



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2021-355
File Name	SPECIAL USE PERMIT renewal – Pinnacle Auto Sales
Applicant	Tenland, LLC
Property Address	516 SW 3 rd St
Planning Commission Date	November 18, 2021
Heard by	Planning Commission and City Council
Analyst	Hector Soto, Jr., AICP, Planning Manager
Checked By	Kent Monter, PE, Development Engineering Manager

Public Notification

Pre-application held: N/A
Neighborhood meeting conducted: None held
Newspaper notification published on: October 30, 2021
Radius notices mailed to properties within 300 feet on: October 25, 2021
Site posted notice on: October 25, 2021

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Attachments

SUP application and supporting documents – 5 pages
Original SUP Approval Ordinance No. 7407
SUP Renewal Ordinance No. 8022

Photos of surrounding area

Table SUPs for existing auto sales

Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Tenland, LLC/Owner
Applicant's Representative	John Finnegan
Location of Property	516 SW 3 rd St
Size of Property	±0.57 Acres
Number of Lots	1
Building Area	4,616 sq. ft. - existing
FAR (Floor Area Ratio)	0.19 – existing
Zoning (Proposed)	CP-2 (Planned Community Commercial)
Comprehensive Plan Designation	Activity Center - Downtown
Procedure	<p>The Planning Commission makes a recommendation to the City Council on the proposed special use permit. The City Council takes final action on the special use permit.</p> <p>Duration of Validity: A special use permit shall be valid for a specific period of time if so stated in the permit.</p>

Current Land Use
The property is a developed commercial property with a 4,616 sq. ft. single-tenant building. The site has served as the home to Pinnacle Auto Sales since approval of the original special use in 2013. The site previously housed O'Reilly Auto Parts beginning in 1986.

Description of Applicant's Request
The applicant seeks renewal of a special use permit for a period of 10 years to allow the continuation of auto sales on the subject property.

2. Land Use

Description and Character of Surrounding Area
The property is located at the northwest corner of SW 3 rd St and SW Noel St along the SW 3 rd St corridor that serves as the western gateway into the downtown core area. Between US 50 Hwy and the western limits of the central business district at SW Jefferson St, the character of the SW 3 rd St corridor is divided between commercial for the western half and residential for the eastern half. The subject property is located in the western commercial half of the corridor. Along this commercial portion of the corridor, most of the commercial properties transition to residential uses as one moves farther away from SW 3 rd St. The subject property abuts an apartment complex to the north.

Adjacent Land Uses and Zoning

North:	Apartment complex / RP-4 (Planned Apartment)
South (across SW 3rd St):	Office and retail / CP-2 (Planned Community Commercial)
East (SW Noel St):	Gas station and offices / CP-2
West:	Auto repair, offices and retail / CP-2

Site Characteristics
The site is a corner lot with access onto both abutting streets. The driveway along SW 3 rd St provides primary access to the site. A second driveway along SW Noel St exists at the northeast corner of the site, but is blocked from public use with display vehicles as a way to manage access onto the site for security purposes.
The site has nearly 100% impervious coverage. There is no on-site storm water detention facility; sheet flow drainage generally travels toward the northwest.

Special Considerations
N/A

3. Project Proposal

Parking

Proposed		Required	
Total parking spaces proposed:	35	Total parking spaces required:	23
Accessible spaces proposed:	1	Accessible spaces required:	1
Parking Reduction requested?	No	Off-site Parking requested?	No

Setbacks (Perimeter)

Yard	Building / Parking Required	Building / Parking – Existing
Front (SW 3 rd St)	15' (Building) / 20' (Parking)	60' (Building) / 0' (Parking)
Side (west and east)	10' (Building) / 20' (Parking)	9' (Building) / 0' (Parking) – west; and 70' (Building) / 0' (Parking) - east
Rear (north)	20' (Building) / 20' (Parking)	60' (Building) / 0' (Parking)

Structure(s) Design

Number and Proposed Use of Buildings
1 existing single-tenant commercial building
Number of Stories
1

