



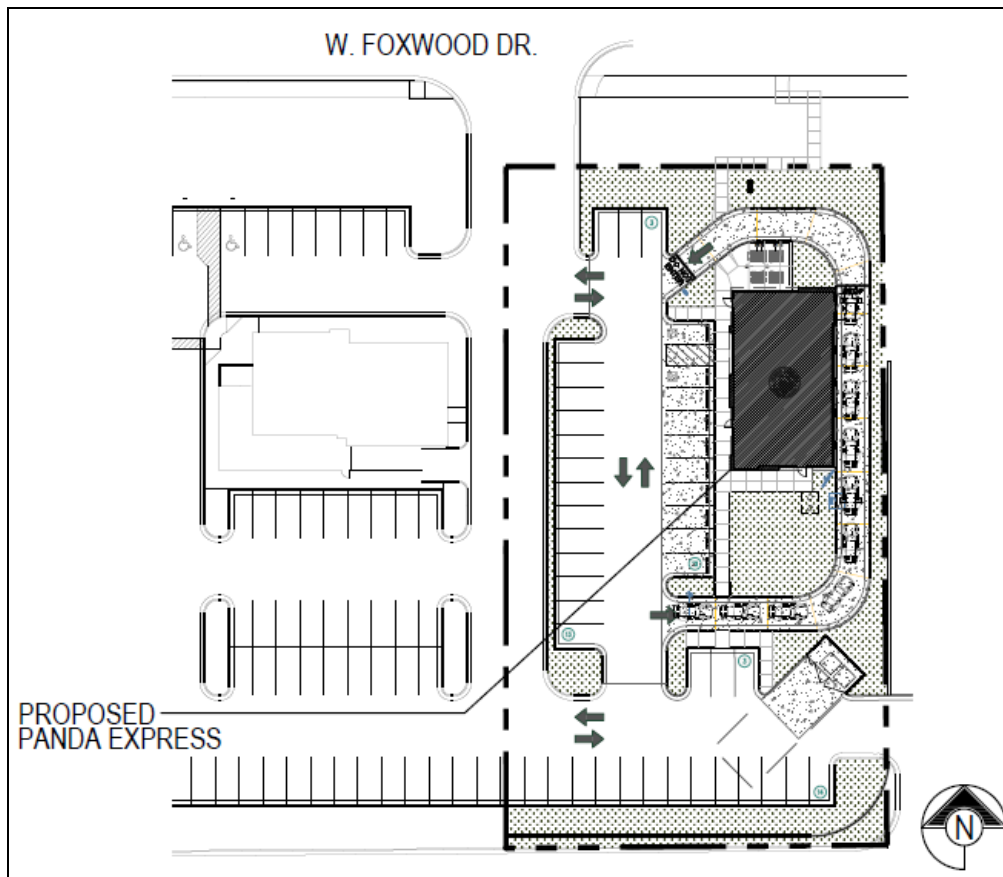
To: Planning and Zoning Commission
From: City Staff
Date: November 1, 2016
Re: Case #16025 - Panda Express Site Plan

GENERAL INFORMATION

**Applicant/
Property Owner:** Cadence Commercial Real Estate
10955 Lowell Avenue Suite 700
Overland Park, KS 66210

Requested Action: Site plan approval for Panda Express restaurant

Property Location: 1927 W. Foxwood Drive (Raymore Marketplace, directly west of Golden Corral)



2016 Aerial Photograph:



Existing Zoning: C-3 “Regional Commercial District”

Existing Surrounding Uses:
North: China Star restaurant
South: Sam’s Club fueling station
East: Golden Corral restaurant
West: Q’Doba restaurant

Total Tract Size: .84 acres (36,892 square feet)

Building Size: 2,587 square feet

Subdivision Plat: Lot 3, Dean Family Farm - 2nd Plat

Growth Management Plan: The Future Land Use Plan Map contained in the Growth Management Plan identifies this property as appropriate for commercial development.

