



**LEE'S SUMMIT**  
MISSOURI  
Development Services Department

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## Development Services Staff Report

<b>File Number</b>	PL2021-181
<b>File Name</b>	PRELIMINARY DEVELOPMENT PLAN – Chipotle
<b>Applicant</b>	RED Architecture + Planning
<b>Property Address</b>	1103 SW Oldham Pkwy
<b>Planning Commission Date</b>	July 22, 2021
<b>Heard by</b>	Planning Commission and City Council
<b>Analyst</b>	Victoria Nelson, Planner
<b>Checked By</b>	Hector Soto, Jr., AICP, Planning Manager and Kent Monter, PE, Development Engineering Manager

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### Public Notification

Pre-application held: April 20, 2021

Neighborhood meeting conducted: The requirement for an applicant to hold in-person neighborhood meetings pursuant to UDO §2.205 was suspended during the period of the Emergency Declaration which ended on June 30, 2021. Pursuant to the Mayor's Emergency Order, applicants were encouraged to use all available alternative methods of communication to inform neighbors of each pending application and solicit neighbors' input and feedback and provide answers to questions about proposed land development.

Newspaper notification published on: July 3, 2021

Radius notices mailed to properties within 300 feet on: July 2, 2021

Site posted notice on: July 2, 2021

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**Attachments**

Traffic Impact Analysis, dated July 15, 2021

Stormwater Memo, dated May 20, 2021

Preliminary Development Plan (6 total pages), consisting of:

- Cover Sheet and general notes, dated June 21, 2021
- Site Plan, dated June 21, 2021
- Site Grading, dated June 21, 2021
- Miscellaneous Detail, dated June 21, 2021
- Landscape Plan, dated June 21, 2021-2 pages

Architectural Elevations, dated June 21, 2021-3 pages

Building Architecture modification request, dated June 21, 2021

Description of business with Patio modification request, dated May 20, 2021

Alternate Parking Plan Letter, dated June 21, 2021

Location Map

**1. Project Data and Facts**

<b>Project Data</b>	
<b>Applicant/Status</b>	RED Architecture + Planning/Developer
<b>Applicant's Representative</b>	Abby Arnold
<b>Location of Property</b>	1103 SW Oldham Pkwy
<b>Size of Property</b>	±0.77 Acres
<b>Building Area</b>	2,937 sq. ft. existing (to be demolished) 1,925 sq. ft. proposed
<b>Floor Area Ratio (FAR)</b>	0.09 existing 0.06 proposed
<b>Existing Zoning</b>	CP-2 (Planned Community Commercial District)
<b>Number of Lots</b>	1 Lot
<b>Comprehensive Plan Designation</b>	Commercial
<b>Procedure</b>	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.
<b>Duration of Validity</b>	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 33,661 sq. ft. (0.77 ac) parcel that is zoned CP-2 (Planned Community Commercial District). The subject property was a former Pizza Hut restaurant. The site most recently served as a temporary Covid-19 testing facility.

### Description of Applicant's Request

The applicant seeks a commercial preliminary development plan approval for a Chipotle quick-service restaurant. The plan proposes a single-story building with a total square footage of 1,925 sq. ft. The restaurant will provide customers with an option of traditional indoor service without seating or online ordering with drive-through pick-up. The only seating that will be provided is the small outdoor patio.

## 2. Land Use

### Description and Character of Surrounding Area



The property is located between SW Oldham Pkwy, SW 3<sup>rd</sup> St, and SW McClendon Dr. To the southwest of the property, there are single-family homes and to the northwest and south are commercial businesses. Running along the east side is SW Oldham Pkwy and US 50 Highway.

### Adjacent Land Uses and Zoning

<b>Northwest:</b>	Handicapped Accessible Transportation Dealer /CP-2
<b>West:</b>	Single-Family Homes /R-1 (Single-Family Residential District)
<b>South:</b>	Fast Food Restaurant/CP-2
<b>East:</b>	US 50 Hwy

### Site Characteristics

There is not a lot of topographic change for this parcel, but it does have a slight slope downward to the

north. Originally, this site housed a Pizza Hut restaurant that will be demolished to make way for the new restaurant.

