



SP-18-00238; Site plan for conversion of an apartment (*Non-ground Floor Dwelling Unit*) to a leasing office (*Administrative Office*). Submitted by Trinitas Development LLC, for Axiom-Jayhawk, LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the site plan referenced above subject to the following condition of approval:

1. Provision of an executed site plan performance agreement prior to the release of the site plan.

KEY POINTS

- The project meets the definition of a minor development project provided in Section 20-1305(b)(2) of the Land Development Code as no exterior changes are being proposed to the site and the new use will be of the same intensity as the former use; however, a condition applied with the MU (Mixed Use) Zoning Ordinance No. 8331 requiring City Commission approval of any site plan for a change in use. Due to the notification requirement included with the zoning condition, the project is being processed with a standard site plan.
- It's possible the proposed leasing office will be temporary. If the leasing office is converted back to an apartment use it will not be necessary to site plan the property for a change of use. The change back to the original use will be monitored through the processing of building permits for this change.
- The subject property is located within the environs of a property that is listed on the Local Historic Register, the Chi Omega Sorority House. Development within the historical environs requires review by the Historic Resource Commission. The change in use has been administratively approved.

ASSOCIATED CASES

- **SP-17-00220:** Site plan for conversion of the former Jayhawk Bookstore to McClain's Market (*Fast Order Food*) retaining the second story apartments (*Non-Ground Floor Apartments*). Approved by the City Commission on August 15, 2018.
- **B-17-00284:** Variance request from off-street parking requirement of 56 parking spaces to permit the development proposed with SP-17-00220 to occur with 30 parking spaces. Approved by Board of Zoning Appeals at their July 6, 2017 meeting.

OTHER ACTION REQUIRED

- The applicant shall obtain building permits prior to construction activity or the change of use.

REQUIRED STUDIES

- **Drainage Study:** A drainage study is not required for this project because no increase in impervious surface coverage is proposed. [Stormwater Management Criteria Section 1.6.E.2.c]
- **Traffic Impact Study:** The Traffic Impact Study requirement was waived based on the fact that the amount of traffic generated with the new use was expected to be similar to that generated with the previous use.

- **Downstream Sanitary Sewer Analysis:** The fixture count spreadsheet provided to the Utilities Division was accepted.

GENERAL INFORMATION

Current Zoning and Land Use

MU (Mixed Use) District, with conditions; vacant bookstore, *General Retail Sales* and apartments, *Non-Ground Floor Dwellings*. The subject site plan proposes revising one of the apartments to a leasing office for an off-site apartment complex (*Administrative Office*) and the other to a model apartment (*Non-Ground Floor Dwelling*).

Surrounding Zoning and Land Use

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

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

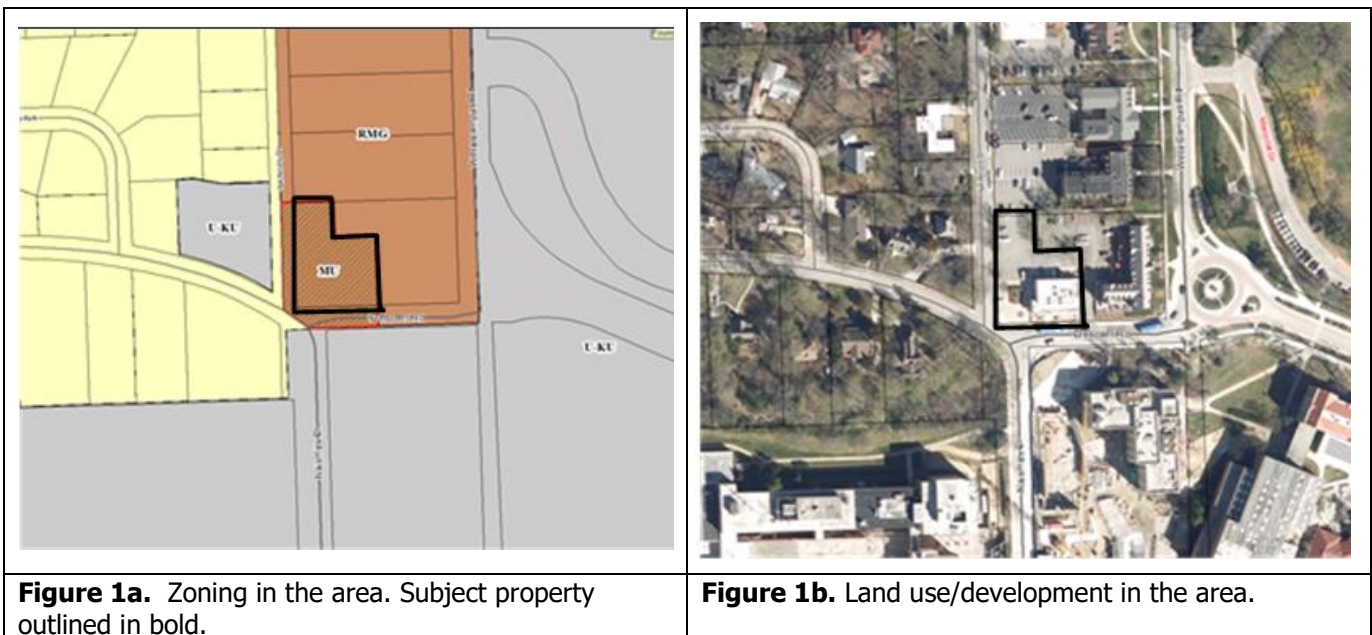
RS7 (Single-Dwelling Residential) District; *Detached Dwellings*.