Major Street Plan: The Major Thoroughfare Plan Map contained in the Growth Management Plan has Foxwood Drive classified as a Major Arterial and Dean Avenue classified as a Minor Arterial.

Advertisement: City Ordinance does not require advertisement for Site Plans.

Public Hearing: City Ordinance does not require a public hearing for Site Plans.

PROPOSAL

Outline of Requested Action: The applicant seeks to obtain site plan approval for a Panda Express Restaurant to be constructed upon Lot 3 of the Dean Family Farm 2nd Plat, located at the southeast corner of Dean Avenue and Foxwood Drive.

SITE PLAN REQUIREMENTS AND STANDARDS

In order for the applicant to accomplish the aforementioned action, they must meet the provisions of the Unified Development Code. Chapter 470 of the Unified Development Code outlines the requirements and actions that need to be taken in order to site plan property, specifically Section 470.160.

Section 470.160 Site Plan Review

A. Purpose

The City of Raymore recognizes that the nature of land development creates the potential for traffic congestion, overcrowding, adverse visual and environmental impacts, and health problems. The City strives to promote growth in Raymore while stabilizing the established residential character of the area. Site plan review regulates the development of structures and sites in a manner that takes into consideration the following considerations:

1. the balancing of landowners' rights to use their land, with the corresponding rights of neighboring landowners, residents and the general public, to live without undue disturbances (e.g., noise, smoke, vibration, fumes, dust, odor, glare, stormwater runoff, etc.);
2. the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas or roads;
3. the adequacy of waste disposal methods and protection from pollution of surface or ground water;
4. the protection of historic and environmental features on the site under review and in adjacent areas;
5. the stability of the built environment, particularly residential neighborhoods, by promoting urban development which is compatible with clearly identified natural resources; and
6. the adequacy of provisions for resulting additional system demands which may be imposed by the development upon roads and streets, water supply and storage, storm sewerage, and sanitary sewerage and wastewater treatment and the consistency of the development with the City's Growth Management Plan.

B. Applicability

1. All applications for building permits for developments in the multi-family, commercial and industrial zoning districts are subject to site plan review in accordance with this section. All nonresidential uses in residential districts require site plan review.
2. No building permit will be issued without being granted site plan approval when it is required by this subsection.

C. Application

Applications for site plan review may be obtained from the Community Development Director. The application must be completed in its entirety in accordance with Section 470.010C and filed with the Community Development Director. The applicant must submit copies in accordance with the submission schedule regularly adopted by the Planning and Zoning Commission.

D. Procedure

1. Community Development Director Action

- a. All site plans will be reviewed by the Community Development Director.
- b. The Community Development Director has the authority to take final action (approve, conditionally approve or deny) on applications for:
 - (1) developments that have an approved site plan on file where the application proposes to expand the existing use by less than 10 percent or 5,000 square feet, whichever is less; or
 - (2) developments that have an approved site plan on file where the application proposes to modify signage, parking, landscaping or other minor feature and the proposed modifications will be in compliance with all requirements of this Code.
- c. The Community Development Director must complete the review within 20 days of receiving a complete application.

2. Planning and Zoning Commission Action

With the exception of those cases identified in paragraph 1 above, all other applications for site plan review will be reviewed by the Community Development Director, and forwarded to the Planning and Zoning Commission for review and action. The Commission has the authority to take final action, and may approve, approve with conditions or disapprove the application.

3. Conditions of Approval

In approving a site plan, the Planning and Zoning Commission or, when applicable the Community Development Director, may impose reasonable conditions, safeguards and restrictions upon the applicant and the premises.

