

# City of Lee's Summit

## Development Services Department

June 22, 2018

TO: Planning Commission  
PREPARED BY: Hector Soto, Jr, AICP, Current Planning Manager  
RE: **PUBLIC HEARING – Appl. #PL2018-078 – SPECIAL USE PERMIT renewal for automotive sales – Fenton Motors, 1001 SE Oldham Pkwy; Farchmin Dicus, PC, applicant**

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### Commentary

The applicant requests a 20-year renewal of a special use permit for the existing Fenton Motors auto dealership. The original special use permit was granted in 2003 for a period of 20 years. The applicant has elected to seek an early renewal of the special use permit to align with a recent refinancing of the subject property.

There is no expansion of facilities proposed as part of the special use permit renewal. There are no open code enforcement cases on the subject property.

- 17,700 square foot building
- 75% impervious coverage – 80% maximum allowed impervious coverage
- 25% open space – 20% minimum required open area
- 0.10 FAR – 0.55 maximum allowed FAR
- 54 parking spaces required – 274 parking spaces provided

### 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 20 years.

### Zoning and Land Use Information

**Location:** 1001 SE Oldham Pkwy

**Legal Description:** Lot 1, Van Duss Business Park, Lots 1, 2 and 3

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

**Surrounding zoning and use:**

**North (across SE Oldham Pkwy):** US 50 Hwy

**South:** R-1 (Single-family Residential District) – single-family residential subdivision

**East:** CP-2 – Nissan auto dealership

**West:** CP-2 – Mazda auto dealership

**Site Characteristics.** The property is developed as an auto dealership.

**Description and Character of Surrounding Area.** The subject property is a first tier lot along the US 50 Hwy corridor. The section of SE Oldham Pkwy from SE Century Dr to SE Ranson Rd is home to five (5) auto dealerships, including the subject facility. An expansion of one of the five dealerships (McCarthy Chevrolet) was recently approved by City Council.

The area south of the subject property is developed as single-family residential. A buffer consisting of landscaping and fencing was installed between the commercial and residential development at the time of facility's construction.

### Project Information

<p><b>Current Use:</b> auto dealership</p> <p><b>Number of Lots:</b> 1</p> <p><b>Land Area:</b> 174,240 sq. ft. (4 acres)</p> <p><b>Building Area:</b> 17,700 sq. ft.</p> <p><b>FAR:</b> 0.10</p> <p><b>Number of Buildings:</b> 1</p> <p><b>Number of Stories:</b> 1</p> <p><b>Parking Spaces:</b> 54 spaces required; 274 existing spaces</p>
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### Public Notification

<p><b>Neighborhood meeting conducted:</b> n/a</p> <p><b>Newspaper notification published:</b> June 9, 2018</p> <p><b>Radius notices mailed to properties within 185 feet:</b> June 8, 2018</p>
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### Process

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

Applicable Section(s)	Description
10.020, 10.030, 10.040, 10.050, 10.450	Special Use Permit
5.190	Zoning Districts

### Comprehensive Plan

Focus Areas	Goals, Objectives and Policies
Overall Area Land Use	Objective 1.1 Objective 1.4
Economic Development	Objective 2.1 Objective 2.2
Commercial Development	Objective 4.1 Objective 4.3

## Background

- December 13, 2000 – The minor plat (Appl. #2000-117) titled *Van Duss Business Park, Lots 1, 2 and 3* was recorded with Jackson County by Document #2000-I-82755.
- July 17, 2003 – The City Council approved a special use permit (Appl. #2003-098) for automobile sales for a period of 20 years on the subject property by Ordinance No. 5561.

## Analysis of the Special Use Permit

**Ordinance Requirements.** Under the Unified Development Ordinance (UDO) a special use permit is required for outdoor sale or lease of motor vehicles/equipment. According to Section 10.450, of the UDO the following conditions apply to outdoor sales of motor vehicles:

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 CP-2 zoning district has a minimum 15' front setback, 10' side setback and 20' rear setback. Vehicles are displayed 10' from the front property line versus the greater 15' setback. A modification was granted to allow a 10' foot parking lot setback from the front property line as part of the original special use permit. Vehicles are set back 10 feet and 20 feet from the side and rear property lines, respectively.**
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. **There is no fencing forward of the main building.**
3. All display or storage area must be paved and the motor vehicles arranged in an orderly manner. **All vehicles are displayed in an orderly manner on a paved parking lot.**

**Time Period.** The applicant requests renewal of the special use permit for a period of 20 years. Staff supports the requested time period.

Attachments:

1. Copy of originally approved site plan, dated May 20, 2003
2. Table of SUPs for Car, Truck, Boat & Trailer Sales
3. Photos of adjacent properties – 2 pages
4. Location Map