center in Lawrence, but we are not generally opposed to it. But we all have to be smart about it and take into consideration the adjoining properties and owners. We think this proposed development at this particular location is ill-advised for several reasons. First, it will not provide any additional meaningful benefit to our area. This development is being proposed – and the text amendment, rezoning request, and special use permits are being sought – primarily on the basis that the development will provide services to us and our neighbors that are otherwise lacking in our area. This is simply untrue. Our neighborhood enjoys some of the best access in Lawrence to outdoor recreation. Walking trails, bike trails, tennis courts, playgrounds, a running track, soccer fields, softball and baseball fields, batting cages, Clinton Lake, the Pat Dawson Billings Nature Area, the Rotary Arboretum, and more, are all within a short walk/run/bike ride and even shorter drive of our neighborhood. Access to and use of most of these is free. Paid access to go-karts and mini-golf provides absolutely no additional outdoor recreational benefit to us.

Second, the development isn't suited for our quiet, school-centered residential area. We've never seen an outdoor family fun center or fast-food drive-thru restaurants in the middle of a residential area, and there's reason for that. It doesn't make sense. The development will bring increased traffic, in this case potentially by people who have been enjoying 3.2 beers, which we fear will increase the risk to the children that walk and play on our sidewalks and streets. Additionally, the streets can't take additional traffic, especially the roundabout outside our house on Inverness and 24th Place. The development will drastically increase the amount of noise and light pollution, given the nature of the activities and the hours of operation the developer envisions. With groups of people engaging in competitive activities and potentially drinking alcohol, it's reasonable to believe there will be late-night, disruptive rowdiness. Additionally, we don't think it's a good idea to have a bar in such close proximity to four schools and multiple day-cares. Finally, we can't say enough that there is no reason that we or our neighbors should have to breathe the noxious smells that would emanate from a fast-food restaurant and its garbage dumpsters. It's unreasonable to assert that a small land buffer would adequately address any of these issues. We understand that it's easy for the planning staff to assert, without any real analysis or study, that a drive-thru restaurant would not result in "substantial diminution" of our property value, but we'd invite them to tell us if they know of anyone that would be

truthfully interested in buying a house in a residential neighborhood directly across the street from a drive-thru fast food restaurant.

More generally, we have concerns about the long-term viability of the fun center. Can Lawrence truly sustain it? Who is the target group? If it's college kids, they're gone for the summers. Is it school students? Having been students in a metropolitan area with access to mini-golf and go-karts, we can both personally attest to the fact that these activities just don't have permanent appeal. Once or twice is enough. The problem Lori and I have is that if the fun center fails, we would be the ones left with a view from our front porch, living areas, and second-story bedrooms of an abandoned, run-down family fun ghost town.

Finally, without limiting our general opposition to this development and all four agenda items above, we'd like to specifically address the requested text amendment. It's being proposed as one of four steps in the process of putting the family fun center in our neighborhood. A text amendment to the Development Code to generally allow for outdoor recreation through an SUP in all CN2 areas in Lawrence is a drastic step that ought to be weighed against the relative importance or benefits of the fun center and the costs and effects on adjoining landowners. We don't think it does, and it certainly doesn't appear that the text amendment satisfies the factors in Section 20-1302(f).

First, we don't believe the text amendment is consistent with Horizon 2020 and the Development Code, at least with respect to our neighborhood and the other adjoining landowners. The Development Code is intended to implement Horizon 2020 in a way that "protects, enhances and promotes the health, safety, and general welfare of the citizens of Lawrence." As currently drafted the Development Code doesn't allow for outdoor participant recreational use in either RSO or CN2, even with an SUP. It doesn't appear anyone believes this was a mistake, and we ought to assume the Development Code was adopted the way it was for good reason. In our situation it certainly makes sense because, for the reasons laid out above, a commercial fun center does not fit in our residential area. We don't believe changing the rules to allow this particular fun center across the street from our house is in the spirit of protecting, enhancing, or promoting the health, safety, and general welfare of us or our neighbors.

