

# City of Lee's Summit

## Development Services Department

March 9, 2018

TO: Planning Commission  
PREPARED BY: C. Shannon McGuire, Planner  
CHECKED BY: Hector Soto, Jr., AICP, Current Planning Manager  
RE: **PUBLIC HEARING – Application #PL2017-257 – Appl. #PL2017-257 – SPECIAL USE PERMIT for outdoor secondary sales of motor vehicles – Genuine Auto Repair, 520 SW 3<sup>rd</sup> St; Gary Serville, Jr., applicant**

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### Commentary

This application is for a special use permit (SUP) renewal for auto sales as an accessory use at 520 SW 3<sup>rd</sup> St. The applicant operates a tire and auto service business, but also sells vehicles under a special use permit (Appl. #PL2012-099) previously granted for a period of five (5) years by Ord. #7263.

The applicant requests the renewal for a time period of 25 years. Staff recommends a 5 year time period keeping consistent with the previously approved special use permit for vehicle sales at this location. The previously approved SUP ordinances (#7100 and #7263) required shrubs to be installed in the green space along 3rd Street, which has not been done; a similar requirement for shrubs is included in the conditions of approval.

### Recommendation

Staff recommends **APPROVAL** of the special use permit, subject to the following:

1. The special use permit shall be granted for a period of 5 years.
2. The number of vehicles for sale at any given time shall be limited to five (5) vehicles.
3. Parking lot screening, consisting of one (1) shrub per three (3) linear feet, shall be installed within the green space along 3rd Street.

### Zoning and Land Use Information

**Location:** 520 SW 3<sup>rd</sup> St.

**Zoning:** CP-2 (Planned Community Commercial District)

**Surrounding Zoning and Use:**

**North:** RP-4 (Planned Apartment Residential District.) – Robin Hills Apartments

**South (across SW 3<sup>rd</sup> St.):** CP-2 (Planned Community Commercial District) – general office spaces

**East:** CP-2 (Planned Community Commercial District) – Pinnacle Auto Sales)

**West:** CP-2 (Planned Community Commercial District) – general office and commercial spaces

**Site Characteristics.** The property is developed with single story 5,000 sq. ft. commercial building. The subject building has historically housed auto repair shops.

**Description and Character of Surrounding Area.** The surrounding area is primarily developed with office/retail uses to the east, west and south. More specifically, the two adjacent properties to the east house auto sales and a gas/auto service station. The property to the north is the Robin Hills Apartments.

### Project Information

<b>Current Use:</b> auto repair and auto sales
<b>Proposed Use:</b> accessory sales of cars/vehicles
<b>Land Area:</b> 42,823 sq. ft.
<b>Building Area:</b> approximately 5,000 sq. ft.
<b>FAR:</b> 0.12
<b>Number of Buildings:</b> 1
<b>Number of Stories:</b> 1
<b>Parking Spaces:</b> 29 spaces required; 42 spaces provided

### Public Notification

<b>Neighborhood meeting conducted:</b> n/a
<b>Newspaper notification published:</b> February 24, 2018
<b>Radius notices mailed to properties within 185 feet:</b> February 23, 2018

### Process

<b>Procedure:</b> The Planning Commission makes a recommendation to the City Council on the proposed special use permit. The City Council takes final action on the special use permit.
<b>Duration of Validity:</b> A special use permit shall be valid for a specific period of time if so stated in the permit.

### Unified Development Ordinance

Applicable Section(s)	Description
10.020, 10.030, 10.040, 10.050, 10.400	Special Use Permit

### Comprehensive Plan

Focus Areas	Goals, Objectives and Policies
Economic Development	Objective 2.2

### Background

- January 4, 1983 – Ordinance 2380 was approved by the City Council to amend the zoning ordinance to require a Special Use Permit for “automobile, truck, mobile homes and/or boat sales rooms or yards...” in commercial zoning districts. Car sales businesses legally operating prior to 1983 became legal non-conforming, and are

allowed to continue as long as the use is not discontinued for more than 6 months. No evidence has been found of any car sales business on the subject property prior to 1996.

- June 18, 1996 – A special use permit was approved by the City Council for vehicle sales for 520-522 SW 3<sup>rd</sup> Street for 10 years, Ord. #4297 (Appl. #1996-028), which expired in 2006, and was not renewed.
- October 6, 2011 – A special use permit was approved by the City Council for car/vehicle sales and U-Haul leasing at 520 SW 3<sup>rd</sup> Street for 5 years, Ord. #7100 (Appl. #PL2011-108).
- December 15, 2011 – Ordinance 7119 was approved by the City Council to amend the special use permit section of the UDO (Amendment #40) to restrict accessory car sales to an auto-related primary use, subject to certain locations and limits on number of vehicles and signs.
- December 6, 2012 – A special use permit was approved by the City Council for car/vehicle sales at 520 SW 3<sup>rd</sup> Street for 5 years, Ord. #7263 (Appl. #PL2012-099).

