

**COUNTY OF EL DORADO DEVELOPMENT SERVICES  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** September 10, 2009  
**Item No.:** 8  
**Staff:** Jason R. Hade

**PLANNED DEVELOPMENT**

**FILE NUMBER:** PD09-0001/Panda Express

**AGENT:** Vigen Associates/Lupe Sandoval

**PROPERTY OWNER:** CFT-UG Placerville, LLC

**REQUEST:** Development plan to authorize construction of a 2,448 square foot Panda Express restaurant with drive-thru.

**LOCATION:** The property is located on the southeast side of Missouri Flat Road approximately 250 feet southeast of the intersection with Forni Road in the Diamond Springs area, Supervisorial District III (Exhibit A).

**APN:** 327-240-23 (Exhibit B)

**ACREAGE:** 39,030 square feet

**GENERAL PLAN:** Commercial (C) (Exhibit C)

**ZONING:** Commercial- Planned Development (C-PD) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Categorically exempt pursuant to Section 15303(c) of the CEQA Guidelines

**RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:

1. Certify that the project is categorically exempt from CEQA pursuant to Section 15303(c) of the CEQA Guidelines; and
2. Adopt Planned Development application PD09-0001 as the official development plan of the project site subject to the conditions in Attachment 1, based on the findings in Attachment 2.

**STAFF ANALYSIS:** Staff has reviewed the project for compliance with County regulations and requirements. An analysis of the permit request and issues for Planning Commission consideration are provided in the following sections.

**Project Description:** A development plan request to authorize construction of a 2,448 square foot Panda Express restaurant with a drive-thru. Proposed signage is detailed in Exhibit J, Preliminary Sign Program and consists of two monument signs and wall signage.

**Site Description:** The project site lies at an elevation of approximately 1,800 feet above mean sea level and was previously graded during the construction of Wal-Mart. No vegetation or trees are located on the project site. Site access will be provided via existing encroachments onto Forni Road and Missouri Flat Road which serve the Wal-Mart site.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	C-PD	C	Commercial/Undeveloped
<b>North</b>	C-PD	C	Commercial/Bank/Office
<b>South</b>	C-PD	C	Commercial/Retail
<b>East</b>	C-PD	C	Commercial/Retail
<b>West</b>	C-PD	C	Commercial/Retail under construction

**Land Use Compatibility:** As noted above, the subject site is surrounded by existing commercial uses as well as an approved retail center under construction to the west of the project site. Therefore, the proposed restaurant is compatible within the context of the surrounding land uses pursuant to General Plan Policy 2.2.5.21.

**MISSOURI FLAT DESIGN GUIDELINES**

The Missouri Flat Design Guidelines were adopted by the Board of Supervisors June 3, 2008 by Resolution number 134-2008. The purpose of these guidelines is to improve the quality and character of the built environment and create a more pedestrian-friendly atmosphere with enhanced public spaces along the corridor. The guidelines will be applied to all non-residential development, such as this project, within the corridor, from El Dorado Road to Pleasant Valley Road. Staff has reviewed the proposal for consistency with the applicable sections of the guidelines and summarized our findings in the sections below.

**Site Planning:** The proposed lot layout is consistent with the guidelines as the building would be oriented towards a public space (Missouri Flat Road) and would integrate an outdoor seating area with trellis into the design of the project.

**Access and Circulation:** Proposed site access would be via existing encroachments serving Wal-Mart on Forni Road and Missouri Flat Road eliminating unnecessary driveway entrances as suggested by the guidelines. A reciprocal access agreement would be required by the Department of Transportation (DOT) prior to building permit issuance, guaranteeing access for this site to use the off-site roadways/drive aisles, and parking lot from this project to Forni Road and Missouri Flat Road. This is also strongly encouraged by the guidelines. On-site circulation is sufficient to allow customers to reach the site, circulate through the parking lot and drive-thru, and exit the site.

**Grading and Drainage:** Minimal grading is proposed (350 cubic yards cut and 80 cubic yards fill) as the site has previously been graded during the construction of Wal-Mart. As such, excessive cut and fill would be avoided consistent with the guidelines.