E. Findings of Fact

1. In order to be approved, the Community Development Director or Planning and Zoning Commission must find that the following conditions are met:

- a. the plan complies with all applicable standards of this code and all other applicable City ordinances and policies;
- b. the plan does not conflict with the adopted plans of the City of Raymore or the purpose and intent of this code;
- c. the proposed use is allowed in the district in which it is located;
- d. vehicular ingress and egress to and from the site, and circulation within the site provides provides for safe, efficient, and convenient movement not only within the site but also on adjacent roadways;
- e. the plan provides for safe, efficient, and convenient movement of pedestrians on and to the site;
- f. the arrangement of structures and buildings on the site allows for efficient use of the land, is compatible with development on adjacent property, and minimizes potential adverse impacts on existing or planned municipal infrastructure and services;
- g. open space and natural features on the site are arranged in such a way that unique natural resources are preserved and creates a desirable and functional environment for site users;
- h. the plan avoids unnecessary or unreasonable alterations to existing topography, preserves existing healthy, mature trees and woodlands, and designs drainage facilities to promote the use and preservation of natural watercourses;
- i. provides adequate parking for the use, including logical and safe parking and circulation;
- j. provides landscaping and screening as required by this code that creates logical transitions to adjoining uses, screens incompatible uses, minimizes the visual impact of the development on adjacent roads and properties, and utilizes native plant materials selected to withstand the local climate and individual site microclimates; and
- k. includes site illumination that has been designed and located to minimize adverse impacts on adjacent properties.

F. Effect of Approval

If the Planning and Zoning Commission or, when applicable, the Community Development Director approves a site plan, it will be considered permission to prepare and submit a building permit application that complies with the approved site plan and conditions of approval.

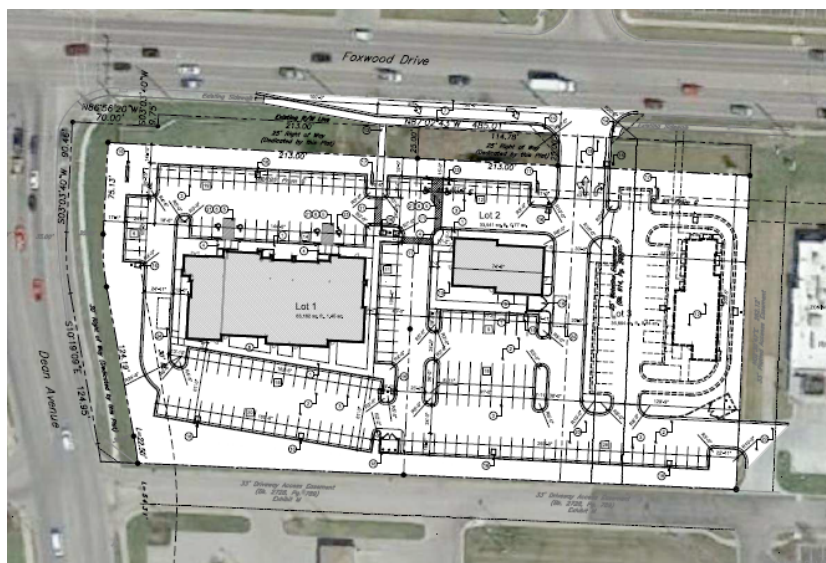
G. Appeals

1. The applicant may appeal the decision of the Community Development Director to the Planning and Zoning Commission.
 - a. The applicant must notify the Community Development Director of their intent to appeal within 10 days of the date of decision from the Community Development Director.

- b. The Community Development Director will schedule the appeal for the next regularly scheduled Planning and Zoning Commission meeting which is no sooner than 15 days from the date the intent to appeal was filed.
 - c. The applicant must provide an additional 15 review copies of the drawings and the additional required fee along with the intent to appeal.
2. The applicant may appeal the decision of the Planning and Zoning Commission to the City Council.
- a. The applicant must notify the Community Development Director of their intent to appeal, in writing, within 10 days of the date of the Planning and Zoning Commission meeting when the application was considered.
 - b. The Community Development Director will schedule the appeal for the next regularly scheduled City Council meeting provided it is at least 15 days from the date the intent to appeal was filed.
 - c. The applicant will provide an additional 15 review copies of the drawings along with the intent to appeal.

