



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2020-081
File Name	FINAL PLAT – Culver's, Lots 1-2 & Tract A
Applicant	Engineering Solutions, LLC
Property Address	1275 SE Oldham Pkwy
Planning Commission Date	May 14, 2020
Heard by	Planning Commission and City Council
Analyst	Hector Soto, Jr., AICP, Planning Manager
Checked By	Kent D. Monter, PE, Development Engineering Manager

Public Notification

Pre-application held: April 30, 2019 and October 8, 2019
Neighborhood meeting conducted: January 9, 2020 and February 6, 2020
Newspaper notification published on: N/A
Radius notices mailed to properties within 300 feet on: N/A
Site posted notice on: N/A

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Attachments

Final Plat, dated March 23, 2020
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Engineering Solutions, LLC / Engineer
Applicant's Representative	Matt Schlicht
Location of Property	1275 SE Oldham Pkwy
Size of Property	<p>±3.44 total acres</p> <p>±1.73 acres – Lot 1 (Culver's)</p> <p>±1.06 acres – Lot 2</p> <p>±0.65 acres – Tract A</p>
Number of Lots	2 lots and 1 common area tract
Zoning	CP-2 (Planned Community Commercial)
Comprehensive Plan Designation	Retail
Procedure	<p>The Planning Commission makes a recommendation to the City Council on the final plat within thirty (30) days after the application is submitted to the Planning Commission. The City Council takes final action on the final plat in the form of an ordinance.</p> <p>Duration of Validity: Final plat approval shall become null and void if the plat is not recorded within one (1) year from the date of City Council approval.</p> <p>The Director may administratively grant a one (1) year extension, provided no changes have been made to any City ordinance, regulation or approved engineering plans that would require a change in the final plat.</p> <p>The City Council may grant one additional one (1) year extension, provided that additional engineering plans may be required by the City Engineer to comply with current City ordinances and regulations.</p>

Current Land Use
The property is a vacant site that has never been developed.

Description of Applicant's Request
The applicant seeks approval for <i>Culver's Lots 1-2 & Tract A</i> . The proposed final plat consists of 2 lots and 1 common area tract on 3.44 acres. The final plat is substantially consistent with the approved preliminary development plan. The preliminary development plan served the dual function as the preliminary plat.

2. Land Use

Description and Character of Surrounding Area

The property is located near the intersection of SE Oldham Pkwy and SE Ranson Rd. Commercial development dominates the SE Oldham Pkwy corridor west of SE Ranson Rd. The area south of the subject property is developed as single-family residential.

Adjacent Land Uses and Zoning

North:	US 50 Hwy
South:	Single-family residential / R-1 (Single-family Residential)
East:	Vacant / CP-2
West:	Commercial / CP-2

Site Characteristics

The site slopes from south to north. A treed natural drainage area bisects the property. The development plan calls for the construction of a detention basin where the natural drainage area is located.

Special Considerations

There are no special or unique site conditions to consider.

Setbacks

Yard	Required	Proposed
Front	15'	20'
Side	10'	10'
Rear	20'	20'

3. Unified Development Ordinance (UDO)

Section	Description
4.190	CP-2 (Planned Community Commercial District)
7.140, 7.150	Final Plats

The final plat is for 2 lots and 1 common area tract on 3.44 acres near the intersection of SE Oldham Pkwy and SE Ranson Rd. The final plat is consistent with the approved preliminary development plan/preliminary plat.

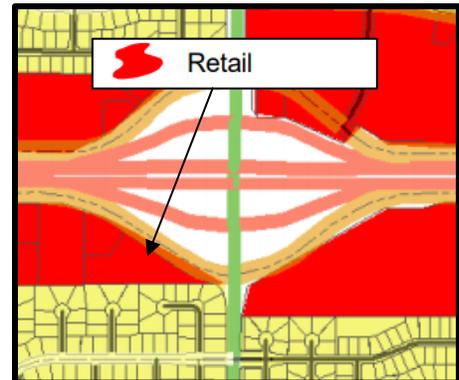
4. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Overall Area Land Use	Objective 1.1 Objective 1.3 Objective 1.4

Economic Development	Objective 2.3
Commercial Development	Objective 4.1 Objective 4.2

Comprehensive Plan

The proposed use is consistent with the retail land use recommended by the Comprehensive Plan for the area. As an outer road for the US 50 Hwy corridor, the subject property is appropriate for an auto-oriented restaurant use.



5. Analysis

Background and History

The proposed final plat subdivides the existing lot platted as Lot 2 of *First Federal Bank Commercial Bank* into 2 lots and a common area tract for the purpose of developing a Culver’s restaurant on Lot 1 of the proposed final plat. The proposed final plat also creates a second commercial lot for future development and a common area tract to provide storm water management for the Culver’s site and future development on Lot 2.

