

MEMO

To: Planning Commission

From: Hector Soto, Jr., AICP, Senior Planner

CC: File

Date: August 16, 2024

Re: Appl. #PL2024-158 - SPECIAL USE PERMIT for major automotive repair and sales of motor vehicles - 1000 SE Blue Pkwy; CRB Industries, LLC, applicant

Following the applicant's and staff's presentations during the public hearing held on August 8, 2024, the Planning Commission expressed concern about the physical state of the site's parking lot and building exterior that require maintenance. More specifically, the concerns centered around the presence of pot holes/deteriorated pavement in the parking lot and the presence of peeling paint on the building exterior.

The Planning Commission continued the public hearing to a date certain of August 22, 2024, and directed staff to confer with the applicant to craft language to include in the ordinance for approval of the subject application that addresses the abatement of the maintenance concerns on the property. Staff and the applicant's counsel met on August 15, 2024, to discuss the proposed conditions of approval.

Staff looked to the City's existing adopted codes (i.e. the Code of Ordinances of the City of Lee's Summit; 2018 International Property Maintenance Code; and UDO) in crafting the language proposed to abate the property maintenance concerns. Accompanying this memo are copies of the exhibit and codes referenced in conditions #3 and #4 below.

Recommendations

- 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 allow 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) The applicant shall complete the following items within 45 days of approval of the Special Use Permit:
 - a) The parking lot shall be brought into compliance with the International Property Maintenance Code, as amended by the Property Maintenance Code of Lee's Summit, Section 16-202, and as otherwise adopted and incorporated by the City. Necessary work is re-striping of parking spaces and parking lot surface repair.

- b) The exterior of the building located on the premises shall be brought into compliance with the International Property Maintenance Code, sections 304.2 and 304.6, as adopted and incorporated by the City.
- c) Parking lot screening shall be installed along the site's SE Blue Pkwy frontage in accordance with the requirements of UDO Section 8.820. 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.

A landscape plan in accordance with UDO Section 8.820 shall be submitted for review and approval by the City prior to installation of plantings along the site's SE Blue Pkwy frontage. Maintenance of landscape areas will be as required in the UDO.

- 4) Vehicle storage for vehicles in disrepair or under repair, as defined by the City of Lee's Summits Municipal Code, Section 15.440.G, shall be stored in the area identified on Exhibit A.

Sec. 16-202. International Property Maintenance Code amended; Section 302.3 Sidewalks and driveways.

Section 302.3 is hereby amended as follows: All private sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repairs, and maintained free from hazardous conditions.

Exception: Hazardous conditions created by inclement weather are not applicable to this section.

(Ord. No. 8583, § 1, 3-19-2019)

302.9 Defacement of property. A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.

5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects.
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects.
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than

decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roof and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed sur-

faces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a

Sec. 15.440. Automotive service.

Automotive service shall mean an establishment or place of business primarily engaged in the sale of products related to automobiles and the provision of services related to automobile maintenance, repair and reconstruction. The following automotive use types shall be defined as follows:

- A. Automotive parking garage or lot. A garage or area, available to the public for the temporary parking of motor vehicles.
- B. Automotive sales, lease and rentals. An establishment or place of business primarily engaged in the sale, lease or rental of automobiles, vans and trucks less than two tons, including incidental parking and servicing of vehicles available for sale, lease or rent or lease.
- C. Automotive convenience station (C-Store). A building or premises where gasoline, diesel fuel and oil may be dispensed at retail with no automobile repair facilities. Uses permissible also include the sale of cold drinks, packaged foods, tobacco and similar household convenience goods for station customers.
- D. Automotive parts and supply store. An establishment or place of business primarily engaged in the sale of merchandise that is associated with the use, repair or upkeep of automobiles.
- E. Automotive rental agency. An establishment or place of business primarily engaged in renting automobiles for a temporary period of time.
- F. Automotive service station. Buildings and premises where gasoline or diesel fuel is dispensed at retail for automobiles, recreation vehicles and motorcycles, and where in addition at least one of the following services is rendered: sale, replacement, or servicing of spark plugs, oil, water hoses, brake fluids, batteries, distributors, tires, carburetors, brakes, fuel pumps, or other automotive parts or accessories. See "Automotive repair services, major repairs" for major mechanical activities.
- G. Automotive repair services, major repairs. The use of a building or premises for the repair of automotive bodies and/or major mechanical works, straightening of body parts, painting, welding, including storage of automobiles not in operable condition waiting to be repaired.
- H. Automotive repair shop, minor repairs. 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. Muffler replacement, brake service, lube and oil service and glass installation/replacement are considered minor repairs.
- I. Automotive tire store. An establishment or place of business primarily engaged in the sale of tires and services relating to the repair or purchase of tires for automobiles.
- J. Automotive washing. Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes.

**Exhibit A -
Vehicle Storage Area for
Vehicles in Disrepair or Under Repair**