### 3. Project Proposal

#### Site Design

Land Use Existing	
Impervious Coverage:	75.3%
Pervious:	24.7%
<b>TOTAL</b>	<b>100%</b>
Land Use Proposed	
Impervious Coverage:	76.9%
Pervious:	24.8%
<b>TOTAL</b>	<b>100%</b>

#### Parking

Proposed		Required	
Total parking spaces proposed:	25	Total parking spaces required:	27
Accessible spaces proposed:	2	Accessible spaces required:	2

#### Setbacks (Perimeter)

Yard	Building Required	Building Proposed
Front (East/street)	15' Build	52' Build
Side (Northwest)	10' Build	16' Build
Side (South)	10' Build	16' Build
Rear (West)	20' Build	55' Build

Yard	Parking Required	Parking Proposed
Front (East/street)	20' Parking	7' Parking
Side (Northwest)	6' Parking	6' Parking
Side (South)	6' Parking	4' Parking
Rear (West)	20' Parking	10-20' Parking

#### Structure(s) Design

Number and Proposed Use of Buildings
1 proposed restaurant building
Building Height
20'-4"
Number of Stories
1 story for proposed building

## 4. Unified Development Ordinance (UDO)

Section	Description
2.300,2.310,2.320	Preliminary Development Plan
8.500	Parking
4.190	Zoning Districts

### Unified Development Ordinance

The proposed use follows Sec. 4.190 of the UDO for CP-2 zoning district, which “. . . is established to provide a location for a full-range of retail and office development serving the general needs of the community. This district is not considered appropriate for heavier commercial uses that border on being more light industrial in nature, and thus more appropriate for the CS or PI District. The intent is to promote a streetscape that encourages buildings to be moved forward adjacent to the front yard setback line or adjacent to the required landscape improvements. This site design improves the benefits derived from the required landscaping and the overall image of the commercial corridor.” The single proposed restaurant is a permitted use by right in the CP-2 zoning district and is replacing the previous dilapidated building.

## 5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Overall Area Land Use	Objective 1.1, 1.4
Economic Development	Objective 2.1, 2.2, 2.3
Commercial Development	Objective 4.1, 4.2, 4.3

### Comprehensive Plan

The use is generally consistent with the recommended land use designation for commercial development. The construction of this new project is compatible with the existing and planned surrounding land uses; it meets the Comprehensive Plan objectives of providing a development that meets an identified need in the market.

## 6. Analysis

### Background and History

The proposed commercial preliminary development plan is for the construction of a single-story building that will house a quick service Chipotle restaurant. In 1985, a Pizza Hut restaurant was constructed on the site.

- June 21, 1985 – Board of Alderman approved the Consent Agenda item for the Pizza Hut site plan (Appl. #1985-116).

- June 13, 1994 – Planning Commission approved the Consent Agenda item for the final development plan (Appl. #1994-108) for Pizza Hut at 1103 SW Oldham Pkwy.
- October 13, 1998 – City Council approved the final development plan (Appl. #1998-185) for Pizza Hut Addition at 1103 SW Oldham Pkwy.

### **Alternate Parking Plan**

The UDO says the number of required parking spaces is established by either following the parking requirement table or an alternate parking plan. The number of parking spaces to be provided for a particular use or development may be established through approval of an Alternate Parking Plan. Use of an Alternate Parking Plan is encouraged in order to tailor the parking to the particular needs. In this case the alternate parking plan is suggested for the reduction in the number of parking spaces from 27 to 25. This Plan is being proposed since the majority of the service will be drive-through and the only allocated seating is that will be offered on the small outdoor patio.

### **Compatibility**

The proposed quick service restaurant is compatible with the surrounding developments. The surrounding businesses are comprised of a fast food restaurant and a handicapped accessible transportation dealer. The size and appearance of the building will add economic value and aesthetic appeal to the site of the long-time dilapidated existing building.



### **Adverse Impacts**

The proposed development will not impede the normal and orderly development of the surrounding property. This will replace the existing old restaurant with a new contemporary design style quick service restaurant. No stormwater detention facilities are being proposed due to a reduction in the amount of impervious surface over the existing conditions. Existing surface drainage will remain unchanged.



The existing parking lot does not meet the minimum 20' setbacks from the abutting residential property or right-of-way (SW Oldham Pkwy). However, this is a lawful non-conforming condition that will remain unchanged and thus needs no action.

