

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR AUTOMOTIVE SALES IN DISTRICT CP-2 (PLANNED COMMUNITY COMMERCIAL DISTRICT) ON LAND LOCATED AT 301 NE COLBERN RD FOR A PERIOD OF THIRTEEN AND ONE-HALF (13.5) YEARS, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2015-197, submitted by BFRE, LLC, requesting a special use permit for automotive sales in District CP-2 on land located at 301 NE Colbern Rd, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the request on January 26, 2016, and rendered a report to the City Council containing findings of fact and a recommendation that the special use permit be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on February 18, 2016, and rendered a decision to grant said special use permit.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the application pursuant to Section 10.450 of the Unified Development Ordinance to allow automotive sales in District CP-2 with a Special Use Permit is hereby granted for a period of thirteen and one-half (13.5) years, with respect to the following described property:

*A TRACT OF LAND BEING PART OF LOT 12 OF FIELDS FARM, A RECORDED SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 48 NORTH, RANGE 31 WEST, JACKSON COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 29, THENCE SOUTH 88°12'55" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, 600.82 FEET TO THE NORTHEAST CORNER OF SAID LOT 12; THENCE LEAVING THE SAID NORTH LINE, SOUTH OF 01°40'25" WEST ALONG THE EAST LINE OF SAID LOT 12, 40.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COLBERN ROAD AND NOW LOCATED AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°40'25" WEST ALONG THE SAID EAST LINE 425.41 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF I-470; THENCE LEAVING THE SAID EAST LINE, SOUTH 87°57'55" WEST ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE 17.62 FEET; THENCE NORTH 89°10'20" WEST ALONG SAID NORTHERLY LINE 200.25 FEET; THENCE SOUTH 87°57'55" WEST ALONG THE SAID NORTHERLY LINE 36.83 FEET TO A POINT ON THE EASTERLY LIMITS OF THE EXISTING RUNWAY PROTECTION ZONE AS DESIGNATED BY THE CITY OF LEE'S SUMMIT, MISSOURI; THENCE LEAVING THE SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 05°13'18" WEST ALONG THE EASTERLY LIMITS OF THE SAID RUNWAY PROTECTION ZONE 435.63 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COLBERN ROAD AS NOW LOCATED. THENCE SOUTH 88°12'55" EAST ALONG THE SAID LINE BEING 40.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, 306.87 FEET TO THE TRUE POINT OF BEGINNING.*

SECTION 2. That the following conditions of approval apply:

1. The special use permit shall be granted for a period of 13.5 years to coincide with the expiration of the Special Use Permit for the existing Honda site at 401 NE Colbern Rd., which will run through 05/13/2029.
2. The special use permit shall not take effect until such time as a lease agreement between the City and applicant is executed for the subject property.
3. Inoperable vehicles, as defined in the City's Unified Development Ordinance, shall not be stored on the subject lot.
4. Recreational vehicles, as defined in the City's Unified Development Ordinance, shall not be stored on the subject lot.
5. Construction equipment, as defined in the City's Unified Development Ordinance, shall not be stored on the subject lot.
6. The special use permit shall be granted for no less than the entire 2.78 acres of the subject property located outside the runway protection zone.

SECTION 3. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and the City Unified Development Ordinance, enacted by Ordinance No. 5209, amended from time to time.

SECTION 4. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.


PASSED by the City Council of the City of Lee's Summit, Missouri, this 18<sup>th</sup> day of February, 2016.

  
Mayor Randall L. Rhoads

ATTEST:

  
City Clerk Denise R. Chisum

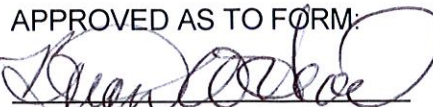
APPROVED by the Mayor of said city this 19<sup>th</sup> day of February, 2016.

