


City of Lee's Summit

Development Services Department

January 20, 2017

TO: Planning Commission

FROM: Robert G. McKay, AICP, Director of Planning and Special Projects 

RE: **PUBLIC HEARING – Appl. #PL2016-218 – SPECIAL USE PERMIT for automotive sales – Kansas City Motors, 704 and 708 SE Oldham Court; Kansas City Motors, LLC, applicant**

Commentary

This application is for a special use permit to allow for the operation of automotive sales at 704 and 708 SE Oldham Court. The applicant requests a time period of twenty (20) years. Staff is supportive of the requested time period since the associated building is new construction.

This application is associated with an application for a preliminary development plan (Appl. #PL2016-217), also on this agenda.

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 twenty (20) years.

Project Information

Proposed Use: auto dealership

Building Area: 4,200 sq. ft.

Location: 704 and 708 SE Oldham Court

Zoning: CS (Planned Commercial Services)

Surrounding zoning and use:

North (across US 50 Hwy. & SE Blue Pkwy.): CP-2 (Planned Community Commercial)—Lawn & Leisure, vacant commercial property, and auto repair shops

South (across SE Oldham Pkwy.): CS & CP-2 – Landmark 2 Skate skating rink and Chevy auto dealership

East (across SE Oldham Pkwy.): CP-2 – Chevy auto dealership

West: CS – vacant property owned by Marvmar Properties, LLC

Background

- December 29, 1951 – A portion of what is now 700 SE Oldham Court was annexed into the City.
- March 27, 1962 – The 715 Zoning Ordinance and associated Zoning Map was adopted. Property that now comprises 700 SE Oldham Court was shown as M-1 (Light Industrial).
- December 31, 1964 – The remainder of what is now 700 SE Oldham Court, 701 SE Oldham Court, and 704 SE Oldham Court were annexed into the City.
- August 12, 1972 – A building permit (#5593) was issued for the existing skating rink located at 919 SE Oldham Parkway (now 701 SE Oldham Court).

- January 4, 1979 – A building permit (#77-495) was issued for occupancy of a 2,675 sq. ft. building at 911 SE Oldham Parkway (now 704 SE Oldham Court). The building has since been razed. The property is currently vacant.
- October 10, 1980 – A building permit (#80-306) was issued for occupancy for Mid-America Homes Center, Inc., located at 609 SE Oldham Parkway (now 700 SE Oldham Court). The property is currently vacant.
- June 2, 1987 – The City Council approved a rezoning (Appl. #1987-012) from District A (Agricultural) and M-1 (Light Industrial) to C-1 (General Business) (now CP-2 [Planned Community Commercial]), by Ord. #2979. This rezoning included a portion of the property that is now addressed as 700 SE Oldham Court.
- July 7, 2016 – The City Council approved a vacation of right-of-way (Appl. #PL2016-021) for all of SE Oldham Court and a portion of SE Oldham Parkway located at its intersection with SE Oldham Court by Ord. #7912.
- July 7, 2016 – The City Council approved a rezoning (Appl. #PL2016-066) from CP-2 (Planned Community Commercial) and PI (Planned Industrial) to CS (Planned Commercial Services) by Ord. #7913.

Analysis of the Special Use Permit

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.** The minimum setback requirements in the CS district are 20 feet from the side property line and 20 feet from the rear property line. The proposed site plan meets or exceeds the required setbacks for the zoning district.
- 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.** There will be a 4,200 sq.ft. building onsite with a paved parking lot and several vehicle display pads behind security gates.
- 3. All display or storage areas must be paved and the motor vehicles arranged in an orderly manner.** The display areas are 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 CS. The adjacent lots to the south and west are zoned CS; and others to the north, south, and east are zoned CP-2. Automotive sales as a primary or accessory use are allowed in the CS zoning district with a special use permit.
- The proposed outdoor auto sales at this location will not detrimentally affect the appropriate use of neighboring property. Another automotive dealership exists, to the south, across SE Oldham Parkway.
- The proposed use is not expected to negatively impact traffic and/or parking in the area.
- The property is suitable for the proposed use.

- The property is located on a commercial thoroughfare and is primarily surrounded by commercial uses.

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 20 year time period.
- Recommendation – Staff is supportive of the requested time period of 20 years as this is a new building and a new business for an under-utilized site.

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.

Fire

1. All issues pertaining to life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to the safety to fire fighters and emergency responders during emergency operations, shall be in accordance with the 2012 International Fire Code.

RGM/cs

Attachments:

1. Preliminary Development Plan—7 pages
 - Cover Sheet, date stamped January 3, 2017—1 page
 - Preliminary Development Plan Site Plan, date stamped January 17, 2017—1 page
 - Landscape Plan, date stamped January 17, 2017—1 page
 - Utility Plan, date stamped January 3, 2017—1 page
 - KC Motors Lighting Plan, date stamped January 3, 2017—2 pages
 - Elevations and Floor Plan, date stamped January 3, 2017—1 page
2. Special Use Permit narrative, date stamped December 2, 2016 – 1 page
3. Special Use Permit criteria, date stamped December 2, 2016 – 2 pages
4. Google Image of Site, date stamped December 2, 2016 – 1 page
5. Photos of surrounding properties, date stamped January 3, 2017 – 4 pages
6. Table of approved Special Use Permits for car, truck, boat & trailer sales – 1 page
7. Location Map