



**LEE'S SUMMIT**  
MISSOURI  
Development Services Department

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## Development Services Staff Report

<b>File Number</b>	PL2023-079
<b>File Name</b>	Special Use Permit Renewal – Instant Auto
<b>Applicant</b>	Instant Auto
<b>Property Address</b>	2151 NE Independence Ave
<b>Planning Commission Date</b>	June 8, 2023
<b>Heard by</b>	Planning Commission and City Council
<b>Analyst</b>	Hector Soto, AICP, Senior Planner
<b>Checked By</b>	Aimee Nassif, AICP, Deputy Director of Development Services Sue Pyles P.E., Development Engineering Manager

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### Public Notification

Pre-application held: n/a

Neighborhood meeting conducted: May 25, 2023

Newspaper notification published on: May 20, 2023

Radius notices mailed to properties within 300 feet on: May 16, 2023

Site posted notice on: May 19, 2023

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### Attachments

Site Plan, dated February 2013 – 3 pages

Original SUP Approval Ordinance No. 7332

Photos of surrounding area – 5 pages

Table SUPs for existing auto sales

Location Map

## 1. Project Data and Facts

Project Data	
Applicant/Status	Instant Auto
Applicant's Representative	Shelley Livingston
Location of Property	2151 NE Independence Ave
Size of Property	4.7 acres
Number of Lots	1
Zoning (Existing)	CP-2 (Planned Community Commercial District)
Comprehensive Plan Designation	Commercial
Procedure	<p>The Planning Commission makes a recommendation to the City Council on the proposed special use permit and 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 identified in the permit.</p>

Current Land Use
<p>The property is a developed commercial property with an existing 14,789 sq. ft. single-tenant building. The site has served as the home to Instant Auto since approval of its original special use permit (PL2013-014) in 2013.</p>

Description of Applicant's Request
<p>The applicant is requesting renewal of their special use permit (SUP) for automotive sales and major automotive repair facility which expired on May 16, 2023 and was originally granted for a 10-year duration. The application for the SUP was submitted to the City on March 29, 2023, prior to the expiration of the original SUP.</p> <p>The applicant initially requested a 20-year time period for the renewal. To remain consistent with the previously approved SUP and comparable SUPs throughout the community, staff is recommending approval of the renewal for a 10-year period. Staff has spoken with the applicant regarding the 10-year recommendation which they are amenable to.</p>

## 2. Land Use

Description and Character of Surrounding Area
<p>The subject site is bounded by NE Independence Ave on the west property line and Interstate 470 on the eastern property line. A stormwater retention pond serving this site and the properties south of this</p>

location is located on the common area tract to the north. This tract has a permanent drainage and detention easement covering the extent of the property and will remain undeveloped.

This section of NE Independence Ave is predominately dominated by commercial uses with other automotive businesses to the north, south and west. The MoDOT Driver Examination & Testing Center is located south west across NE Independence Ave.

**Adjacent Land Uses and Zoning**

<b>North:</b>	Stormwater retention pond and vacant ground / CP-2 (Planned Community Commercial District)
<b>South:</b>	Lee’s Summit Subaru / CP-2 (Planned Community Commercial District)
<b>East:</b>	Interstate 470
<b>West (across NE Independence):</b>	Vacant u / PI (Planned Industrial) Summit Detail / CP-2 (Planned Community Commercial District)

**Site Characteristics**

The site is a fully developed commercial property with an existing 14,789 sq. ft. single-tenant building and associated parking lot. The site generally drains from the southwest to the north east. The site is served by a single driveway entrance on NE independence Ave.



**Special Considerations**

None

### 3. Project Proposal

The applicant is not proposing any changes to the existing building or site with this application. The below reported information is on the existing conditions.

#### Parking

Existing		Required	
Total parking spaces (existing):	302	Total parking spaces required:	95
Accessible spaces (existing):	2	Accessible spaces required:	2
Parking Reduction requested?	No	Off-site Parking requested?	No

#### Setbacks

Yard	Building / Parking Required	Building / Parking Existing
Front (west)	20' (Building) / 10' (Parking)	20' (Building)/10' (Parking)
Side (north and south)	20' (Building) / 10' (Parking)	20' (Building)/6'(Parking)*
Rear (east)	20' (Building) / 10' (Parking)	20' (Building)/10'(Parking)

\*A modification to this requirement was granted during the original SUP approval by Ordinance No. 7332.

