

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR OUTDOOR AUTOMOBILE STORAGE IN DISTRICTS PI (PLANNED INDUSTRIAL) AND PMIX (PLANNED MIXED USE) ON LAND LOCATED AT 101 SW OLDHAM PARKWAY, 1051 SW JEFFERSON STREET, 1204 SW JEFFERSON STREET, 1206 SW MARKET STREET AND 1210 SW MARKET STREET, FOR A PERIOD OF FIVE (5) YEARS, ALL IN ACCORDANCE WITH ARTICLE 6 OF THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2023-346 submitted by Oldham Investors, LLC, requesting approval of a special use permit for outdoor automobile storage in Districts PI and PMIX on land located at 101 SW Oldham Pkwy, 1051 SW Jefferson St, 1204 SW Jefferson St, 1206 SW Jefferson St and 1210 SW Jefferson 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 February 22, 2024, 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 March 26, 2024, 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 a special use permit is hereby approved in Districts PI and PMIX on the following described property:

101 SW Oldham Pkwy:

Lot 1, Adesa Lots 1, 2 & 3, Lee's Summit, Jackson County, Missouri;

And

1051 SW Jefferson St, 1206 SW Market St and 1210 SW Market St:

Lot 3, Adesa, Lots 1, 2 & 3, except that part conveyed to State of Missouri by Document No. 2016E0089397;

All of Lot 1, except the north 145.4 feet measured from the north line and south along the west line, Simonin Addition;

The north 145.4 feet of Lot 1, Simonin Addition, said 145.4 feet being measured from the north line of said lot south along the west line thereof;

And

1204 SW Jefferson St:

Tract 1, Metro Estates, Lee's Summit, Jackson County, Missouri.

SECTION 2. That the following conditions of approval apply:

1. The special use permit shall be granted for a period of five (5) years from the date of approval.
2. Storage of vehicles shall be limited to new vehicles only. No storage of used vehicles in either good repair or in any state of disrepair shall be allowed.

SECTION 3. Nonseverability. All provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgment on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgment.

SECTION 4. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 33, the City's Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit.

SECTION 5. 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 9th day of April, 2024.



W Baird
Mayor William A. Baird

ATTEST:

Trisha Fowler Arcuri
City Clerk Trisha Fowler Arcuri

APPROVED by the Mayor of said city this 11th day of April, 2024

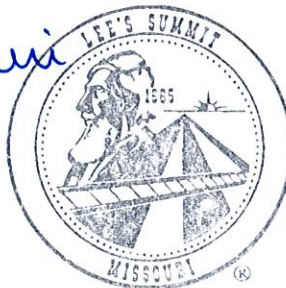
W Baird
Mayor William A. Baird

ATTEST:

Trisha Fowler Arcuri
City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

Brian W. Head
City Attorney Brian W. Head





101 SW Oldham Parkway

1204 SW Jefferson

1035 SW
Jefferson

Special Use Permit Legal Descriptions

101 SW Oldham (Former Adesa Site)

LOT 1, ADESA - LOTS 1, 2 & 3, A MINOR SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, ACCORDING TO THE MINOR PLAT THEREOF, EXCEPT THAT PART DEEDED TO STATE OF MISSOURI, ACTING BY AND THROUGH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, RECORDED SEPTEMBER 26, 2016, AS DOCUMENT NO. 2016E0089398.

1035 SW Jefferson (Former Elite Fence & Deck)

TRACT 1:

LOT 3, ADESA - LOTS 1, 2 AND 3, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, EXCEPT THAT PART CONVEYED TO STATE OF MISSOURI BY DOCUMENT NO. 2016E0089397.

LESS AND EXCEPT AN UNDIVIDED 100% INTEREST IN ALL COAL, OIL, GAS AND THE MINERALS, UNDERLYING SAID LAND, AND ALL RIGHTS AND EASEMENTS THEREUNDER BY SAID HOLDER OF ALL COAL, OIL, GAS AND THE MINERALS AND MINERAL RIGHTS, OR BY ANY PARTY CLAIMING BY, THROUGH OR UNDER SAID HOLDER.

TRACT 2:

ALL OF LOT 1, EXCEPT THE NORTH 145.4 FEET MEASURED FROM THE NORTH LINE AND SOUTH ALONG THE WEST LINE, SIMONIN ADDITION, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI.

TRACT 3:

THE NORTH 145.4 FEET OF LOT 1, SIMONIN ADDITION, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF, SAID NORTH 145.4 FEET BEING MEASURED FROM THE NORTH LINE OF SAID LOT SOUTH ALONG THE WEST LINE THEREOF, SUBJECT TO THAT PART, IF ANY, IN STREETS, ROADS OR PUBLIC RIGHTS OF WAY.