  
Mayor Randall L. Rhoads

ATTEST:

  
City Clerk Denise R. Chisum

APPROVED AS TO FORM:

  
City Attorney Brian W. Head

# City of Lee's Summit

## Department of Planning & Codes Administration

January 22, 2016

TO: Planning Commission  
FROM: Robert G. McKay, AICP, Director *RM*  
RE: **PUBLIC HEARING – Appl. #PL2015-197 – SPECIAL USE PERMIT for automotive sales – Lee's Summit Honda parking lot addition, 301 NE Colbern Rd.; BFRE, LLC, applicant**

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### Commentary

The applicant requests a special use permit for outdoor auto sales at 301 NE Colbern Rd. The property is currently a vacant lot zoned CP-2 (Planned Community Commercial District). A proposal for a 39,765 square foot parking lot will be submitted under a separate final development plan application for administrative approval. The subject property is owned by the City, and the applicant is currently negotiating the lease agreement for the 2.78 acres of City property located west of the existing Honda facility.

A copy of the site plan is included as an attachment for illustrative purposes only. The Unified Development Ordinance allows for a parking lot development, provided no modifications of the Unified Development Ordinance are requested, to be submitted as a final development plan application for administrative staff review and approval. The parking lot addition will provide an additional 107 parking spaces, for outdoor auto display, for the existing Lee's Summit Honda dealership on the abutting property at 401 NE Colbern Rd.

The applicant requests a 30 year time period; staff recommends 13.5 years to coincide with the expiration of the special use permit for the existing Honda site on the abutting property, which will run through 5/13/2029.

### 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 13.5 years to coincide with the expiration of the special use permit for the existing Honda site at 401 NE Colbern Rd., which will run through 5/13/2029.
2. The special use permit shall not take effect until such time as a lease agreement between the City and applicant is executed for the subject property.
3. Inoperable vehicles, as defined in the City's Unified Development Ordinance, shall not be stored in the subject lot.
4. Recreational vehicles, as defined in the City's Unified Development Ordinance, shall not be stored in the subject lot.
5. Construction equipment, as defined in the City's Unified Development Ordinance, shall not be stored in the subject lot.
6. The special use permit shall be granted for no less than the entire 2.78 acres of the subject property located outside the runway protection zone.

## Project Information

**Proposed Use:** parking lot for outdoor automotive sales

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

**Land Area:** 121,097 sq. ft. (2.78 acres)

**Building Area:** currently vacant lot; no building proposed

**Location:** 301 NE Colbern Rd.

**Surrounding zoning and use:**

**North:** PMIX (Planned Mixed Use District)—vacant

**South:** MoDOT Right-of-way and I-470 highway

**East:** CP-2 (Planned Community Commercial District)—Lee's Summit Honda dealership

**West:** CP-2 (Planned Community Commercial District)—vacant

## Background

- May 12, 1924 – The final plat of *Fields Farm, Lots 1-12*, was recorded by the Jackson County Recorder of Deeds by Instrument #1924-I-0184943.
- June 19, 1984 – The City Council approved the rezoning (Appl. #1984-013) of the property located at 301 NE Colbern Rd. from R-1 to C-1 (now CP-2), by Ord. #2541.
- April 27, 1999 – A final development plan was approved for Stadium Honda for an approximately 33,400 sq. ft. building (Appl. #1999-107) on the property located at 401 NE Colbern Rd.
- May 13, 1999 – The City Council approved the special use permit to operate an automobile dealership, Stadium Honda, for a period of 30 years at 301-601 NE Colbern Rd. (Appl. #1999-010) by Ord. #4782.

### Conditions of Use for Outdoor Sales or Lease of Motor Vehicles/Equipment.

Section 10.450 of the UDO lists the following conditions that apply to outdoor sales of motor vehicles:

1. **Motor vehicles must be set back ten (10) feet from all property lines or in compliance with the district's setback lines, whichever is greater.** Displayed vehicles will meet the required setbacks from all property lines.
2. **No fencing is permitted in the area forward of the main building or within the front yard setback if no building exists on the premises.** No fencing is proposed forward of the main building or within any front yard setback.
3. **All display or storage areas must be paved and the motor vehicles arranged in an orderly manner.** The display areas will be paved and all vehicles will be arranged in an orderly manner.

