



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2024-158
File Name	Special Use Permit for major automotive repair and sales of motor vehicles
Applicant	CRB Industries, LLC
Property Address	1000 SE Blue Pkwy
Planning Commission Date	August 8, 2024
Heard by	Planning Commission and City Council
Analyst	Hector Soto, Jr., AICP, Senior Planner

Public Notification

Pre-application held: March 12, 2024
Neighborhood meeting conducted: July 3, 2024
Newspaper notification published on: July 20, 2024
Radius notices mailed to properties within 300 feet on: July 19, 2024
Site posted notice on: July 24, 2024

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Attachments

Special Use Permit Narrative and Supporting Documents, received June 19, 2024 – 12 pages
Copy of Site Plan from 1987, uploaded August 2, 2024
Photos of Surrounding Properties – 4 pages
Neighborhood Meeting Minutes, dated July 8, 2024 – 2 pages
Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	CRB Industries, LLC/ Property Owner
Applicant's Representative	Daniel Rechtfertig
Location of Property	1000 SE Blue Pkwy
Size of Property	+/- 0.72 acres (31,407 sq. ft.)
Number of Lots	1
Building Area (Existing)	5,758 sq. ft.
Zoning	CP-2 (Planned Community Commercial)
Comprehensive Plan Designation	Commercial
Procedure	<p>The Planning Commission makes a recommendation to the City Council on the proposed special use permit and 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 identified in the permit.</p>

Current Land Use
The subject 0.73-acre property is the site of an existing 5,758 sq. ft. building originally developed as a car wash and later expanded to add an automotive service/repair bay. The building has not housed a car wash in many years, but has housed other automobile-related uses over its life, such as auto detailing, auto sales and auto repair.

Description of Applicant's Request
<p>The applicant requests approval of a new Special Use Permit (SUP) to allow the operation of a major automotive repair facility and to allow automobile sales on the subject for a period of 10 years. An SUP allowing these same uses was previously approved in 2014 and expired on April 3, 2024. The building was vacant at the time the previous SUP expired and continues to be vacant. No changes to the existing building or exterior site alterations are proposed at this time.</p> <p>Staff has included a condition of approval that parking lot screening be provided along the site's SE Blue Pkwy frontage in accordance with current UDO standards. The applicant requests a modification so as not to install parking lot screening.</p>

2. Land Use

Description and Character of Surrounding Area
The subject property is located along SE Blue Pkwy, which serves as a frontage road along the US 50 Hwy corridor. More specifically, the subject property sits along a ½-mile segment of SE Blue Pkwy bounded by M-291 Hwy on the west and SE Vista Dr on the east that is commercial retail and service in nature, including

a number of motor vehicle-related uses such as: a c-store and gas station; retail truck accessories; automotive repair; farming and lawn equipment sales and service; and a collision repair facility.



Adjacent Land Uses and Zoning

North:	Automotive repair / CP-2
South:	US 50 Hwy
East:	Restaurant & Commercial / CP-2
West:	Automotive Retail & Automotive Collision Repair / CP-2

Site Characteristics

The property at 1000 SE Blue Pkwy is developed with a 5,728 sq. ft. commercial building. The site is served by two driveways along SE Blue Pkwy and has cross-access with the abutting automotive repair facility to the north at 1002 SE Blue Pkwy. The automotive repair facility to the north is served by two driveways along SE 7th Terr.

Special Considerations

None

3. Project Proposal

The applicant seeks approval of a special use permit (SUP) to allow major automotive repair and sales of motor vehicles for a period of 10 years on the subject property. No changes to the existing building or exterior site alterations are proposed at this time.

Parking

Existing		Required	
Total parking spaces:	38	Total parking spaces required:	13
Accessible spaces provided:	1	Accessible spaces required:	1
Parking Reduction requested?	No	Off-site Parking requested?	No

Existing Setbacks (Perimeter)

Yard	Required Minimum	Existing
Front	15' (Building) / 20' (Parking)	44' (Building) / 5' (Parking)*
Side	10' (Building) / 6' (Parking)	15' (Building) / 0' (Parking)* - west; 70' (Building) / 0' (Parking)* - east
Rear	20' (Building) / 0' (Parking)	15' (Building)* / 0' (Parking)

* Existing legal non-conforming characteristic

Structure(s) Design

Number and Proposed Use of Building
1 / major automotive repair facility and motor vehicle sales
Building Size
5,758 sq. ft. (existing)
Number of Stories
1 story
Floor Area Ratio
0.18 – existing total FAR (0.55 max in the CP-2 zoning district)

4. Unified Development Ordinance (UDO)

Section	Description
4.190	CP-2 Planned Community Commercial District
6.020	Permitted, conditional and special use tables

The UDO distinguishes between major and minor automotive repair. Minor automotive repair is defined as the use of a building for the replacement or repair of any automobile part that does not require removal of the engine head or pan, engine transmission, or differential, but may include incidental body and fender work i.e., dent repair and minor painting and upholstery service. Services such as muffler replacement; brake service; lube and oil service; and glass installation/replacement are considered minor repairs.

