PLANNING COMMISSION REPORT
Non-Public Hearing Item

PC Staff Report
05/23/2016

ITEM NO. 2 FINAL DEVELOPMENT PLAN FOR BAUER FARM ZAXBY’S; 4661 BAUER FARM DR (SLD)

FDP-16-00104: Consider a Final Development Plan for Zaxby’s, a Fast Order Food with Drive-In, located at 4661 Bauer Farm Dr. Submitted by Carter Engineering Consultants, Inc., for JULI, LLC, contract purchaser, Free State Holdings Inc, property owner of record.

STAFF RECOMMENDATION: Planning staff recommends approval of the Final Development Plan based upon the findings of fact presented in the body of the Staff Report, subject to the following conditions:

1. Execution of a site plan performance agreement.
2. Submission of a revised Final Development Plan to show the following notes and changes:
   a. Revise sanitary sewer service line location to meet City design standards per the approval of the City Utility Engineer.
   b. Show additional pedestrian ramps for sidewalk connections between building and Bauer Farm Drive.
   c. Show the deed book and page of separately recorded document for shared access and cross access for this property.
3. Filing of the Minor subdivision with the Register of Deeds Office.

Attachment:
A. Proposed Final Development Plan.

Design Standards to Consider
• Consistency with approved Preliminary Development Plan, PDP-14-00055.
• Consistency with Article 10 of the 1966 Zoning Code and the standards contained in the 2006 Land Development Code.

KEY POINTS:
• Final Development Plans for projects with preliminary approvals prior to the adoption of the 2006 Land Development Code require Planning Commission approval.
• A revised Preliminary Development Plan for Bauer Farms [PDP-15-00529] was approved by the Planning Commission on December 14, 2015 and by the City Commission on January 6, 2016.

ASSOCIATED CASES
• PDP-15-00529; Bauer Farm Preliminary Development Plan.
• PF-15-00094; Bauer Farm 7th Plat
• MS-16-00126; Minor Subdivision

OTHER ACTION REQUIRED
• Applicant shall apply for and obtain Building Permits prior to development.
PUBLIC COMMENT

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

PLANS AND STUDIES REQUIRED

- Traffic Study - a Revised Traffic Impact Study (TIS) was provided and accepted with the Preliminary Development Plan. An updated letter was received on March 16, 2016 with this application. Summary was accepted by staff.
- Downstream Sanitary Sewer Analysis - The downstream sanitary sewer analysis and cover letter dated January 20, 2010 from Landplan Engineering was previously accepted for the Bauer Farm Development Plan to satisfy the criteria required for the DSSA as outlined in Administrative Policy 76. The proposed project meets the land use description used in the DSSA for this location.
- Drainage Study - The drainage study dated 2-20-2014 meets the specified requirements and is approved.
  - City of Lawrence Right of Way Permit will be needed to tie the proposed storm sewer line into the south side of the existing junction box on Bauer Farm Drive.
- Retail Market Study - Not applicable to application.

GENERAL INFORMATION

Current Zoning and Land Use: PCD [Bauer Farm] (Planned Commercial Development) District; developing mixed use project.

Surrounding Zoning and land use:
- To the north, east and west:
  - PCD [Bauer Farm] (Planned Commercial Development) District. A Theater is located on the north side of Bauer Farm Drive. A Fast Order Food, Drive-In use building located to the west known as Burger King. Undeveloped lot is located to the east.
- To the south:
  - PCD [Westgate] (Planned Commercial Development) located on the south side of W 6th Street; existing multi-tenant retail commercial building.

STAFF SUMMARY

This Final Development Plan proposes the development of a 3,662 SF single story Fast Order Food, Drive-In on approximately 39,940 sq ft parcel [Proposed Lot 1, Bauer Farm Eighth Plat] located on the south side of Bauer Farm Drive. This proposed use is consistent with the approved Preliminary Development Plan.

