



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2020-371
File Name	SPECIAL USE PERMIT renewal for mini-warehouse storage facility
Applicant	Terrydale Investments IV, LLC
Property Address	1920 NE Rice Rd
Planning Commission Date	February 11, 2021
Heard by	Planning Commission and City Council
Analyst	Hector Soto, Jr., AICP, Planning Manager
Checked By	Kent D. Monter, PE, Development Engineering Manager

Public Notification

Pre-application held: N/A

Neighborhood meeting conducted: The requirement for an applicant to hold in-person neighborhood meetings pursuant to UDO §2.205 has been suspended during the period of the Emergency Declaration which will end on March 31, 2021, unless earlier terminated or further extended by the Mayor. Pursuant to the Mayor's Emergency Order, Applicants are encouraged to use all available alternative methods of communication to inform neighbors of each pending application and solicit neighbors' input and feedback and provide answers to questions about proposed land development.

Newspaper notification published on: January 23, 2021

Radius notices mailed to properties within 300 feet on: January 20, 2021

Site posted notice on: January 21, 2021

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Attachments

Site Plan, date stamped August 3, 2007

Landscape Plan, dated May 22, 2020

Applicant narrative and response to SUP criteria – 4 pages

Ordinance No. 5107 approving the Special Use Permit renewal – 4 pages

Ordinance No. 2641 approving the Special Use Permit – 2 pages

Photos of surrounding properties – 4 pages

Location Map

1. Project Data and Facts

Project Data	
Applicant/Status	Terrydale Investments IV, LLC / Owner
Applicant’s Representative	Aaron G. March, Esq.
Location of Property	1920 NE Rice Rd
Size of Property	±4.74 acres
Zoning	CP-2 (Planned Community Commercial District)
Comprehensive Plan Designation	Retail
Procedure	<p>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.</p> <p>Duration of Validity: A special use permit shall be valid for a specific period of time if so stated in the permit.</p>

Current Land Use
The site is developed with an existing mini-warehouse storage facility comprised of 11 storage buildings plus office on approximately 4.74 acres.

Description of Applicant’s Request
This application is for a special use permit (SUP) renewal for a mini-warehouse facility. The applicant requests a 20-year time period to be consistent with the time periods granted on the previous two special use permit approvals in 1985 and 2001.

2. Land Use

Description and Character of Surrounding Area
The subject property sits at the intersection of I-470, M-291 Hwy and NE Colbern Rd. The area is generally commercial in nature, but has a significant amount of undeveloped acreage at the northeast corner of

NE Rice Rd and NE Colbern Rd. To the northeast are a post office and retail building. Immediately to the north is Fire Station No. 2.

Adjacent Land Uses and Zoning

North:	Fire Station No. 2 / CP-2 (Planned Community Commercial District)
South:	M-291 Hwy
East (across NE Rice Rd):	Post Office and vacant property / CP-2 and CS (Commercial Services)
West:	I-470/M-291 Hwy interchange

Site Characteristics

The site is fully developed and comprised of 11 storage buildings plus office.

3. Project Proposal

Site Design

Land Use	
Existing use	Mini-warehouse storage facility (existing)
Land area	206,581.3 sq. ft. (4.74 acres)
Site area	Fully developed as mini-warehouse storage facility

4. Unified Development Ordinance (UDO)

Section	Description
6.620, 6.630, 6.640, 6.650,6.660	Special Use Permit
6.1020	Mini-warehouse storage facility
10.040	Lawful Nonconformities

The existing mini-warehouse storage facility was allowed in the CP-2 (then C-1) zoning district with a special use permit under the development ordinance (Ord. 715) in effect in 1985. Upon the UDO going into effect in 2001, mini-warehouse storage facilities were limited to business park and industrial areas and thus became prohibited in the CP-2 zoning district. The existing mini-warehouse storage facility became a lawful nonconforming land use with this change.

UDO Section 6.660.C states that special use permits for lawful nonconforming special uses may be granted or renewed by the City Council without correcting the nonconforming aspects of the special use if the City Council finds that all general standards/criteria for special use approval under UDO Section 6.650 are met.

Use conditions currently in effect under the UDO for mini-warehouse storage facilities include screening, building color, and roof pitch. Any existing condition allowed under previous versions of the development ordinance that does not comply with the current requirements of the UDO is a lawful non-conforming condition, and as such does not require modifications as part of the approval for a special use permit renewal. The following are current requirements of the UDO. As previously stated, lawful non-conforming conditions require no further action; they are listed below solely for your information.

- Screening.

- Required – In any non-industrial district, a mini-warehouse facility must be enclosed on all sides by a wall or earthen berm that shields the development from view.
- Existing – The property has an existing 6’ chain link fencing plus landscaping encompassing the entire property. **The applicant had an inventory of existing landscaping performed in 2020 and had a landscape plan produced to replace landscaping where needed to comply with the original landscaping requirements for the site. No modification is required.**
- Color.
 - Required – Colors selected must be of muted shades.
 - Existing – The storage buildings, including doors, are a shade of tan. **No modification required.**
- Roof pitch.
 - Required – Roof pitch shall be 1:3.
 - Existing – The existing storage building roof pitches are less than 1:3. **No modification required.**

5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Overall Area Land Use	Objective 1.1, 1.4
Economic Development	Objective 2.1, 2.2, 2.3
Commercial Development	Objective 4.1, 4.2, 4.3

6. Analysis

Background and History

- June 4, 1985 – The City Council approved a special use permit (Appl. #1985-016) for a mini-warehouse storage facility for a period of 20 years by Ordinance No. 2641.
- March 1, 2001 – The City Council approved a special use permit (Appl. #1999-057) for a mini-warehouse storage facility for a period of 20 years by Ordinance No. 5107.

The applicant seeks approval for the renewal of a special use permit for the existing mini-warehouse storage facility at 1920 NE Rice Rd. The self-storage facility was constructed in 1985 and is now considered a lawful nonconforming use due to zoning changes since the time the site was developed. The facility’s current special use permit is set to expire on March 1, 2021. There are no proposed building expansions or changes to the site as part of this special use permit renewal.

The applicant requests that the special use permit renewal be approved for 20 years. The requested time period is consistent with the two previously approved special use permits for this development.

Compatibility

The proposed facility will not negatively impact the surrounding neighborhood by the continued presence of the storage facility. The facility has existed on the site for approximately 36 years.

Adverse Impacts

The storage facility is designed, located and operated so that the public health, safety and welfare is protected. No property maintenance or zoning code violation cases have been opened on the subject property since 2001.

Renewal of the SUP will not create excessive storm water runoff, air pollution, water pollution, noise pollution or other environmental harm.

Public Services

The storage facility has little or no impact on the existing public facilities and services. Access to the storage unit is served by NE Rice Rd. The storage facility generates an infrequent and minimal amount of traffic onto the surrounding street network.

Renewal of the special use permit will not impede the normal and orderly development and improvement of the surrounding property. The storage facility is a commercial service to the community that has been in operation for over thirty-five years.

Recommendation

With the conditions of approval listed below, the application meets the requirements of the UDO.

7. Recommended Conditions of Approval

Site Specific

1. The special use permit shall be approved for a period of 20 years.