**Ordinance Criteria.** The criteria enumerated in Section 10.050 as well as the regulations in Section 10.450 addressed above were considered in analyzing this request.

- The lot is zoned CP-2. The adjacent lots 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 area is "automotive" in nature with three dealerships in succession, and two more within ½ mile.
- 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.

**Time Period.**

- Request – The applicant requests a 30 year time period.
- Recommendation – Staff recommends a special use permit for a period of 13.5 years to coincide with the expiration of the special use permit for the existing Honda site on the abutting property, which will run through 5/13/2029.

**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. A final development plan (Appl. 2015-180) shall be submitted, reviewed and approved by the Planning and Codes Administration Department in accordance with the Unified Development Ordinance prior to display of vehicles.

RGM/res

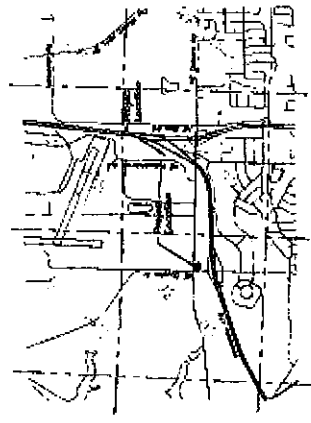
**Attachments:**

1. Drawings of proposed parking lot (7 pages), dated January 19, 2016, consisting of:
  - Site Plan
  - Dimension Plan
  - Grading and Erosion Control Plan
  - Detention Basin Plan and Storm Water Profile
  - Detail Sheet
  - Landscape Plan
  - Photometric Plan
2. Special Use Permit criteria addressed by the applicant, date stamped November 24, 2015 – 2 pages
3. Photos of subject and surrounding properties, date stamped November 24, 2015 – 3 pages
4. Table of Special Use Permits for Cars, Trucks, Boat and Trailer Sales, updated January 21, 2016
5. Location Map



# Final Development Plan for Lee's Summit Honda Parking Lot Expansion 401 NE Colbern Rd Lee's Summit, Jackson County, Missouri 64086

Project Name: Lee's Summit Honda  
Project No.: 2008-02  
Site Area: 2.00 AC  
Total Area: 2.00 AC  
Total Area: 2.00 AC  
Total Area: 2.00 AC



**2** Location Map

Local Neighborhood  
Lee's Summit, Jackson County, Missouri

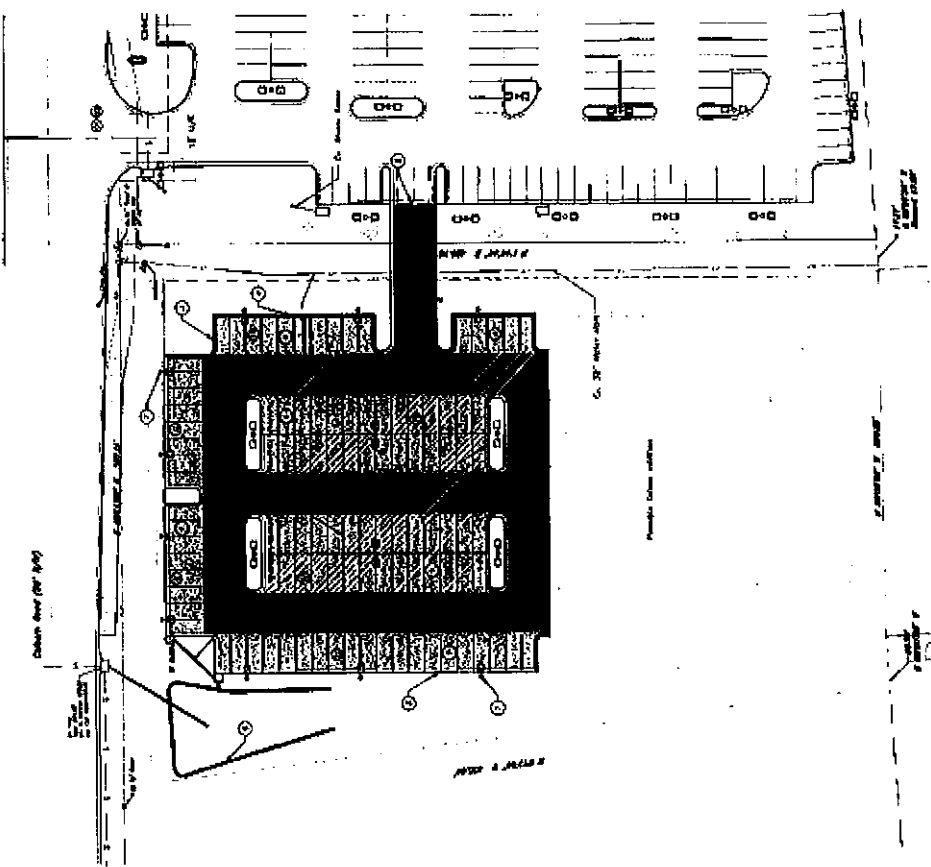
Local Neighborhood  
Lee's Summit, Jackson County, Missouri