**Parking Lot Layout:** As proposed, the parking lot layout is consistent with the guidelines because it would be screened from the intersection by the proposed building and landscaping and provides shared parking with Wal-Mart. The Zoning Ordinance requires 1 space per three fixed seats or equivalent occupancy plus three spaces per drive-up window for the proposed use. Where drive-up windows are provided, stacking lane credit will be given on a basis of 1 space per 24 feet of stacking lane providing that the stacking lane is separate from the access driveway and does not block access to any parking space. One recreational vehicle space per each 10 parking spaces is also required. Based on a total of 72 fixed seats and one drive-up window, the restaurant would require 27 parking spaces and three recreational vehicles spaces. As shown on the site plan, Exhibit E, 33 parking spaces are to be provided as well as three recreational vehicles spaces consistent with the Zoning Ordinance requirements.

During the pre-application review process, El Dorado County Transit Authority (EDCTA) expressed concern that the project would conflict with the 40 parking spaces in the Wal-Mart parking lot that were required to be designated as park-and-ride spaces. As shown on the site plan, the 40 park-and-ride spaces would still be available if the proposed development were approved. EDCTA recommended the applicant be required to better delineate the existing park-and-ride spaces through increased signage and striping. EDCTA also requested that the applicant be required to install standard park-and-ride signs on northbound and southbound Missouri Flat Road and at the appropriate entrances to the shopping center. However, staff believes there is no nexus for this requirement as these improvements are not located on the subject site and should have been addressed prior to the approval of Wal-Mart. Staff would encourage the EDTCA to discuss their parking space maintenance and signage issues with representatives from Wal-Mart.

**Pedestrian Connections:** The guidelines state that “developments should provide easily identifiable pedestrian access to building entrances and key areas within the site from the street, sidewalk, parking areas, and bus stops.” The proposed walkway in the northwestern corner of the subject site would provide pedestrian connections to Forni Road and Missouri Flat Road consistent with the guidelines.

**Landscaping:** As shown on the submitted preliminary landscape plan, Exhibit G, landscaping is proposed to screen the drive-thru lane, parking area, and trash enclosure area consistent with the

guidelines. The preliminary landscape plan is also consistent with Section 17.18.090 of the Zoning Ordinance regarding parking lot landscaping and buffering standards.

**Building Design:** The building elevations, Exhibit I, indicate 360-degree architecture for the project which is encouraged in the guidelines at highly visible locations such as street intersections. According to the guidelines, “architectural details and materials on lower walls that relate to human scale, such as arches, trellises, or awnings, should face onto pedestrian spaces and streets.” The proposed trellis is consistent with these guidelines.

**Materials and Colors:** Proposed building materials include river rock and stucco. Proposed building colors are McElroy Metal Medallion Copper Penny, Benjamin Moore Yellow Squash, and Benjamin Moore San Clemente Rose. As proposed, the building materials and colors are consistent with guidelines.

**Trash Enclosures:** The proposed trash enclosure is consistent with the guidelines as it is large enough to include space for recycling bins, designed in a manner which is similar to the proposed building, and would be screened from public view by landscaping. A pedestrian entrance would also be provided.

**Loading and Services Areas:** Section 17.18.080.C of the Zoning Ordinance requires one loading space for the proposed development. However, due to site constraints and operational issues, the applicant has submitted a request (Exhibit K) to waive this requirement. Staff has reviewed the request and supporting documentation and supports the waiver of the loading space requirement. Should the Planning Commission wish to approve the request, appropriate findings are included within Attachment 2.

**Lighting:** The preliminary outdoor lighting plan, Exhibit H, is consistent with the guidelines as the proposed light poles would be 15 feet in height, would be sited and directed to prevent spot lighting, glare, or light spillage beyond property lines, and would include a well-lit building entrance. The preliminary lighting plan is also consistent with Section 17.14.170 of the Zoning Ordinance concerning outdoor lighting.

**Signage:** A preliminary sign program is attached as Exhibit J. Staff reviewed the sign program and determined it is consistent with the guidelines as well as Section 17.32.020.D of the Zoning Ordinance regarding the amount of signage permitted by right within the Commercial zone district. The proposed monument sign is complementary to the proposed building and is consistent in scale with existing signage for commercial businesses within the site vicinity. A single face entry sign is also proposed adjacent to the proposed American Disability Act pedestrian walkway. This sign would match the other proposed signs and offset the railing/walkway as the focal point on the intersection corner.

## **OTHER ISSUES**

**Fire Protection:** Fire protection services would be provided to the project site by the Diamond Springs-El Dorado Fire Protection District as required under General Plan Policy 5.7.1.1. The Fire District reviewed the proposal and would require two new fire hydrants as well as annexation into a Community Facilities District. All Fire District issues are addressed within the project's recommended conditions of approval, Attachment 1.