PREVIOUS ACTIONS ON THE PROPERTY

1. The subject property was annexed into the City of Raymore on March 25, 1985. The zoning of the property at the time of annexation was "A" Agricultural District.
2. The zoning of the property was reclassified from "A" Agricultural District to "C-3" Regional Commercial District, on December 12, 2011.
3. The site plan for the Raymore Marketplace was approved by the Planning and Zoning Commission on June 7, 2016. This site plan did not include Lot 3 as part of the approval.



4. The Dean Family Farm Second Plat, a replat of the Dean Family Farm 1st Plat, is a 3-lot commercial subdivision that was recorded on September 21, 2016.
5. The Highway 58 & Dean Avenue Tax Increment Financing Plan for the property was approved by the City Council on March 14, 2016.

ENGINEERING DIVISION COMMENTS

Please refer to the attached memorandum.

STAFF COMMENTS

1. **Development Standards:** The development standards applicable to the property are as follows:

C-3	
Minimum Lot Area	
per lot	-
per dwelling unit	2,000 sq.ft.
Minimum Lot Width (ft.)	100
Minimum Lot Depth (ft.)	100
Yards, Minimum (ft.)	
Front	30
rear	20
side	10
Maximum Building Height (feet)	80
Maximum Building Coverage (%)	50

2. **Special Use Conditions:** An eating and drinking establishment must comply with the requirements of UDC Section 420.030F which reads:

420.030 Use Specific Standards, Commercial Uses

F. Restaurant

1. The sale of alcoholic beverages will be permissible only as an adjunct, minor and incidental use to the primary use which is the sale and service of food.
2. Restaurants with drive-through facilities must meet the requirements of Section 420.030L.

420.030 Use Specific Standards - Commercial Uses

L. Drive-through Facilities

1. General

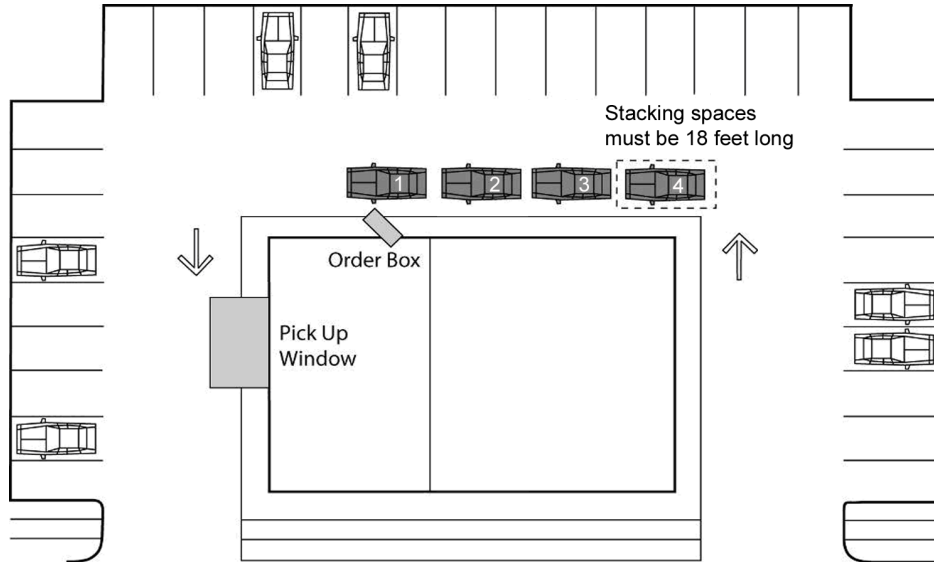
Drive-through facilities are permitted as indicated in the use table in Section 410.020.