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

(Figure 1)

Legal Description:

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



SITE SUMMARY (all figures are listed in square feet unless otherwise noted)

	Existing	Proposed	Change
Buildings	4,038	4,038	---
Pavement	15,505	15,505	---
Impervious	19,543 (92.3%)*	19,543 (92.3%)*	---
Pervious	1,692	1,692	---
Site Area	21,181	21,181	---

* Maximum building coverage and impervious surface coverage listed in Section 20-601(c) applies only to properties that were platted after the Land Development Code was adopted, July 2006. As the property was platted in 1909, the impervious surface and building coverage standards do not apply.

PARKING SUMMARY

Changes in parking from previously approved site plan are noted in bold.

	Requirement	Required	Provided
<i>Fast Order Food</i>	1 space per 100 square feet of customer service area plus 1 per employee based on the largest shift	3,400 square feet customer service area, (2,970 interior and 430 exterior) PLUS 12 employees 46 spaces	30 spaces *
<i>General Retail Sales</i>	1 space per 300 square feet	1,200 square feet: 4 spaces	
<i>Non-Ground Floor Dwelling</i>	1 space per bedroom	6 bedrooms: 6 spaces 2 bedrooms: 2 spaces	
Administrative Office	1 space per 300 gross square feet	1,100 square feet: 4 spaces	
Total		56 spaces (no change)	
ADA accessible spaces	Parking spaces with between 26 and 50 spaces require 2 ADA accessible spaces with 1 being van accessible	2 ADA a spaces, with 1 being van accessible	2 spaces, 1 being van accessible
Bicycle	Fast Order Food: 5 or 1 per 10 auto spaces (greater of) General Retail Sales: 1 per 10 auto spaces Non-Ground Floor Dwelling: none	30 spaces = 5 spaces	6 spaces

*Variance from the off-street parking requirement of 56 parking spaces to permit the development to occur with 30 parking spaces was approved by the Board of Zoning Appeals at their July 6, 2017 meeting. The proposed change of use does not increase the amount of parking spaces required.

STAFF REVIEW

The former Jayhawk Bookstore was converted to a restaurant (*Fast Order Food*) with Site Plan, SP-17-00220, while maintaining the two upstairs apartments (*Non-Ground Floor Dwellings*). The City Commission approved the site plan with staff's recommended conditions and placed the following conditions on the restaurant use:

- a. Use of the outdoor patio shall cease at 10:00 PM and this area shall be unoccupied by patrons by this time.
- b. Alcohol sales shall cease at 9:00 PM, Sunday through Thursday, and at 10:00 PM Friday and Saturday.
- c. Outdoor speakers, including speakers on the outdoor patio, are not allowed.

No conditions were applied to the upstairs apartments.

This site plan proposes to convert one of the apartments into a leasing office and the other into an uninhabited 'model' apartment. The leasing office and model apartment will be used to lease rooms at the Collegiate at Lawrence, a *Multi-Dwelling* complex to be located at Ousdahl Road and W. 33rd Street. The applicant indicated that the only exterior changes associated with this change of use would be signage.

The leasing office use is anticipated to be temporary. If the leasing office and model apartment are converted back to apartment uses, it will not be necessary to site plan the property. The parking requirements will be monitored through the processing of the building permits for this change.

Findings

Per Section 20-1305 of the Land Development Code, staff shall first find that the following criteria have been met:

1) The Site Plan shall contain only platted land;

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

2) The site plan shall comply with all standards of the City Code, this Development Code and other adopted City policies and adopted neighborhood or area plan;

This project is being processed with a Standard Site Plan due to the notification requirement placed on the MU (Mixed Use) Zoning for the property. Per Ordinance No. 8331, site plans for changes of use require City Commission approval following notification of property owners within 400 feet and the neighborhood associations.

The Land Development Code requires that the changes being made with a standard development project comply with the Land Development Code. The only change being proposed with this site plan is the change of use of the upstairs area. Signage may be added for the leasing office, but that will be processed with a sign permit rather than the site plan.

As shown in the parking summary table, the proposed uses, an office and a model apartment, will require the same number of parking spaces as the former apartments. The Board of Zoning Appeals granted a variance, B-17-00284, to permit a restaurant and two apartments on this site with 30 parking spaces, rather than the 56 which would be required by code for these uses. The amount of parking required for the development will remain at 56 spaces, with the conversion of the upstairs apartments; therefore, it is consistent with the approved variance. The change in use is compliant with the standards of the Land Development Code.

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

The proposed use, *Administrative and Professional Office*, is a permitted use in the MU District.

4) Vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well and shall also conform with adopted corridor or access management policies; and

No changes are proposed to the site with the proposed change of use. The vehicular ingress, egress, and circulation were approved with the previous site plan, SP-17-00220.

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

The only pedestrian traffic expected within the site is from the parked cars to the building entrance and from the adjacent sidewalks to the building entrance. No changes are being proposed to the pedestrian circulation.