As to the other factor, the text amendment doesn't purport to fix an inconsistency or error in the development code. Rather, it's said to meet the challenge of a changing condition; specifically, an increased emphasis on creating a healthy environment for residents. We question how mini-golf, go-karts, arcade games, and a bar create a healthy environment. However, to the extent they do, the development would be better suited in an area that doesn't already have spectacular pedestrian/bike access to trails, parks, and other outdoor recreation. Perhaps in that case it could be said that a challenge was being met by the text amendment, but that's just not true as it pertains to our area.

Thank you,
Luke and Lori Sinclair
4400 W. 24th Pl.
Lawrence, KS 66047

From: Kenna Heim [<mailto:kennahome1@yahoo.com>]

Sent: Sunday, February 23, 2014 6:35 AM

To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; dcbritt@yahoo.com; eric.c.struckhoff@gmail.com

Subject: Proposed Family Fun Center and Fast Food restaurants

The designated zoning for the area in question is the correct one--Single-Dwelling-Residential-Office. These are the types of buildings that would suit this area so close to Sunflower Elementary and Southwest Middle School. I live on Larkspur Circle off from 27th Street and was concerned to hear new proposals for this property that involve changing the zoning.

On children's football nights, I can already barely get through on 27th due to the parking along the street. Inverness was designed to be a quiet residential and school street. Children may be much more in danger of being run over. Traffic on Wakarusa and all these local streets can become very tight and slow as citizens come and go to the ball park on the south side of the SLT. Please drive down into this area during ball games and see what congestion is present.

Also, the ball fields already have very bright lighting all summer long. I am happy for Lawrence to have a wonderful ball park and deal with the bright lighting because I know how important those sports programs are. Landscaping cannot cover up the bright lights that would come with the proposed "fun" center.

People do need their rest. Noises and light coming from the park would make it uncomfortable for people, especially those with children, who need to be rested to go to work or school in the morning.

Now, as a schoolteacher for USD 497, comes my biggest concern of all. The proposal is to place a fun center within a block or so of schools. When I drive home and these schools are letting out, I see students walking most probably to their homes. These children aren't old enough to drive but they could definitely begin stopping by the "fun" center after school. And what types of people might take advantage of the fact that there was a school close by? Not to be alarmist, but it is a perfect setup for pedophiles to lure children. I think of the little girl in Springfield who so recently was kidnapped and killed near her home. I doubt there was a fun center there, but why would we want to endanger our children any further than what they already are?

The fun center might be a fine idea, but PLEASE find an area further out or one that is zoned for commercial use. Keep the zoning as it currently stands.

Respectfully,

Kenna Heim
4741 Larkspur Circle

From: Jamie Hulse [<mailto:jamiehulse@att.net>]

Sent: Sunday, February 23, 2014 6:31 AM

To: amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com

Subject: Rezoning of 4300 W. 24th Place

Dear Planning Commissioners,

Regarding 4300 W. 24th Place:

- I am in support of conditional rezoning from **Residential Office (RSO)** to **Commercial Neighborhood 2 (CN2)**, **IF**
 - the rezoning is tied to this specific project. If the project doesn't get developed, then the **zoning would revert back to RSO**, and...
 - **IF** the public process remains in place in perpetuity for the lot for any future lot splits or changes in use, and...
 - IF there is a landscaping buffer along the west side of the property, and...
 - IF multi-family is disallowed for any future development (if at some point 20 years from now a buyer wants to level the Family Fun Center and build apartments)

Neighbors have participated in the development process of the area between Clinton Pkwy/Inverness/W. 27th Street/Crossgate since it was annexed into the city limits. Neighbors supported the initial plan, and prior re-zonings (upzonings) for other lots along W. 24th tied to a senior housing development, including support of more dense development of The Legends as part of the entire project, because the senior housing was planned to be between The Legends apartments and Inverness where students walked and rode bikes. Neighbors asked if there could be conditional rezoning and were told no by city staff. Neighbors trusted that the senior development would be built and supported the entire re-zoning. The Legends were built immediately. The senior housing developer pulled out, and dense apartments catering to partying college students were built instead - The Grove.

