



PLANNER'S REPORT

TO: Adrienne Senter
FROM: Lynn Patterson
RE: Special Exception Request for 917 Virginia Ave
DATE: December 7, 2018

BACKGROUND

Raj Patel, applicant and developer, has submitted a revised plan for the 22,000 sf mixed-use commercial/retail building. The building will be two stories with 13,000 sf of retail on the first floor and 9,000 sf of office space on the second floor. The site plan calls for a side drive-through window to accommodate a national food chain as part of the overall project. The property is accessed from Virginia Ave, Rainey Avenue, and Elkins Street with curb cuts only on Rainey Avenue and Elkins Avenue. Eighty-two parking spaces are provided. The property is zoned U-V, Urban Village and is subject to the Commercial Mixed Use Area requirements of the Architectural Design Standards.

The proposed project will front Virginia Avenue with a 5' setback adjacent to an existing sidewalk. The purpose of this design is to create infill along Virginia Avenue that is pedestrian friendly and creates a visual cue of desired retail and commercial activity. Parking is located to the rear of the building.

Though staff worked with Mr. Patel and his design team to re-orient the drive-through window to the rear and allow for stacking within the site and not onto Rainey, the national tenant has indicated that the queueing is not sufficient and has requested an alternate drive-through location (side). The City recently adopted a zoning text amendment regarding restaurants and drive-throughs. For the U-V zoning district,

(9) Restaurants or carryout restaurants but not including drive-through/drive-in restaurants with a maximum size of 6,000 square feet. Such restaurants shall be allowed to operate no more than six billiard tables upon the premises. Drive-through or drive-in restaurants may be allowed through special permit. The desired configuration for a drive-through or drive-in restaurant in this district is not a stand-alone building but rather part of a larger development and the site plan specifically addresses pedestrian orientation and safety.

The proposed re-location of the proposed drive-through is to the side. The drive-through is located 50'+ from both Rainey and Virginia Avenue. No pedestrians would cross the drive-through lanes and would not conflict with pedestrian accessibility nor create an environment not reminiscent of fast food row. The applicant is proposing additional landscaping to screen the queueing lanes and drive-through.

Through the Special Exceptions section of the Code of Ordinances, Mayor & Council can grant location of drive through windows with a recommendation from the Planning Commission.

CODE

Sec. 93-24-10. - Special exceptions.

- (a) Special exceptions and special property use permits shall be decided by the mayor and council.
- (b) The planning commission shall review and make nonbinding recommendations to the mayor and council on special exceptions and special property use permits.
- (c) Special exceptions may be sought for:
 - (3) Location and number of drive-throughs.

When acting upon an application for a special exception, in addition to the requirements listed under the above references, the planning commission and the mayor and council shall give consideration to the following factors where applicable:

- (1) The proposed design and location of the particular development;
 - (2) The possible traffic generating characteristics of the proposed development;
 - (3) The effects the proposed development will have on the present or intended character of the area in which it proposes to locate;
 - (4) The availability of public utilities, facilities and services; and
 - (5) The character, and effect of the parking demands of the proposed development.
- (e) After considering the above-listed factors and after reviewing the planning commission recommendation, the mayor and council shall take any actions or establish any reasonable conditions of approval, such as planted buffers, as will accomplish the intent and purpose of this chapter.

RECOMMENDATION

Given the location and character of the proposed development as a project encompassing more than the single restaurant (see definition above) and the previous special exceptions granted by the Mayor & Council, staff recommends the modification of the previously approved special exception to locate the drive-through to the side of the building. This will enable the applicant to secure a national brand and service the community while maintaining the intent of the U-V zoning.



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Location Map 917 Virginia Avenue