4. Unified Development Ordinance (UDO)

Section	Description
4.190	Zoning Districts
6.620,6.630,6.640,6.650,6.780	Special Use Permit

Auto sales is an allowed use in the CP-2 zoning district with approval of a special use permit, subject to the following conditions:

- Motor vehicles shall be set back a minimum ten (10) feet from all property lines or in compliance with the district’s setback lines, whichever is greater. **The site was originally developed in 1966 and allowed parking lots to be constructed right up to the property line, thus the resulting parking lot with 0’ setback. Vehicles are displayed right up to the limits of the parking lot along the north, east and west property line.**
- 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 is no fencing on the property.**
- All display or storage areas must be paved and the motor vehicle arranged in an orderly manner. **All display/storage areas are paved and all motor vehicles are arranged in an orderly manner.**

The site is suitable for an auto-centric land use. It sits along the commercial portion of the SW 3rd St corridor between US 50 Hwy and the central business district. The subject property has housed auto-oriented uses since at least 1986 and is flanked by two auto repair businesses to the west and east, with the auto repair business to the east as serving as a gas station.

5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Resilient Economy	Increase business retention and grow business activity.

The property is located within the boundaries of the Downtown Activity Center (bounded by Chipman Rd along the north, M-291 Hwy along the east and US 50 Hwy along the west and south), which is characterized by residential neighborhoods and small, local businesses. The intent of the five identified Activity Centers throughout the city is to encourage future development and redevelopment within their boundaries to be pedestrian-friendly in nature while providing a mix of housing, job and retail options. While the Ignite Comprehensive Plan in general discourages auto-oriented uses that typically require large amounts of parking (i.e. automobile dealerships, retirement communities and big-box retailers) from locating within the identified Activity Centers, the scale of the subject automobile sales operation doesn’t compare to larger dealers with large amounts of parking typical along US 50 Hwy and I-470 to which this statement in the comprehensive plan is directed. The subject site provides parking in a manner typical for a standard commercial building of its size.

Renewal of the special use permit is not expected to impede the normal and orderly development and improvement of the surrounding property. With few exceptions, the surrounding area is fully built out and

has been for several decades. As the western gateway into the central business district, the commercial portion of the SW 3rd Street corridor west of the central business district offers long-term potential for redevelopment opportunities. Approval of the requested special use permit renewal does not in and of itself hinder the ability to redevelop the subject or surrounding properties. The owner of the auto sales business also owns the property. If and when the market conditions are ripe for redevelopment in the area, individual property owners will make decisions those opportunities at that time. Until that time, the continuation of auto sales on the property is reasonable and compatible under the existing zoning and existing land uses in the area.

6. Analysis

Background and History

- Circa 1966 – A 3,400 sq. ft. commercial building was constructed on the subject property.
- June 17, 1986 – Staff approved a final development plan (Appl. #1986-073) for a building alteration for an O'Reilly Auto Parts store.
- June 18, 1991 – City Council approved a final development plan (Appl. #1991-051) for a 1,216 sq. ft. building addition to O'Reilly Auto Parts, resulting in a 4,616 total sq. ft. building.
- December 12, 2013 – City Council approved a special use permit (Appl. #PL2013-122) to allow auto sales for a period of three (3) years.
- November 17, 2016 – City Council approved a special use permit renewal (Appl. #PL2016-168) to allow auto sales for a period of five (5) years. The special use permit renewal included a revised display area site plan allowing for vehicle display right up to the limits of the parking lot (0' setback from property lines) on the north and east sides of the building.

Compatibility

The character of the surrounding SW 3rd St corridor area is commercial in nature with a mix of service, retail and office uses. This particular property and its immediate surroundings have a history of housing auto-centric businesses. Both properties to the immediate east and west currently house auto repair businesses. In addition to being an auto repair business, the property to the immediate east at the northeast corner of SW 3rd St and SW Noel St is also a gas station. Prior to being the site of the existing Pinnacle Auto Sales, the subject property was an O'Reilly auto parts store.

