

# City of Lee's Summit

## Development Services Department

October 13, 2017

TO: Planning Commission  
CHECKED BY: Josh Johnson, AICP, Assistant Director of Plan Services  
PREPARED BY: Shannon McGuire, Planner  
RE: **Appl. #PL2017-164 – PRELIMINARY DEVELOPMENT PLAN – 740 NW Blue Pkwy Restaurant Sites, 740 NW Blue Pkwy; Drake Development, LLC, applicant**

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### Commentary

*At the Planning Commission meeting held on September 26, 2017 the applicant asked for three modifications to be granted. Staff supported all three modifications requests, listed as recommendation items 1, 2, and 3. The Planning Commission voted unanimously by voice vote to recommend approval of the applicant's preliminary development plan application subject to staff's letter dated September 22, 2017, recommendation items 1, 3 and deleting item 2.*

*The Planning Commission recommends not allowing the impervious coverage to exceed 80% as reflected in Item #2*

*However, the requirement for impervious coverage not to exceed 80% was erroneously cited as a current UDO requirement. The impervious coverage regulation was removed from Article 7 of the UDO as part of a previous amendment, with the intent to move the regulation to Article 5 as part of a UDO reorganization under a future amendment. Since this is not a UDO requirement, no modification is needed.*

This preliminary development plan application is for the proposed Texas Roadhouse restaurant and additional restaurant pad site. The proposed redevelopment of the property would include the demolition of the existing facilities and the construction of a new 7,420 sq. ft. building for Texas Roadhouse and a future 8,500 sq. ft. restaurant. The materials to be used for the proposed building include stone wainscot, brick veneer, cedar siding and accent lighting. Development of the second pad site will require a preliminary development plan by separate application as no materials or building elevations are currently proposed.

The applicant requests modifications to the parking setback requirements, modifications to the maximum impervious coverage requirements and modifications to the approved alternate materials. Staff supports the requested modifications.

- Lot 1 – 7,420 square foot building
- Lot 2 – 8,500 square foot building
- 85% proposed overall impervious coverage – 80% maximum allowed impervious coverage
- Lot 1 - 0.11 proposed overall FAR – 0.55 maximum allowed FAR
- Lot 2 - 0.10 proposed overall FAR – 0.55 maximum allowed FAR
- 220 parking spaces required – 274 parking spaces provided

## Recommendation

Staff recommends **APPROVAL** of the preliminary development plan, subject to the following:

1. A modification shall be granted to the design of the required 20' parking setback from a public right-of-way, to allow a 6' setback from the public right-of-way along the west property line.
2. ~~A modification shall be granted to the maximum impervious coverage of 80%, to allow 85% impervious coverage on the proposed development site. (Deleted by the Planning Commission)~~
3. A modification shall be granted to allow the use of cedar siding as an accent material as shown on the building elevations date stamped September 5, 2017.

## Project Information

**Proposed Use:** Restaurant pad sites

**Zoning:** CP-2 (Planned Community Commercial District)

**Land Area:** 151,153.2 sq. ft. (3.47 acres)

**Building Area:** Lot 1 – 7,420 sq. ft.

Lot 2 – 8,500 sq. ft.

**Location:** 740 NW Blue Pkwy

**Surrounding zoning and use:**

**North:** CP-2 (Planned Community Commercial District) — Summit Fair Shopping Center

**South:** CP-2 (Planned Community Commercial District) — Green Lantern Car Wash

**East:** CP-2 (Planned Community Commercial District) — Summit Fair Shopping Center

**West (across Highway 50):** CP-2 (Planned Community Commercial District) — Summit Woods Shopping Center

## Background

- March 20, 1978 – The Planning Commission approved the Final Development Plan (Appl. #1978-071) for the Midland Bank building.
- March 28, 1978 – The Board of Zoning Adjustment approved a variance (Variance #56) to the max building height allowed and the minimum required number of parking spaces for the Midland Bank Building.