Major automotive repair is defined as the use of a building or premises for the repair of automotive bodies and/or major mechanical works; straightening of body parts; painting; and welding. Also included is the storage of automobiles not in operable condition waiting to be repaired.

Both uses may be allowed in the existing CP-2 zoning district. Minor automotive repair is a use allowed by right with conditions, while major automotive repair may be allowed subject to approval of an SUP. Automotive sales may also be allowed in the CP-2 zoning district, subject to approval of an SUP.

Use Conditions for Automotive Repair Services.

Section 6.440 of the UDO lists the following conditions that apply to automotive repair services:

1. All activities are conducted within a building or fully screened area. **All repair services will occur within the proposed building.**
2. Outside storage is confined to the rear of the property and visually screened in accordance with the buffer standards of Article 13. **Staff is recommending the inclusion of a condition of approval to require the installation of parking lot screening in accordance with UDO requirements.**
3. Do not generate noise, odors, or fumes that can be detected beyond the walls of the building in which the use is housed. **No noise, odors or fumes that can be detected beyond the walls of the building will be generated.**
4. Overhead doors are to remain closed to eliminate associated noise from such uses that are within 300 feet of any residential district or use. (Ventilation, exhaust and air circulation should be considered by the prospective business operator and/or owner when the enactment of this condition is present. Such use may require special fans, air conditioning, etc.). **The applicant will comply.**

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

Section 6.1050 of the UDO lists the following conditions that apply to outdoor sale or lease of motor vehicles/equipment:

1. 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 existing parking lot is built up to the property boundaries along the north, east and west and thus maintains a 0' setback in those areas. The existing parking lot maintains an approximately 5' setback along the south along the SE Blue Pkwy frontage. The existing parking lot was constructed to plan in compliance with the parking lot setback regulations in effect at that time and is thus a lawful non-conforming situation that requires no further action.**
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.**
3. All display or storage areas must be paved and the vehicles or equipment arranged in an orderly manner. **The display areas will be paved and all vehicles will be arranged in an orderly manner.**

Neighborhood Meeting

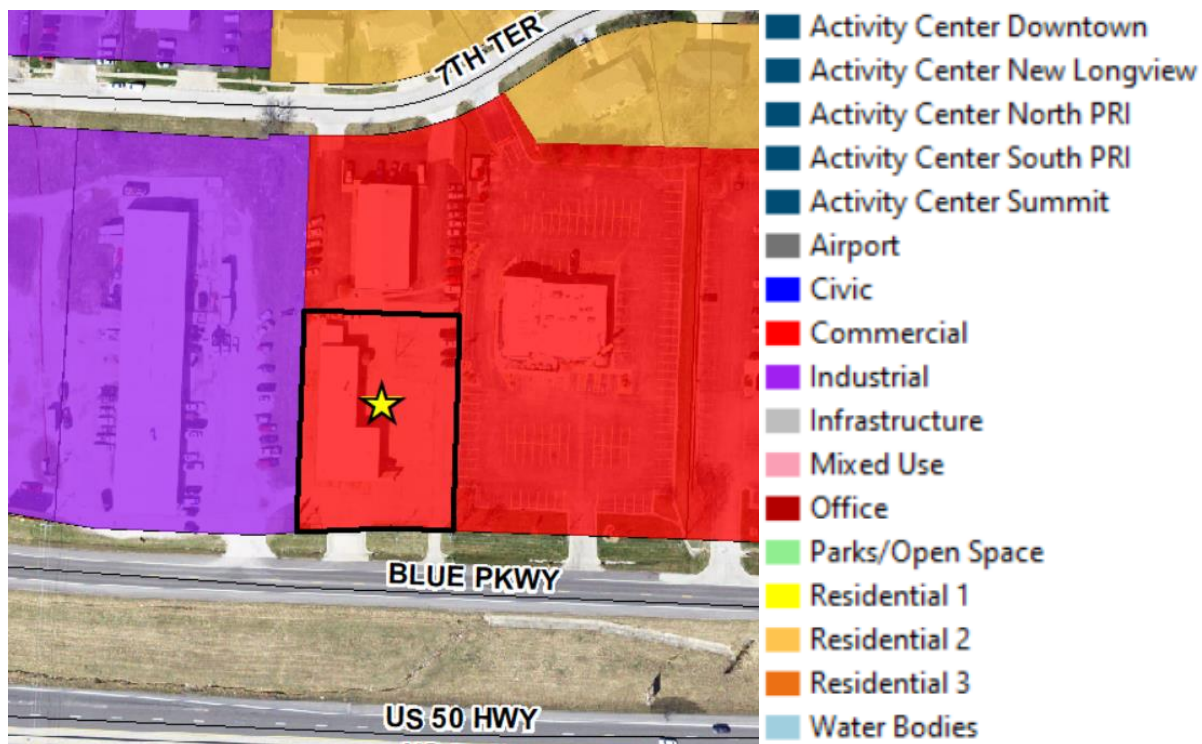
The applicant hosted a neighborhood meeting on July 3, 2024, from 6:00 PM to 7:00 PM. Three (3) members of the public attended.