STAFF REVIEW

The Bauer Farm Development was proposed and planned as a New Urbanism type of development which would utilize several Traditional Neighborhood Design concepts. The waivers which were approved by the Planning Commission were necessary to accommodate these TND concepts such as smaller lots, narrower rights-of-way, and reduced peripheral setbacks. Several Development Plans have been approved for both the commercial and residential portions of the development. The Planning Commission approved revised waivers with their consideration of the 2015 revised Preliminary Development Plan, PDP-15-00529, based on the type of development being proposed. The proposed use is located on the south
side of Bauer Farm Drive. Uses on the south side were intended for more auto-oriented access with pedestrian sidewalks connecting uses within the development.

A development item related to this application is a pending Minor Subdivision. The Minor Subdivision has been submitted and is being processed. The subdivision review shall be completed and the document recorded prior to the issuance of a building permit for this property.

**Off-Street Parking**

In the pre-2006 Zoning Code off-street parking is calculated at a different ratio and an alternative methodology was specifically applicable to Planned Developments. Per the 1966 Code, parking was based on net square feet of building space rather than gross square feet in the current Code. Additionally, Planned Development off-street parking was calculated at a rate of 1 space per 200 net square feet regardless of use. The following table summarizes the off-street parking shown on the approved Preliminary Development Plan and the proposed Final Development Plan.

<table>
<thead>
<tr>
<th>Approved PDP</th>
<th>Proposed FDP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building SF: 3,803 SF</td>
<td>Building SF:</td>
</tr>
<tr>
<td>Required Parking at 1:200 = 11 Spaces</td>
<td>Required Parking at 1:100 Customer Service Area + 1 per employee = 29 spaces</td>
</tr>
<tr>
<td>1,826 SF Customer Service Area (19 spaces)</td>
<td>1,826 SF Customer Service Area (19 spaces)</td>
</tr>
<tr>
<td>10 employees at largest shift (10 spaces)</td>
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</tr>
<tr>
<td>Proposed Parking: 46 Spaces</td>
<td>Proposed Parking: 44 spaces</td>
</tr>
</tbody>
</table>

This plan provides a parking summary based on the current parking design requirements. The proposed development will result in excess spaces but two fewer than the approved Preliminary Development Plan.

The approved Preliminary Development Plan shows parking along Bauer Farm Drive. This parking is not shown on this proposed Final Development Plan. The on street parking will be provided by the developer of Bauer Farm at a future date with the development of the adjacent
lot to the east. The proposed development exceeds the required off-street parking for this use and is consistent with the approved Preliminary Development Plan.

**REVIEW CRITERIA**

The Planning Commission is responsible for the final decision-making of a Final Development Plan of the pre-2006 Code. Applications submitted for Final Development Plan approval must be in substantial compliance with the approved Preliminary Development Plan. This section of the report provides a summary of the proposed development’s "substantial compliance the approved Preliminary Development Plan” based on the 1966 Zoning Code for which it was originally approved and for the current Land Development Code standards.

**Section 20-1013 (b) of the 1966 Zoning Code** states that a plan submitted for final approval shall be in substantial compliance with the plan previously given preliminary approval and that modifications may not:

1. Increase gross residential density or intensity by more than 5% or involve a reduction in the area set aside for common open space.
2. Increase the total floor area proposed for non-residential or commercial uses by more than 10%.
3. Increase the total ground area covered by a building by more than 5% or involves a substantial change in the height of buildings.

The proposed Final Development Plan:

1. Does not include any residential use or include a reduction in common open space within the phase or development.
2. The proposed building is slightly smaller than the building shown on the Preliminary Development Plan.
   a. The approved plan included a 3,803 SF building.
   b. The proposed plan includes a 3,652 SF building.
3. The proposed final development plan does not increase the ground covered by a building. The proposed building is smaller than the building shown on the approved Preliminary Development Plan. The building height is not altered by this request.