Adverse Impacts

No additional site improvements of any kind are proposed as part of the special use permit renewal. The business will continue usage of the site under its existing conditions. The continued operation of auto sales at this location is not expected to injure the appropriate use of, or detrimentally affect, neighboring property.

Since operation of the applicant's auto sales business started in 2013, the City has received no complaints from the public regarding any zoning or property maintenance violations on the property. Two notice of violations were initiated by staff in 2014 (CEZO20140124) and 2016 (CEZO20160251) regarding the location of vehicles displayed on-site. Both violations were abated by the applicant. At the time of the special use

permit renewal in late 2016, a revised site plan with an expanded display area tailored to the existing parking lot conditions was approved. There have been no violations of any kind filed on the property since that time.

Public Services

The special use permit renewal application does not propose any building expansion or any other site improvements. The business will continue to operate under the existing site conditions and therefore will not increase any existing impact on existing public services and facilities.

The proposed continued operation of auto sales at this location will not adversely affect the capacity or safety of the surrounding street network. In fact, approval of the original special use permit resulted in site improvements to improve the safety of the surrounding street network. The O’Reilly Auto Parts store that previously occupied the site was served by a total of four (4) driveways. A condition of approval for the original special use permit in 2013 required the closure of the two driveways closest to the corner of SW 3rd St and SW Noel St from safety standpoint for access management, particularly so close to an intersection.

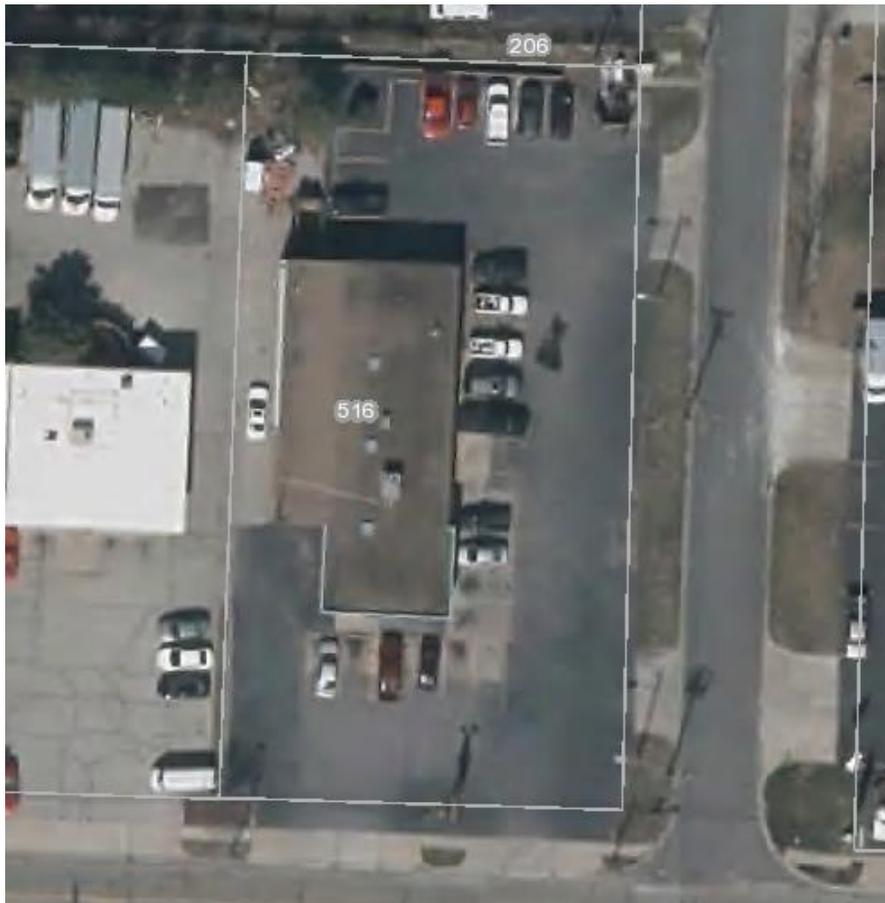


Figure 1 - Site in 2012 with 4 driveways.

