

# City of Lee's Summit

## Development Services Department

January 6, 2017

TO: Planning Commission

FROM: Robert G. McKay, AICP, Director of Planning and Special Projects 

RE: **Continued PUBLIC HEARING – Appl. #PL2016-184 – SPECIAL USE PERMIT renewal for outdoor storage of temporary storage containers – Walmart, 1000 NE Sam Walton Ln; Walmart Real Estate Business Trust, applicant**

### Commentary

The applicant requests renewal of the special use permit to allow for the continued use of 25 temporary storage containers located on the west and southwest areas of the property, to the rear of the building. The applicant requests use of the containers on the property from October 1<sup>st</sup> to December 31<sup>st</sup> each year for a period of 10 years. The containers are used for storage of additional inventory during the holiday season.

The original special use permit was approved on October 8, 1996, for a period of 10 years. The original approval granted the use of 18 temporary storage containers from October 15<sup>th</sup> to December 10<sup>th</sup> each year. The special use permit was renewed in 2007 for an additional 10 years from the date of the original expiration. As part of the renewal, the number of containers allowed on the property was increased from 18 to 25, and the date range that the containers were allowed to be used on the property was expanded to span from October 1<sup>st</sup> to December 31<sup>st</sup>.

### 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 10 years, from the previous expiration date, to expire on October 8, 2026.
2. No more than twenty-five (25) 8 foot x 40 foot storage containers shall be allowed.
3. Containers shall be allowed for a period of twelve weeks. The containers shall not be placed on the premises prior to October 1<sup>st</sup>, and shall be removed no later than December 31<sup>st</sup> of each calendar year during which the special use permit is effective.
4. The container storage areas shall be as shown on the original site plan dated August 7, 2007, and shall remain outside the fire lanes.

### Project Information

**Proposed Use:** outdoor storage of temporary storage containers

**Location:** 1000 NE Sam Walton Lane

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

**Surrounding zoning and use:**

**North (across NE Tudor Road):** R-1 (Single-family Residential) – Community of Christ Church; PMIX – (Planned Mixed Use) – senior housing facility; and CP-1 (Planned Neighborhood Commercial District) – Lee's Summit Christian Church

**South:** R-1 – medical office facility; and CP-2 – vacant

**West (across NE Independence Avenue):** RP-3 (Planned Residential Mixed use District) and CP-2 – senior housing facility

**East:** CP-2 – retail

## Background

- October 8, 1996 – The City Council approved a special use permit for a period of ten (10) years for the use of 18 temporary storage containers structures from October 15<sup>th</sup> through December 10<sup>th</sup> of every calendar year of the permit, by Ordinance No. 4355.
- November 15, 2007 – The City Council approved a special use permit for a period of ten (10) years for the use of 25 temporary storage containers structures from October 1<sup>st</sup> through December 31<sup>st</sup> of every calendar year of the permit, by Ordinance No. 6534.

## Analysis of the Special Use Permit

**Ordinance Requirement.** The Unified Development Ordinance (UDO) Section 10.020.B., states that uses not specifically set forth as “permitted uses”, “prohibited uses” or as “uses subject to conditions” elsewhere in this Chapter shall be deemed to be “special uses” unless otherwise determined. The Commission and Governing Body may consider granting a special use permit for such uses in accordance with the requirements of Article 4.”

**Previously Approved.** The previous special use permit renewal for outdoor storage of temporary storage containers on the property was approved with the following conditions:

1. No more than twenty-five (25) 8 foot x 40 foot storage units shall be allowed.
2. Containers shall be allowed for a period of twelve (12) weeks; cannot be placed on the premises prior to October 1<sup>st</sup>; and shall be removed no later than December 31<sup>st</sup> of each calendar year of the permit.
3. Six (6) evergreen trees shall be added along the southwest corner of the property to better screen the temporary storage containers from the neighboring properties to the south and west. Trees shall have a minimum height of eight (8) feet at the time of planting, and shall be installed within thirty (30) days of final approval.
4. The storage units shall be located as shown on the site plan dated August 7, 2007, and shall remain outside of the fire lanes.

To staff’s knowledge, the applicant has complied with all of the conditions associated with the previously approved special use permits.

**Time Period.** The applicant requests renewal of the special use permit for a period of 10 years. Staff recommends a time period of 10 years from the previous expiration date, to expire on October 8, 2026.

## Code and Ordinance Requirements

*The items in the box below are specific to this development and must be satisfactorily addressed in order to be in compliance with the Codes and Ordinances of the City.*

### Fire

1. 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 2012 International Fire Code.

2. Fire Department access around the rear of the structure and to the FDC shall be maintained.
3. Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises. A minimum 10 feet of clearance shall be maintained between storage containers and baled cardboard stored in the lot.

RGM/hsj

Attachments:

1. Site Plan, date stamped August 7, 2007 (2 pages)
2. Pictures of Surrounding Properties, dated December 9, 2016 – 3 pages
3. Location Map