



**LEE'S SUMMIT**  
MISSOURI  
Development Services Department

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## Development Services Staff Report

<b>File Number</b>	PL2019-204 and PL2019-203
<b>File Name</b>	PRELIMINARY DEVELOPMENT PLAN and SPECIAL USE PERMIT for automobile sales – Aristocrat Motors
<b>Applicant</b>	Aristocrat Motors
<b>Property Address</b>	704 SE Oldham Ct
<b>Planning Commission Date</b>	August 8, 2019
<b>Heard by</b>	Planning Commission and City Council
<b>Analyst</b>	Hector Soto, Jr., AICP, Planning Manager
<b>Checked By</b>	Sue Pyles, PE, Senior Development Engineer

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### Public Notification

Pre-application held: April 30, 2019

Neighborhood meeting conducted: None held

Newspaper notification published on: July 20, 2019

Radius notices mailed to properties within 185 feet on: July 16, 2019

Site posted notice on: July 16, 2019

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### Attachments

Traffic Impact Analysis prepared by Michael Park, dated July 30, 2019

– 2 pages

Preliminary Development Plan, date stamped July 16, 2019 – 25 pages

SUP Narrative, dated July 16, 2019  
 SUP Criteria, dated June 14, 2019  
 Photos of Surrounding Properties – 4 pages  
 SUP Table for Auto Sales – 1 page  
 Location Map

## 1. Project Data and Facts

Project Data	
Applicant/Status	Aristocrat Motors/Developer
Applicant's Representative	Kevin Killilea
Location of Property	704 SE Oldham Ct
Size of Property	±2.38 acres
Zoning (Proposed)	CS (Commercial Services)
Comprehensive Plan Designation	Retail
Special Use Permit Time Period Requested	40 years
Procedure	<p>The Planning Commission makes a recommendation to the City Council on the proposed rezoning, preliminary development plan and special use permit. The City Council takes final action on the rezoning, preliminary development plan and special use permit in the form of an ordinance.</p> <p><b>Duration of Validity:</b> There is no expiration to an approval for rezoning.</p> <p>Preliminary development plan approval by the City Council shall not be valid for a period longer than twenty-four (24) months from the date of such approval, unless within such period a final development plan application is submitted. The City Council may grant one extension not exceeding twelve (12) months upon written request.</p> <p>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 was most recently occupied by a manufactured home dealer up until approximately 2009. The site has remained vacant since that time.

Description of Applicant's Request
The applicant seeks approval of a preliminary development plan and special use permit to develop and operate the site as an automobile dealership. The applicant requests the special use permit be granted for a period of 40 years.

## 2. Land Use

Description and Character of Surrounding Area
The property is generally located at the southeast corner of SE Hamblen Rd and US 50 Hwy. This particular intersection serves as a transition area between commercial and industrial uses along the US 50 Hwy corridor and the M-291 Hwy North/SE Hamblen Rd corridor.

### Adjacent Land Uses and Zoning

<b>North:</b>	US 50 Hwy
<b>South:</b>	Skate rink / CS; and Home improvement center / PMIX (Planned Mixed Use)
<b>East:</b>	Automobile sales / CP-2
<b>West:</b>	Future indoor climate-controlled storage facility / CS

Site Characteristics
The site is a relatively flat irregularly shaped lot located east of SE Hamblen Rd between SE Oldham Pkwy and US 50 Hwy. The site shares access to/from SE Oldham Pkwy with the abutting Landmark Skate site to the south.

Special Considerations
There are no special or unique site conditions to consider.