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- Since there isn't currently a buyer for the west lot: regarding a potential future lot split as shown on the proposed plan - either require that the lot split happens now and keep zoning on west lot as RSO until there is a buyer, or if lot split doesn't happen now, keep public comment as part of the process for further development.
 - The corner of Inverness and Clinton Parkway is the entrance to three schools, and across the street from a fourth school.
 - Traffic is already challenging from that intersection to Inverness and W. 27th St.
 - The west corner lot should ideally remain Residential Office (RSO) until there is an actual developer/buyer, so the neighbors can participate in the process.
 - A development plan for that corner is irrelevant when there is no buyer or tenant, because it will be scrapped and redrawn when there is a buyer/tenant.
 - Rezoning now to CN2 would allow any project that conforms to be processed through with no public input, which would probably eliminate any landscaping buffer, and probably result in a more 'commercial' high use.
 - Many children and community members use the sidewalks along that corner, so public input about the best use and plan is significantly important.
 - Neighbors are not in support of drive-thru restaurants at this location because of already congested traffic.
 - Neighbors are still interested in finding a way to purchase that corner and make it a public park, and possibly a membership swimming pool, through a special tax or Homeowner's Association. If anyone has suggestions and guidance on how to accomplish that, please let me know.

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- I am in support of the text amendment allowing outdoor use for this specific project, but not for all CN2 zoned properties.
 - I am **NOT** in support of alcohol sales at a Family Fun Park. There should not be alcohol sales in such close proximity to four schools, and across the street from a church. Alcohol will increase the possibility of fights, the potential for underage alcohol sales/drinking, and increase the potential for adults to drink and drive in parking lots and streets with children, and with children in their vehicles.
 - I am in support of open hours until **10:00 pm Sunday-Thursday, and 11:00 pm on Friday and Saturday**, which is a reduction from the plan.

The area between Clinton Parkway/Inverness/Crossgate/W. 27th Street has been a development in progress for a number of years. Neighbors want a development plan that will benefit the neighborhood, the schools, and the Lawrence community. Lawrence will benefit from having a place where families and kids can enjoy outdoor activities.

Sincerely,

Jamie Hulse
4403 Gretchen Ct.
Lawrence KS 66047

From: Bob Grabill [<mailto:bgrabill@chiefexec.com>]

Sent: Monday, February 24, 2014 10:19 AM

To: amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com

Subject: Proposed development

We understand that there is a proposed development including a go kart track close to our home in Alvamar.

Nothing could drive down home values faster not to mention disrupt sleep of we and our neighbors than this project.

We ask that you please not approve this.

Thank you,
Bob & Jennifer Grabill
2027 Hogan Ct.
(Masters Subdivision)

Bob Grabill | President & CEO 

Chief Executive Network | phone: 785.832.0303 Ext. 102 | bgrabill@chiefexec.com
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From: Leann Cooper [<mailto:lcooper@gcsaa.org>]

Sent: Monday, February 24, 2014 9:35 AM

To: amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com

Subject: Rezoning of 4300 W. 24th Place

Dear Planning Commissioners,

Regarding 4300 W. 24th place and the rezoning request – **my husband and I are writing in opposition.** I could list a multitude of reasons, but the main one is right there in the request – rezoning from Residential Office to Commercial Neighborhood. The word commercial changes the nature of the entire landscape. It's going to wreck the entire feel and value of our neighborhood – much like when we allowed the property to be rezoned to allow for a senior housing development that never panned out. We were stuck instead with dense apartment buildings with partying college students and an increase in all the disruptions that come with them. I'm not going to trust that if we change the zoning the Fun Center actually gets built in the way the developer states it will. I also don't like the idea of drive-thru fast food restaurants being built that close to my home. Again, it changes an area from a neighborhood to a commercial area – no thank you.

We have three schools in the immediate area and while I can appreciate the idea of building something to attract that demographic, I also really don't like the idea of increased traffic on Inverness – a road that hasn't been built for commercial use, but residential use.

Thank you for your time!

Leann & Andrew Cooper
4408 Gretchen Ct.
Lawrence, KS 66047

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