2. Vehicle Stacking Areas

- a. Each drive-through facility must provide the minimum vehicle stacking spaces as follows:

The following requirements shall be followed in determining the minimum stacking length per lane:	
Use	Stacking Requirement
Financial Institution	
- teller lane	3
- ATM	3
Car Wash	
- automatic service	4
Restaurant	4 behind menu board
Pharmacy	2
Other uses	To be determined by the Director

- b. Vehicle stacking spaces include the space at the menu board, order box or service window.
- c. Each vehicle stacking space shall be 18 feet long by 9 feet wide.
- d. Each vehicle stacking lane shall be separate from any access aisle, loading space, or parking space.
- e. No vehicle stacking lane shall conflict with any vehicle entrance or exit, vehicle access way or pedestrian crosswalk.
- f. The Commission has the authority to allow a deviation to the stacking requirement based upon a study submitted by a traffic engineer which provides evidence to allow the reduction of these stacking requirements.



3. Adjacent to Residential Districts

- a. Drive-through facilities, including stacking areas, must be separated from residentially-zoned property by at least 40 feet.
- b. Speaker systems used in conjunction with drive-through facilities must be designed so that they are not audible at the property line abutting residentially-zoned property.

The Panda Express restaurant is required to provide stacking behind the menu board for four vehicles. The site plan identifies there are six vehicle spaces behind the menu board.

3. Parking: A restaurant must comply with the following parking standard:

Use	Minimum Parking Spaces Required
COMMERCIAL USES	
Eating and Drinking Establishment	1 per 4 seats or 1 per 50 square feet of customer service area, whichever is greater

Using the requirement of 1 parking space for every 4 seats, or 1 parking space for every 50 square feet of customer service area, whichever is greater, the following parking requirement calculations were made:

- indoor seating capacity of 62, a total of 16 parking spaces are required
- customer service area of 1,350 square feet, a total of 27 parking spaces are required

By utilizing the greater of the two parking calculations, a total of 27 parking spaces must be provided. The site plan indicates 29 parking spaces are provided, which include two accessible parking spaces. Since the restaurant is part of a shopping center area, there is the availability of shared parking spaces with the other tenants in the Raymore Marketplace development.

4. Landscaping

Twenty percent (20%) of the lot is required to be reserved for landscaped area. A landscaped area a minimum of six feet in width shall be provided along all street frontages and along all perimeter property lines. A total of twenty-three percent (23.9%) of the site is provided with landscaping.

No screening is required. The adjacent land to the east, south and west is zoned C-3, the same classification as the subject property.

A total of 11 trees are required along Foxwood Drive and in the parking lot area. A total of 13 trees are provided.

The required trees and shrubs in the parking lot landscaped islands are provided.

Landscaping is provided around the proposed monument sign as required.

5. Building Design:

The proposed building is in compliance with the building design standards contained in Section 440.010 listed below.

Section 440.010 Building Design Standards

The following building elevations are proposed:





C. Building Materials

1. Masonry Construction

A minimum of 50 percent of front and side facades shall consist of materials described by this sub-section.

- a. Masonry construction shall include all masonry construction which is composed of solid, cavity, faced or veneered-wall construction, or similar materials approved by the Planning and Zoning Commission.
- b. Stone materials used for masonry construction may consist of granite, sandstone, slate, limestone, marble or other hard and durable all-weather stone. Ashlar, cut stone and dimensioned stone construction techniques are acceptable.
- c. Brick material used for masonry construction shall be composed of hard-fired (kiln-fired), all weather common brick or other all-weather common brick or all-weather-facing brick.
- d. Concrete finish or precast concrete panel (tilt wall) construction shall be exposed or aggregate, hammered, sandblasted or other finish as approved by the Planning and Zoning Commission.
- e. Stucco or approved gypsum concrete/plaster materials are also permitted.

2. Glass Walls

Glass walls shall include glass-curtain walls or glass-block construction. A glass-curtain wall shall be defined as an exterior wall which carries no floor or roof loads and which may consist of a combination of metal, glass and other surfacing materials supported in a metal frame.