## Analysis of Special Use Permit

**Ordinance Requirements.** Under the Unified Development Ordinance (UDO) a special use permit is required for outdoor secondary sales of motor. According to Section 10.460, of the UDO the following conditions apply to outdoor sales of motor vehicles:

1. Primary motor vehicle related business shall include:
  - a. Motor vehicle parts and supply;
  - b. Motor vehicle repair services, both minor and major. **The existing use is an auto repair shop.**
2. Number and placement/display of accessory motor vehicles shall:
  - a. Be limited to a maximum of five vehicles at any time; **No more than five (5) vehicles for sale shall be located on the site at any one time.**
  - b. Be limited to existing parking spaces, for display purposes, in excess of the required parking spaces for the primary business use as determined by the Director on a case by case basis. **A total of 29 parking spaces are required for the multitenant building. A total of 42 parking spaces are provided on the site, yielding a parking space surplus of 13 parking spaces.**
3. Motor vehicle accessory sale locations shall be limited to specific areas identified in Figure 10-1 as follows:
  - a. Major Arterials – Allowed only within 1/4 mile wide strip measured 1/8 mile from centerline on each side of the arterial. **The site is located outside a 1/4 mile buffer area from an arterial. Special use permits have been granted for vehicle sales at this located since 1996, which pre-exist the proximity requirement to an arterial street.**
  - b. Entry Gateways – Prohibited within 1/4 mile radius. **The site is located greater than 1/4 mile from the nearest entry gateway. The gateways are defined as the areas where I-470, M-150 Hwy, M-291 Hwy and US 50 Hwy enter the city limits.**

- c. Primary Intersections – Prohibited within 1/8 mile radius. **The site is located greater than 1/8 mile from the nearest primary intersection (SW 3<sup>rd</sup> St and US 50 Hwy)**
- 4. Minimum landscaping shall be required:
  - a. Between street right-of-way and parking lot display of motor vehicles; **1 shrub shall be planted per 3 linear feet along the green space along SW 3<sup>rd</sup> St.**
  - b. To include a 30 inch high berm with shrubbery and ornamental trees as approved by the Governing Body. **The existing parking lot is constructed up to the right-of-way line. Therefore, a berm cannot be constructed between the right-of-way and existing parking lot boundary along SW 3<sup>rd</sup> St.**
- 5. Signage.
  - a. One sign per motor vehicle. **The applicant will comply with this and the other signage requirements below.**
  - b. 6 square feet maximum area
  - c. Located inside motor vehicle

**Time Period.**

- Request – The applicant requests a 25 year time period.
- Recommendation – A total of nine special use permits for vehicle sales as an accessory use have been previously approved.

Address	Ordinance No.	Time Period	Approval	Expiration
190 NW Oldham Pkwy	6779	7	4/16/2009	4/16/2016
201 SE Green Street	6981	5	10/7/2010	10/7/2015
1115 SW Oldham Parkway	7106	7	11/3/2011	11/3/2018
520 SW 3rd Street	7263	5	12/6/2012	12/6/2017
1300 SW Market St	7383	5	10/10/2013	10/10/2018
1308 SW Market St	7418	5	1/9/2014	1/9/2019
1000 SE Blue Pkwy	7445	10	4/3/2014	4/3/2024
957 SE Oldham Pkwy	7552	10	11/18/2014	11/18/2024
190 NW Oldham Pkwy	7941	7	8/4/2016	4/16/2029

The applicant has requested a 25 year time period. Staff recommends a 5 year time period keeping consistent with the previously approved special use permits for vehicle sales at this location. Additionally, the history of current and previous City Councils approving SUPs for periods not to exceed 5 years along the SW 3<sup>rd</sup> St corridor is tied to the long-term redevelopment potential of the area. The corridor is the gateway and primary connection to downtown from the west. While auto sales have been viewed as an acceptable short-term use for the area, auto sales may not be highest and best use from a long-term perspective as the area redevelops.

**Ordinance Criteria.** The criteria enumerated in Section 10.050 as well as the regulations in Section 10.460 addressed above were considered in analyzing this request.

- The lot is zoned CP-2. The adjacent property to the east and west are zoned CP-2. Automotive sales as a primary or accessory use are allowed in the CP-2 zoning districts with a special use permit.
- The proposed auto sales at this location will not detrimentally affect the appropriate use of neighboring property.
- The proposed use is not expected to negatively impact traffic and/or parking in the area.

In considering all the criteria and regulations, staff finds the use to be appropriate and recommends approval of the special use permit.

Attachments:

1. Use Narrative provided by Applicant, date stamped January 10, 2018 – 3 pages
2. Special Use Permit Explanation, provided by Applicant, date stamped January 10, 2018 – 1 page
3. Photos of Subject and Surrounding Properties, date stamped January 10, 2018 – 5 pages
4. Proposed sale vehicle parking location map
5. Location Map