**Water Supply and Fire Flow:** General Plan Policy 5.2.1.3 requires that commercial development projects be required to connect to a public water system when located within a Community Region. El Dorado Irrigation District would provide water to the project site. According to their letter dated November 4, 2008, the project would require approximately 10 EDUs (equivalent dwelling units) of water. At this time, there are approximately 2,426 EDUs available in the Western/Eastern Water Supply Region as of January 1, 2007. The project would connect to an existing 12-inch waterline located along the southern boundary of the project site which would provide the necessary fire flow.

**Wastewater Disposal:** General Plan Policy 5.3.1.1 requires commercial projects to connect to public wastewater facilities as a condition of approval. The EID has stated in their letter dated November 4, 2008 that there is private lift station at the northwest corner of this property which was built to serve Wal-Mart and the subject site. According to the letter, the service stub for this site is located at the lift station. This sewer line connecting to the private lift station has adequate capacity at this time.

**General Plan:** This development plan request has been reviewed in accordance with the applicable El Dorado County 2004 General Plan policies. The General Plan designates the project site as Commercial (C) which permits a full range of commercial, retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. As such, the proposed use is consistent with the C land use designation.

Additionally, the following General Plan policy also applies to this project:

**Policy 2.5.2.2** *states that new commercial development should be located near by existing commercial facilities to strengthen existing shopping locations and avoid strip commercial.*

Discussion: The proposed restaurant would be located near an existing Wal-Mart and within close proximity to a Walgreens retail center currently under construction as well as an existing retail center on Golden Center Drive.

**Conclusion:** As discussed above, staff finds that the project, as proposed/conditioned, conforms to the General Plan. Appropriate findings for approval are included within Attachment 2.

**Zoning:** The subject site is located within the Commercial zone district which permits the proposed use by right pursuant to Section 17.32.020.B of the Zoning Ordinance. The project is consistent with the applicable development standards outlined in Section 17.32.040 of the Zoning Ordinance including maximum building coverage, minimum setbacks, and maximum building height. As discussed above, the proposal is also consistent with other applicable provisions of the Zoning

Ordinance such as parking, landscaping, and lighting requirements.

**Planned Development:** No exceptions to the applicable development standards within the Zoning Ordinance were requested as part of the development plan. Proposed uses to be permitted under the development plan would consist of all uses permitted by right within the Commercial zone district. Staff believes the Planning Commission can make the six required findings needed to approve a development application based on the analysis above. Appropriate findings for approval are included within Attachment 2.

## **ENVIRONMENTAL REVIEW**

The development plan request has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303(c) of the CEQA Guidelines which states that “construction and location of limited numbers of new, small facilities or structures” are exempt from further environmental review. Pursuant to Resolution No. 240-93, a \$50.00 proceeding fee is required for the County Recorder to file the Notice of Exemption.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report:**

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	Assessor’s Map Page
Exhibit C .....	General Plan Land Use Map
Exhibit D .....	Zoning Map
Exhibit E .....	Site Plan
Exhibit F .....	Preliminary Grading and Drainage Plan
Exhibit G .....	Preliminary Landscape Plan
Exhibit H .....	Preliminary Outdoor Lighting Plan
Exhibit I .....	Building Elevations
Exhibit J .....	Preliminary Sign Program
Exhibit K .....	Applicant’s Loading Space Waiver Request

**ATTACHMENT 1  
CONDITIONS OF APPROVAL  
PLANNED DEVELOPMENT**

**File Number PD09-0001**

**El Dorado County Planning Services**

1. This development plan is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit E- J, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Development plan authorizing construction of a 2,448 square foot Panda Express restaurant with a drive-thru. Permitted signage is detailed in Exhibit J, Preliminary Sign Program.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a development plan.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

3. Prior to issuance of any permits, the applicant shall pay all Development Service fees.

4. Prior to building permit issuance, the applicant shall provide a written description, together with appropriate documentation, demonstrating conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services permit center staff prior to final occupancy for verification of compliance with applicable conditions of approval.
5. The applicant is responsible for providing 27 off-street parking spaces at all times while the restaurant is in operation pursuant to 17.18.060 of the Zoning Ordinance. All on-site parking shall meet the parking lot design standards contained in Section 17.18.030 of the County Code. The required parking shall be provided as shown on the approved site plan, Exhibit E. Additionally, 40 park-and-ride parking spaces shall continue to be provided as delineated on Exhibit E.
6. In accordance with the Parking Lot Landscaping and Buffering Standards (Section 17.18.090, El Dorado County Zoning Ordinance), the applicant shall submit a final landscape plan consistent with the approved landscape plan, Exhibit G, prior to issuance of a building permit. Additionally, staff will make an on-site inspection to verify compliance with the final landscape plan prior to occupancy.
7. Prior to final building occupancy, all outdoor lighting shall conform to Exhibit H and Section 17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation, as determined by Planning Services.