#### Structure Design

<b>Number and Use of Buildings</b>
Existing Single-tenant commercial building
<b>Building Height</b>
26' 6"
<b>Number of Stories</b>
1 Story

### 4. Unified Development Ordinance (UDO)

Section	Description
4.190	CP-2 Planned Community Commercial District
6.020	Permitted, conditional and special use tables
6.630	Special use permit; application—Contents and submission requirements
6.1050	Outdoor sale or lease of motor vehicles/equipment

Automotive Sales is an allowed use in the CP-2 zoning district with approval of a special use permit, subject to the following three conditions:

- 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.**

A modification to this requirement was granted during the original SUP (App. # 2013-014) approval in 2013 to allow for a 6' setback along the north and south property lines, no changes are proposed to the site, therefore previously approved modifications will carry forward to the new SUP.

- 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.**

A modification to this requirement was granted during the original SUP (App. # 2013-014) approval in 2013 to allow for parking areas with decorative fencing forward of the building, no changes are proposed to the site, therefore previously approved modifications will carry forward to the new SUP.

- All display or storage area must be paved and the motor vehicles arranged in an orderly manner.**

The existing site’s parking areas are paved and meet the UDO requirements.

## 5. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Resilient Economy	Goal 3.3A: Build an adaptable framework for continued growth in a changing environment.  Objective: Diversify the Lee’s Summit economy. Objective: Increase business retention and grow business activity. Objective: Maintain a diverse and valuable tax base.

The Ignite Comprehensive Plan promotes various strategies to build long-term economic prosperity and resiliency in the City’s economy. One objective established in the Comprehensive Plan is to stimulate continued economic development investment and reinvestment by the private sector. The subject application meets this goal with the applicant’s continued investment in our community.

The 2021 Ignite Comprehensive Plan land use map identifies the subject site’s future recommended land use as Commercial. The proposed existing automotive sales and major automotive repair facility aligns with the land use map.

## 6. Analysis

### Background and History

- **May 5<sup>th</sup>, 1998** – City Council approved rezoning (Appl. # 1998-008) to CP-2 by Ordinance No. 4613. No development plan was presented or required at that time.
- **August 11<sup>th</sup>, 2006** – City Council approved a preliminary development plan (Appl. # 2006-082) for the 10-acre Summit Point development by Ordinance No.6256. The plan included a bank, two auto dealerships and a common area detention tract.
- **October 5<sup>th</sup>, 2006** – City Council approved the final plat (Appl. #2006-171) for Summit Plaza, Lots 1-3 & Tract A by Ordinance No. 6284.
- **May 16<sup>th</sup>, 2013** – City council approved Special Use Permit (App. # 2013-014) for a 10-year period for automotive sales and major automotive repair by Ordinance No. 7332.

### **Compatibility**

The character of the surrounding properties is similar with the existing use of the subject property. Both the properties to the west (Summit Detail) and south (Lee's Summit Subaru) are auto centric facilities. Lee's Summit Volkswagen is also located approximately 220' north of the subject location.

### **Adverse Impacts**

No additional site improvements are proposed as part of the special use permit renewal. The facility will continue usage of the site under its existing conditions. The continued operation of an automotive sales and major automotive repair facility is not expected to injure the appropriate use of, or detrimentally affect, neighboring properties.

### **Public Services**

The special use permit renewal application does not propose any building expansion or any other site improvements. The facility will continue to operate under the existing site conditions and therefore will not increase any existing impact on public services and facilities.

The proposed continued operation of the automotive sales and major automotive repair facility at this location will not adversely affect the capacity or safety of the surrounding street network.

### **Time Period**

The applicant requests the special use permit be renewed for a 20-year time period. The original special use permit was granted for 10 years, expiring in May 2023. To remain consistent with the previously approved SUP and comparable SUPs throughout the community staff is recommending approval of the renewal for a 10-year period. Staff has spoken with the applicant regarding the 10-year recommendation which they are amenable to.

### **Modifications**

Modifications to the display area setback and fencing were approved with the original SUP approval in 2013. As stated previously, no changes are proposed to the site, therefore Staff recommends that previously approved modifications carry forward to the new SUP.

### **Recommendation**

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

## **7. Recommended Conditions of Approval**

### **Site Specific**

1. The special use permit renewal shall be granted for a period of ten (10) years from the current special use permit expiration date, to expire on March 16, 2033.
2. A modification shall be granted to the requirement for a 10' display area setback from the north and south property lines, to allow a 6' setback.
3. A modification shall be granted to the requirement that no fencing extend beyond the main building, to allow a parking area with decorative fencing forward of the building so as to provide security for vehicle inventory.