

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR AUTOMOTIVE SALES, GENUINE AUTO, IN DISTRICT CP-2 (PLANNED COMMUNITY COMMERCIAL DISTRICT) ON LAND LOCATED AT 520 SW 3rd ST FOR A PERIOD OF FIVE (5) YEARS, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2017-257 submitted by Gary Serville, Jr., requesting a special use permit for automotive sales, Genuine Auto, in District CP-2 (Planned Community Commercial District) on land located at 520 SW 3rd St, 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 March 13, 2018 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 April 5, 2018, 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 and Section 10.020.A 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 5 years, with respect to the following described property:

HIGGINS L H PLACE LOTS 1 & 2 & PT TR IN SEC 6 DAF: BEG PT 561.88' W OF SE SW 1/4 TH W 58' TH N 248.91' TH E 58' TH S 248.91' TO POB

SECTION 2. That the following conditions of approval apply:

1. The special use permit shall be granted for a period of five (5) years.
2. The number of vehicles for sale at any given time shall be limited to five (5) vehicles.
3. Parking lot screening, consisting of one (1) shrub per three (3) linear feet, shall be installed within the green space along 3rd Street.

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.

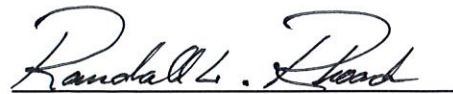
PASSED by the City Council of the City of Lee's Summit, Missouri, this 12th day of April, 2018.


Mayor Randall L. Rhoads

ATTEST:


City Clerk Trisha Fowler Arcuri

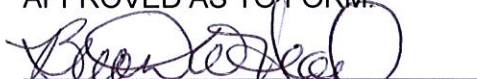
APPROVED by the Mayor of said city this 12th day of April, 2018.


Mayor Randall L. Rhoads

ATTEST:


City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:


City Attorney Brian W. Head

City of Lee's Summit

Development Services Department

March 9, 2018

TO: Planning Commission
PREPARED BY: C. Shannon McGuire, Planner
CHECKED BY: Hector Soto, Jr., AICP, Current Planning Manager
RE: **PUBLIC HEARING – Application #PL2017-257 – Appl. #PL2017-257 – SPECIAL USE PERMIT for outdoor secondary sales of motor vehicles – Genuine Auto Repair, 520 SW 3rd St; Gary Serville, Jr., applicant**

Commentary

This application is for a special use permit (SUP) renewal for auto sales as an accessory use at 520 SW 3rd St. The applicant operates a tire and auto service business, but also sells vehicles under a special use permit (Appl. #PL2012-099) previously granted for a period of five (5) years by Ord. #7263.

The applicant requests the renewal for a time period of 25 years. Staff recommends a 5 year time period keeping consistent with the previously approved special use permit for vehicle sales at this location. The previously approved SUP ordinances (#7100 and #7263) required shrubs to be installed in the green space along 3rd Street, which has not been done; a similar requirement for shrubs is included in the conditions of approval.

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 5 years.
2. The number of vehicles for sale at any given time shall be limited to five (5) vehicles.
3. Parking lot screening, consisting of one (1) shrub per three (3) linear feet, shall be installed within the green space along 3rd Street.

Zoning and Land Use Information

Location: 520 SW 3rd St.

Zoning: CP-2 (Planned Community Commercial District)

Surrounding Zoning and Use:

North: RP-4 (Planned Apartment Residential District.) – Robin Hills Apartments

South (across SW 3rd St.): CP-2 (Planned Community Commercial District) – general office spaces

East: CP-2 (Planned Community Commercial District) – Pinnacle Auto Sales)

West: CP-2 (Planned Community Commercial District) – general office and commercial spaces

allowed to continue as long as the use is not discontinued for more than 6 months. No evidence has been found of any car sales business on the subject property prior to 1996.

- June 18, 1996 – A special use permit was approved by the City Council for vehicle sales for 520-522 SW 3rd Street for 10 years, Ord. #4297 (Appl. #1996-028), which expired in 2006, and was not renewed.
- October 6, 2011 – A special use permit was approved by the City Council for car/vehicle sales and U-Haul leasing at 520 SW 3rd Street for 5 years, Ord. #7100 (Appl. #PL2011-108).
- December 15, 2011 – Ordinance 7119 was approved by the City Council to amend the special use permit section of the UDO (Amendment #40) to restrict accessory car sales to an auto-related primary use, subject to certain locations and limits on number of vehicles and signs.
- December 6, 2012 – A special use permit was approved by the City Council for car/vehicle sales at 520 SW 3rd Street for 5 years, Ord. #7263 (Appl. #PL2012-099).

