

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR MAJOR AUTOMOTIVE REPAIRS AND AUTOMOTIVE SALES IN DISTRICT CP-2 (PLANNED COMMUNITY COMMERCIAL) ON LAND LOCATED AT 1000 SE BLUE PARKWAY FOR A PERIOD OF TEN (10) YEARS, ALL IN ACCORDANCE WITH ARTICLE 6 OF THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2024-158, submitted by CRB Industries, LLC, requesting approval of a special use permit for major automotive repairs and automotive sales in District CP-2 on land located at 1000 SE Blue Parkway, 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 August 8, 2024, and August 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 September 3, 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 District CP-2 on the following described property:

Lot 2, FARMER'S COMMERCIAL LOTS 1 AND 2, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

SECTION 2. That the following conditions of approval apply:

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.
 - d. 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.

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 the City Unified Development Ordinance, enacted by Ordinance No. 5209, amended from time to time.

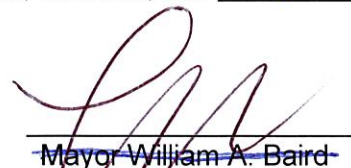
SECTION 5. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this 24th day of September, 2024.

ATTEST:


City Clerk Trisha Fowler Arcuri




~~Mayor William A. Baird~~
Trish Carlyle, Acting Mayor

APPROVED by the Mayor of said city this 24th day of September, 2024.

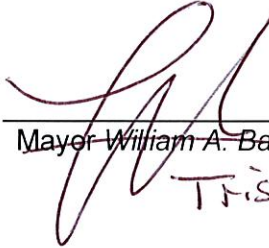
ATTEST:


City Clerk Trisha Fowler Arcuri

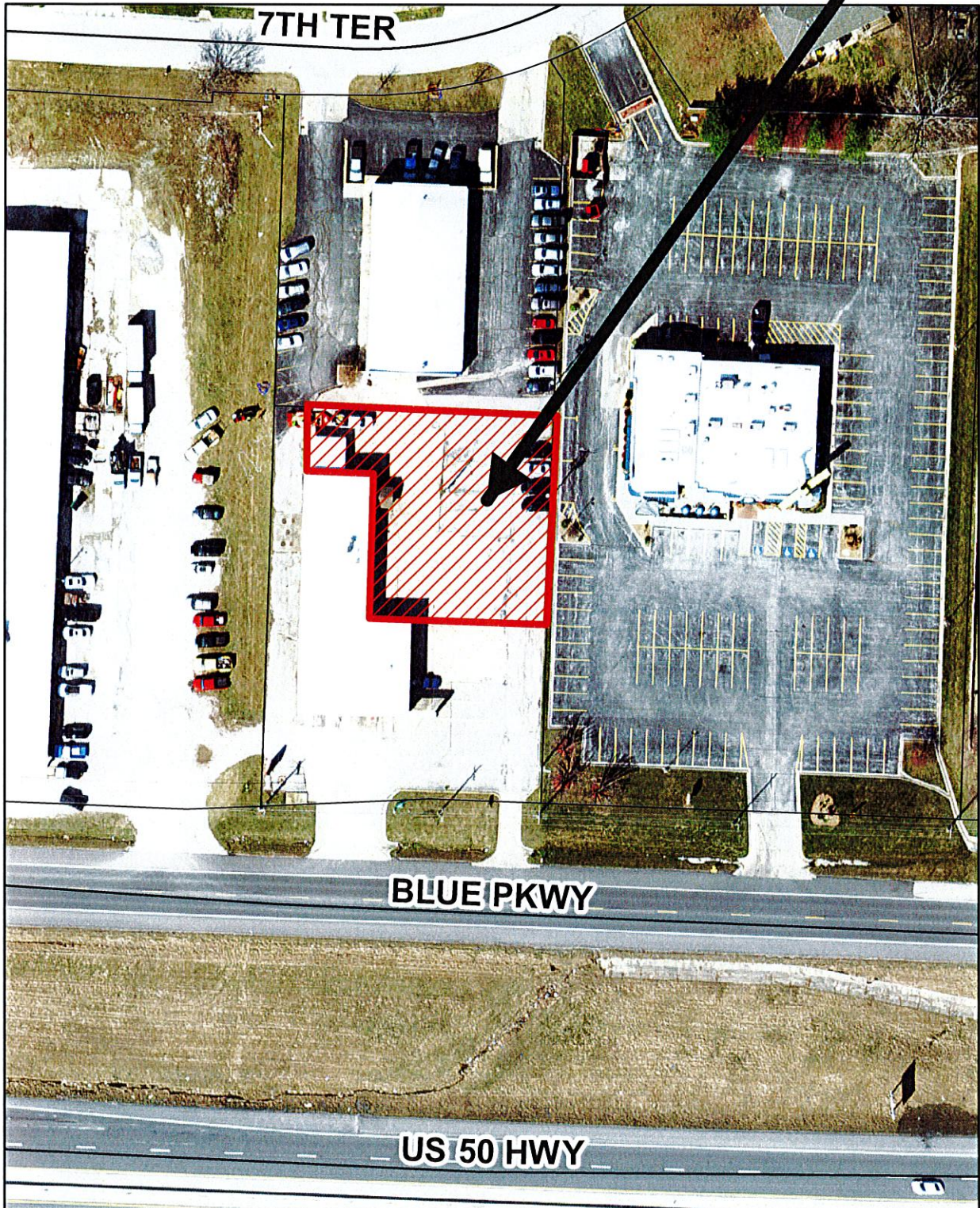
APPROVED AS TO FORM:


City Attorney Brian W. Head




~~Mayor William A. Baird~~
Trish Carlyle,
Acting Mayor

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





In addition to the special use permit criteria, special conditions relate to the operation of certain uses. From Article 6 of the UDO, list the special conditions that relate to the requested use. Explain **IN DETAIL** how this application meets each of the special conditions. **Failure to complete each will result in an incomplete application.**

This is a request for a renewal of the Special Use Permit granted by Ordinance No. 7445, passed by City Council on 4/3/2014, and approved by Mayor Randall L. Rhoads on 4/9/2014.

Please see the attached explanation for CRB's request for a special use permit, Exhibit C.

The Applicant is requesting a waiver/modification to the parking lot screening requirement set forth in the UDO and Section 3 of the prior special use permit conditions. Under the UDO, parking lot screening is to be provided to the street. In this instance, the "street" is the outer road to the State highway system. The businesses fronting this street do not uniformly provide parking lot screening. Screening is not required from adjacent uses for they are also commercial.

Exhibit C

CITY OF LEE'S SUMMIT

SPECIAL USE PERMIT CRITERIA

1000 SE Blue Pkwy, Lee's Summit

In considering a special use permit application, the Planning Commission and City Council will give consideration to the criteria stated below to the extent they are pertinent to the particular application. (See UDO Section 10.050.)

1. Character of the neighborhood.

The Subject Property ("Property") is located along a commercial corridor on the north outer road of US Highway 50 with immediately adjacent uses such as automotive repair and tire and commercial, restaurants. Pictures of the Property are attached hereto as Exhibit D.

2. Compatibility with adjacent property uses and zoning.

The proposed special use permit for major automotive repair and outdoor sale or lease of motor vehicles/equipment is compatible with the adjacent automobile related businesses and commercial uses. The Property is zoned CP-2, planned community commercial district, which allows for a full range of retail and office development serving the general needs of the community.

3. Suitability of the property for which the special use is being requested.

The Property currently has had minor automotive repair activity in approximately half of the existing building space. The existing building has experienced the necessary upgrades necessitated by the building and fire codes, as applicable.

*In this Application, the Applicant is seeking a renewal of the Special Use Permit (SUP) for two activities. CRB intends to continue conducting minor automotive repair, and **Automotive Sales or Lease**. The Automotive Sales or Lease activity requires a Special Use Permit. Specifically, the SUP the Applicant is seeking would allow the **Outdoor sale or lease of motor vehicles/equipment**. Such an activity is further defined and regulated in the UDO as follows:*

A. Outdoor sale or lease of motor vehicles (including automobiles, vans, sport utility vehicles (SUV's), trucks less than one ton, personal watercraft or motorcycles) shall be subject to the following conditions:

- 1. Motor vehicles must be set back ten (10) feet from all property lines or in compliance with the district's setback lines, whichever is greater.*
- 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.*
- 3. All display or storage area must be paved and the motor vehicles arranged in an orderly manner.*

B. Outdoor sale or lease of manufactured homes, motor homes, recreational vehicles, boats, trucks one ton or greater, large motorized maintenance, farming or construction equipment, and construction trailers shall be subject to the following conditions:

- 1. Structures and vehicles for sale, lease or rental, must be set back thirty (30) feet from all property lines or in compliance with the district's setback lines, whichever is greater.*
- 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.*

Exhibit C

CITY OF LEE'S SUMMIT

SPECIAL USE PERMIT CRITERIA

1000 SE Blue Pkwy, Lee's Summit

3. All display or storage area must be paved and the vehicles/equipment arranged in an orderly manner.

The following building uses and related square footages are planned for this Special Use Permit:

Automotive Repair Shop Area	1,254 square feet with one (1) bay
Indoor Sales Floor Area	640 square feet
Motor Vehicle Showroom	3,008 square feet
Total Building Area	4,896 square feet

Furthermore, there will be an outdoor display area which comprises of 25 parking spaces located close to the building. These spaces total approximately 2137.50 square feet of display area. In making our calculations, the Applicant notes that the Motor Vehicle Showroom Use does not appear in Table 12-1, Minimum Parking by Use, of the Unified Development Ordinance (UDO); however, City Staff previously advised the Applicant in 2014 to use 2 spaces per 1,000 square feet. The Applicant calculates the Building Area to require 11 spaces, the Outdoor Display Area to require 1 space, and the total number of parking spaces triggers the need for 1 van accessible space. The Applicant understands that the bay can count as one space and the single Van Accessible space essentially requires 2 space areas for access. A Parking Design exhibit has been attached to depict the above calculations of parking spaces and square footage, ("Exhibit E").

The Applicant continues to desire to provide automotive repair services, major repairs which involves under the UDO 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. Automotive repair services, major repairs, activities require a SUP.

This Application submitted is for a special use permit to allow automotive repair services for major repairs and a special use permit for outdoor sale or lease of motor vehicles/equipment; or more simply a special use permit for major automotive repairs and outdoor sales of motor vehicles/equipment.

4. **Extent to which the proposed use will negatively impact the aesthetics of the property and adjoining properties.**

The proposed use will not adversely impact the aesthetics of the area in that the Property is surrounded by automotive and commercial uses and parking lots. The outdoor display of motor vehicles /equipment will be in character with the adjoining properties. The proposed use has occurred on the Property for the last 10 years with no negative impact.

5. **Extent to which the proposed use will injure the appropriate use of, or detrimentally affect, neighboring property.**

The current minor automotive repair activity does not injure the neighboring properties which also contains like uses. The "permitted with conditions" requirements and special use permit distance from property line requirements related to the outdoor sales SUP provide significant buffer space between

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SPECIAL USE PERMIT CRITERIA

1000 SE Blue Pkwy, Lee's Summit

properties. The proposed use has occurred on the Property for the last 10 years with no negative impact.

6. Impact on the street system to handle traffic and/or parking.

The limited lot area of the Property, coupled with the automotive services uses, and the "permitted with conditions" requirements and special use permit requirements will naturally limit the number of vehicles that could be placed for display on the Property. The traffic generated from the Property will not significantly increase the amount of traffic generated at the location currently.

7. Impact of additional storm water runoff to the existing system or to the water shed area if no storm sewer is available.

The site conditions (ie. impervious coverage) will not change with the approval of the special use permit for major automotive repairs and outdoor sales of motor vehicles/equipment.

8. Impact of noise pollution or other environmental harm.

The requested special use permit for major automotive repairs and outdoor sales of motor vehicles/equipment will not adversely impact the current noise levels in the area. All environmental requirements on automobile services activities will be followed.

9. Potential negative impact on neighborhood property values.

The Property is located along a busy commercial corridor. Successful businesses along the corridor only enhance such corridors for their neighbors.

10. Extent to which there is need of the proposed use in the community.

The scope of automotive repair currently at this location is primarily involving classic automobiles, which will be a primary focus of the outdoor sales and lease of motor vehicles/equipment. The broader category of sales and lease motor vehicles provides flexibility in the bartering involved in classic used vehicles sales.

11. Economic impact upon the community.

An increase in the sale of motor vehicles, at least in the near term under existing Missouri law, still financially benefits the community in which the motor vehicles are licensed. Additional consumer traffic along a corridor constructed for heavy commercial traffic is always a positive economic outcome.

12. Extent to which public facilities and services are available and adequate to satisfy the demand generated by the proposed use.

The existing public infrastructure is adequate for this requested special use permit.