The proposed development meets the requirements of being in substantial compliance with the plan previously given preliminary approval. The approved Preliminary Development Plan included a Fast Order Food, Drive-In use.

This application complies with the 1966 Zoning Code for consideration of a Final Development Plan. A new public hearing is not required. The 1966 Code requires the Planning Commission to approve a Final Development Plan as the determining authority.

**Drive thru Uses in Bauer Farm Planned Development**

A significant feature of the Traditional Neighborhood Design concept is the limited number of vehicle oriented uses, specifically drive-thru uses. The development plan, including all the areas zoned PCD, PRD and POD, was modified in 2008 to restrict drive-thru uses to the following mix:

- Three restaurant uses (3)
- One Bank (1)
- One other non-restaurant such as a pharmacy (1)
The plan included automotive service uses that did not count toward these “drive-thru” restrictions.

The CVS, 4841 Bauer Farm Drive, and Taco Bell, 4721 Bauer Farm Drive, buildings were the first in the area to be developed with a drive-thru. To date, two other restaurant uses have been developed with a drive-thru: 4701 Bauer Farm Drive, Starbucks and 4671 Bauer Farm Drive, Burger King.

The Preliminary Development Plan was modified in 2015 to increase the total number of drive-thru uses, excluding automotive service uses, within the Bauer Farm Planned Development (inclusive).

- Four restaurant uses (4)
- Two bank uses (2)
- One other non-restaurant such as a pharmacy (1)

Development of this site will result in the final allowable drive-thru restaurant use for the Bauer Farm Planned Development. One remaining non-restaurant drive-thru use (bank) may be developed on the northwest corner of Folks Road and W. 6th Street (4431 Bauer Farm Drive).

**Common Open Space**
A minimum of 20% of the area in the Planned Development is required to be placed into Common Open Space. The majority of common open space for the Bauer Farm Planned Development is located within the residential portions of the project. Open space for individual commercial lots is located along the perimeter of the lots and along the street frontages. The proposed development includes 22% of the total lot as open space.

**Access and Circulation**
Vehicular access to this site is provided from Bauer Farm Drive and is consistent with that approved on the Preliminary Development Plan. Access to the site is shared with the adjacent properties to the east and west. Access driveways are centered on the shared property lines.

**Pedestrian Connectivity**
A pedestrian walkway connects the building with the sidewalks on Bauer Farm Drive. The walkway provides access to the building entrance.

**Lighting**
A photometric plan including a point by point illumination array has been provided. The lighting levels and fixture type are compliant with the standards in Section 20-1103(d) (3).

**Landscaping**
Peripheral boundary buffer yards are not required between PUDs in the same development. Parking lots are also required to be screened. The original Preliminary Development Plan included a screening wall located along the south side of the commercial properties along W. 6th Street. This screening wall was not constructed along the Burger King site or where the buildings west of Champion Lane abut W. 6th Street.
Use of landscaping to screen the parking lot is an acceptable solution and will provide a unifying appearance along W. 6th Street east of Champion Lane.

The plan notes that all mechanical equipment will be building mounted and will be screened per City Code.

Solid Waste is accommodated in a screened storage area located along Bauer Farm Drive as shown on the plan. The location and design have been approved by the City Solid Waste Division.

**Commercial Design Guidelines**

Planned Developments provide the developer greater flexibility to achieve their desired design and development. They also allow for greater control over the aesthetics of a site. Proposed
building elevations include variation in material, building planes, a varied roof line and a strongly defined main entry. The proposed building meets the intent of the Design Guidelines.

**Infrastructure Improvements**
Much of the needed infrastructure exists for this site. The applicant will be responsible for connecting service lines between the building and the water and sanitary sewer main lines. Sidewalk is located along Bauer Farm Drive and W. 6th Street. This project will relocate the sidewalk along Bauer Farm Drive in anticipation of construction of the on-street parking along the south side of Bauer Farm Drive. The City Traffic Engineer noted that “Pedestrian pathway to Bauer Farm Drive needs ramps where appropriate.” The plan should be revised to show the ramps as noted.