3. Metal Walls

- a. The use of metal siding is permitted only in industrial districts and only for side and rear façades. The materials used on the front façade shall be incorporated into any façade visible from a public street to break up the monotony of those facades.
- b. The use of corrugated panels, with a depth of less than three-quarter inch or a thickness less than U.S. Standard 26 gauge is prohibited.
- c. The use of unpainted metal panels, excluding panels made from copper, weathering steel, or stainless steel, is prohibited. The color finish of metal panels and exposed fasteners shall have extended durability with high resistance to fade and chalk.
- d. Corrugated metal facades shall be complemented with masonry, whether brick, stone, stucco or split-face block. Architectural metal panels may be an acceptable substitute for masonry. Appropriate landscaping shall be used to complement and enhance a building's design, color and material.

6. Pedestrian Access:

Pedestrian Access to the building has been provided. Sidewalk currently exists along Foxwood Drive. A sidewalk is proposed to be installed that connects the Foxwood Drive sidewalk to the front entrance of the building.

- 7. Signage:** A master signage plan was submitted with the application. Signage is not approved as part of the site plan but is shown for illustration purposes only. A sign permit is required prior to installation of any sign.

The proposed location and design of the monument sign is in compliance with the UDC.

- 8. Fire District Review:** The site plan was reviewed by the South Metropolitan Fire Protection District. A truck turning movement plan was submitted as required. A fire access lane is provided on the Golden Corral site between the Golden Corral building and the drive-thru lane for the proposed Panda Express building.

The South Metropolitan Fire Protection District requires the issuance of a building permit from the district. This permit is in addition to the building permit issued by the City of Raymore.

- 9. Stormwater Management:** Stormwater will be collected on site and discharged to the collection system installed as part of the Raymore Marketplace development. Storm water is being detained in an underground system and is released to the storm water system on Dean Avenue.

- 10. Site Lighting:** The proposed site lighting plan is in compliance with the outdoor lighting performance standards of the City. Parking lot lighting poles will be 22' tall with a 90 degree cutoff fixture.

- 11. Trash Enclosure:** The exterior of the trash enclosure will be constructed of the same materials as the main building. The enclosure is located in the rear of the building. The enclosure gates will be made out of galvanized steel decking.

- 12. Screening of Mechanical Equipment:** All electrical and mechanical equipment located adjacent to the building shall be screened from view from adjacent properties and any adjacent street. Accessory utility facilities that are in excess of 3½ feet shall be screened. The landscape plan does not show any screening around the equipment. This requirement will be monitored when the equipment is installed to determine the applicability of the requirement.

- 13. Site Access:** Access to the site will be provided off of Foxwood Drive. A secondary access drive is located to the south and connects with the Golden Corral parking lot.

- 14. Excise Tax:** The subject property is included in the Highway 58 & Dean Avenue financial incentive district. Uses locating in this incentive district are subject to payment of the excise tax that will be charged to the building contractor at the time a building permit is issued.

STAFF PROPOSED FINDINGS OF FACT

Section 470.160 of the Unified Development Code states that the Planning and Zoning Commission and the City Council must make findings of fact taking into consideration the following:

- a. the plan complies with all applicable standards of this code and all other applicable City ordinances and policies;**

The site plan does comply with all applicable standards of the Unified Development Code and all other applicable City ordinances and policies.

- b. the plan does not conflict with the adopted plans of the City of Raymore or the purpose and intent of this code;**

The site plan does not conflict with any of the adopted master plans of the City or the purpose and intent of the Unified Development Code.

- c. the proposed use is allowed in the district in which it is located;**

A restaurant with a drive-thru lane is an allowable use in the C-3 zoning district.

- d. vehicular ingress and egress to and from the site, and circulation within the site provides for safe, efficient, and convenient movement not only within the site but also on adjacent roadways;**

Vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of vehicles. Access to the site is off of Foxwood Drive, with a secondary access point to the south of the building.

- e. the plan provides for safe, efficient, and convenient movement of pedestrians on and to the site;**

The site plan does provide for safe, efficient and convenient movement of pedestrians. Sidewalks are provided to allow pedestrians to access the site from Foxwood Drive.