## Analysis of Preliminary Development Plan

**Parking Setback.** Modification requested. **Staff supports the request.**

- Proposed – The applicant proposes to provide a 6 foot setback from the right-of-way along the west property line (US Highway 50)
- Required – All parking lots shall be set back a minimum 20 feet from any public right-of-way or private street edge of pavement.

- Recommended –Staff supports the proposed parking setback. The parking area is adjacent to a significant area of green space (MoDOT ROW), which gives the appearance of a buffer and adequate separation distance from the Highway 50 ramp. Additionally, the current parking lot setback for this site and the adjacent carwash is 3 feet. Granting the modification will increase the setback that currently exists.

**Maximum Impervious Coverage.** Modification requested. **Staff supports the request.**

- Existing – 76.8% impervious coverage
- Required – Maximum impervious coverage of 80% of the development site
- Proposed – 85% impervious coverage
- Recommendation – Staff supports the proposed increase in maximum impervious coverage. The increased coverage is related to the additional parking stalls proposed by the applicant. The proposed impervious coverage for Lot 1 and Lot 2 is 83.1% and 82.2% respectively. The additional stormwater runoff will be controlled by the downstream detention basin.

**Conditional Materials.** Modification requested. **Staff supports the request.**

- Proposed – The applicant has proposed the use of cedar wood siding as an accent material.
- Required – Wood may be only used to provide compatibility to surrounding buildings or residential districts.
- Recommended –The applicant has stated the maintenance program for Texas Roadhouse revisits the property every 2-3 years. During this revisit the cedar will be lightly power washed, caulked as needed and re-stained. The applicants feel their strong brand identity is tied to the overall building features and have concern that deviation from their standard materials could have negative consequences on the long term economic viability of the location. The corporate maintenance program in place allays staff’s concerns regarding the long-term durability and appearance of the material. Staff supports the requested modification

**Code and Ordinance Requirements**

*The items in the box below are specific to this development and must be satisfactorily addressed in order to bring the plan into compliance with the Codes and Ordinances of the City.*

<b><u>Engineering</u></b>
1. Exact location of public water main extension to be reviewed and approved with the final development plan.
2. All required engineering plans and studies, including water lines, sanitary sewers, storm drainage, streets and erosion and sediment control shall be submitted along with the final development plan. All public infrastructure must be substantially complete, prior to the issuance of any certificates of occupancy.
3. All Engineering Plan Review and Inspection Fees shall be paid prior to approval of the engineering plans and prior to the issuance of any infrastructure permits or the start of construction (excluding land disturbance permit).
4. Certain aspects of the development plan will be further reviewed during the final development plan phase of the project. This includes detailed aspects of the design to

help ensure that the plan meets the design criteria and specifications contained in the Design and Construction Manual.

5. Private pavement sections shall either follow Article 12 of the UDO or Table LS-2 or LS-3 of the Design & Construction Manual for pavement thickness and base requirements.

### **Fire**

6. All issues pertaining to life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to the safety to fire fighters and emergency responders during emergency operations, shall be in accordance with the 2012 International Fire Code.

### **Planning**

7. Accessible parking signs shall meet the requirements set forth in the **Manual on Uniform Traffic Devices (R7-8)**. Each accessible parking space shall be identified by a sign, mounted on a pole or other structure, located 60 inches (5 feet) above the ground measured from the bottom of the sign, at the head of the parking space.
8. Sign permits shall be obtained prior to installation of any signs through the Development Services Department. All proposed signs must comply with the sign requirements of Article 13 of the UDO.
9. A plat shall be approved and recorded prior to any building permits being issued.
10. All parking stalls shall meet the requirements as outlined in the Unified Development Ordinance, Division V, Article 12. All parking stalls dimensions shall not be less than nine 9" wide by 19" long.

#### Attachments:

1. Preliminary Development Plan, date stamped September 5, 2017 —14 pages
2. Applicant Modification Request Letter, dated September 21, 2017
3. Location Map