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. **The existing use is an auto repair shop.**
2. Number and placement/display of accessory motor vehicles shall:
 - a. Be limited to a maximum of five vehicles at any time; **No more than five (5) vehicles for sale shall be located on the site at any one time.**
 - 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. **A total of 29 parking spaces are required for the multitenant building. A total of 42 parking spaces are provided on the site, yielding a parking space surplus of 13 parking spaces.**
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. **The site is located outside a 1/4 mile buffer area from an arterial. Special use permits have been granted for vehicle sales at this located since 1996, which pre-exist the proximity requirement to an arterial street.**
 - b. Entry Gateways – Prohibited within 1/4 mile radius. **The site is located greater than 1/4 mile from the nearest entry gateway. The gateways are defined as the areas where I-470, M-150 Hwy, M-291 Hwy and US 50 Hwy enter the city limits.**

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 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.

Attachments:

1. Use Narrative provided by Applicant, date stamped January 10, 2018 – 3 pages
2. Special Use Permit Explanation, provided by Applicant, date stamped January 10, 2018 – 1 page
3. Photos of Subject and Surrounding Properties, date stamped January 10, 2018 – 5 pages
4. Proposed sale vehicle parking location map
5. Location Map

1. The Character of the neighborhood is held by quality standards and will be kept up to these standards by which is asked of us.
2. The property will be kept up with the adjacent properties and zoning as said in article 10 section 10.450.
3. The property at 520 SW 3rd street will be used strictly for auto sales and vehicle mechanic use. We at Genuine Auto Repair will adhere to this Special Use Permit by not exceeding the amount of cars being presented on the lot at one time. We will be sure to keep the property well-manicured.
4. Genuine Auto Repair will not to any extent negatively impact the surrounding aesthetics or surrounding properties. For we plan to keep and only enhance the Surrounding area.
5. We plan to keep the property at the same level of use and to not injure the surrounding property.
6. Our property is supplied with enough parking on the lot that will leave customers room to park and will not affect the traffic flow on 520 SW 3rd Street.
7. Every year we will be sure to have the backflow tested to make sure that we do not impact the quality of the water.
8. We will continue to work at the level of work we have been under the hours of operation to not create a noise pollution for the adjacent properties.
9. We will not have a negative impact on the property value by following what is asked of us by the City of Lee's Summit and our Land Lord.
10. We are obtaining a Special Use Permit to be able to have a Dealership of used quality cars. By having a Auto dealership we will provide the people of Lee's Summit an opportunity to purchase a safe vehicle for the road.
11. We will bring economic growth in the area because of the quality of service that we offer to the community.
12. The services that we offer make it convenient for the City of Lee's Summit to be able to get their transportation needs from us and have the comfort of a genuine family working man. By this we would satisfy the demand generated by the Special Use Permit.
13. n/a
14. We plan to keep the 2 bushes and accompanying trees along the front of the property on 520 SW 3rd Street.
15. Our professional staff is kept at high standards to provide the public with exceptional service to be sure their vehicle is running efficiently for the road. This is our priority to be sure our customers are satisfied with all of the services we offer.
16. We plan on keeping the use of the Special Use permit consistent with what we are to adhere by such as keeping the property well-manicured and keeping the parking of the automobiles for sale at what is asked of us.

Objectives

1. 100% customer satisfaction, measured through repeat customers, referrals and surveys.
2. To achieve and surpass the industry average profit margin within the first two-years.
3. To achieve a respectable net profit by year two.

