

The Marketplace on 146th – Waiver Requests & Justifications

Updated 6-5-2024

1. **Article 8.E.4.A.7.** *Drive-thru windows and lanes not permitted to face any street*
Request: Permit drive-thru windows and lanes facing Access Road. Drive lanes to be permitted to face any street.
Justification: The additional frontage that is being provided with the development due to the introduction of a new public internal roadway increases the difficulty of site design. Prior to the City's concept of a public right-of-way, outlots were in compliance.
2. **Article 8.E.4.A.8.** *Light standards not to exceed 15 feet in height within 150 feet of adjacent residential district*
Request: Waiver of this standard along the north boundary of Area 2C.
Justification: Due to the proximity of the proposed town homes to the commercial area, a waiver is being sought in that exact dimensions have not been engineered. The impact of lighting on the town homes will be fully examined at the time of development and necessary adjustments made with lighting and landscaping to minimize impact.
3. **Article 8.E.4.A.11.b.** *Curb cuts not permitted within 350 feet on an arterial street or within 300 feet of any other street*
Request: Curb cuts onto streets external to the development shall be permitted in substantial compliance with those shown on the Preliminary Development Plan for the development. This standard shall not be applicable to curb cuts along the Access Road.
Justification: The proposed access points are located so as to provide adequate internal circulation. The access point nearest the intersection of Howe Road and 146th Street is proposed as a right-in/right-out in order to minimize impact to the Howe Road right-of-way.
4. **Table 8.E.4.** *Minimum Building Height (24 feet, 2 story)*
Request: Waiver of this standard.
Justification: The proposal is to remove the minimum building height standard with no replacement standard. Commercial outlots will likely develop as one-story buildings as the second story would not be marketable. The CCPD is geared towards multi-story office/industrial buildings, whereas the proposed commercial outlots have a different function.
5. **Table 8.E.4.** *Front Setback (25 feet)*
Request: No setback.
Justification: To accommodate walkways, patios, drive aisles and parking surfaces. The additional frontage that is being provided within the development with the introduction of a new public internal roadway increase the difficulty of site design.

6. **Table 8.E.4. Side and Rear Setbacks (25 feet)**
Request: No setback.
Justification: To accommodate shared parking fields and drive aisle connectivity among uses.
7. **Table 8.E.4. Minimum Building Size (40,000 square feet)**
Request: Waiver of this standard.
Justification: A waiver is being sought for no minimum square footage. In that the end users of the outlots are not known as of this writing, it is problematic to guess the building size. It is common for outlot buildings to be 2500 square feet or smaller. Other than the known Kroger anchor and fuel center, the other commercial users are not known. Flexibility for marketing purposes is needed. The CCPD is geared towards larger office/industrial buildings, whereas the proposed commercial outlots have different needs and functions with smaller building footprints.
8. **Article 8.E.5.B.5. Pitched Roof Required**
Request: Waiver of this standard.
Justification: The architectural theme of this development includes buildings with flat roofs.
9. **Article 8.E.5.C.2.d. Architectural CMU prohibited**
Request: Waiver of this standard.
Justification: The textures of CMU and painting available now can provide an attractive finish.
10. **Article 8.E.6.A.1. No parking between building and front lot line along arterials**
Request: Waiver of this standard.
Justification: Parking areas are planned between buildings and front lot lines on the property. The additional frontage that is being provided within the development with the introduction of a new public internal roadway significantly increases the difficulty of site design.
11. **Article 8.E.6.A.2. No parking between building and front lot line along collector or local streets**
Request: Waiver of this standard.
Justification: The additional frontage that is being provided within the development with the introduction of a new public internal roadway significantly increases the difficulty of site design.
12. **Article 8.E.6.A.3. Parking within side and rear setback**
Request: Waiver of this requirement.
Justification: Given the numerous business entities proposed for this site, and the practical nature of customer parking and patronizing multiple businesses in one trip, shared parking throughout the commercial portion of the development

is a sensible approach. Some outlots will share parking with no setbacks applied as indicated on the preliminary plan.

13. **Article 8.E.6.A.8.** *Maximum distance of parking space to main entrance (700 feet)*
Request: Waiver of this requirement.
Justification: The Kroger parking lot will likely have parking spaces greater than this required distance. Given the parking requirements for a retail building of this size, this is a common and effective layout.
14. **Article 8.E.8.A.2.** *35% landscaping in front of front façade*
Request: Waiver of this requirement.
Justification: Waiver is sought to accommodate patios and retail buildings. Other landscape standards will ensure adequate landscaping is provided between buildings and adjacent roads/access ways.
15. **Article 8.E.8.A.11.** *Mound required along 146th Street corridor*
Request: Waiver of this standard.
Justification: The CCPD is geared towards multi-story office/industrial buildings, whereas the proposed commercial outlots have different identification needs. Screening the commercial buildings from view on 146th Street with a mound will not allow proper identification to drivers.
16. **Article 8.E.8.B.3.** *Building foundation landscaping*
Request: A waiver for the Kroger building, fuel center and to accommodate walkways, outdoor seating, and patio areas.
Justification: A waiver is being requested for the Kroger, fuel center and inline buildings. The grocery building has numerous functions around the perimeter including seasonal displays, drive through, delivery pickup and loading areas. Given the pedestrian traffic accessing the Kroger store, the majority of which are pushing shopping carts and many of which have children with them, it does not create an environment conducive to having foundation plantings that will thrive. The canopy structure of the fuel center and the amount of circulation area needed on site does not lend itself to foundation plantings. The inline buildings may include pedestrian walkways, outdoor seating and patio areas that would restrict the areas available for foundation plantings to thrive.
17. **Article 8.E.8.B.6.** *Perimeter Site buffering (40 feet adjacent to arterial and single family property, 25 feet adjacent to all other rights-of-way)*
Request: Encroachments of parking areas up to 20 feet along primary arterials and 20 feet between the residential and commercial uses. Waiver of the standard along the Access Road.
Justification: The preliminary plan shows parking lot encroachments and drive aisles encroaching the required buffer area, up to 20 feet, along Howe Road. This street has ample right-of-way to provide the visual appearance the UDO intends and abuts another commercial use across the street. The encroachment on the east side is against open school property.

18. **Article 8.H.3.F.2.** *Peripheral yard (50 feet)*

Request: Reduction to 20 feet.

Justification: The preliminary plan shows parking lot encroachments and drive aisles encroaching the required peripheral yard, up to 20 feet, along Howe Road. This street has ample greenspace within the right-of-way to provide the visual appearance the UDO intends and abuts another commercial use across the street.

19. **Article 12.5.D.** *Perimeter parking lot landscaping*

Request: Waiver of this standard for front yards abutting the Access Road within the development.

Justification: The additional frontage that is being provided within the development with the introduction of a new public internal roadway increase the difficulty of site design.

20. **Article 12.8.B.1.** *Trash receptacle enclosures not permitted in front of any building, adjacent to a collector, arterial or expressway.*

Request: Waiver of this standard for front yards abutting the Access Road.

Justification: The additional frontage that is being provided within the development due to the introduction of the public internal roadway increases the difficulty of site design. Prior to the City's concept of a public internal roadway, outlots were in compliance. With the introduction of the public roadway, multiple outlots are now double frontage or even frontage on all four sides. Placement of the enclosures which would allow truck access is very limited.

21. **Article 12.8.B.3.** *Outdoor display screening*

Request: Waiver requested for Kroger and fuel center use.

Justification: Grocery stores and other retailers customarily display seasonal items outdoors. This is part of the marketing dynamic.