

Modification Request to the conditions outlined in Section 6.1050 of the UDO

As the petitioner, this letter is to officially request modifications in order to permit existing site conditions which deviate slightly from set code requirements. The intent of this request is to reuse the site located at 1100 SE Hamblen Road as currently developed.

Code requirements which the applicant requests relief from:

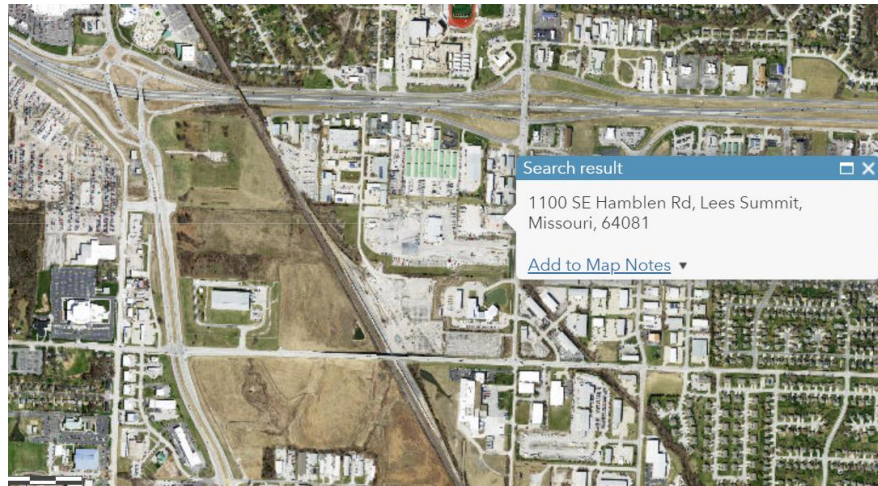
The section below details the specific code requirements which the applicant is seeking relief from, with justification statements provided for each request. In general, the site is currently developed with an established primary building, parking area, and storage yard. The intent of the new tenant and the purpose behind this modification request is to reuse the existing site in its current composition with minimal disruption to site design and operations. While the applicant acknowledges the intent behind the standard code requirements, it is our position that the design and condition of adjacent uses results in a situation where reuse of the existing site composition (in conflict with the 3 standards below) is in greater harmony and alignment with its surrounding environment than would be the case if the site was required to comply with the fencing and storage standards described below.

- 1. Structures and vehicles for sale, lease or rental, must be set back 30 feet from all property lines or in compliance with the district's setback lines, whichever is greater.**
 - a. **Justification Statement:** The existing fencing and storage yard area on the site are directly adjacent to the south and west property lines with minimal, if any, setback from the property boundaries. These same conditions are mirrored on the adjacent industrial property to the south and west. Thus, the proximity of these like uses (storage yards) to one another negates any need for separation from one another (in the form of a 30' setback).
- 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.**
 - a. **Justification Statement:** The existing fence is located in front of the existing building on the southeast portion of the site. However, the extension of this fenced area is only present on the south side of the southernmost drive aisle and is generally aligned with the fenced storage yard immediately to the south on the adjacent property. In fact, on the adjacent property, the fenced storage yard extends ~700 feet in front of the building (towards SE Hamblen Rd) while the subject property's fence only extends ~80 feet in front of the building. Furthermore, this fencing does not extend any closer to the road than the existing building frontages of the properties immediately to the north (addressed as 1010 and 1020 SE Hamblen Rd) and maintains a landscaped area of ~30' in width between the fence and the back of curb.

SPECIAL USE PERMIT – EXPLANATION

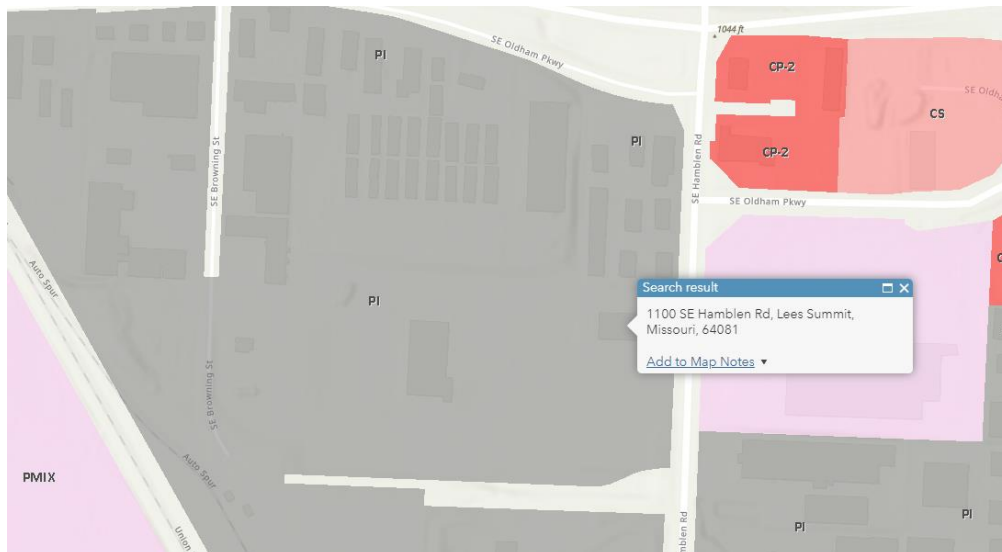
1. Character of the neighborhood:

The subject site is located on the west side of SE Hamblen Road and railroad tracks in the southeast quadrant of US Highways 50 & 291. The surrounding area consists of land developed for industrial uses.



2. Compatibility with adjacent property uses and zoning:

All adjacent parcels on the same side of the road are zoned PI as well. There are properties on the EAST side of Hamblen Rd that are zoned CP-2 (Planned Community Commercial) and PMIX (Planned Mix Use).



3. Suitability of the property for which the special use is being requested:

The subject property is well-suited for the proposed use Equipment Sales and Service (Heavy) as the site is already developed. No land modifications would be needed to the site for use.



4. Extent to which the proposed use will negatively impact the aesthetics of the property and adjoining properties:

The proposed use will not have negative impacts on the aesthetics of this and adjoining properties. The site is already developed and will be upfitted for new tenant.

5. Extent to which the proposed use will injure the appropriate use of, or detrimentally affect, neighboring property:

The proposed use will not injure or detrimentally affect neighboring property as the proposed use will meet all UDO regulations in place to protect the health of adjoining property.

6. Impact on the street system to handle traffic and/or parking:

The proposed use will not generate additional traffic or parking needs on the street system. The trips generated from the proposed use are consistent with existing uses in the vicinity.

7. Impact of additional storm water runoff of the existing system or to the water shed area if no storm sewer is available:

There is no additional impervious surface are planned for the site, therefore there will be no additional stormwater runoff.

8. Impact of noise pollution or other environmental harm:

The proposed use, Equipment Sales and Service (Heavy), will not generation additional noise pollution or other environmental harm.

9. Potential negative impact on neighborhood property values:

The proposed change in use will not negatively impact property values as the proposed uses is consistent with existing uses and built environment in the vicinity.

10. Extent to which there is need of the proposed use in the community:

Due diligence indicates that there is the need for the proposed use Equipment Sales and Service (Heavy) in this area and therefore the applicant is looking to operate the use in the community.

11. Economic impact upon the community:

The subject use impacts community economics through job creation, infrastructure development, and reduced access barriers for local business operations.

12. Extent to which public facilities and services are available and adequate to satisfy the demand generated by the proposed use:

The subject site is currently developed, and public facilities and services are available and adequate to satisfy the demand generated by the proposed use.

13. Comparison of the benefit gained to the public health, safety and welfare of the community if approved versus the hardship imposed upon the landowner if the requested application is denied:

The benefit gained by proposed use is that the site will remain active rather than an unoccupied, inactive site, which could be an attractive nuisance and hardship on the community.

14. Conformance to the UDO and current city policies and ordinances:

The proposed use would conform to the UDO and current city policies and ordinances.

15. Recommendation of professional staff: TBD

16. Consistency with permitted uses in the area in which the special use is sought:

The proposed use, Equipment Sales and Service (heavy), is consistent with the light industrial uses currently in play in this area.

Comprehensive narrative description

The subject site is located at 1100 SE Hamblen Road within the city limits of Lee's Summit. The parcel is 4.72 acres and is currently developed and zoned for industrial use.

The business that is proposed for this site is for a Construction Equipment Rental operation with no site improvements proposed. The property currently has a security fence surrounding the rear of the property with a vehicle gate access at the site entrance with the equipment areas consisting of existing concrete and gravel surface. The gravel area will be tested by a Geotech to determine that its section is capable of supporting loads similar to that of a pavement section. The interior of the building will be upfitted to accommodate the proposed business.

The proposed use is allowed within the Planned Industrial district and the SUP is required for construction equipment leasing (rental).

3. All display or storage area must be paved and the vehicles/equipment arranged in an orderly manner.

- a. [Justification Statement](#): The storage area on the subject property is primarily an existing gravel lot which abuts adjacent properties to the north, south and west. The adjacent property to the south and west also has portions of its storage yard as gravel. The applicant is conducting a Geotech report showing that the surface can sustain the site. The applicant will remove and replace any areas that are of poor subgrade in the report. Any parking areas open to public use, as well as the portion of the storage yard immediately surrounding the building are paved. The applicant requests to maintain the portion of the storage yard which is currently gravel as such.