## 3. Project Proposal

### Site Design

Land Use	
Impervious Coverage:	59%
Pervious:	41%
<b>TOTAL</b>	<b>100%</b>

### Parking

Proposed		Required	
Total parking spaces proposed:	152	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 Proposed
Front (SE Oldham Pkwy)	20' (Building) / 20' (Parking)	252'+ (Building) / 20' (Parking)
Side (north and south)	20' (Building) / 20' (Parking) – north; 6' (Parking) – south	27'+ (Building) / 20' (Parking) – north; 11' (Parking) – south

Rear (west)	20' (Building) / 15' (Parking)	92' (Building) / 20' (Parking)
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**Structure(s) Design**

<b>Number and Proposed Use of Buildings</b>
1 automobile sales building
<b>Building Height</b>
30'0"
<b>Number of Stories</b>
1 story

**4. Unified Development Ordinance (UDO)**

Section	Description
2.040,2.260,2.300,2.320	Preliminary Development Plans
6.620,6.640,6.650,6.1050	Special Use Permits
4.210	Zoning Districts
8.120,8.170,8.180	Design Standards
8.220,8.230,8.250,8.260,8.290	Lighting Standards
8.530,8.580,8.620	Parking Standards
8.720,8.750,8.790,8.810,8.820	Landscaping

**Unified Development Ordinance**

The proposed use is allowed on the subject CS-zoned property, as well as the surrounding CP-2-zoned properties, with approval of a special use permit. Five other automobile dealerships currently exist east of the subject property along SE Oldham Pkwy.

The proposed use is consistent and compatible with other commercial uses in the surrounding CS- and CP-2- zoned properties, as well as industrial uses further west and south. Uses in the area include automobile dealerships, a home improvement center, a grocery store, a restaurant, hotels and office-warehouses.

**5. Comprehensive Plan**

Focus Areas	Goals, Objectives & Policies
Overall Area Land Use	Objective 1.1 Objective 1.3 Objective 1.4
Economic Development	Objective 2.1 Objective 2.2

Commercial Development	Objective 4.1 Objective 4.2
Public Facilities and Services	Objective 6.1

**Comprehensive Plan**

The proposed use is consistent with the retail land use recommended by the Comprehensive Plan for the area. The segment of the US 50 Hwy corridor located between SE Hamblen Rd and SE Ranson Rd is home to five (5) automobile dealerships. A distinguishing characteristic of the proposed automobile dealership from other dealerships in the city is the focus on luxury automobile sales.

**6. Analysis**

**Background and History**

The applicant seeks approval of a preliminary development plan and special use permit for Aristocrat Motors. The proposed development consists of a single-story 7,397 sq. ft. building on Lots 2 and 3 of *Oldham East Business Park*. The proposed exterior building materials consists of masonry, EIFS, aluminum composite metal (ACM) panels and glass. A modification to the display area setback from the south property line is sought as part of this application. The applicant requests the special use permit be granted for a period of 40 years.

A preliminary development plan and special use permit for automobile sales (Kansas City Motors) were previously approved for this site in 2017. The previous project was for a 4,200 sq. ft. masonry, stucco and glass building. The special use permit was granted for a period of 10 years. The owner of Kansas City Motors never proceeded with construction.

- December 29, 1951 – A portion of what is now 700 SE Oldham Court was annexed into the City.
- March 27, 1962 – The 715 Zoning Ordinance and associated Zoning Map was adopted. Property that now comprises 700 SE Oldham Court was shown as M-1 (Light Industrial).
- December 31, 1964 – The remainder of what is now 700 SE Oldham Court, 701 SE Oldham Court, and 704 SE Oldham Court were annexed into the City.
- August 12, 1972 – A building permit (#5593) was issued for the existing skating rink located at 919 SE Oldham Parkway (now 701 SE Oldham Court).
- January 4, 1979 – A building permit (#77-495) was issued for occupancy of a 2,675 sq. ft. building at 911 SE Oldham Parkway (now 704 SE Oldham Court). The building has since been razed. The property is currently vacant.
- October 10, 1980 – A building permit (#80-306) was issued for occupancy for Mid-America Homes Center, Inc., located at 609 SE Oldham Parkway, now 700 SE Oldham Court. The property is currently vacant.

