



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2019-233
File Name	PRELIMINARY DEVELOPMENT PLAN – Wendy's
Applicant	NPC International, Inc.
Property Address	711 SE M-291 Hwy
Planning Commission Date Heard by	October 10, 2019 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 3, 2019
Neighborhood meeting conducted: October 7, 2019
Newspaper notification published on: September 21, 2019
Radius notices mailed to properties within 185 feet on: September 19, 2019
Site posted notice on: September 19, 2019

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Attachments

Traffic Impact Analysis prepared by Michael Park, dated October 3, 2019 – 2 pages
Preliminary Development Plan, date stamped September 9, 2019 – 14 pages
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	NPC International, Inc. / Developer
Applicant's Representative	Cathy Wagner
Location of Property	711 SE M-291 Hwy
Size of Property	±1.09 acres
Zoning (Proposed)	CP-2 (Planned Community Commercial)
Comprehensive Plan Designation	Retail
Procedure	<p>The Planning Commission makes a recommendation to the City Council on the proposed preliminary development plan. The City Council takes final action on the preliminary development plan in the form of an ordinance.</p> <p>Duration of Validity: Preliminary development plan approval by the City Council shall not be valid for a period longer than twenty-four (24) months from the date of such approval, unless within such period a final development plan application is submitted. The City Council may grant one extension not exceeding twelve (12) months upon written request.</p>

Current Land Use
The property is the site of a vacant restaurant most recently operating in 2014.

Description of Applicant's Request
The applicant seeks approval of a preliminary development plan to raze the existing 6,445 sq. ft. sit-down restaurant building and construct a 2,504 sq. ft. drive-through restaurant.

2. Land Use

Description and Character of Surrounding Area
The property is located along the M-291 Hwy commercial corridor north of US 50 Hwy. Commercial development predominantly lines both sides of the corridor. However, due west of the site is Lee's Summit High School. Additionally, the Missouri State Highway Patrol Headquarters sits at the northwest corner of M-291 Hwy and SE Blue Pkwy/US 50 Hwy. The area due east of the site is industrial in nature. The area further northeast of the site is residential in nature.

Adjacent Land Uses and Zoning

North:	Retail center / CP-2
South:	Automobile sales / CP-2
East:	Office-warehouse / PI (Planned Industrial)

West:	Lee's Summit High School / CP-1 (Planned Neighborhood Commercial)
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Site Characteristics
The site is a relatively flat lot that sits approximately 8 feet below the adjacent grade of M-291 Hwy. There are a total of three (3) access points to the site via M-291 Hwy, SE Melody Ln and SE 7 th Terr.

Special Considerations
There are no special or unique site conditions to consider.

3. Project Proposal

Site Design

Land Use	
Impervious Coverage:	74%
Pervious:	26%
TOTAL	100%

Parking

Proposed		Required	
Total parking spaces proposed:	37	Total parking spaces required:	35
Accessible spaces proposed:	2	Accessible spaces required:	2
Parking Reduction requested?	No	Off-site Parking requested?	No

Setbacks (Perimeter)

Yard	Building / Parking Required	Building / Parking Proposed
Front (M-291 Hwy)	15' (Building) / 20' (Parking)	75' (Building) / 46' (Parking)
Side (north and south)	10' (Building) / 6' (Parking)	59' (Building) / 8' (Parking) – north; 84' (Building) / 11' (Parking) – south
Rear (east)	20' (Building) / 6' (Parking)	107' (Building) / 6' (Parking)

Structure(s) Design

Number and Proposed Use of Buildings
1 building; drive-through restaurant
Building Height
24'
Number of Stories
1 story

4. Unified Development Ordinance (UDO)

Section	Description
2.040,2.260,2.300,2.320	Preliminary Development Plans
4.210	Zoning Districts
8.120,8.170,8.180	Design Standards
8.220,8.230,8.250,8.260,8.290	Lighting Standards
8.530,8.580,8.620	Parking Standards
8.720,8.750,8.790,8.810,8.820	Landscaping

Unified Development Ordinance

The proposed drive-through restaurant is a use permitted by right, but with conditions. The use conditions associated with a drive-through restaurant are:

- A minimum of five (5) car stacking from order box. **Stacking for ten (10) cars is provided from the order box.**
- Order box is screened from view and located to project sound away from residential districts or uses. **The order box is located approximately 195’ from the nearest residentially zoned property and approximately 295’ from the nearest residential use, both located to the northeast of the site. Three existing fences are located between the order box and the residential property. The order box projects toward the industrial property to the east. Staff will continue to work with the applicant at the final development plan stage to project the order box more toward the southeast so as to further mitigate any noise concerns toward the residences.**
- Drive-through lane screened from view by high impact screen in order to eliminate glare. **The site is screened from the adjacent industrial property to the east by an existing fence and supplemental landscaping to be installed as part of this project. A high-impact screen is not required to the north or south due to the identical CP-2 zoning of those properties.**
- A minimum distance of 100 feet to any residential district or use shall be maintained to the order (speaker) box or pick-up window. **The order box is located approximately 195’ from the nearest residentially zoned property and approximately 295’ from the nearest residential use.**

The proposed drive-through restaurant is consistent and compatible with other auto-oriented uses along the M-291 Hwy commercial corridor.

