

# City of Lee's Summit

## Department of Planning & Codes Administration

June 10, 2016

TO: Planning Commission  
FROM: Robert G. McKay, AICP, Director   
RE: **PUBLIC HEARING – Appl. #PL2016-077 – SPECIAL USE PERMIT renewal for automotive sales – Midwest Tire & Service, 190 NW Oldham Pkwy.; Midwest Tire & Service, Inc., applicant**

---

### Commentary

This application is for a special use permit renewal for outdoor auto sales as an accessory use at 190 NW Oldham Parkway. The applicant has operated a tire and auto service business for a number of years and was granted a special use permit, by Ord. #6779, to sell vehicles for a period of 7 years. The applicant requests the renewal for a time period of 7 years. The applicant has also asked for a modification to the maximum number of vehicles allowed for sell at any given time; however, staff is not supporting this modification. Staff recommends approval of the renewal for a time period of 7 years from the previous expiration date, to expire on April 16, 2023.

### Recommendation

Staff recommends **APPROVAL** of the special use permit, subject to the following:

1. The special use permit shall be granted for a period of 7 years from the previous expiration date, to expire on April 16, 2023.
2. The number of vehicles for sale at any given time shall be limited to five (5) vehicles.
3. All display or storage areas must be paved and the vehicles arranged in an orderly manner.
4. The sale display area shall be striped according to a plan approved by staff.

### Project Information

**Proposed Use:** automotive sales

**Zoning:** CP-2 (Planned Community Commercial)

**Land Area:** 729,841 sq. ft. (16.75 acres, includes the entire shopping center site)

**Building Area:** 6,533 sq. ft.

**Location:** 190 NW Oldham Pkwy.

**Surrounding zoning and use:**

**North (across NW O'Brien Rd.):** CP-2 – Freddy's

**South:** CP-2 – Lee's Summit branch of Mid-Continent Public Library

**East (across NW Oldham Pkwy., US 50 Hwy., and NW Blue Pkwy.):** CP-2 – Office uses

**West:** CP-2 – Remainder of retail shops in Summit Shopping Center

### Background

- January 24, 1957 – The Board of Zoning and Adjustments motioned to recommend a



rezoning (Appl. #1957-001) from A (Agricultural) to C (Commercial) "for a shopping center, upon receipt of acceptable plans showing buildings proposed, and site plan of the shopping center".

- February 14, 1957 – The City Council approved Zoning Ordinance #507, which established new zoning districts for the City and changed the zoning of this property from A (Agricultural) to C-P (Planned Business District).
- July 2, 1973 – The Planning Commission approved a final site plan (Appl. #1988-093) showing a 7,000 square foot building for Goodyear with 25 parking stalls.
- February 1, 1974 – A building permit (#6123) was issued for a 7,067 square foot building for Goodyear.
- February 6, 1996 – A minor plat (Appl. #1995-248) for *Summit Shopping Center, Lots 1 & 2* was recorded with the Jackson County Recorder of Deeds by Instrument #199610006748.
- April 16, 2009 – The City Council approved a special use permit (Appl. #2009-003) for automotives sales to Midwest Tire Service for a period of 7 years, Ordinance #6779.

## Analysis of Special Use Permit

**Ordinance Requirements.** Under the Unified Development Ordinance (UDO) a special use permit is required for outdoor secondary sales of motor. According to Section 10.460, of the UDO the following conditions apply to outdoor sales of motor vehicles:

1. Primary motor vehicle related business shall include:
  - a. Motor vehicle parts and supply
  - b. Motor vehicle repair services, both minor and major
2. Number and placement/display of accessory motor vehicles shall:
  - a. Be limited to a maximum of five vehicles at any time. The applicant has requested seven; however, since this is greater than what is allowed a modification is required. **Staff is not supportive of a modification to this requirement.**
  - b. Be limited to existing parking spaces, for display purposes, in excess of the required parking spaces for the primary business use as determined by the Director on a case by case basis.
3. Motor vehicle accessory sale locations shall be limited to specific areas identified in Figure 10-1 as follows:
  - a. Major Arterials – Allowed only within 1/4 mile wide strip measured 1/8 mile from centerline on each side of the arterial.
  - b. Entry Gateways – Prohibited within 1/4 mile radius
  - c. Primary Intersections – Prohibited within 1/8 mile radius
4. Minimum landscaping shall be required:
  - a. Between street right-of-way and parking lot display of motor vehicles, and
  - b. To include a 30 inch high berm with shrubbery and ornamental trees as approved by the Governing Body
5. Signage.
  - a. One sign per motor vehicle
  - b. 6 square feet maximum area
  - c. Located inside motor vehicle

**Time Period.**

- Request – The applicant requests a time period of 7 years.
- Recommendation – Staff supports the renewal of the special use permit for a period of 7 years from the expiration of the previous special use permit, to expire on April 16, 2023.

**Ordinance Criteria.** The criteria enumerated in Section 10.050 as well as the regulations in Section 10.460 addressed above were considered in analyzing this request.

- The lot is zoned CP-2. The adjacent property to the east and west are zoned CP-2. Automotive sales as a primary or accessory use are allowed in the CP-2 zoning districts with a special use permit.
- The proposed outdoor auto sales at this location will not detrimentally affect the appropriate use of neighboring property.
- The proposed use is not expected to negatively impact traffic and/or parking in the area.

In considering all the criteria and regulations, staff finds the use to be appropriate and recommends approval of the special use permit.

**Code and Ordinance Requirements**

*The items in the box below are specific to this development and must be satisfactorily addressed in order to bring the plan into compliance with the Codes and Ordinances of the City.*

**Planning and Codes Administration**

1. The only signage allowed on the vehicles and on the property shall be limited to signs required by the State of Missouri for auto sales and small signs no greater than six square feet displayed on the vehicle.

RGM/cs

**Attachments:**

1. Site Plan, date stamped April 14, 2016 – 1 page
2. Special Use Permit Explanation, date stamped April 14, 2016 – 1 page
3. Special Use Permit Criteria addressed by the applicant, date stamped June 8, 2016 – 1 page
4. Photos of subject and surrounding properties, date stamped April 14, 2016 – 6 pages
5. Table of Special Use Permits for Cars, Trucks, Boat and Trailer Sales, updated June 8, 2016
6. Location Map