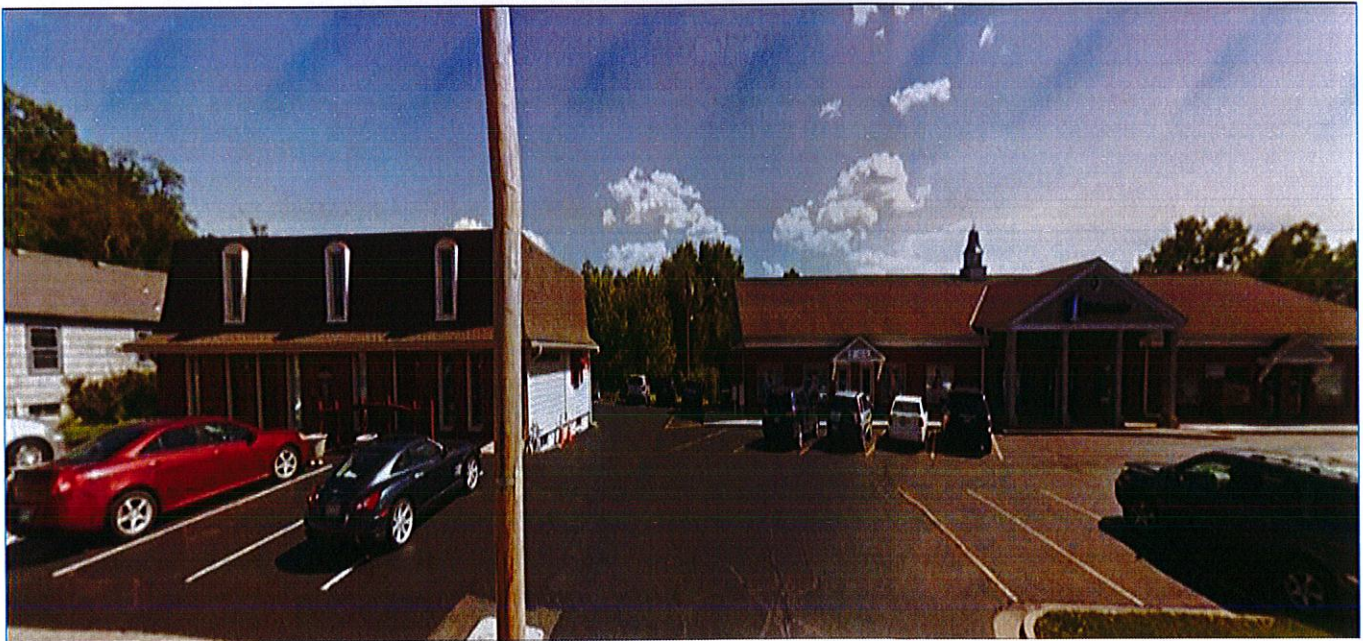
Mission

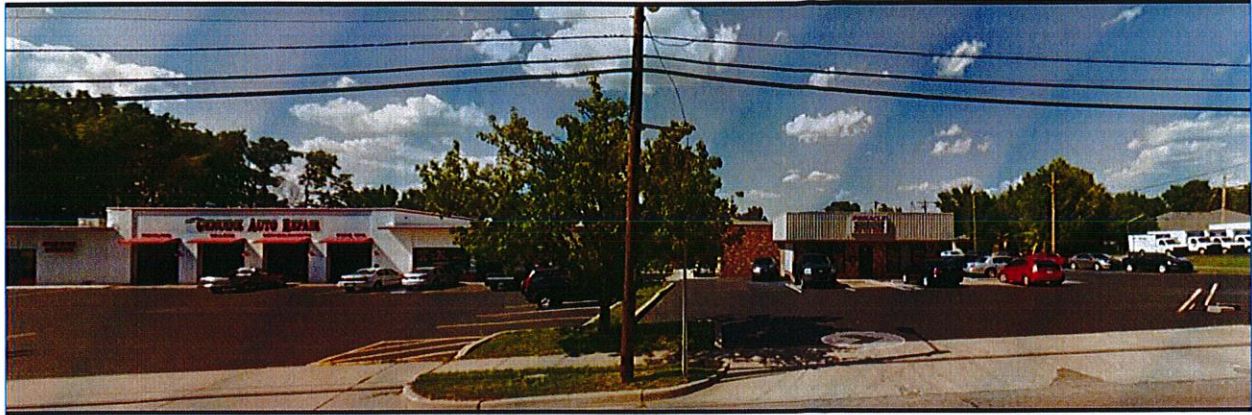
Genuine Auto Repair provides a unique car buying experience to the customers in Lee's Summit, MO. One that focuses on customer satisfaction first. We understand that vehicle purchasing is a necessary, but sometimes unpleasant experience. Our goal is to provide the customer with an enjoyable, honest service by satisfying individual customers practical transportation needs with a quality product.

We also believe it is important to have quality vehicles at a low cost, yet reliable means of transportation. Our company will make a profit by generating sales. It will provide job satisfaction and fair compensation to its employees, and a fair return to its owners. Hard work and performance is rewarded through bonuses and commissions. Job satisfaction is very important for employees and owners, we will create a work environment that is enjoyable and profitable for all.