5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Overall Area Land Use	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 a highway corridor, the subject property is appropriate for an auto-oriented restaurant use.

6. Analysis

Background and History

The applicant seeks approval of a preliminary development plan for Wendy’s. The proposed project calls for the demolition of the existing 6,445 sq. ft. sit-down restaurant building and construction of a 2,504 sq. ft. drive-through restaurant on Lot 5A of *Polk Addition*. The proposed exterior building materials consist of fiber cement panels, aluminum composite metal (ACM) panels and glass.

- February 19, 1963 – The City Council approved the final plat (Appl. #1963-023) of *Polk Addition* by Ordinance No. 743-A.
- September 27, 2001 – The minor plat (Appl. #2001-123) of *Polk Addition, Lots 5A and 5B* was recorded with the Jackson County Recorder of Deeds office.

Compatibility

The property is generally located at the northeast corner of SE 7th Terr and M-291 Hwy. The site sits adjacent to a retail shopping center to the north, a used auto dealer to the south and QuikTrip immediately south of SE 7th Terr. M-291 Hwy serves as a major auto-oriented commercial corridor north of US 50 Hwy.

A drive-through restaurant is a compatible use for the area and zoning. The subject property and the two abutting properties to the north and south are zoned CP-2. The abutting property to the east is zoned PI. Drive-through restaurants are a use permitted by right in the CP-2 zoning district and a use permitted by right with conditions in the PI zoning district.

The proposed building materials and architecture are compatible with newer development and redevelopment along the M-291 Hwy corridor. The proposed building exterior is composed of glass, fiber cement panels and aluminum composite metal (ACM) panels. The ACMs are limited to the vertical tower-like feature on the west elevation and similar vertical features on the north and south elevations. The use of ACM panels requires City Council approval as a conditional material. ACM panels are common in commercial applications employing contemporary architecture. City Council has previously approved the use of ACMs in commercial applications for auto dealerships.

Adverse Impacts

The proposed development will not detrimentally impact the surrounding area. The proposed project redevelops a long-vacant and highly visible property along the M-291 Hwy corridor.

The proposed development will not create excessive storm water runoff. The property has 91% impervious coverage in its current state. The proposed redevelopment will reduce the amount of impervious coverage to 74%, thereby reducing the storm water runoff from this site.

The proposed use is not expected to create noise and air pollution in excess of what is customary for a restaurant use in a commercial area. The site sits along a high traffic commercial corridor.

Public Services

The proposed redevelopment will not impede the normal and orderly development and improvement of the surrounding property. The surrounding properties are fully built out. The subject property provides a redevelopment opportunity of a former restaurant that has remained vacant approximately 5 years. The proposed redevelopment will tie into the existing public infrastructure.

The site has access from M-291 Hwy, SE Melody Ln and SE 7th Terr. However, M-291 Hwy currently provides the primary point of access to the site. M-291 Hwy has sufficient capacity to accommodate the proposed use. No road improvements are required as part of the redevelopment. However, future MoDOT improvements at the M-291 Hwy/US 50 Hwy interchange will include raised median improvements that extend to the intersections of SE Blue Pkwy and SE 7th Terr with M-291 Hwy. These future improvements may result in the removal, relocation or restriction of access to M-291 Hwy. The existing site access to SE Melody Ln provides an alternate route to M-291 Hwy for the subject property and several other properties via the signalized intersection at SE Bayberry Ln. M-291 Hwy can also be accessed via a shared drive onto SE 7th Terr that will be improved as part of this project.

Modifications

No modifications are requested as part of this application.

Recommendation

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

7. Recommended Conditions of Approval

Site Specific

1. Aluminum composite metal (ACM) panels shall be allowed as a conditional material as shown in the preliminary development plan date stamped September 9, 2019.

Standard Conditions of Approval

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. Private parking lots shall follow the Unified Development Ordinance (UDO) for pavement thickness and base requirements.
7. 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.
8. 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 2018 International Fire Code.
9. Sign permits shall be obtained prior to installation of any signs through the Development Services Department. All signs proposed must comply with the sign requirements as outlined in the sign section of the Unified Development Ordinance.
10. ADA accessible parking space signs shall be mounted on a pole or other structure a minimum 60" above the ground, measured to the bottom of the sign.
11. A final plat or minor 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.