| Item        | Quantity | Unit  | Notes                     |
|-------------|----------|-------|---------------------------|
| 1. Gravel   | 10,000   | cu yd | For parking lot expansion |
| 2. Asphalt  | 10,000   | cu yd | For parking lot expansion |
| 3. Concrete | 10,000   | cu yd | For parking lot expansion |
| 4. Steel    | 10,000   | lb    | For parking lot expansion |
| 5. Wood     | 10,000   | cu yd | For parking lot expansion |
| 6. Other    | 10,000   | cu yd | For parking lot expansion |



Construction Notes  
1. Gravel  
2. Asphalt  
3. Concrete  
4. Steel  
5. Wood  
6. Other

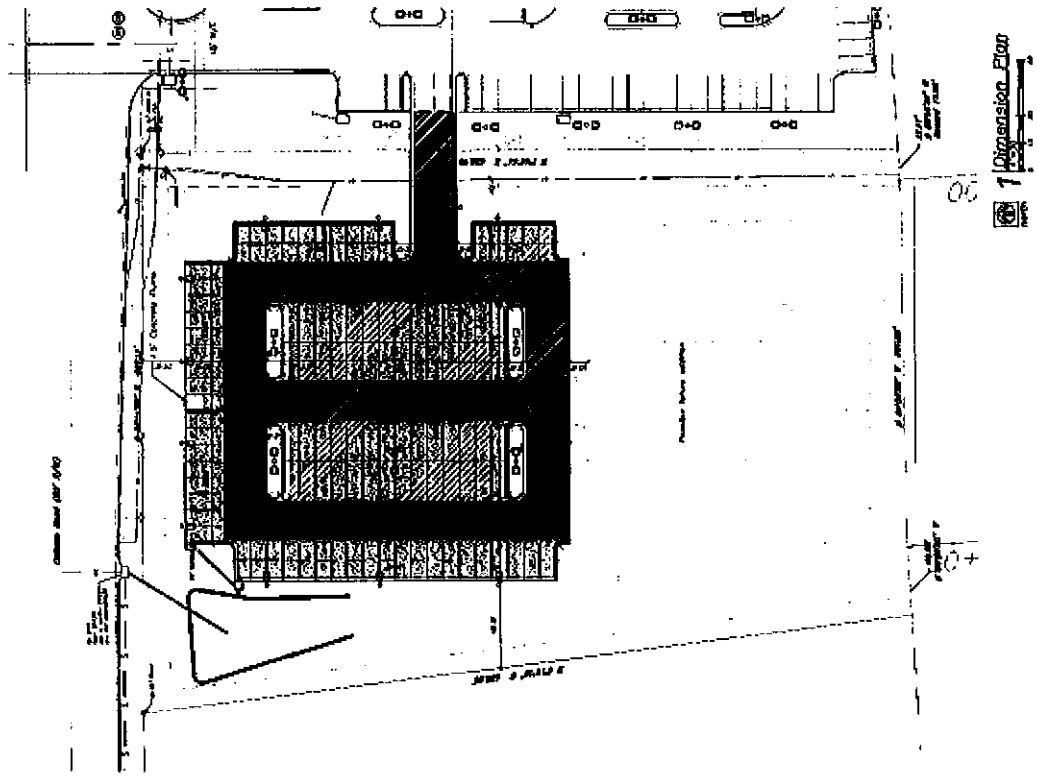
Construction Notes  
1. Gravel  
2. Asphalt  
3. Concrete  
4. Steel  
5. Wood  
6. Other



