

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2022-MOD-019  
**Address:** 8235 East 96<sup>th</sup> Street (*Approximate Address*)  
**Location:** Lawrence Township, Council District #4  
**Zoning:** C-4  
**Petitioner:** ICT Restaurant 5, LLC, by Joseph D. Calderon  
**Request:** Modification of commitments related to 95-Z-55, 2010-MOD-004, 2011-MOD-013 and 2014-MOD-018 to modify Commitment Two of the above referenced petitions to replace the approved site-plan with the site-plan filed with this petition to provide for a building addition for a restaurant with outdoor seating and drive-through.

### **RECOMMENDATION**

Staff **recommends approval** of the modification.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ The subject site is home to a 6000 square-foot commercial building with three tenant bays. It is an outlot within a larger commercial center containing several anchor stores and smaller shops. The site does not front on a public street.
- ◇ The 2018 Comprehensive Land Use Plan recommends Regional Neighborhood for the site. This typology provides for general commercial uses that serve a significant portion of the county to that generates a significant amount of traffic. Typical examples include strip shopping centers, home improvement centers and department stores.

(Continued)

## **STAFF REPORT 2022-MOD-019 (Continued)**

### **MODIFICATION OF COMMITMENTS**

- ◇ This site was part of a 37-acre rezoning in 1995 from the C-6 and I-2-S districts to the C-4 district to provide for commercial development. The approval of the rezoning petition (95-Z-55) was subject to 17 commitments, one of which was “The site shall be developed in substantial conformance with the site, file dated August 22, 1995.” That site plan was later modified to allow the current development on the site.
- ◇ This petition would further modify the approved site plan to remove 21 parking spaces from the site and replace them with a drive-thru facility on the north side of the building. With 48 parking spaces remaining, the site would continue to meet the parking standards of the Ordinance (minimum of 33, maximum of 52). The drive-thru unit would meet the Ordinance’s development standards for drive-thrus.
- ◇ Staff finds the proposed site plan appropriate to the site and its vicinity and recommends its approval.

### **GENERAL INFORMATION**

#### **EXISTING ZONING, CONTEXT AREA, AND LAND USE**

C-4	Metro	Retail shops
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#### **SURROUNDING ZONING AND LAND USE**

North	C-4	Retail center
South	C-4	Retail center
East	C-4	Retail center
West	C-4	Retail center

COMPREHENSIVE LAND USE PLAN	The Lawrence Township Comprehensive Land Use Plan (2018) recommends Regional Commercial.
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THOROUGHFARE PLAN	The site does not front on a public right-of-way.
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FLOODWAY / FLOODWAY FRINGE	The site is not located within a floodway or floodway fringe.
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WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
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## **STAFF REPORT 2022-MOD-019 (Continued)**

### **ZONING HISTORY – SITE**

**2014-MOD-018; 8375 East 96<sup>th</sup> Street**, requested a modification of commitments related to 95-Z-55, 2010-MOD-004 and 2011-MOD-013 to provide for an amended site plan, **approved**.

**95-Z-55; 9589 Hague Road**, requested the rezoning of 36.8 acres from the C-6 and I-2-S districts to the C-4 district, **approved**.

**86-Z-172; 8351 East 96<sup>th</sup> Street**, requested the rezoning of 103 acres from the A-2 district to the I-2-S district, **approved**.

**85-Z-103 / 85-DP-6; 8351 East 96<sup>th</sup> Street**, requested the rezoning of 103 acres from the A-2 district to the D-P district to provide for mixed residential uses, **denied**.

### **ZONING HISTORY – VICINITY**

**2011-MOD-013; 8375 East 96<sup>th</sup> Street (northeast of site)**, requested a modification of commitments related to 95-Z-55 to provide for an amended site plan, **approved**.

**2010-MOD-004; 8375 East 96<sup>th</sup> Street (northeast of site)**, requested a modification of commitments related to 95-Z-55 to provide for an amended site plan, **approved**.

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## STAFF REPORT 2022-MOD-019, Location



## STAFF REPORT 2022-MOD-019, Aerial photograph (2021)



[illegible]



[illegible]

**STAFF REPORT 2022-MOD-019, Photographs**



Looking southwest across the site.



Looking south at the north end of the building where the drive-thru is proposed.





Looking at the neighbor to the east.



Looking north at the neighbor to the north.