#### **El Dorado County Department of Transportation**

8. **Community Facilities District Annexation:** The owner shall enter into an agreement in recordable form with the County that obligates the property to participate in the Community Facilities District No. 2002-01 (Missouri Flat Area) (CFD), which is the financing district approved by the El Dorado County Board of Supervisors for the Missouri Flat Area, at such time in the future that the County processes an annexation of territory into the CFD. The agreement shall be executed by the property owner and approved by the County prior to the issuance of any building permits. The financing obligation shall run with the property's title and bind all future assignees and/or successors in interest in the subject property.

Should timing of building permit review process coincide with an annexation process underway by the County, the applicant may participate in said process in lieu of entering into an agreement, provided the annexation election has been held, the property owner, for subject application, voted in favor of being annexed, and the annexation election is successful.

9. **Reciprocal Access Agreement:** The applicant shall provide a reciprocal access agreement, guaranteeing access for this site to use the off-site roadways / drive aisles, and parking lot

from this project to Forni Road and Missouri Flat Road, prior to issuance of the building permit.

10. **Landscape Maintenance Agreement:** The applicant shall provide or show proof of existence of a landscape maintenance agreement to ensure that the roadside vegetation along the Forni Road encroachment shall be removed and maintained to preserve adequate sight distance to the satisfaction of the Department of Transportation. A copy of the recorded agreement shall be provided prior to issuance of the building permit.
11. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
12. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" sign as required by the Department of Transportation prior to issuance of a building permit. The signing and striping shall be designed and constructed per the latest version of the California Manual Uniform Traffic Control Devices (MUTCD).
13. **Curb Returns:** All curb returns, at pedestrian crossing, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and 4 feet of sidewalk/landing at the back of the ramp.
14. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
15. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
16. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to issuance of a building permit.
17. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans.
18. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide

General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

19. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
20. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

#### **El Dorado County Environmental Management Department**

21. Prior to occupancy, the commercial kitchen shall meet all requirements of the California Retail Food Code as determined by the Environmental Management Department.
22. The commercial kitchen construction plans shall be reviewed and approved by the Environmental Management Department prior to building permit issuance.
23. Prior to occupancy, an annual operating health permit shall be obtained from the Environmental Management Department.
24. Prior to building permit issuance, the annual maintenance and monitoring agreement permit for the private lift station shall be modified, as needed, to the satisfaction of the Environmental Management Department.
25. Prior to building permit issuance, any previous Phase I site assessments shall be updated and submitted to the Environmental Management Department for review and approval. If any potential impacts are identified from agricultural, mining, commercial, or other historical uses, a Phase II site assessment shall be conducted under permit by the Environmental Management Department. If significant contamination is discovered, appropriate remedial action shall be conducted to the satisfaction of the Environmental Management Department.
26. If the restaurant will store reportable quantities of hazardous materials (55 gallons) or generate hazardous waste, prior to commencing operations the owner(s)/operator(s) must:
  - Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
  - Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
  - Train all employees to properly handle hazardous materials and wastes.

- Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

### **Diamond Springs - El Dorado Fire Protection District**

27. Prior to building permit issuance, the applicant shall submit documentation from the El Dorado Irrigation District to the Diamond Springs - El Dorado Fire Protection District (DSEDFPD) demonstrating a fire flow of 1,500 gallons per minute for a two-hour duration at 20 pounds per square inch residual pressure.
28. Two new fire hydrants shall be installed on a looped fire main to the satisfaction of the DSEDFPD prior to occupancy.
29. Prior to occupancy, a complete fire detection system per NFPA 72 shall be installed to the satisfaction of the DSEDFPD.
30. Prior to building permit issuance, a knock box shall be shown on building plans near the front entrance.
31. Prior to building permit issuance, evidence of easements in place or a reciprocal access agreement to facilitate fire access circulation to the adjoining parking lot shall be submitted to the DSEDFPD.
32. No parking in fire lanes shall be identified by providing curbs painted red and signs stating "No Parking Fire Lane" prior to occupancy.
33. Prior to occupancy, the subject site shall be annexed into the Community Facilities District established by the DSEDFPD for the provision of public services.