- July 16, 1991 – The City Council approved a rezoning (Appl. #1991-016) from R-2 (now RP-2) and R-3 (now RP-3) to C-1 (now CP-2) by Ordinance No. 3533.
- June 11, 2002 – The minor plat (Appl. #2002-084) of *First Federal Bank Commercial Park* was recorded with the Jackson County Recorder of Deeds office by Instrument #2002-I-0049392.
- March 17, 2020 – The City Council approved a preliminary development plan (Appl. #PL2019-243) for Culver’s on the subject property by Ordinance No. 8833.
- March 24, 2020 – A final development plan (Appl. #PL2020-080) was submitted for Culver’s on Lot 1 of the proposed final plat. The final development plan is under review and is pending approval.

Subdivision-Related Public Improvements

In accordance with UDO Section 7.340, prior to adoption of an ordinance approving the final plat by City Council, all subdivision-related public improvements shall be constructed and a Certificate of Final Acceptance shall be issued. In lieu of completion of the public improvements and the issuance of a certificate, financial security (an escrow secured with cash, an irrevocable letter of credit, or a surety bond) may be provided to the City to secure the completion of all public improvements.

A Certificate of Final Acceptance has not been issued for the subdivision-related public infrastructure, nor has any form of financial security been received to secure the completion of the public improvements. This application will be placed on hold following the first ordinance reading by City Council until the infrastructure requirements are met.

Compatibility

The property is generally located at the southwest corner of SE Oldham Pkwy/US 50 Hwy and SE Ranson Rd. The site sits adjacent to a bank with a drive-through facility to the west, single-family residential to the south and additional vacant commercial property to the east. The segment of SE Oldham Pkwy between SE Hamblen Rd and SE Ranson Rd is commercial in nature and is primarily zoned CP-2. All four corners of the US 50 Hwy intersection with SE Ranson Rd/SE Todd George Pkwy are zoned CP-2.

Adverse Impacts

The proposed development will not detrimentally impact the development of the surrounding area. This project develops one of the last remaining commercial sites located between SE Hamblen Rd and SE Ranson Rd.

The proposed development will not create excessive storm water runoff. Stormwater management will be handled via a detention basin located on an abutting common area tract to the east. The detention basin will also provide stormwater management for the remaining 1-acre commercial site further to the east.

Public Services

The proposed plat will not impede the normal and orderly development and improvement of the surrounding property. The plat will create two commercial lots and a common area tract that will serve as the site of stormwater management improvements. Proposed development will tie into the existing public infrastructure.

The site has direct access from SE Oldham Pkwy and has nearby access to SE Ranson Rd/SE Todd George Pkwy and US 50 Hwy. SE Oldham Pkwy has sufficient capacity to accommodate the proposed use. Traffic volumes at SE Oldham Pkwy and SE Ranson Rd currently warrant signalization of that intersection; said intersection is under MoDOT jurisdiction. The installation of a traffic signal and the extension of the northbound left-turn lane at SE Ranson Rd and SE Oldham Pkwy is required as part of the Culver's development on the proposed Lot 1.

Recommendation

With the conditions of approval below, the application meets the requirements of the UDO and Design & Construction Manual.

6. Recommended Conditions of Approval

Standard Conditions of Approval

1. Remove the reference to the Master Drainage Plan. No Master Drainage Plan is required or desired for this subdivision. Rename the note that still contains this reference as "Drainage Note".
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 associated engineering plans and prior to the issuance of any infrastructure permits or the start of construction (excluding land disturbance permit).
4. A Land Disturbance Permit shall be obtained from the City if ground breaking will take place prior to the issuance of an infrastructure permit, building permit, or prior to the approval of the Final Development Plan / Engineering Plans.
5. All permanent off-site easements (i.e., private sanitary sewer easements), in a form acceptable to the City, shall be executed and recorded with the Jackson County Recorder of Deeds prior to approval of any final development plan. A certified copy shall be submitted to the City for verification.
6. Any cut and / or fill operations, which cause public infrastructure to exceed the maximum / minimum depths of cover shall be mitigated by relocating the infrastructure vertically and / or horizontally to meet the specifications contained within the City's Design and Construction Manual.
7. Revise the plat title to read, "Culver's, Lots 1-2 & Tract A". Update the plat title in the title block and throughout the plat wherever the title is referenced.
8. Add the following address to Tract A: 1301.
9. A sidewalk easement is required to be dedicated for the segment of the sidewalk that meanders outside of the right-of-way and onto private property. The following Sidewalk Easement language shall be included on the plat: "A permanent easement is hereby granted to the City of Lee's Summit to locate, construct and maintain or to authorize the location, construction and maintenance of a sidewalk for pedestrian access over, along and across the strips of land designated as 'SIDEWALK EASEMENT' or by the abbreviation 'S/E' on the accompanying plat."
10. A copy of the CC&Rs shall be provided to staff for review. The CC&Rs shall include language from UDO Section 4.290. Staff can provide a language template that can be incorporated into the CC&Rs.
11. A final plat shall be approved and recorded (with the appropriate number of copies of the recorded plat returned to the Development Services Department) prior to any building permits being issued.