**1** Site Plan

Lee's Summit Honda  
401 NE Colbern Road  
Lee's Summit, Missouri  
a proposed remodel for

**C1.0**  
Lee's Summit Honda  
401 NE Colbern Road  
Lee's Summit, Missouri



**Partnership Agreement**

**DATE** \_\_\_\_\_  
**NAME** \_\_\_\_\_  
**ADDRESS** \_\_\_\_\_  
**CITY** \_\_\_\_\_  
**STATE** \_\_\_\_\_  
**ZIP** \_\_\_\_\_

**Appendix 1**

Name of the person: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Zip: \_\_\_\_\_

Abstract: *See page 100*  
Keywords: *See page 100*  
Acknowledgments: *See page 100*





**PROPERTY APPROPRIATION**

\_\_\_\_\_

[illegible]

|                             |              |
|-----------------------------|--------------|
| revenue per<br>customer per |              |
| year                        | \$ . . . . . |
| number of customers         | 100,000      |
| total revenue               | \$10,000,000 |

[illegible][illegible]

**Q**      **A**

**Q** What are the most common reasons for a company's failure?

☐ ☒ ☐

Walter Miller

- The surveying staff focuses more on the "how" than the "what." The contractor must be responsible for the "what," and the surveying staff focuses more on the "how."
- The contractor still is responsible for the

1 The committee shall submit to the committee the following information:

7-10-68

It is hereby acknowledged before witnesses that  
the undersigned has signed this document as a true and  
correct copy of the original.

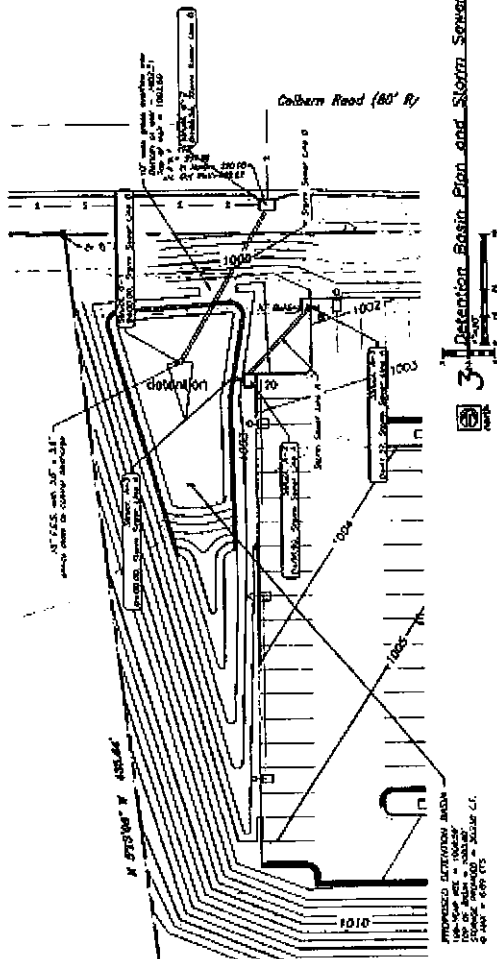
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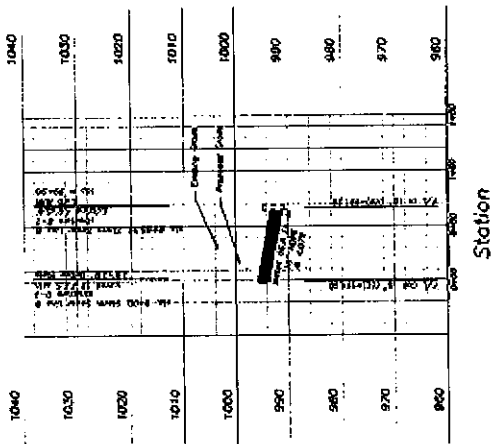