![Figure 4: Location for additional pedestrian ramps](image)

The on-street parking as noted will be a future site improvement made by the development group with the development of the adjacent lot to the east.

The City Stormwater Engineer has noted that a right-of-way permit will be needed to connect to the City Storm Sewer. This requirement will be managed through the building permit process.

**Conclusion**
The development proposed with this Final Development Plan is consistent with the intent of the development that was approved with the Preliminary Development Plan and is compliant with the provisions of the Development Code.
SITE DEVELOPMENT PLANS

ZAXBY'S

FOR

JULI, LLC
BAUER FARM PCD
4661 BAUER FARM DRIVE
CITY OF LAWRENCE
DOUGLAS COUNTY, KANSAS

FEBRUARY 5, 2016

LOCATION MAP
SCALE: 1" = 200'
LOCATION MAP
SCALE: 1" = 200'

PROJECT NOTES:
- 04/29/16
- 03/16/16
- 02/29/16
- FL OUT(W) 30" RCP = 1002.71
- TOP = 1007.97
- SS
- SPEED LIMIT 15
- ROUNDABOUT AHEAD
- CONCRETE SIDEWALK
- PROP. ELECTRICAL TRANSFORMER
- PROP. H.G.I. "A-2"
- PROPOSED USE IS A FAST ORDER FOOD, DRIVE-IN
- CURRENT ZONING:
- THE PROPERTY SHOWN HEREON DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN ACCORDING TO FLOOD INSURANCE
- UTILITIES AND STRUCTURES RELATED TO UNDERGROUND UTILITIES SHOWN HEREON
- INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTERS AND LOCATION OF EXISTING
- THE ADVISORY COMMITTEE TO SIMULATIONS OF THE PROPOSED USE OF STRUCTURES HEREON IS SHOWN HEREON.
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ADA DETAILS

"HANDICAP PARKING ONLY" SIGNS
NOT TO SCALE

CROSS WALK STRIPING

PAINTED HANDICAPPED/PARKING SPACE & SYMBOL
NOT TO SCALE

NOTED:
1. HANDICAP RAMP CONSTRUCTION SHALL COMPLY TO ALL FEDERAL, STATE AND CITY CODES AND SPECIFICATIONS.
2. AIRPLANE WILL MEET THE REQUIREMENTS OF TITLE 28 AND THE BOOK "ADA.
3. THE SLOPE OF THE BUTTER MUST NOT EXCEED 1:20 ALONGSIDE TO THE RAMP.

SITE DEVELOPMENT PLANS
for
JULI, LLC
BAUER FARM PCD

15135ZAX
02/05/16
FINISH COLORS, BELOW AND ON SHEET A-103 CAN BE PAINTED.

STANDARD BRICK UNIT 3 5/8" x 2" x 7 5/8" RUNNING 1/2 BOND

EIFS WALL SYSTEM

BRICK ROWLOCK

W/ NO CORBEL

PER MANUF.

NO CORBEL

FINISH FLOOR

ASSEMBLIES, BY G.C.

GRAY TINT

APPEARANCE

RECOMMENDATIONS. A MANUFACTURER'S WARRANTY AGAINST DISCOLORATION &

STOREFRONT: WINDOWS & ENTRANCE DOORS (BLACK ANODIZED)

4-1/2"

3-1/4"

INTERIOR SIDE

EXTERIOR SIDE

LOCATION

REFER TO DETAIL

GUARD RAIL,

3'

4'-8"

7'-6"

9'-9"

13'-6 1/2 " AFF.

15'-6"

20'-0" AFF.

COLORANT

HOUSE PAINT EXTRA WHITE

BASE

A-100 SATIN EXTERIOR LATEX

1 GALLON

1/32 OZ.