Discussion was held regarding the prospective uses/tenants for the site and traffic. No objection to the proposed SUP application was raised by any member of the public, according to the meeting minutes provided by the applicant.

5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Resilient Economy	<p>Goal 3.3A: Build an adaptable framework for continued growth in a changing environment.</p> <p>Objective: Diversify the Lee's Summit economy.</p> <p>Objective: Increase business retention and grow business activity.</p> <p>Objective: Maintain a diverse and valuable tax base.</p>

The Ignite! Comprehensive Plan promotes various strategies to build long-term economic prosperity and resiliency in the City's economy. One objective established in the Comprehensive Plan is to stimulate continued economic development investment and reinvestment by the private sector. Approval of the subject SUP application to allow major automotive repair and auto sales uses on the subject property supports continued economic viability of the site by broadening the range of allowed uses offered to the public to meet the community's needs.



6. Analysis

Background and History

- April 3, 1973 – The Board of Aldermen approved an application for rezoning (Appl. #1973-006) from District A (Agricultural) to District C-1 (General Business), for a tract of land which includes this property, by Ord. No. 1443.

- May 4, 1982 – The Board of Aldermen approved an application for final plat (Appl. #1982-081) for *Vista Del Verde, 9th Plat* by Ord. No. 2323. The final plat was recorded at the Jackson County Recorder of Deeds' Office by Document #1982I048532 on May 10, 1982.
- July 30, 1986 – A building permit (Permit No. 86-889) was issued for construction of the 4,608 sq. ft. Car-A-Van Tunnel car wash on the subject property.
- August 15, 1986 – The minor plat (Appl. #1986-223) for *Resurvey of Lot 401, 9th Plat, Vista Del Verde* was recorded at the Jackson County Recorder of Deeds' Office by Document #1986I0711219.
- January 13, 1988 – A final site plan (Appl. #1988-074) for an 1,150 sq. ft. addition was approved for Car-A-Van Tunnel Wash, resulting in a 5,758 total sq. ft. building.
- June 11, 1998 – The minor plat (Appl. #1998-262) for *Farmer's Commercial, Lots 1 & 2* was recorded at the Jackson County Recorder of Deeds' Office by Document #1998I0044897.
- November 1, 2001 – The Unified Development Ordinance (UDO) was adopted and went into effect on this date, replacing the 715 Zoning Ordinance and changing the zoning classification for this property from C-1 (General Business District) to CP-2 (Planned Community Commercial District).
- April 3, 2014 – The City Council approved a special use permit (Appl. #PL2014-004) for major automotive repairs and sales of motor vehicles/equipment for a period of ten (10) years by Ordinance No. 7445.

Compatibility

As previously mentioned, the ½-mile segment of SE Blue Pkwy located between M-291 Hwy and SE Vista Dr on which the subject site is located is home to a number of automobile-related uses that include automotive repair; farming and lawn equipment sales and service; and a collision repair facility. The collision repair facility, which was a new construction development, operates under an SUP for major automotive repair approved in 2021. The applicant's request for SUP approval to allow major automotive repair on the subject property is compatible with the aforementioned existing area land uses.

The applicant's request for SUP approval to allow automobile sales on the subject property is also consistent and compatible with area uses. In addition to the nearby farming and lawn equipment sales and service operation on the north side of US 50 Hwy, the subject property faces two automobile dealerships due south along the south side of US 50 Hwy, with an additional four automobile dealerships located within ½ mile to the east along the south side of US 50 Hwy.

