



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2019-413
File Name	PRELIMINARY DEVELOPMENT PLAN – Culver's
Applicant	Engineering Solutions, LLC
Property Address	1275 SE Oldham Pkwy
Planning Commission Date	February 13, 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: January 25, 2020
Radius notices mailed to properties within 300 feet on: December 31, 2019
Site posted notice on: December 31, 2019

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Attachments

Traffic Impact Analysis prepared by Michael Park, dated February 6, 2020 – 4 pages
Traffic Study prepared by TranSystems, dated December 31, 2019 – 9 pages
Macro Storm Water Drainage Study prepared by Engineering Solutions, LLC, dated January 6, 2020 – 7 pages

Preliminary Development Plan, consisting of:

- Overall Site Plan, date stamped January 13, 2020
- Grading Plan, date stamped January 13, 2020
- Detention Basin Plan, date stamped January 13, 2020
- Utility Plan, date stamped January 13, 2020
- Landscape Plan, date stamped January 13, 2020
- Building Elevations, date stamped December 11, 2020 – 2 pages
- Building Sections, date stamped January 17, 2020
- Site Electrical (Photometric) Plan, date stamped January 17, 2020

Protest Petition from Mary K. Starr, received January 31, 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	±3.44 total acres ±1.73 acres – Lot 3 (Culver's) ±1.06 acres – Lot 4 ±0.65 acres – Tract A
Size of Building	4,338 sq. ft. – Lot 3
Floor Area Ratio (FAR)	0.06 FAR
Zoning	CP-2 (Planned Community Commercial)
Comprehensive Plan Designation	Retail
Procedure	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. 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.

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

Description of Applicant's Request

The applicant seeks approval of a preliminary development plan to construct a 4,338 sq. ft. drive-through restaurant on the proposed Lot 3. The plan also shows a 6,500 sq. ft. commercial building on Lot 4 for illustrative purposes only. The subject preliminary development plan application does not include approval for any development on Lot 4; the future development of Lot 4 shall require separate preliminary development plan approval.

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.

3. Project Proposal

Site Design

Land Use	
Impervious Coverage:	77% - Lot 3
Pervious:	23% - Lot 3
TOTAL	100%

Parking

Proposed		Required	
Total parking spaces proposed:	76	Total parking spaces required:	61
Accessible spaces proposed:	4	Accessible spaces required:	3
Parking Reduction requested?	No	Off-site Parking requested?	No

Setbacks (Perimeter)

Yard	Building / Parking Required	Building / Parking Proposed
Front (SE Oldham Pkwy)	15' (Building) / 20' (Parking)	74' (Building) / 20' (Parking)
Side (west and east)	10' (Building) / 6' (Parking)	66' (Building) / 6' (Parking) – west; 37' (Building) / 6' (Parking) – east
Rear (south)	20' (Building) / 20' (Parking)	135' (Building) / 20' (Parking)

Structure(s) Design

Number and Proposed Use of Buildings
1 building; drive-through restaurant – Lot 3
Building Height
23'-3"
Number of Stories
1 story
Size of Building
4,338 sq. ft.

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 approximately 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 103’ from the nearest residentially zoned property and approximately 150’ from the nearest residential use, both located to the south of the site. The order box projects southeast in the direction of the abutting residential subdivision. Additional landscaping will be planted between the order box and the adjacent properties to serve as a sound buffer in order to mitigate noise impacts. A 6’ vinyl fence constructed along the south property line as part of this project will also help mitigate the projection of sound toward the residences.**
- Drive-through lane screened from view by high impact screen in order to eliminate glare. **A high-impact landscape buffer consisting of a 6’ vinyl fence plus landscaping will be installed along the south property line shared with the residential subdivision to the south.**
- 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 103’ from the nearest residentially zoned property and approximately 150’ from the nearest residence.**

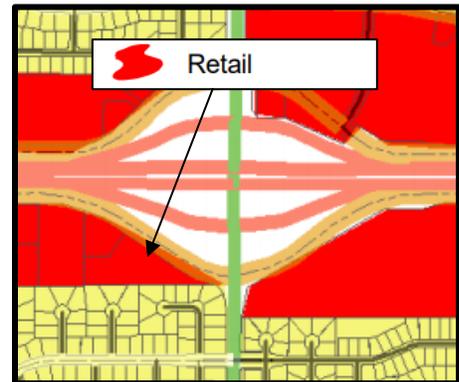
The proposed drive-through restaurant is consistent and compatible with other auto-oriented uses along the US 50 Hwy commercial corridor.

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 an outer road for the US 50 Hwy 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 a 4,338 sq. ft. Culver's drive-through restaurant on a 1.73-acre site from a larger 3.44-acre parent tract. The proposed exterior building materials consist of EIFS, stone and accent metal features. The parent tract will be subdivided into two (2) commercial lots and one (1) common area tract. Approval is only sought for the Culver's site and the common area tract as part of this application. A building and parking lot is shown on the remaining 1-acre site identified as Lot 4 for illustrative purposes only; development of Lot 4 shall require preliminary development plan approval under separate application.

