

City of Lee's Summit

Department of Planning & Codes Administration

August 19, 2016

TO: Planning Commission
FROM: Robert G. McKay, AICP, Director *rum*
RE: **PUBLIC HEARING – Appl. #PL2016-148 – SPECIAL USE PERMIT for heavy equipment sales and rental – Sunbelt Rentals, 20 & 50 SE 29th Terr.; Crossland Realty Group, applicant**

Commentary

This application is for a special use permit for heavy equipment sales and rental at 20 & 50 SE 29th Terrace. Bledsoe Rental formerly occupied the space at 20 SE 29th Terrace under a special use permit granted for a time period of 20 years for equipment rental and propane and concrete sales (Ord. #6381). Bledsoe Rental has since ceased doing business at this location.

The applicant requests a new special use permit to include both 20 and 50 SE 29th Terrace for Sunbelt Rentals. The applicant proposes to expand the existing storage yard by approximately 0.50 acres onto the vacant property to the east. The applicant requests approval of modifications to the following requirements: a minimum thirty (30) foot setback from all property lines for all structures and vehicles for sale, lease or rental; and the requirement that all display or storage areas be paved. Staff supports both modification requests. The applicant requests a special use permit for a time period of 20 years. Staff supports the requested time period.

Recommendation

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

1. A modification shall be granted to the requirement of a 30' setback from all property lines for structures and vehicles for sale, lease or rental, to allow for a 15' setback along the north property line and a 20' setback along the east property line.
2. A modification shall be granted to the requirement that all display or storage area be paved, to allow for gravel surface for the storage lot.
3. The special use permit shall be granted for a period of 20 years.

Project Information

Proposed Use: heavy equipment sales and rental

Zoning: CS (Planned Commercial Services)

Land Area: 133,729.2 sq. ft. (3.07 acres)

Building Area: 10,926 sq. ft.

Location: 20 & 50 SE 29th Terr.

Surrounding zoning and use:

North: MoDOT Right-of-Way and AG – Vacant undeveloped property owned by PRI

South (across SE 29th Terr. and SE 30th St.): CS and CP-2 – Vacant undeveloped Commercial Services property and Pickard Auto Sales

East: CS – Vacant undeveloped Commercial Services property

West (across MoDOT Right-of-Way): AG and CP-2 – Utilicorp United substation and tele communications tower, vacant undeveloped commercial property

Background

- March 27, 2001 – The Planning Commission approved a preliminary plat (Appl. #2000-282) for *Shamrock Park, 2nd Plat, Lots 9-21*. A final plat is required to be submitted within two years of the approval of the preliminary plat or the preliminary plat becomes null and void. No final plat was filed within the two year timeframe.
- April 19, 2001 – The City Council approved a final plat (Appl. #2000-256) for *Shamrock Park, 1st Plat, Lots 1-8* by Ord. #5124. The plat was recorded at the Jackson County Recorder of Deeds Office by Instrument #200110065364 on August 17, 2001.
- May 3, 2001 – The City Council approved a rezoning (Appl. #2000-281) from A (now AG) to C-S (now CS) for land located east of SE M-291 Hwy. and south of SW Hook Road (this rezoning was located directly north of *Shamrock Park, 1st Plat, Lots 1-8*) by Ord. #5138.
- February 27, 2007 – The Planning Commission approved a new preliminary plat (Appl. #2006-311) for *Shamrock Park, 4th Plat, Lots 9-16*.
- April 19, 2007 – The City Council approved a preliminary development plan (Appl. #2006-309 and special use permit (Appl. #2006-310) for equipment rental and propane and concrete sales (Bledsoe Rental) for a period of 20 years by Ord. #6380 and Ord. #6381, respectively.
- June 7, 2007 – The City Council approved a final plat (Appl. #2007-054) for *Shamrock Park, 4th Plat, Lots 9-16* by Ord. #6409. The plat was recorded at the Jackson County Recorder of Deeds Office by Instrument #2007E0093710 on July 17, 2007.

Analysis of Special Use Permit

Ordinance Requirements. Under the Unified Development Ordinance (UDO) a special use permit is required for the outdoor sale or lease of motor vehicles/equipment. Section 10.450.B of the UDO lists three conditions for large motorized maintenance, farming or construction equipment, and construction trailers:

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.** The applicant has requested a modification to allow setbacks of 15' along the north and 20' along the east property lines. The proposed north property line setback lines up with the existing pavement along the north property line. The proposed east setback is only 10' less than the requirement, the visual and physical impact of which is mitigated by the solid vinyl fence that will surround the outdoor storage area. Staff is supportive of the requested modification.
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.** The proposed vinyl fencing will match and connect to the existing vinyl fencing. The applicant intends to minor plat Lots 9 and 10 of *Shamrock Park, 4th Plat* at a later date. This will eliminate the issue of fencing existing on a lot without a building on the premises.
3. **All display or storage area must be paved and the vehicles/equipment arranged in an orderly manner.** The existing storage area is paved. The proposed expanded storage area will have a gravel surface. Section 12.120.F.2.d states: "Storage lots, excluding tow lots, in CS and PI zoned districts may utilize gravel instead of a hard

surface pavement provided they are engineered to support the weight of the anticipated loads and provide for a minimum of a 100 foot paved drive measured from the concrete drive approach.” Staff is aware of the conflict in the UDO and a correction will be forthcoming to reconcile the special use permit condition with the existing language allowing gravel. Staff supports the modification to allow gravel storage.

Surrounding Uses. To the east and south there are vacant undeveloped commercial services properties and an auto dealership. To the north is vacant undeveloped property owned by PRI. To the west, across the MoDOT rights-of-way, is a substation and telecommunication tower, and vacant undeveloped commercial property.

Time Period.

- Request – The applicant requests a time period of 20 years.
- Recommendation – Staff supports the special use permit for a period of 20 years.

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 CS. The adjacent property to the east and south are zoned CS and CP-2, respectively.
- The lot was previously occupied by another heavy equipment sales/lease business.
- 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.

Code and Ordinance Requirements

The items in the box below are specific to this development and must be satisfactorily addressed in order to bring the plan into 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 of fire fighters and emergency responders during emergency operations, shall be in accordance with the 2012 International Fire Code.

Planning and Codes Administration

2. Sign permits shall be obtained prior to installation of any signs through the Department of Planning & Codes Administration. All signs proposed must comply with the sign requirements as outlined in the sign section of the UDO.

RGM/cs

Attachments:

1. Site Plan, date stamped August 17, 2016 – 1 page
2. Fencing Details, date stamped August 9, 2016 – 1 page
3. Request for Modification to Section 10.450.B.1, date stamped August 9, 2016 – 1 page
4. Special Use Permit Criteria addressed by the applicant, date stamped July 26, 2016 – 2 pages
5. Photos of subject and surrounding properties, date stamped July 26, 2016 – 5 pages
6. Location Map