13. Comparison of the benefit gained to the public health, safety and welfare of the community if approved versus the hardship imposed upon the landowner if the requested application is denied.

Denial of this Application provides no measurable benefit to the public health, safety and welfare. This

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1000 SE Blue Pkwy, Lee's Summit

application is requesting the opportunity to enhance the automotive services currently performed at the Property and allow the display of motor vehicles/equipment for sale on the north outer road of U.S. Highway 50 in a compatible commercial business environment. The hardship imposed upon the landowner on its face would seem unreasonable. The proposed use has occurred on the Property for the last 10 years with no public health, safety and welfare issues.

14. Conformance to the UDO and current city policies and ordinances.

The Application conforms to the requirements of the UDO, and city policies regarding land use along the U.S. Highway 50 Corridor.

Approximately 3,000 square feet of the existing building on site is occupied with a use the Unified Development Ordinance (UDO) would define as "Automotive repair shop, minor repairs". This activity is defined as the replacement or repair of any automobile part that does not require removal of the engine head or pan, engine transmission, or differential, and may include incidental body and fender work i.e., dent repair and minor painting and upholstery service. The definition of minor repairs also includes muffler replacements, brake service, lube and oil service and glass installation/replacement.

An Automotive repair shop, with minor repairs activity does not require a special use permit. It is an activity which may occur by right in CP-2 zoning districts with conditions. UDO, Article 9, Uses Permitted with Conditions, sets forth the conditions under which the minor repair activity may occur.

Section 9.330. Repair services – automotive

Repair services on equipment or vehicles, with respect to which:

- A. All activities are conducted within a building or fully screened area; and*
- B. Outside storage is confined to the rear of the property and visually screened in accordance with the buffer standards of Article 13; and*
- C. Do not generate noise, odors, or fumes that can be detected beyond the walls of the building in which the use is housed.*
- D. 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 complies with the UDO conditions for its minor repair activity.

15. Recommendation of professional staff.

To be provided by Staff.

16. Consistency with permitted uses in the area in which the special use is sought.

The proposed special use permit for major automotive repairs and outdoor sales of motor vehicles/equipment involves activities consistent with the commercial activity of the area.

EXHIBIT D

South side of Property (Entrance)