The UDO requires a high-impact buffer consisting of a 6' masonry wall or vinyl fence plus landscaping between CP-2 and R-1 zoned properties. A 6' wood fence plus landscaping currently serves as the existing buffer between the abutting residential and commercial properties. The developer will repair and maintain the existing wood fence as needed and will supplement the existing landscaping with new landscaping to fill in gaps in landscaping. The existing buffer with wood fence is a lawful non-conforming characteristic for which no further action is required.

### **Public Services**

The proposed development will tie into the existing water, sanitary sewer, and street infrastructure and will not have a negative impact.

### **Modifications**

**Approved Exterior Materials.** Modification requested.

- Required - Metal is only allowed in an incidental role, i.e. trim, features, roofing, siding, or as approved by the Planning Commission and/or City Council.
- Proposed - Metal is proposed as a primary exterior material on all four sides of the building. The percentage of metal used on each of the four sides ranges between 48% and 54%.
- Recommendation - Staff has used 40% as a guideline for the use of metal as a primary exterior material on a given building façade, but has also supported the use of a greater percentage on different applications. The usage of metal on the original iteration of the proposed building ranged from 68% to 100% on the four facades. The developer reduced the amount of metal in an effort to get closer to the guideline without compromising the corporate design. Staff supports the use of metal as a primary exterior building material as depicted on the elevations dated June 21, 2021.

**Patio.** Modification requested.

- Required – “Provide a screened masonry wall from eight to ten feet in height around the patio/deck sides facing the residential district for the purpose of establishing a visual screen and block noise emanating from the patio area to the residential district. The wall height shall be sufficient to obscure the sight to the outdoor patio/deck from any adjacent residential dwelling's viewing station including patio, deck or window”.
- Proposed - No wall is provided around the perimeter of the outdoor patio seating area. Landscaping in the form of ornamental trees and shrubs will be planted along the perimeter of the seating area closest to the adjacent residential uses. The applicant states that the patio will not have speakers, not serve alcohol, and will have limited use from customers and employees and therefore request an exception to the wall.
- Recommendation-Staff supports the request to alleviate the wall requirement since there is no draw to keep customers at the patio for a long period of time and noise level is expected to be minimal. The outdoor seating area is set back 100' from the residential property. In addition to the proposed landscaping adjacent to the seating area, there is an existing fence and landscape buffer along the common property line between the residences and the subject site.

### **Recommendation**

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

## **7. Recommended Conditions of Approval**

### **Site Specific**

1. A modification shall be granted to the requirement limiting the use of metal to an incidental role, to allow metal as a primary exterior building material as depicted on the elevations dated June 21, 2021.
2. A modification shall be granted to the requirement for a 8'-10' masonry wall around the outdoor patio area, to allow no wall, but with landscaping as depicted on the landscape plan dated June 21, 2021.
3. An Alternate Parking Plan allowing a total of 25 parking spaces to serve the proposed restaurant shall be approved as part of the preliminary development plan.
4. Development shall be in accordance with the Architectural Elevations, dated June 21, 2021, consisting of 6 pages.
5. Development shall be in accordance with the preliminary development plan consisting of 6 pages:
  - Cover Sheet and general notes, June 21, 2021
  - Site Plan, dated June 21, 2021
  - Site Grading, dated June 21, 2021
  - Miscellaneous Detail, dated June 21, 2021
  - Landscape Plan, dated June 21, 2021-2 pages

### **Standard Conditions of Approval**

6. 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.
7. 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 site development permits or the start of construction (excluding land disturbance permit).
8. A Land Disturbance Permit shall be obtained from the City if groundbreaking will take place prior to the issuance of a site development permit, building permit, or prior to the approval of the Final Development Plan / Engineering Plans.
9. Private parking lots shall follow Article 8 of the Unified Development Ordinance for pavement thickness and base requirements.



10. Dena Mezger is an out of date contact for Public Works. Please delete the contact name as they are not for the City's contact information.
11. Revise the address of the Water District agency to 1200 SE Hamblen Road, Lee's Summit MO 64081.
12. Show all measurements to be from the front of the curb, instead of the back.
13. Trash enclosure areas shall be improved with a Portland cement concrete pad and a Portland cement concrete approach. Refer to Sec. 8.620 of the UDO.