Adverse Impacts

Approval of an SUP to allow the operation of a major automotive repair facility and automobile sales will not detrimentally impact the surrounding area as no expansion to the existing site is proposed with this application. Commencing with a car wash facility when the subject property was developed in 1986, the site has historically housed automobile-related uses such as an oil change/lube shop, minor automotive repair, auto detailing shop and most recently allowed major automotive repair and auto sales under a 10-year SUP that expired on April 3, 2024. No zoning violation cases were filed on the subject property during the life of the previously approved SUP.

Public Services

Use of the site as a major automotive repair facility and auto sales operation will not impede the normal and orderly development and improvement of the surrounding property. Save for one parcel, the ½-mile

segment between M-291 Hwy on the west and SE Vista Dr on the east is fully developed. Water and sanitary sewer service to the site will continue to utilize existing public water and sewer line connections. The existing street network has adequate capacity to support the site.

Modifications

Screening, Parking Lot (UDO Section 8.820). The applicant seeks a modification to UDO Section 8.820 pertaining to the required parking lot screening. Staff has reviewed the request and does not support the requested modification for the reasons identified below.

- Required – For any parking lot designed or intended to accommodate five (5) or more vehicles, if visible from a street right-of-way, a decorative and 100% opaque visual screen to a height of two-and-one-half (2.5) feet above the elevation of the parking/loading area or street, whichever is highest, shall be provided. The screen may be provided in the form of a hedge consisting of 12 shrubs per 40 linear feet that will spread into a continuous visual screen within two (2) growing seasons.
- Proposed – The applicant proposes to not install any parking lot screening along the SE Blue Pkwy frontage of the property. The lack of businesses along the SE Blue Pkwy corridor uniformly providing the parking lot screening is cited as the justification for the modification request.
- Recommendation – The applicant is accurate in stating that businesses along the SE Blue Pkwy corridor do not uniformly provide parking lot screening in accordance with the UDO. Commercial buildings in the vicinity of the subject site have been developed over the course of at least the past 40 years. The landscaping and parking lot screening standards in effect at the time area properties were developed have evolved over that time period. The current parking lot screening requirement has been in effect since 2001. All area sites developed since that time have been subject to and installed landscaping and parking lot screening in accordance with the UDO. The subject property has no landscaping and has nearly 100% impervious coverage. Although the subject property was originally developed in 1986, prior to the current parking lot screening requirement, the subject SUP application presents the opportunity to reasonably bring the parking lot screening aspect of the site into compliance with current standards. Greenspace areas flank the two driveways that connect to SE Blue Pkwy. These areas provide ample room to provide parking lot screening in accordance with current UDO standards. The previously approved SUP included the condition that this same parking lot screening be provided, but said landscaping no longer exists. Staff recommends that parking lot screening be provided along the SE Blue Pkwy frontage in accordance with the UDO within 45 days of approval the SUP. Based on the public hearing schedule the subject application is following, if approved, the 45-day window to install the parking lot screening would cover the latter half of September and most of October, which is an optimal planting time to help ensure the long-term viability of the landscape material. The applicant shall be required to submit to the City a landscape plan compliant with the requirements of UDO Section 8.820 for review and approval prior to the installation of the parking lot screening.

If the subject application is approved with the condition that parking lot screening is required to be installed as recommended, staff will conduct an inspection for compliance no later than 45 days from the date of SUP approval. The parking lot screening shall be required to be maintained for the life of the SUP. The City has established processes that may be exercised to assure that the required screening is maintained should the site ever fall out of compliance with this or any other condition of approval. In the case of an SUP, failure to comply with all the conditions of approval established in the ordinance granting said SUP may be grounds for revocation of the SUP.

Time Period

The applicant requests the special use permit be granted for a 10-year time period to match the previously approved SUP in 2014 for these same uses of the property. To remain consistent with previously approved SUPs for this site and comparable locations throughout the community, staff recommends approval of the requested 10-year period.

Recommendation

With the conditions of approval below, the application meets the goals of the, Ignite! Comprehensive plan and the requirements of the UDO.

7. Recommended Conditions of Approval

Site Specific

1. The special use permit shall be granted for a period of ten (10) years from the date of approval.
2. The special use permit shall cover major automotive repairs and the sale or lease of motor vehicles, to include motor homes, recreational vehicles, boats, trailers and trucks (one ton or greater) with 3 or fewer axles.
3. Parking lot screening shall be installed along the site's SE Blue Pkwy frontage in accordance with the requirements of UDO Section 8.820 within 45 days of the approval of the special use permit, and shall be maintained in accordance with the UDO. The applicant shall be required to submit to the City a landscape plan compliant with the requirements of UDO Section 8.820 for review and approval prior to the installation of the parking lot screening.
4. Parking spaces shall be re-stripped within 45 days of the approval of the special use permit.