# **ATTACHMENT 2 FINDINGS**

## **File Number PD09-0001**

Based on the review of this project by staff and affected agencies, and supported by the staff report and evidence in the record, the following findings can be made:

### **FINDINGS FOR APPROVAL**

#### **1.0 CEQA FINDING**

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303(c) of the CEQA Guidelines which states that “construction and location of limited numbers of new, small facilities or structures” are exempt from further environmental review. Because the proposed restaurant is less than 2,500 square feet it is exempt from further environmental review pursuant to Section 15303(c) pursuant to the CEQA Guidelines.

#### **2.0 GENERAL PLAN FINDINGS**

- 2.1 The project is consistent with policy 2.2.1.2 because the commercial land use designation permits a full range of commercial, retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. As such, the proposed restaurant is consistent with the commercial land use designation.
- 2.2 The proposal is consistent with the following applicable General Plan policies: 2.2.5.21, land use compatibility, 2.5.2.2, commercial development clustering, 5.2.1.3, connection to public water, 5.3.1.1, connection to public sewer, and 5.7.1.1, fire protection services because the project has been designed in a manner to fit within the context of the surrounding existing and proposed commercial uses, is located near existing commercial development, will connect to public water and sewer facilities, and will have adequate fire protection services as determined by the Diamond Springs – El Dorado Fire Protection District.

#### **3.0 ZONING FINDINGS**

- 3.1 The project is consistent with the Commercial zone district as the use is permitted by right under Section 17.32.020 of the Zoning Ordinance. The project is consistent with the applicable development standards outlined in Section 17.32.040 of the Zoning Ordinance including maximum building coverage, minimum setbacks, and maximum building height. As discussed above, the proposal is also consistent with other applicable provisions of the Zoning Ordinance such as parking, landscaping, and lighting requirements.
- 3.2 The requested waiver of the loading space parking requirement is granted based on the following findings and supported by Exhibit K.

- 3.2.1 *The intent of the parking ordinance is preserved.* As stated in Exhibit K, all loading activity will be conducted in parking stalls near the front entry of the restaurant during non-business hours. As such, no impact to customer parking areas will occur.
- 3.2.2 *The parking provided is sufficient to serve the use for which it is intended.* As stated above, the use requires 27 parking spaces pursuant to Section 17.18.060.17 of the Zoning Ordinance and 33 parking spaces are provided on the site plan. Further, additional parking is allocated for Panda Express in the Wal-Mart parking lot as part of the property sale agreement.
- 3.2.3 *The modification will not be detrimental to the public health or safety.* The modification will not be detrimental to the public health or safety because there will no disruption to customer parking areas during business hours. No public health or safety impacts will occur.

#### **4.0 ADMINISTRATIVE FINDINGS**

##### **4.1 Planned Development**

- 4.1.1 *The Development Plan is consistent with the General Plan.* As outlined within the staff report and General Plan consistency findings above, the planned development is consistent with the applicable policies of the General Plan concerning land use, public services and utilities, and public health, safety, and noise.
- 4.1.2 *The proposed development is so designed to provide a desirable environment within its own boundaries.* The proposed development plan features a building design which is consistent with the Missouri Flat Design Guidelines, outdoor seating area, sufficient landscaping, and pedestrian connectivity. As such, the development is designed to provide a desirable environment within its own boundaries.
- 4.1.3 *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.* No deviations from the development standards have been requested.
- 4.1.4 *The site is physically suited for the proposed use.* The site contains sufficient developable area to accommodate the proposed commercial development. No significant grading will occur as the site was previously graded with the construction of Wal-Mart.
- 4.1.5 *Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.* Public water and sewer service will be provided to the site by the El Dorado Irrigation District. The El Dorado Irrigation District provided a letter dated November 4, 2008 indicating that it has adequate water supplies and sewer facilities to serve the project. All issues identified in the traffic study can be addressed by compliance with the conditions of approval within Attachment 1.

- 4.1.6 *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The project includes minor grading as the site was previously graded during the construction of Wal-Mart. The restaurant will be surrounded by existing and proposed commercial uses along the Missouri Flat corridor.