To succeed in this business we must:

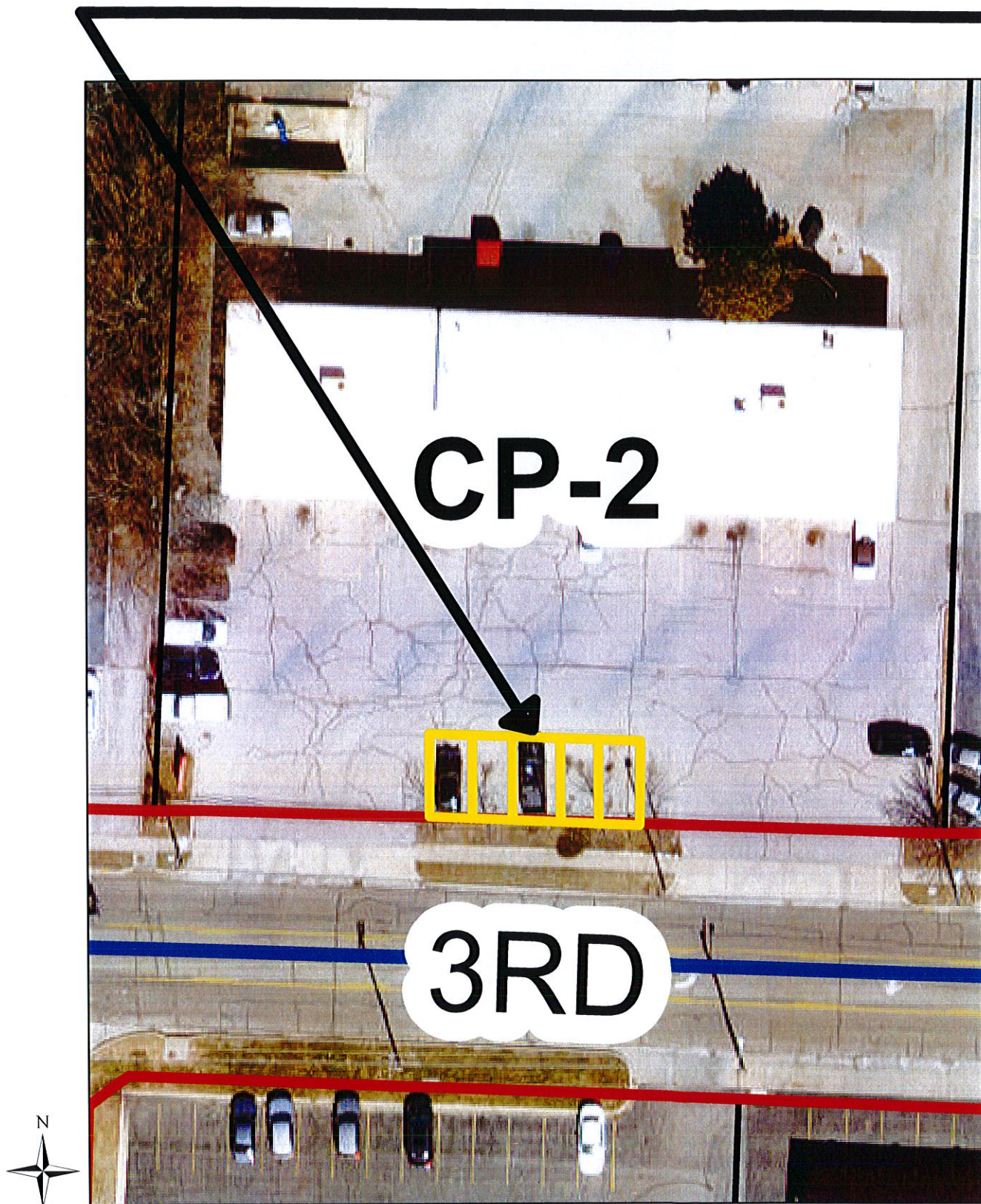
- Put together a team of experienced professionals.
- Secure an excellent high-traffic location.
- Establish a network of suppliers, in order to buy and sell products that are of the highest reliability and quality, at a competitive price.
- Ensure customer satisfaction by encouraging the two most important values, honor and integrity.
- Create high morale by rewarding employee success with monetary compensation.







Proposed Parking Location of Sale Vehicles



**Appl. #PL2017-257 – SPECIAL USE PERMIT for
automobile sales and major auto repair
Genuine Auto Repair, 520 SW 3rd St
Gary Serville, Jr., applicant**