- 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.

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. A drive-through restaurant is a compatible use for the area and is a use permitted by right with conditions under the property's existing CP-2 zoning. Drive-through restaurants currently exist at the northwest (Taco Bell) and northeast (McDonald's) corners of said intersection.

The proposed building materials and architecture are compatible with newer commercial development along the US 50 Hwy corridor. The proposed building exterior is composed of EIFS, stone and some metal canopy features.

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.

As the site is currently undeveloped, the proposed drive-through restaurant will create noise at a level greater than that currently experienced by the abutting single-family residential to the south. To mitigate the potential impacts of the drive-through speaker on the abutting residential subdivision, additional landscaping will be planted between the speaker box location and the south property line;

this is in addition to the required high-impact buffer consisting of landscaping and 6' fence between the proposed development and the residential subdivision.

Public Services

The proposed development will not impede the normal and orderly development and improvement of the surrounding property. The surrounding properties are fully built out, save for a 1-acre commercial site to the east that will be created as part of this development. Development of the remaining 1-acre site will require preliminary development plan under separate application. The 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 this development.

Modifications

No modifications are requested as part of this application.

Public Comments

The City has received one protest regarding the proposed development to date. The concerns cited in the protest include: noise, proximity to abutting residential property, impact on residential resale values, increased traffic, potential increased commercial development.

- Noise – As previously mentioned, the development of the vacant site with a drive-through restaurant will certainly increase the noise level currently experienced in the immediate area. Additional landscaping will be provided on-site to provide a sound dampening measure in the direction of the abutting residential subdivision. The order box also satisfies the minimum 100' separation distance requirement from residential property. It should also be noted that the restaurant is not a 24-hour, early morning or late-night facility; Culver's restaurants operate daily from 10:30am to 10pm.
- Proximity to residential – The proposed development satisfies all minimum setback requirements. Parking lots are required to be set back a minimum 20' from residential property; the proposed parking lot is set back 20' from the abutting residential subdivision to the south. Drive-through speaker boxes are required to be set back a minimum 100' from residential property; the proposed drive-through speaker box is set back 103' from the abutting residential subdivision to the south. Buildings in the CP-2 zoning district are required to be set back a minimum 20' from the rear property line; the proposed restaurant building is set back 135' from the rear property line.
- Impact on residential resale values – The City does not have the expertise to address impacts on property values.
- Increased traffic – The proposed development will increase traffic to SE Oldham Pkwy. SE Oldham Pkwy has sufficient capacity to absorb the increased traffic impact. Current traffic

volumes at the intersection of SE Oldham Pkwy and SE Ranson Rd currently warrant a traffic signal. 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 this development.

- Potential increase of future commercial development – The proposed development sits on one of the last remaining undeveloped pieces of commercial property along SE Oldham Pkwy between SE Hamblen Rd and SE Ranson Rd. Development of the subject 3.4-acre parent tract will yield a developable 1-acre commercial site to the east. Commercial development of the subject property is consistent with existing first-tier property along the US 50 Hwy corridor, the property’s existing commercial zoning and retail land use designation in the Lee’s Summit Comprehensive Plan. Further to the east across SE Ranson Rd, the approximately 38.5-acre site constituting the southeast corner of SE Ranson Rd and US 50 Hwy is similarly situated in that it is a first-tier property along the US 50 Hwy corridor, has existing commercial zoning and is designated as retail property in the Comprehensive Plan.

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. Preliminary development plan approval shall only be for Lot 3 (Culver’s site) and Tract A. Development of Lot 4 shall require preliminary development plan approval under separate application.
2. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, the traffic-related improvements included in the Transportation Impact Analysis (TIA). No building permits shall be issued for any structure in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Records’ Office. All public improvements shall be substantially complete prior to any occupancy.
3. To comply with the requirements of the UDO, a 5’ sidewalk shall be constructed along the development’s SE Oldham Pkwy frontage.

Standard Conditions of Approval

4. 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.
5. 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).

6. 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.
7. 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.
8. 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.
9. 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.
10. The lot and tract square footages listed in the Land Use Schedule on Sheet C1.00 shall be reconciled with the square footages labeled on the lots and tract at the time of final development plan submittal.
11. Landscaping shall be provided in accordance with Article 8, Division III of the Unified Development Ordinance, including the design of the required high-impact landscape buffer along the south property line.
12. Private parking lots shall follow the Unified Development Ordinance (UDO) standards under Section 8.620.F for pavement thickness and base requirements.
13. A post-construction photometric plan will be required prior to the issuance of any occupancy in order to verify that no more than 0.5 fc are measured at the property line shared with the abutting residential properties.
14. 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.
15. 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.
16. 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. The plat shall identify and dedicate the responsible party for the ownership and maintenance of the detention basin.