

City of Lee's Summit

Development Services Department

November 11, 2016

TO: City Council
FROM: Robert G. McKay, AICP, Director
RE: **PUBLIC HEARING – Appl. #PL2016-168 – SPECIAL USE PERMIT renewal for automotive sales – Pinnacle Auto Sales, 516 SW 3rd St; Pinnacle Investments, LLC, applicant**

Commentary

This application is for the renewal of a special use permit to allow for the continued operation of automotive sales at 516 SW 3rd Street. Vehicles for sale will be displayed on the north (rear) side of the building; on the east side of the building adjacent to the building; and on the east side of the building along the east edge of the parking lot that parallels SW Noel Street. The applicant requests a renewal for a period of ten (10) years. Staff recommends renewal for a period of three (3) years. The current special is due to expire on December 12, 2016.

Recommendation

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

1. The special use permit renewal shall be granted for a period of ~~three (3)~~ **five (5)** years from the current special use permit expiration date, to expire December 12, 2021. **(Changed by the Planning Commission.)**
2. Vehicles for sale shall be located at the north (rear) side and east side of the building as depicted on the site plan.

Project Information

Proposed Use: outdoor sale of cars/vehicles

Building Area (tenant space): approximately 4,000 sq. ft.

Location: 516 SW 3rd Street

Zoning: CP-2 (Planned Community Commercial)

Surrounding zoning and use:

North: RP-4 (Planned Residential Apartment Residential) – Robin Hills Apartments

South (across SW 3rd Street): CP-2 – office

East (across SW Noel Street): CP-2 – gas station and vehicle repair

West: CP-2 – vehicle repair and vehicle sales

Background

- June 11, 1986 – A site plan was administratively approved for the change of use to O'Reilly Auto Parts (Appl. #1986-073).
- August 21, 1986 – The Board of Zoning Adjustments granted a variance for the number of permitted signs to allow three (3) wall signs and one (1) freestanding sign (Appl. #VAR225).
- June 18, 1991 – The City Council approved the final site plan for O'Reilly Auto Parts store building addition (Appl. #1991-051).

- December 12, 2013 – The City Council approved a special use permit (Appl. #PL2013-122) for automotive sales for a period of 3 years, to expire December 12, 2016, by Ordinance No. 7407.

Analysis of the Special Use Permit

Conditions of Use for Outdoor Sales or Lease of Motor Vehicles/Equipment.

Section 10.450 of the UDO lists the following conditions that 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 minimum setback requirements in the CP-2 district are 10 feet from the side property line and 20 feet from the rear property line. The existing parking lot was originally constructed with a zero (0) foot setback from all property lines. The applicant proposes to continue to display vehicles up to the edge of the existing parking lot, meaning with a zero (0) foot setback along the north and east property lines. The parking lot/display area setback is a lawful non-conforming condition which does not require a 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.** No fencing is proposed forward of the main building or within any front yard setback.
- 3. All display or storage areas must be paved and the motor vehicles arranged in an orderly manner.** The display areas are paved and all vehicles will be arranged in an orderly manner.

Parking and Display.

- **Ordinance.** The UDO requires 2 parking spaces for every 1,000 sq. ft. of indoor sales area and 1 parking space for every 2,500 sq. ft. of outdoor display area. With the applicant's proposed layout there is approximately 9,000 sq. ft. of outdoor display area (0 sq. ft. of indoor display area), which requires 4 parking spaces.
- **Existing Parking & Conditions.** There are currently 30 striped parking spaces on site. The parking lot was constructed up to the property line prior to any parking lot setback requirements. Of the 30 total spaces, 6 parking spaces located in front of the building are dedicated for customer/employee parking.
- **Proposed Parking.** The applicant proposes to stripe an additional 5 parking spaces along the edge of the parking lot parallel to SW Noel Street. This would yield a total of 35 parking spaces, which breaks down as 29 spaces for vehicles for sale and 6 spaces for customers and employees.

Ordinance Criteria. The criteria enumerated in Section 10.050 as well as the regulations in Section 10.450 addressed above were considered in analyzing this request.

- The lot is zoned CP-2. The adjacent lots to the east and west are zoned CP-2. Automotive sales as a primary or accessory use are allowed in the CP-2 zoning districts with a special use permit.
- The proposed outdoor auto sales at this location will not detrimentally affect the appropriate use of neighboring property. The subject property is flanked on the west and east sides with compatible automobile-related uses. To the west is an auto repair facility with an approved special use permit allowing auto sales as an accessory use; to the east across SW Noel Street is a gas station with an auto repair facility.

- The proposed use is not expected to negatively impact traffic and/or parking in the area. In fact, the applicant has fulfilled a condition of approval associated with the existing special use permit requiring the removal of two driveways immediately adjacent to the corner of SW 3rd Street and SW Noel Street. The driveways were required to be removed in order to improve access to and from the property from a traffic safety standpoint. Removal of the driveways also improved traffic safety conditions at the intersection of SW 3rd Street and SW Noel Street by eliminating unnecessary points of conflict so close to the intersection. Please note that the aerial photo used for the location map attachment was taken in 2012, when the site was still occupied by O'Reilly's and prior to the removal of the two driveways mentioned above.
- The property is suitable for the proposed use based on its former automobile-related use as an auto parts retail business.
- The property is located on a commercial thoroughfare and is primarily surrounded by commercial uses.

In considering all the criteria and regulations, staff finds the use to be appropriate and recommends approval of the special use permit.

Time Period.

- Request – The applicant requests a 10 year time period.
- Recommendation – Staff recommends a time period of 3 years in order remain consistent with the previous special use permit approval for automotive sales at this location. Additionally, staff believes the SW 3rd Street corridor to offer redevelopment opportunities of what is the primary access to the downtown area from the west. As such, staff views automotive sales at this location to be a transitional use, rather than a long-term use.

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.

<p>Fire</p> <ol style="list-style-type: none"> 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. Access to the back of the building shall be maintained.

RGM/hsj

Attachments:

1. Site Plan, date stamped September 7, 2016
2. Special Use Permit narrative, date stamped September 7, 2016
3. Special Use Permit criteria, date stamped September 7, 2016 – 2 pages
4. Photos of site and surrounding properties, date stamped September 7, 2016 – 3 pages
5. Table of approved Special Use Permits for car, truck, boat & trailer sales – 1 page
6. Location Map