- f. the arrangement of structures and buildings on the site allows for efficient use of the land, is compatible with development on adjacent property, and**

minimizes potential adverse impacts on existing or planned municipal infrastructure and services;

The placement of the building on the lot does allow for efficient use of the land and minimizes potential adverse impacts on existing and planned municipal infrastructure and services.

- g. open space and natural features on the site are arranged in such a way that unique natural resources are preserved and creates a desirable and functional environment for site users;**

There are no unique natural resource features on the site that need to be preserved.

- h. the plan avoids unnecessary or unreasonable alterations to existing topography, preserves existing healthy, mature trees and woodlands, and designs drainage facilities to promote the use and preservation of natural watercourses;**

There are minor alterations to the existing topography of the lot that will be made for this project. There are no natural watercourses on the site. Trees that were previously on the site were removed as part of the demolition of the former Dean home that was on the property.

- i. provides adequate parking for the use, including logical and safe parking and circulation;**

Parking for the use meets the minimum requirement and is provided in a logical manner. Circulation through the site is well planned.

- j. provides landscaping and screening as required by this code that creates logical transitions to adjoining uses, screens incompatible uses, minimizes the visual impact of the development on adjacent roads and properties, and utilizes native plant materials selected to withstand the local climate and individual site microclimates; and**

Adequate landscaping is provided for the site. There is no screening required as part of this project.

- k. includes site illumination that has been designed and located to minimize adverse impacts on adjacent properties.**

The site illumination has been designed and located to minimize adverse impacts on adjacent properties.

REVIEW OF INFORMATION AND SCHEDULE

Action
Site Plan Review

Planning Commission
November 1, 2016

STAFF RECOMMENDATION

The staff recommends the Planning and Zoning Commission accept the staff proposed findings of fact and approve Case #16025 Panda Express Site Plan subject to the following conditions:

Prior to commencement of any land disturbance activities:

1. State of Missouri and City of Raymore land disturbance permits shall be obtained prior to the commencement of any site grading or land disturbance activities.
2. All erosion control measures identified on the site disturbance plan and required by the land disturbance permit must be installed prior to grading and these measures must be maintained until the requirements of the SWPPP are satisfied.

Prior to issuance of a Building Permit:

3. Building construction plans shall be approved by the Building Official.

Prior to issuance of a Certificate of Occupancy:

4. All accessible parking spaces must be identified by signs complying with the Manual of Uniform Traffic Control Devices and the Department of Justice, Code of Federal Regulation 28 CFR Part 36, ADA Standards for Accessible Design. The sign must be vertically mounted on a post or wall no more than five feet from the space and centered on the width of the space.
5. If the electrical transformer box and any other accessory utility facility is taller than three and one-half feet or covers more than twenty-five square feet in area than it must be screened in accordance with Section 420.040D of the Unified Development Code.
6. All work shall be completed in accordance with the site plan approved by the Planning and Zoning Commission.

Perpetual Conditions:

7. Prior to removing erosion control measures at the conclusion of the project, the contractor must obtain concurrence from the City.
8. A signed copy of the weekly and post rain event erosion control inspection reports shall be submitted to the City upon completion of each report.
9. Owner must immediately notify City staff of any illicit discharge that enters or has the potential to enter the storm sewer system.

PLANNING AND ZONING COMMISSION ACTION - 11/1/2016

The Planning and Zoning Commission, at its November 1, 2016 meeting, voted 8-0 to accept the staff proposed findings of fact and approved Case #16025 Panda Express Site Plan subject to the following conditions:

Prior to commencement of any land disturbance activities:

1. State of Missouri and City of Raymore land disturbance permits shall be obtained prior to the commencement of any site grading or land disturbance activities.
2. All erosion control measures identified on the site disturbance plan and required by the land disturbance permit must be installed prior to grading and these measures must be maintained until the requirements of the SWPPP are satisfied.

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