



Planning and Economic Development

Ed Anzek, AICP, Director

To: Planning Commission
From: Sara Roediger, AICP
Date: 1/16/15
Re: **Walton Shoppes Drive-Through (City File #12-006.3)**
Request for Planning Commission Reconsideration for a Conditional Use Recommendation

In a five to four vote at the last regularly scheduled Planning Commission meeting held on December 16, 2014 the Planning Commission recommended to City Council denial of the requested conditional use for an accessory drive-through window on the west side of the existing Walton Shoppes, located on 6.33 acres on the northeast corner of Livernois and Walton (formerly known as the Great Oaks Shopping Center). Much of the discussion that ensued, by both the residents and the commissioners, related to the lack of an adequate screening between the uses, existing maintenance of the property, and internal traffic circulation on the property.

Since the Planning Commission meeting, staff approached the applicant to see if the applicant wished to proceed to the City Council with a recommendation for denial. It was recommended by staff that it would be more beneficial to all parties involved if the applicant meet with the neighbors and then submitted a revised plan to better address both their and the Planning Commission's concerns. The Planning Commission has the ability to reconsider a previously approved motion at the next regularly scheduled Planning Commission meeting (January 20, 2015), if one of the commissioners who voted in favor of the denial motion wishes to make a motion to reconsider (Brnabic, Hooper, Kaltsounis, Reece, or Yukon). A sample motion is provided if that is the direction the Planning Commission wishes to head.

MOTION by _____, seconded by _____, in the matter of City File No. 12-006.3 (Walton Shoppes Drive-Through) the Planning Commission will **reconsider** its December 16, 2014 motion to **recommend** City Council **denial** of the requested **conditional use**.

Updated Site Plan

The applicant invited the neighbors who spoke at the previous Planning Commission to a meeting to discuss the plans at City Hall on January 14, 2014, please see attached invitation. Nearly a dozen residents attended the meeting, along with representatives from the applicant and City staff. The applicant presented an updated plan with enhanced landscaping and proposed speed bump for discussion. Many of the residents continued to express a desire to see additional landscaping over what was proposed to create an adequately screened buffer that is effective year-round.

In response to that meeting, the applicant has submitted the attached updated landscape plan for review by the Planning Commission, if the Commission decides to entertain the reconsideration. Please refer to the attached materials provided by the applicant, but in summary the updated plan includes the following. All other aspects of the plan remain as previously submitted.

1. **Enhanced Landscape Screen along North Property Line.** A total of 33 additional evergreen trees are proposed (a combination of 6 ft. and 8 ft. Colorado and Norway Spruce). These trees are meant to fill in the gaps that exist as a result of both existing dead trees and the natural gaps that have occurred due to the planting of deciduous trees.
2. **Traffic Control.** A speed bump is proposed near the proposed drive through along the northern drive aisle that traverses the property to help slow down traffic and deter potential cut-through traffic.

3. **Improvements to Dumpster.** A lock will be added to the gates of the dumpster so that the tenants will not be able to leave them open. Instead, a door will be provided on the side of the enclosure that will enable tenants to use the dumpster, but the gates will remain closed, only to be opened when they are to be emptied. The applicant has also added three trees immediately north of the dumpster to better provide a physical barrier to minimize rubbish and noise from the dumpster.

In response to the concerns regarding property maintenance, the Code Division of the Building Department has opened two cases (one for the applicant's property, and one for the Walgreen's property) in terms of replacing dead or dying trees and cleaning up of the rubbish. The applicant has been very responsive to cleaning up his portion of the site and the City is working with Walgreen's to fix their deficiencies. It appears that the applicant is willing to work jointly with Walgreen's to correct the problems for the entire site, not just a portion of it.

Updated Conditional Use Sample Motions

MOTION by _____, seconded by _____, in the matter of City File No. 12-006.3 (Walton Shoppes Drive-Through) the Planning Commission **Recommends** to City Council **Approval** of the **Conditional Use**, based on plans dated received by the Planning and Economic Development Department on November 14, 2014, with an updated Landscape Plan dated January 15, 2015, with the following findings.

Findings

1. The proposed drive-through meets the standards of the Zoning Ordinance.
2. The new drive-through will promote the intent and purpose of the Zoning Ordinance for the FB-3 district.
3. With the addition of the updated landscaping plan, the proposed drive-through has been designed and is proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land and the capacity of public services and facilities affected by the land use.
4. The proposal should have a positive impact on the community as a whole and the surrounding area by expanding the options for dining services.
5. The proposed drive-through should generate no net impact on public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
6. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
7. With the addition of updated landscaping plan, the proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

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Findings

1. The new drive-through will not promote the intent and purpose of the Zoning Ordinance for the FB-3 district.
2. Even with the addition of the updated landscaping plan, the proposed drive-through is not adequately screened to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land and the capacity of public services and facilities affected by the land use.
3. The proposal will not have a positive impact on the community as a whole and the surrounding area.
4. The proposed drive-through will negatively add to the demand on public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
5. The proposed development will be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.