1/32 OZ.

VLR

3 6 8 0   P l e a s a n t   H i l l   R o a d

16-824.00

R

LAWRENCE, KS

EXTERIOR FINISH SCHEDULE

ALTERNATE BRICK: HABERFELD, P.T.B.

SW REFINISH RED OVER ALL SUBBASES OR PAINTED BRICK. COOL BROWN, CHOCOLATE BROWN, WAHOO BROWN INDICATED. SECTIONS &

3 1/4" COUNTING NA PER SHEET A-117

3 1/4" COUNTING NA PER SHEET A-117

5" COUNTING NA PER SHEET A-117

6" COUNTING NA PER SHEET A-117

7" COUNTING NA PER SHEET A-117

MASONRY DETAIL

3 3/4"

3'-4

" SQUARE METAL

" x CONT.

1/2" CORBEL (TYP.)

E. J.

T.O. STUD

T.O. BEAM

18'-0" AFF.

20'-0" AFF.

1/2" CORBEL

(TYP.)
Traffic Impact Study
for
Revised Bauer Farm PCD
6th St., between Wakarusa Dr. and Folks Rd.
Lawrence, Kansas

Prepared
for
Treanor Architects P.A.

Prepared
By
MGineering Solutions
Serving Communities Through Excellence
Kansas - Missouri - Michigan - California

Mehrdad Givechi, P.E., P.T.O.E.
February 2014
## Trip Generation Summary - Proposed Changes (Jan 2014) + Undeveloped

### Average Weekday Driveway Volumes

<table>
<thead>
<tr>
<th>Project: Entire Bauer Farm Development (Revised)</th>
<th>Open Date: 1/14/2014</th>
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<tbody>
<tr>
<td>Alternative: Proposed Changes (Jan 2014) + Undeveloped</td>
<td>Analysis 1/14/2014</td>
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<table>
<thead>
<tr>
<th>ITE</th>
<th>Land Use</th>
<th>Average Daily Trips</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
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<td>Enter</td>
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<tr>
<td></td>
<td>Dwelling Units</td>
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<tr>
<td>310</td>
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<td>441</td>
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<tr>
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<td>Rooms</td>
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<td>29 Gross Leasable Area 1000 SF</td>
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<td>850</td>
<td>SUPERMARKET 1</td>
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<td>1392</td>
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<td>27.24 Gross Floor Area 1000 SF</td>
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<td>BANKDRIVEIN 1</td>
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<td>5 Gross Floor Area 1000 SF</td>
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<td>932</td>
<td>RESTAURANTHT 1</td>
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<td>6.3 Gross Floor Area 1000 SF</td>
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<tr>
<td>934</td>
<td>FASTFOODDT 1</td>
<td>670</td>
<td>670</td>
<td>1340</td>
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<tr>
<td></td>
<td>2.7 Gross Floor Area 1000 SF</td>
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| Unadjusted Driveway Volume | 4325 | 4320 | 8645 | 238 | 225 | 463 | 393 | 357 | 750 |
| Unadjusted Pass-By Trips   | 0    | 0    | 0    | 31  | 29  | 60  | 116 | 106 | 222 |
| Internal Capture Trips     | 755  | 755  | 1510 | 0   | 0   | 0   | 49  | 49  | 98  |
| Adjusted Driveway Volume   | 3570 | 3565 | 7135 | 238 | 225 | 463 | 344 | 308 | 652 |
| Adjusted Pass-By Trips     | 0    | 0    | 0    | 31  | 29  | 60  | 102 | 91  | 193 |
| Adjusted Volume Added to Adjacent Streets | 3570 | 3565 | 7135 | 207 | 196 | 403 | 242 | 217 | 459 |

Total AM Peak Hour Internal Capture = 0 Percent
Total PM Peak Hour Internal Capture = 13 Percent


TRIP GENERATION 2013, TRAFFICWARE, LLC