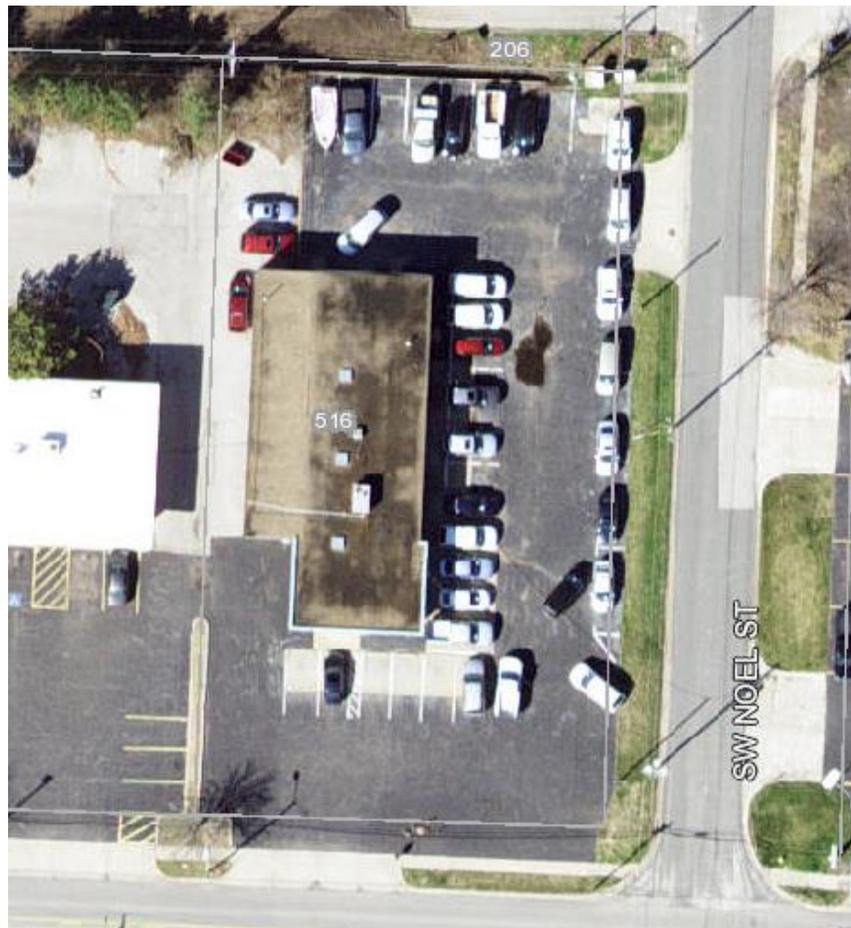


Figure 2 - Present condition with 2 driveways.

Time Period

The applicant requests the special use permit be renewed for a period of 10 years. The original special use permit was granted for 3 years, expiring in 2016. The special use permit renewal approved in 2016, under which the business currently operates, was granted for a period of 5 years. The requested 10-year special use permit time period is consistent with more recent approvals for auto sales at existing developed sites (versus new construction projects). Save for two previously referenced instances in 2013 and 2016 that have since been remedied through the previous special use permit renewal process, the business has operated at this location in compliance with all ordinance requirements.

Modifications

Display area setback. Modification requested. **Staff supports the modification request.**

- Required – Minimum vehicle display setback of 10’ from all property lines.
- Proposed – The existing parking lot is constructed with a 0’ setback from all property lines. Vehicles are displayed right up to the parking lot boundaries.
- Recommended – The 0’ parking lot setback is an existing condition dating back to the site’s development in 1966. The previous special use permit renewal included a site plan extending the

vehicle display area right up to the limits of the existing parking lot on the north and east sides of the building.

Recommendation

With the conditions of approval below, the application meets the requirements of the UDO.

7. Recommended Conditions of Approval

Site Specific

1. The special use permit renewal shall be granted for a period of ten (10) years from the current special use permit expiration date, to expire December 12, 2031.
2. Vehicles displayed for sale shall be located on the north side and east side of the building as depicted on the site plan.