EXHIBIT D

East side of Property



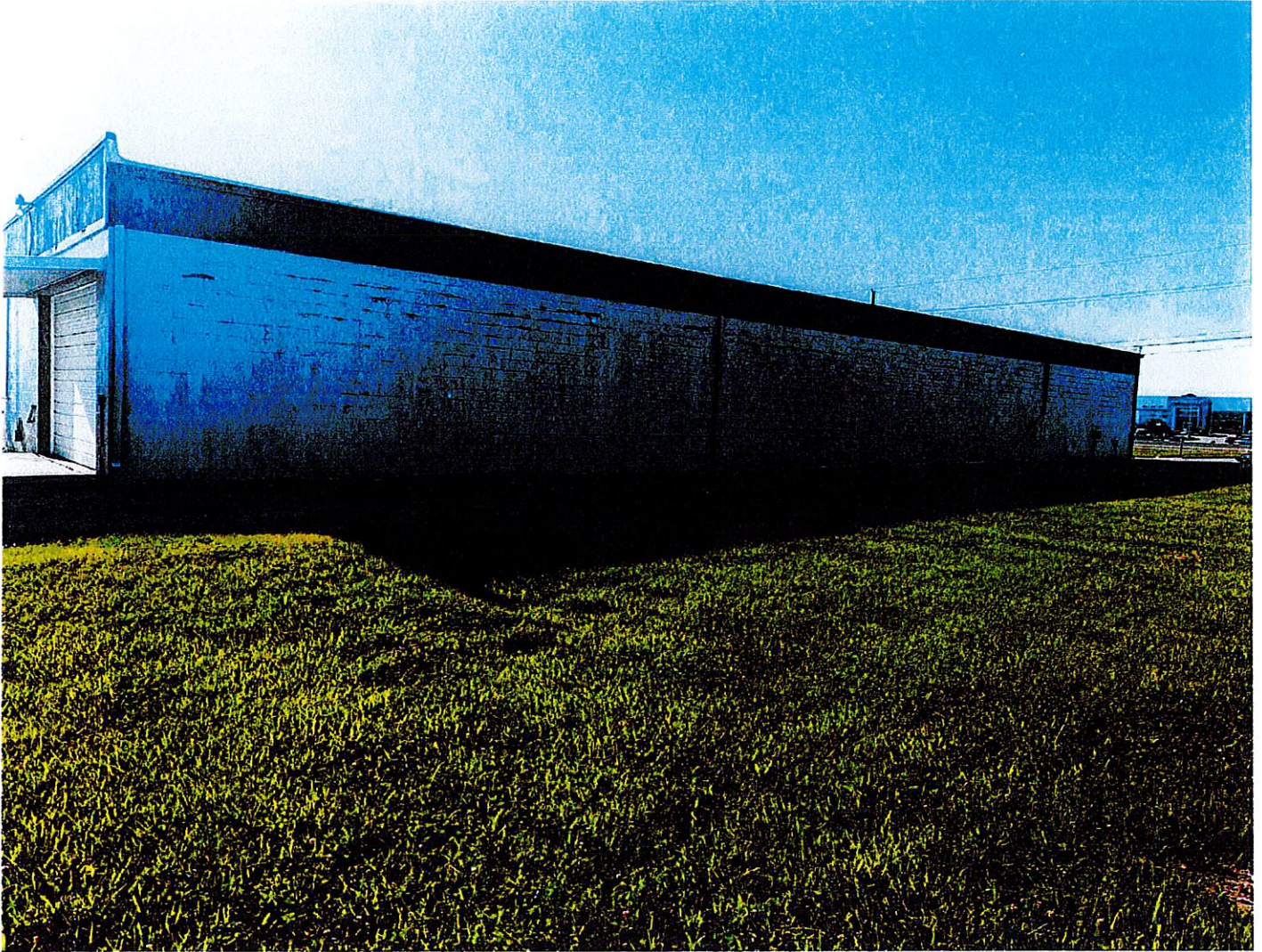
EXHIBIT D

North side of Property



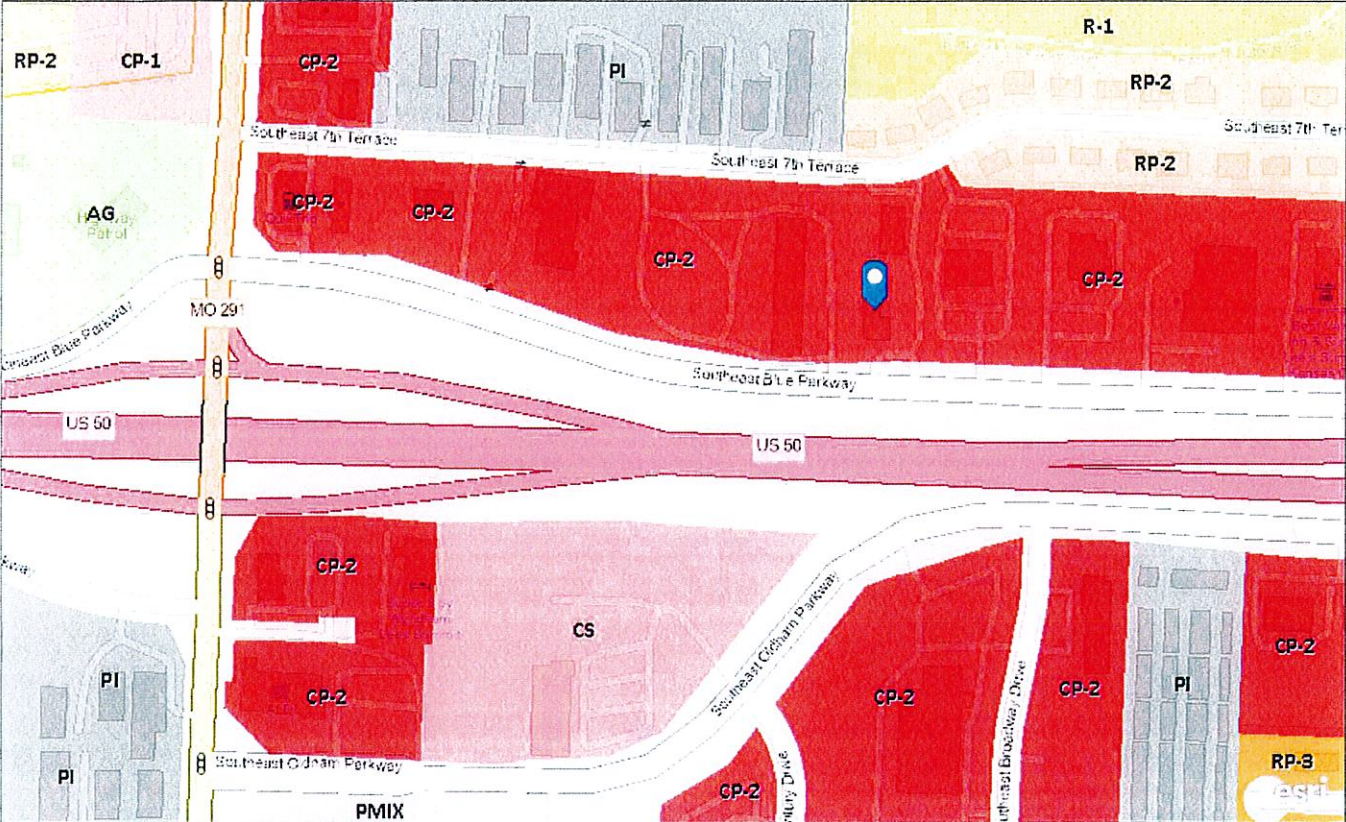
EXHIBIT D

West side of Property



Zoning Information

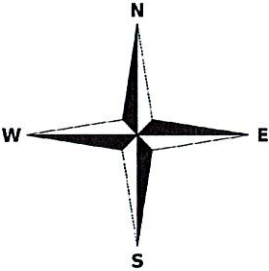
EXHIBIT D



Displays the zoning designation for properties in Lee's Summit, MO

300ft

City of Lee's Summit, MO | Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri



Google Maps 1000 SE Blue Pkwy



Imagery ©2024 Airbus, Map data ©2024 20 ft



1000 SE Blue Pkwy