TOTAL SITE AREA = 2.78 ACRES  
ALLOWABLE DISCHARGE FROM PROJECT SITE:  
100-YEAR EVENT = 3 CFS/AC  
50-YEAR EVENT = 2 CFS/AC  
10-YEAR EVENT = 0.12 CFS/AC  
ACTUAL DISCHARGE FROM DETENTION BASIN AND DYE:  
100-YEAR EVENT = 1.43 CFS  
50-YEAR EVENT = 1.15 CFS  
10-YEAR EVENT = 0.12 CFS  
100-YEAR PROPOSED DETENTION BASIN = 1000.00  
PEAK WATER LEVEL FOR 100-YEAR EVENT = 1002.50  
PEAK FLOW RATE FOR 100-YEAR EVENT = 1.43  
PEAK FLOW RATE FOR 50-YEAR EVENT = 1.15  
PEAK FLOW RATE FOR 10-YEAR EVENT = 0.12

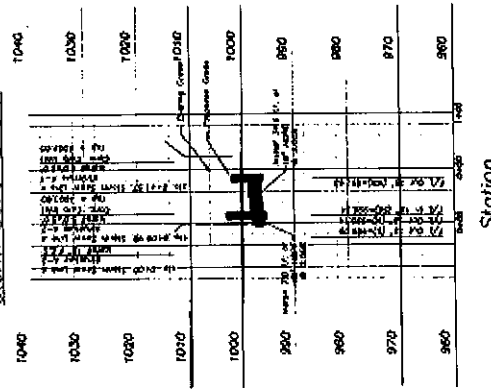


3 Detention Basin Plan and Storm Sewer Profiles

Storm Sewer Line B



Storm Sewer Line A



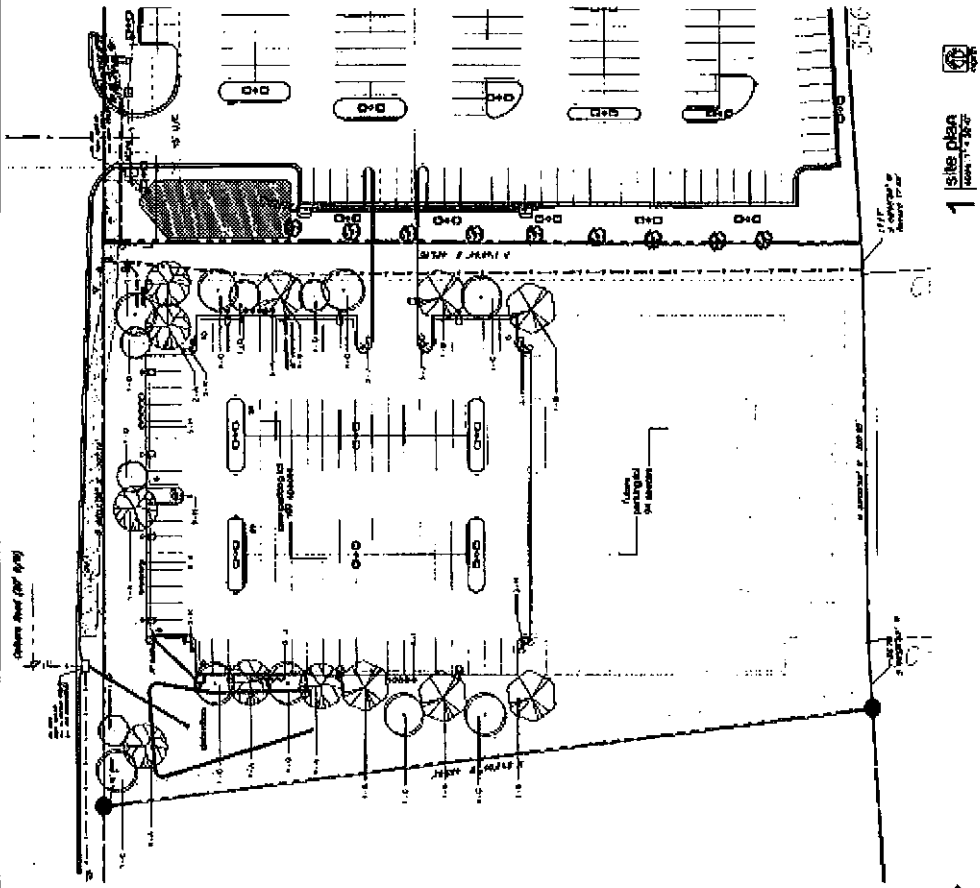


Lee's Summit Honda  
 401 NE Colbern Road  
 Lee's Summit, Missouri

a proposed remodel for

Project No. 17-20-0010  
 Date: 01-18-2019  
 Prepared by: [Name]  
 Checked by: [Name]  
 Approved by: [Name]

Davidson



| Title and Sheet Reading List |             |
|------------------------------|-------------|
| Item                         | Description |
| 1                            | Site plan   |
| 2                            | Site plan   |
| 3                            | Site plan   |
| 4                            | Site plan   |
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| 100                          | Site plan   |



