

C. FINAL DEVELOPMENT PLAN APPROVAL – CHEROKEE SOUTH SHOPPING CENTER – 8937 West 95th Street

1. APPLICANT: Tri-Land Properties is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting final development plan approval to allow renovations to an existing pad site restaurant building.
3. LOCATION: The subject property is located at 8937 West 95th Street.
4. EXISTING ZONING: This property is currently zoned CP-2, Planned General Business District.
5. ANALYSIS: The applicant is requesting final development plan approval to allow renovations to a pad site restaurant building in the Cherokee South shopping center. The shopping center is going through a major exterior renovation and redevelopment program. A new Walgreen's store is being constructed, and the main building of the center is being renovated and remodeled.

The applicant is proposing to make changes to the pad site that is consistent with the renovations of the main building. The existing mansard roof is being removed and a new parapet is to be constructed. The parapet will be finished with synthetic stucco with score patterning. New black awnings will be installed and new metal awnings placed over bumped out elements of the building. A modern-looking cornice is used around the entire perimeter of the building.

The brick at the lower half of the building is proposed to be painted to create a consistent look with the other buildings. The façades of the buildings throughout the development are varied in the color of the brick. The commission granted approval to paint the brick a single color to establish continuity throughout the development. The windows will remain as they currently exist, with clear aluminum framing.

The applicant is proposing that the pad site building have a drive-thru component where an order menu is installed on the west side of the building and the pick-up window is on the east side of the building. The order menu will be 39 feet from the south property line, which is a common property line with the Cherokee South single-family residential subdivision. The pick-up window is 72 feet from the south property line.

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The Unified Development Ordinance (UDO) requires that order menus be placed at least 200 feet from residentially zoned property. This proposed order menu and pick-up window is much closer to residentially zoned property than 200 feet. The Planning commission or Governing Body may reduce or waive this requirement based on the consideration of the following criteria:

- a. The likelihood that the residentially zoned property will be developed for a residential use or will continue to be utilized for a residential use in the foreseeable future.
- b. The degree to which the current or anticipated use of the residentially zoned property is likely to be sensitive to or affected by the noise, headlight glare, exhaust fumes and litter that may result from the operation of the drive-in or drive-thru facility.
- c. The degree to which the property containing the drive-in or drive-thru facility also contains or is proposed to contain landscaping, fencing, berming, and/or other buffering techniques to lessen the impact of the drive-in or drive-thru on the residentially zoned property.
- d. The degree to which the residentially zoned property has a site configuration, a building design or other physical features which would lessen the impact of the drive-in or drive-thru facility on the residentially zoned property.

The applicant has also prepared an analysis from an acoustical specialist which states that the volume levels of the proposed order menu will be at or below the allowed decibel levels of 60 dBA during the daytime and evening hours and 55 dBA during the overnight hours. The analysis also states that the road noise from 95th Street will generate more ambient noise than the drive-thru order menu will generate.

The staff is supportive of the request to locate a drive-thru order menu and pick-up window closer to the property line than 200 feet and finds that the analysis provided by the applicant is satisfactory to warrant such a request.

The proposed retrofit of this site will provide for adequate traffic circulation in and around the site. Therefore, the transportation staff supports this application.

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One design feature that needs to be noted is the amount of drive-thru lane stacking that has been provided on this site. Staff has conducted a count of another Jimmy John's location and from that count has determined that drive-thru usage at Jimmy John's restaurants is lower than at other fast-food locations. Consequently, the current design should be adequate to accommodate the likely volume of drive-thru traffic.

A few relatively minor adjustments will be required to the current design of some of the landscape islands, the ADA parking stalls and ramp design, and parking spaces. These items can be addressed at the time of construction plan review.

A Preliminary Stormwater Management Study has been submitted, reviewed and approved for the proposed project. The run-off generated from the building flows through the parking lot, ultimately discharging through concrete flumes to an existing channel along the south property line. The proposed development will not increase the amount of impervious area and will not have a significant effect on the drainage patterns for this site.

6. STAFF RECOMMENDATION: Staff recommends approval of Final Development Plan, Cherokee South Shopping Center, subject to the following stipulations:
- a. All roof-top and ground-mounted mechanical equipment shall be screened from view from adjacent properties and public streets with a screening technique that is compatible with the building architecture.
 - b. No signage is approved with this final development. All signage shall be approved by individual sign permit for each sign.
 - c. The location and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.
 - d. Concurrent with the submittal of construction plans for a Site Development or Building Permit, whichever comes first, the applicant's engineer shall submit a Final Stormwater Management Study that includes any design changes associated with the site. The study, plan and calculations shall be approved by the Engineering Services Division staff prior to issuance of any permits.

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- e. Prior to the issuance of a Certificate of Occupancy, any existing public sidewalk adjacent to this property that does not substantially meet current city sidewalk standards (sidewalk is damaged, broken, or is a tripping hazard) shall be reconstructed to current city standards. The limits of the repair shall be approved by Engineering Services staff prior to the issuance of a Building Permit.

- f. Prior to the issuance of a Certificate of Occupancy, the owner shall reconstruct any broken or damaged concrete flumes and associated curb within the limits of the proposed development.