1204 SW Jefferson (Industrial Building)

TRACT 1, METRO ESTATES, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

DATE: December 14, 2023

TO: City of Lee's Summit City Council, Planning Commission and City Staff

FROM: Oldham Investors, LLC

RE: Special Use Permit Application Narrative

Oldham Investors, LLC ("Applicant") is requesting a Special Use Permit for three (3) properties that are owned by the Applicant located at: 101 SW Oldham Parkway, 1204 SW Jefferson Street, and 1035 SW Jefferson Street. The requested special use permit is for private automobile parking with the requested special use permit running for ten (10) years.

The Applicant, an affiliate of Drake Development, has and continues to be an active part of the development community in Lee's Summit. The Applicant is currently proposing a new mixed-use development on nearly 50 acres on the southwest quadrant of the US 50 Highway and MO 291 highway, most commonly know as the former "Adesa" car auction site. The Applicant has been working through the development plan with the help of city staff for the last 18 months and believe that the parties are nearing a collective plan that would be a win for both parties. However, these large, master planned mixed-use communities don't move quickly as the planning and assemblage required to make these developments a success is very time intensive for the developer and city staff.

The private automobile parking use under the proposed special use permit is already in place and occupying 101 SW Oldham Parkway (35 acre Adesa site) under a valid special event permit that expires soon. City staff recommended that the Applicant seek a special use permit as the occupancy timeline under the current Special Event Permit is better suited for a Special Use Permit.

The Applicant is not the operator of the private automobile parking, but rather a licensor under a license agreement with a qualified licensee. The Licensee is a preferred vendor for Ford Motor Company and assists Ford with temporary excess vehicle storage throughout the country. Throughout the existence of the Special Event Permit the Applicant has not received any complaints from neighboring property owners and, to the Applicant's knowledge, hasn't heard of any events that required police, fire or ambulatory services. The Licensee is a first-class operator, which is fully insured and extremely professional. The Licensee fully fenced the entire property and has 24-hour security for the use. This additional precaution further prevents the likelihood of incidents of injury or crime.

In addressing the sixteen (16) criteria characteristics, the Applicant responds as follows:

1. Character of the neighborhood:
 - a. Save for the residential properties to the west, which are screened by significant trees and vegetation, the rest of the neighborhood are uses that are in line with uses that need to be adjacent to significant highway systems, similar to the Applicants property
2. Compatibility with adjacent property uses and zoning:
 - a. The adjacent properties are a mixture of industrial buildings and flex industrial buildings where many of the buildings utilized outdoor storage for vehicles and materials
3. Suitability of the property for which the special use is being requested:

- a. Extremely suitable as its already being used for the proposed use and previous was used for automobile parking
4. Extent to which the proposed use will negatively impact the aesthetics of the property and adjoining properties:
 - a. Minimal disturbance as the proposed use will not add any permanent building improvements
5. Extent to which the proposed use will injure the appropriate use of, or detrimentally affect, neighboring property:
 - a. Extremely unlikely, due to the nature of the use being exclusively private with fenced security
6. Impact on the street system to handle traffic and/or parking
 - a. No issues to date; all of the vehicles are brought in on trucks via the northwest entrance
7. Impact of additional storm water runoff to the existing system or to the water shed area if no storm sewer is available
 - a. None; no additional improvements were made, and the site drains the same way (detention on SWC) as it did when Adesa occupied the site
8. Impact of noise pollution or other environmental
 - a. Vehicles are not serviced or washed on site, simply just parked
9. Potential negative impact on neighborhood property values
 - a. Minimal due to the temporary use
10. Extent to which there is need of the proposed use in the community
 - a. Provides the Applicant time to properly plan and assemble the future development which will benefit the community as a whole
11. Economic impact upon the community
 - a. Provides the Applicant time to properly plan and assemble the future development which will economically benefit the community as a whole
12. Extent to which public facilities and services are available and adequate to satisfy the demand generated by the proposed use
 - a. None; to date no emergency services has been dispatched to the Applicant's knowledge
13. Comparison of the benefit gained to the public health, safety and welfare of the community if approved versus the hardship imposed by the upon the landowner if the requested application is denied
 - a. Allows the Applicant time to properly plan the future development. The consideration received by the Licensor allows additional time for the Applicant to secure and assemble additional parcels for the overall development. The Applicant continues to acquire additional parcels in good faith anticipating future agreement with the city on a development plan for the benefit of the community
14. Conformance to the UDO, and current city policies and ordinances:
 - a. At staff discretion
15. Recommendation of professional staff
 - a. At staff discretion
16. Consistency with permitted uses in the area in which the special use is sought
 - a. Numerous surrounding properties utilized outdoor storage for vehicles and materials

**Appl. #PL2023-346 SUP for auto storage
101 SW Oldham Pkwy, 1051 SW Jefferson St,
1204 SW Market St, 1206 SW Market St
and 1210 SW Market St**

