



Planning Division

STAFF REPORT

Planning Commission Meeting: October 14, 2019

Application:	<u>PR19-0021</u> Revised preliminary site development plan for Raising Cane's
Location:	In the vicinity of 135 th Street and Black Bob Road
Owner:	Vaquero Olathe Partners
Applicant:	LuAron McCormack, Raising Cane's Restaurants
Architect:	Jorge Cerros, PM Design
Staff Contact:	Dan Fernandez, Planner II

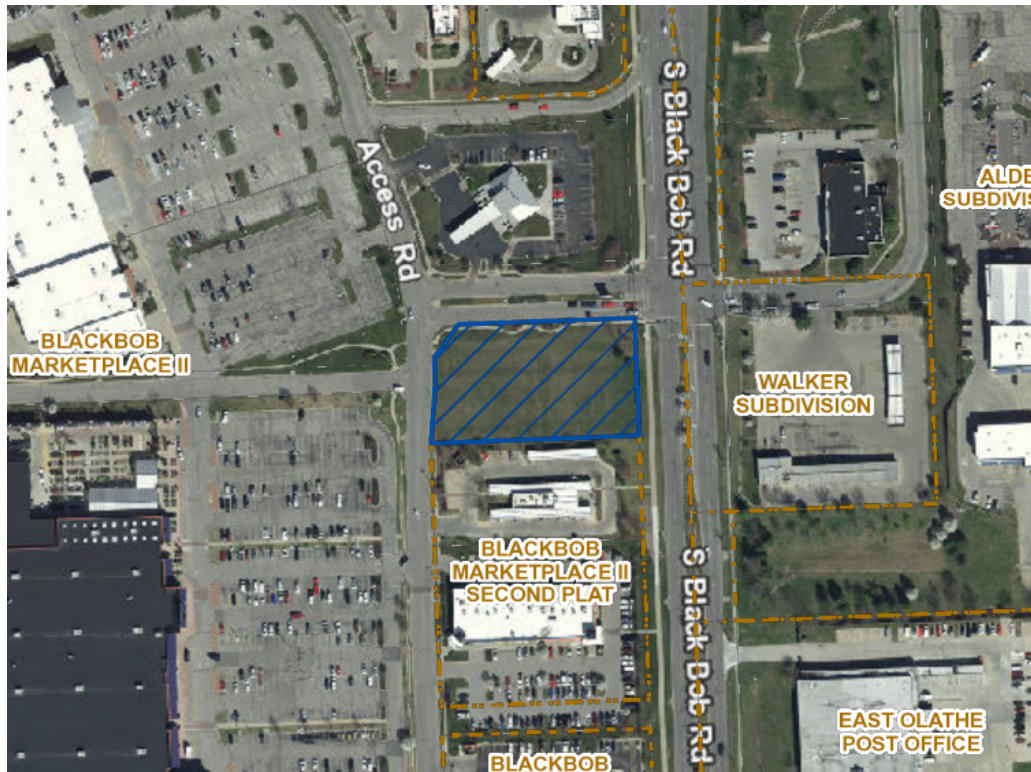
Site Area:	<u>1.17± acres</u>	Proposed Use:	<u>Fast Food Restaurant</u>
Zoning:	<u>C-2</u>	Plat:	<u>Lot 19, Blackbob Marketplace II</u>
Building Area:	<u>3,316 sq. ft.</u> (total)	Lots:	<u>1</u>

	Plan Olathe Land Use Category	Existing Use	Current Zoning	Site Design Category	Building Design Category
Site	Commercial Corridor	Vacant Commercial	C-2	4	D
North	Commercial Corridor	Bank	C-2	-	-
South	Commercial Corridor	Fast Food Restaurant	C-2	-	-
East	Commercial Corridor	Commercial	C-3	-	-
West	Commercial Corridor	Commercial	C-2	-	-

1. Comments:

The application is for a revised preliminary site development plan for Raising Cane's located in the Black Bob Market Place development near the southwest corner of 135th Street and Black Bob Road. The proposal is for a 3,316 square foot fast food restaurant with a drive-through.

The subject property was rezoned to C-2 in March 1987. The associated preliminary site development plan included a retail shopping center on the subject site.



Site Aerial



View looking west from Black Bob Road

2. Zoning Requirements:

- a. **Setbacks** – The following table lists the required setbacks for the C-2 District and the proposed setbacks for the development.

	<i>UDO Requirement</i>	<i>Proposed Plan</i>
<i>Front Yard</i>	15 feet from property line	74-foot front yard setback
<i>Side Yard</i>	7 ½ feet from property line	75-foot and 60-foot side yard setbacks
<i>Rear Yard</i>	7 ½ feet from the property line	120-foot rear yard setback

The parking/paving setback requirement of 15-feet from street right-of-way is being met on the east side of the property and the requirement of 10 feet is being met on the west and north sides of the property. The applicant is requesting a waiver request for the parking/paving setback along the south property line. Analysis of the waiver request can be found in Section 6 of this staff report.

- b. **Building Height** – The maximum height permitted in C-2 Districts is 35 feet. The highest point of the building is approximately 23 feet.
- c. **Open Space** – Developments in the C-2 District subject to Site Design Category 4 and Building Design Category D requirements, are required to have a minimum of 20% open space. The submitted plans for this project show 26.5% open space.