- June 2, 1987 – The City Council approved a rezoning (Appl. #1987-012) from District A (Agricultural) and M-1 (Light Industrial) to C-1 (General Business) (now CP-2 [Planned Community Commercial]), by Ord. #2979. This rezoning included a portion of the property that is now addressed as 700 SE Oldham Court.
- July 7, 2016 – The City Council approved a vacation of right-of-way (Appl. #PL2016-021) for all of SE Oldham Court and a portion of SE Oldham Parkway located at its intersection with SE Oldham Court by Ord. #7912.
- July 7, 2016 – The City Council approved a rezoning (Appl. #PL2016-066) from CP-2 (Planned Community Commercial) and PI (Planned Industrial) to CS (Planned Commercial Services) by Ord. #7913.
- February 16, 2017 – The City Council approved a preliminary development plan (Appl. #PL2016-217) and special use permit (Appl. #PL2016-218) for Kansas City Motors by Ord. #8100 and Ord. #8101, respectively. The special use permit was granted for a period of ten (10) years.
- July 14, 2017 – Staff administratively approved a final development plan (Appl. #PL2017-119) for Kansas City Motors. The approved plan became null and void after one (1) year due to no building permit being obtained.
- July 13, 2018 – A new final development plan (Appl. #PL2018-114) for Kansas City Motors was submitted for staff approval. Review comments were transmitted to the developer on July 27, 2018. No further action was taken by the applicant. The application became null and void on July 27, 2019, due to inactivity on the application.

### **Compatibility**

The property is located at the intersection of the US 50 Hwy and M-291 Hwy North commercial corridors. SE Hamblen Rd serves as an industrial corridor south of US 50 Hwy.

Automobile sales is a compatible use for the area and zoning. The subject property and the two abutting properties to the west and south are zoned CS. The area is flanked by CP-2 zoning to the west, CP-2 zoning to the east and PMIX zoning to the south. Automobile sales are an allowed use with a special use permit in the CP-2 and CS zoning districts, as well as a permitted use by right with an approved plan in the PMIX zoning district. The segment of SE Oldham Pkwy located between SE Hamblen Rd and SE Ranson Rd is currently home to five (5) automobile dealerships.

The proposed building materials and architecture are similar and compatible with existing automobile dealerships along SE Oldham Pkwy further to the east. The proposed building exterior is composed of masonry, architectural composite metal panels and glass.

### **Adverse Impacts**

The proposed development will not detrimentally impact the surrounding area. The proposed infill project redevelops a long vacant and previously underutilized property along the US 50 Hwy corridor.

The proposed development will not create excessive storm water runoff. Storm water will be managed on-site through an underground storm water detention system.

The proposed use is not expected to create excessive noise and air pollution. No on-site automobile repair services will be offered at the facility. On-site services are limited to the detailing of cars for sale; detailing services are not extended to the public.

### **Public Services**

The proposed development will not impede the normal and orderly development and improvement of the surrounding property. The subject property is an infill site that has remained vacant approximately 10 years. The proposed development will tie into the existing public infrastructure.

SE Oldham Pkwy has sufficient capacity to accommodate the proposed use; no improvements to SE Oldham Pkwy are required as part of the proposed development. The development will use an existing point of access to/from SE Oldham Pkwy shared with the abutting Landmark Skate site to the south.

### **Modifications**

Vehicle Display Setback.

- Required – 20 foot setback from all property lines
- Proposed – 11 foot setback from the south property line
- Recommended – The parking lot located due south of the proposed building is set back 11 feet from the south property line. The applicant’s request is to allow for a reduced vehicle display area setback for only the south of the building in order to match the limits of the parking lot. The required 20 foot vehicle display area setback is met everywhere throughout the site, save for this area.