Building



Directions



Save



Nearby



Send to
phone



Share

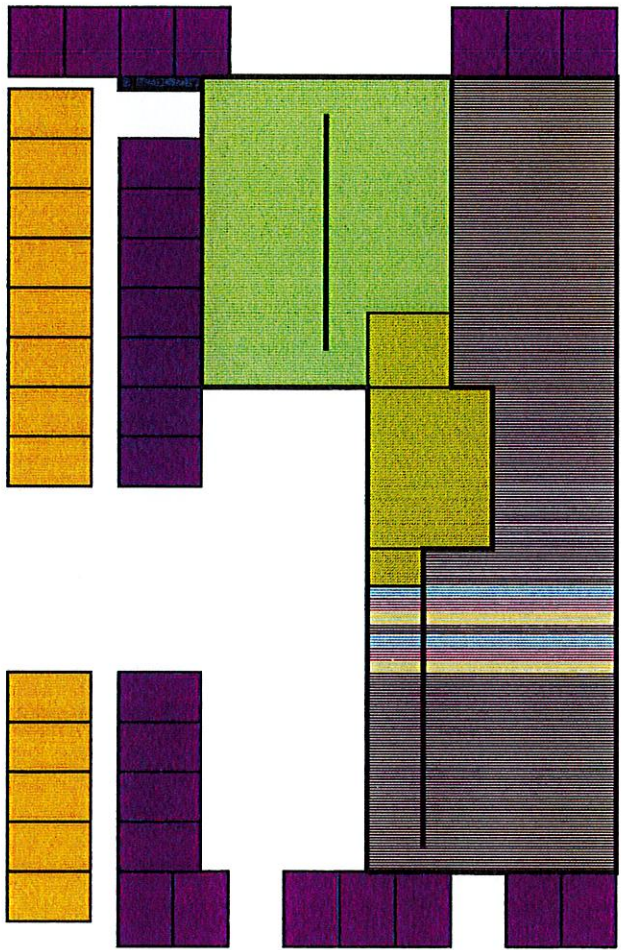


1000 SE Blue Pkwy, Lee's Summit, MO 64063

Photos

1000 SE Blue Parkway Special Use Permit Parking Design

Blue Parkway



PARKING

	Required Parking Spaces	(13)	
	Outdoor Display Parking Spaces	(25)	(2137 Sq. Ft.)

BUILDING FLOORPLAN

	Shop Area	1,254 Sq. Ft.
	Sales Floor	640 Sq. Ft.
	Vehicle Showroom	<u>3,008 Sq. Ft</u>
		4,896 Sq. Ft.

Appl. #PL2024-158 SUP for auto repair and sales
1000 SE Blue Pkwy