3. Development Requirements:

- a. **Access/Streets** – The development will have one access onto an interior access road that connects to the adjacent public streets, 135th Street and Black Bob Road.
- b. **Parking** – The UDO requires 1 parking spaces per 3 seats for restaurants. Based on the 105 seats in the building and in the outdoor seating area, 35 spaces are required. The C-2 District has a maximum allowed parking requirement of 150% which would be 53 parking spaces for this development. The submitted plans show 50 spaces so both UDO requirements are being met.
- c. **Lighting** – A photometric plan in compliance with the UDO and cutsheets of proposed lighting will be submitted with the final site development plan application.
- d. **Landscaping/Fencing** – A landscape plan was submitted showing perimeter landscaping along all property lines as well as landscaping in the parking islands, parking/paving screening, and along all foundations of the building.
- e. **Public Utilities** – The property is located in the City of Olathe water and sewer service areas.
- f. **Stormwater/Detention** – The site is served by regional detention and does not require a detention basin on-site.

- g. **Mechanical Equipment** – All rooftop, ground mounted and building mounted mechanical equipment are required to be screened per the UDO. A note will be included on the final site development plan that all mechanical equipment will be screened per UDO requirements.

4. Site Design Standards:

The proposed development is subject to **Site Design Category 4** (UDO 18.15.120). The following is staff's analysis of the composite site design requirements.

Composite Site Design (Category 4)	Design Requirements	Meets Site Design Requirement
<i>Outdoor Amenity Space</i>	Required for developments with more than 65% open space or larger than 4 acres	N/A
<i>Parking Pod Size</i>	Maximum requirement of 80 spaces per parking pod	Yes
<i>Pedestrian Connectivity</i>	Pedestrian gateway, cross property connection, pedestrian connection to adjacent development or pedestrian connection to regional trail	Yes
<i>Drainage Features</i>	Open drainage and detention areas visible to the public shall be designed as an attractive amenity or screened	Yes

5. Building Design Standards:

The building is subject to **Building Design Category D** (UDO 18.15.040). The following is an analysis of the Category D building requirements and proposed design.

Composite Building Design (Category D)	Design Requirements	Meets Site Design Requirement
<i>Horizontal Articulation</i>	Horizontal articulation tool (ex. wall offset) used a minimum of every 75 feet of linear façade width.	Yes
<i>Vertical Articulation</i>	Vertical articulation tool (ex. variation in roof form, height) used a minimum of every 75 feet of linear façade width.	Yes
<i>Focal Point Elements</i>	Towers or raised parapets of at least 4' are required on primary facades.	Yes
<i>Façade Expression</i>	Buildings must incorporate additional façade expression tools such as awnings, canopies or ornamental cornice	Yes

<i>Glass</i>	Minimum requirement of 20% glass on primary facades	No – see waiver section
<i>Building Materials</i>	The primary facades require a minimum of 70% Category 1 Materials and maximum 30% Category 2; secondary facades require a minimum 60% Category 1 and maximum 40% Category 2	Yes
<i>Mixed Building Materials</i>	All primary facades must incorporate a mix of building materials	Yes
<i>Transition standard for projects adjacent to single-family neighborhoods</i>	A building or portion of a building within 200 feet of an R-1 District may be no more than 35 feet or two stories in height	N/A
<i>Overhead Doors</i>	Overhead doors facing a public street shall incorporate a canopy and/or windows	N/A

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6. Waiver Requests:

The applicant is requesting two waiver requests, one for the amount of glass on a primary elevation and the second for the width of the parking/paving setback. Per Section 18.40.240 of the UDO, waivers can be granted if certain criteria are met.

The waiver for the glass requirement is to allow a reduction in the glass requirement on the south façade from the required 20% to 13%. The applicant states the waiver is necessary since this side of the building has the kitchen and storage areas that make it difficult to add additional glass.

A second waiver request is for not including focal point elements on the west and east elevations which are primary. Tower elements are provided on the two most visible elevations (the north and south) and the building exceeds the Category 1 material requirement and the glass requirement.

The applicant states that no private rights will be injured or endangered nor will the public suffer any loss by granting the waiver requests. The applicant has submitted a waiver request summary that has been included in the Planning Commission packet.

Staff Analysis

Staff is supportive of the waiver requests due to the proposal meeting the criteria for waivers found in Section 18.40.240.E of the UDO and for the following reasons.

For the glass requirement, the request is for the south elevation which does not face a public street or access drive. Also, during the review process and at the request of staff, the amount of glass on the other 2 primary elevations (north and east) were increased from 14% to 20% and from 19% to 25% respectively.

Staff is supportive of the second request for reducing the parking/paving setback along the south property line from 10 feet to 5 feet. The reduced setback is partially due to a larger parking/parking setback (17 feet) along the north property line. The larger width is due to an existing, winding sidewalk and landscape area that is located on the northern portion of the lot. The applicant is also providing landscaping above the requirements of Section 18.30.130 of the UDO that includes a variety of trees and shrubs.

7. Signage

No signage is approved with this plan review application. Separate sign permits are required for all signage and signs must comply with all requirements of Section 18.50.190 of the UDO including, one wall sign per elevation.

8. Staff Recommendation:

Staff recommends approval of the preliminary site development plan (PR19-0021) with the following stipulations:

- a. A final site development plan application must be submitted and approved prior to submitting for building permit.
- b. A waiver is granted to permit 13% glass on the south elevation as shown on the submitted elevations.
- c. A waiver is granted to permit the parking paving setback along the south property line to be 5 feet in width as shown on the submitted site plans.
- d. The final site development plan must include notes for all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, must be screened from public view with landscaping or an architectural treatment compatible with the building architecture in accordance with the UDO requirements.