ADDITIONAL EQUIPMENT  
(SEE 100% PLAN FOR DETAILS)

| ITEM        | QTY | UNIT | DESCRIPTION           |
|-------------|-----|------|-----------------------|
| ADDITION    | 1   | EA   | 100% PLAN FOR DETAILS |
| ENTIRE SITE | 1   | EA   | 100% PLAN FOR DETAILS |
| PAVEMENT    | 1   | EA   | 100% PLAN FOR DETAILS |

| SYMBOL | QTY | DESCRIPTION           |
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| 1      | 1   | 100% PLAN FOR DETAILS |
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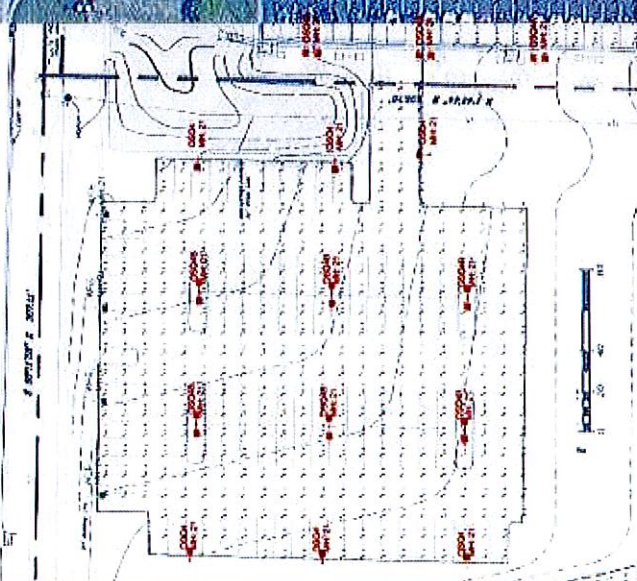
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| 3      | 1   | 100% PLAN FOR DETAILS |
| 4      | 1   | 100% PLAN FOR DETAILS |
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NE Colburn Rd

NE Colburn Rd



**CREE**

NOTES:  
1. Customer responsible to verify existing infrastructure before installation.  
2. Customer responsible to verify existing infrastructure before installation.  
3. Customer responsible to verify existing infrastructure before installation.  
4. Customer responsible to verify existing infrastructure before installation.

Project Name: Lesco-Summit  
Date: 10/13/2015  
Scale: 1"=40'  
Footing: 150'x120'x120'  
Footing: 150'x120'x120'



100' 50' 0'  
0' 50' 100'