Except for the fact that the parking spaces along the south property line will be used for vehicle display rather than customer and employee parking, these spaces meet all other UDO requirements. The proposed 11 foot setback exceeds the 6 foot setback required for typical customer and employee parking space usage. However, the UDO imposes a greater setback requirement for parking spaces used for the display of vehicles for sale/lease. The subject property is an irregular-shaped infill lot. The site layout combined with the irregular lot configuration allows the parking lot to meet all typical parking lot setback requirements, but an additional 9 feet of separation cannot be gained south of the building in order to meet the more stringent vehicle display area setback requirement. Use of the spaces for vehicle display is not expected to be any more impactful on the surrounding properties than the use of the same spaces for typical parking purposes. Staff supports the modification to allow the reduced display area setback along the south property line as proposed.

### **Special Use Permit Conditions**

The development is subject to the following special use permit conditions for outdoor sale or lease of motor vehicles (UDO Section 6.1050.A):

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. **The CS zoning district requires a 20-foot building**

**setback from all property lines, and thus the display of vehicles is subject to this greater setback. Vehicle display areas meet the 20-foot setback requirement from all property lines, except the south property line where the applicant proposes to display vehicles 11 feet from said south property line. A modification is required for vehicle display setback from the south property line.**

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 for the development. Should the applicant later decide to employ a means of securing the site, other dealerships throughout the city have employed the use of single-bar pipe railing around the site as an acceptable alternative to fencing.**
3. All display or storage area must be paved and the motor vehicles arranged in an orderly manner. **All vehicles and will be displayed or stored on the paved parking lot surface or on paved display pad along the site's entrance.**

### **Special Use Permit Time Period**

The applicant requests the special use permit be granted for a period of 40 years. Special use permits for new construction sites, such as the subject application, have typically been granted time periods of 20 or 30 years (see attached table). On two occasions have time periods of 10 years been granted to new construction sites, one of which was for the Kansas City Motors project previously approved for the subject site.

### **Recommendation**

With the conditions of approval below, the application meets the requirements of the UDO and Design & Construction Manual.

## **7. Recommended Conditions of Approval**

### **Site Specific**

1. A modification shall be granted to the 20' vehicle display area setback requirement, to allow an 11' setback from the south property line.
2. The developer shall construct the segment of sidewalk along SE Oldham Pkwy located west of the driveway as part of this development. The developer shall make payment to the City of Lee's Summit for construction cost in lieu of actual construction for the segment of sidewalk along SE Oldham Pkwy located east of the driveway.
3. The special use permit shall be granted for a period of 30 years.



## **Standard Conditions of Approval**

4. All required engineering plans and studies, including water lines, sanitary sewers, storm drainage, streets and erosion and sediment control shall be submitted along with the final development plan. All public infrastructure must be substantially complete, prior to the issuance of any certificates of occupancy.
5. All Engineering Plan Review and Inspection Fees shall be paid prior to approval of the associated engineering plans and prior to the issuance of any infrastructure permits or the start of construction (excluding land disturbance permit).
6. A Land Disturbance Permit shall be obtained from the City if ground breaking will take place prior to the issuance of an infrastructure permit, building permit, or prior to the approval of the Final Development Plan / Engineering Plans.
7. Certain aspects of the development plan will be further reviewed during the Final Development Plan phase of the project. This includes detailed aspects of the design to help ensure that the plan meets the design criteria and specifications contained in the Design and Construction Manual.
8. Private parking lots shall follow Article 8 of the Unified Development Ordinance for pavement thickness and base requirements.
9. All issues pertaining to life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to the safety to fire fighters and emergency responders during emergency operations, shall be in accordance with the 2018 International Fire Code.
10. The fire lanes shall be marked to the north sides of the parking lots to allow access to the hydrants.
11. Confirm the storm water detention structures and pavement will support the weight of fire apparatus (75,000 pounds).
12. Sign permits shall be obtained prior to installation of any signs through the Development Services Department. All signs proposed must comply with the sign requirements as outlined in the sign section of the Unified Development Ordinance.
13. A final plat or minor plat shall be approved and recorded (with the appropriate number of copies of the recorded plat returned to the Development Services Department) prior to any building permits being issued.