

City of Lee's Summit

Development Services Department

April 20, 2018

TO: Planning Commission

PREPARED BY: Jennifer Thompson, Planner

CHECKED BY: Hector Soto, Jr., AICP, Current Planning Manager

RE: **PUBLIC HEARING – Application #PL2018-032 – PRELIMINARY DEVELOPMENT PLAN and Application #PL2018-034 – SPECIAL USE PERMIT for major automotive repair and automotive sales – McCarthy Chevrolet, 1000 SE Century Dr.; WRL Investments, LP, applicant**

Commentary

The applicant proposes a preliminary development plan and special use permit for an automotive service facility for major automotive repair and automotive sales located at the southwest corner of SE Oldham Pkwy and SE Century Drive. The property is currently a vacant, platted lot zoned CP-2 (Planned Community Commercial District). The overall amount of proposed square footage for the service building is 10,690 sq. ft. The color palette and materials for the proposed building includes limestone-slate-charcoal grey-colored split-face CMU block and overhead doors. This proposal is an expansion of the existing McCarthy Chevrolet automotive dealership located along the south side of SE Oldham Pkwy, east of SE Century Dr.

The applicant requests a 13.5 year time period to coincide with the expiration of the special use permit for the existing McCarthy Chevrolet dealership on the adjacent property, which will run through November 17, 2031. Staff is supportive of the requested time period.

The applicant requests modifications to the landscaping requirements to allow a 10 foot landscape buffer yard along the south property line, rather than a 20 foot landscape buffer yard; and to allow clustering of shrubs for the required parking lot screening along SE Oldham Pkwy and SE Century Dr., rather than forming a continuous hedgerow.

The applicant requests that construction of the sidewalk along SE Century Dr. be deferred. Staff supports the request to defer construction of the sidewalk as further described in the analysis section.

- 10,690 square feet building
- 74.3% proposed overall impervious coverage – 80% maximum allowed impervious coverage
- 25.7% proposed overall open area – 20% minimum required open area
- 0.13 proposed overall FAR – 0.55 maximum allowed FAR
- 48 parking spaces required – 124 parking spaces provided

Recommendation

Staff recommends **APPROVAL** of the preliminary development plan and special use permit, subject to the following:

1. A modification shall be granted to the landscape buffer yard width of 20 feet, to allow a 10-foot landscape buffer yard width along the south property line.

2. A modification shall be granted to the parking lot landscape screening spacing, to allow the parking lot landscape screening to be clustered.
3. Development shall be in accordance with the preliminary development plan date stamped April 3, 2018.
4. The special use permit shall be granted for a period of 13.5 years to coincide with the expiration of the special use permit for the existing McCarthy Chevrolet dealership, located at 945 SE Oldham Pkwy and 1025 SE Century Dr., which will run through 11/17/2031.
5. Sidewalk shall be provided along the lot frontage of SE Century Drive within 90 days after notification that a sidewalk on the abutting property is scheduled to be constructed.
6. At the time the subject property is developed a 5 foot sidewalk shall be extended west (approximately 50 feet) along SE Oldham Pkwy to connect to the existing sidewalk.

Zoning and Land Use Information

Proposed Use: automotive sales and major automotive repair

Current Zoning: CP-2 (Planned Community Commercial District)

Land Area: 82,944 square feet (1.90 acres)

Location: 1000 SE Century Drive; southwest corner of SE Oldham Pkwy and SE Century Dr.

Surrounding Zoning and Use:

North (across SE Oldham Pkwy): CS (Commercial Services) – Landmark Skate and future automotive sales facility

South: PI (Planned Industrial District) – office warehouse use

East (across SE Century Dr.): CP-2 (Planned Community Commercial District) – McCarthy Chevrolet auto sales facility

West: PMIX (Planned Mixed Use District) – Home Depot

Site Characteristics. The property is an undeveloped, platted lot, located on the southwest corner of SE Oldham Pkwy and SE Century Drive, adjacent to the existing McCarthy Chevrolet auto sales facility.

Description and Character of Surrounding Area. The surrounding area is primarily developed with a major retail user to the west (Home Depot), an office/warehouse use to the south, and an approved automotive sales facility to the north. The project is an expansion of the existing McCarthy Chevrolet auto dealership located along the south side of SE Oldham Pkwy, east of SE Century Dr.

Project Information

Current Use: vacant property

Number of Lots: 1

Proposed Use: major automotive repair and automotive sales

Land Area: 82,944 sq. ft. (1.90 acres)

Building Area: 10,690 sq. ft.

Proposed FAR: 0.13

Number of proposed Buildings: 1

Number of proposed Stories: 1

Parking Spaces: 48 spaces required; 124 spaces proposed

Public Notification

Neighborhood meeting conducted: n/a

Newspaper notification published: April 7, 2018

Radius notices mailed to properties within 185 feet: April 6, 2018

Process

Procedure: The Planning Commission makes a recommendation to the City Council on the proposed preliminary development plan and special use permit. The City Council takes final action on the preliminary development plan and special use permit.

Duration of Validity: Preliminary development plan approval by the City Council shall not be valid for a period longer than twenty-four months from the date of such approval, unless within such period a final development plan application is submitted. The City Council may grant one extension not exceeding twelve (12) months upon written request.

A special use permit shall be valid for a specific period of time if so stated in the permit.

Unified Development Ordinance

Applicable Section(s)	Description
4.300, 4.310, 4.320	Preliminary Development Plan
10.020, 10.030, 10.040, 10.050, 10.450	Special Use Permit
5.010	Zoning Districts

Comprehensive Plan

Focus Areas	Goals, Objectives and Policies
Economic Development	Objective 2.2
Overall Area Land Use	Objective 1.1 Objective 1.2 Objective 1.3 Objective 1.4
Commercial Development	Objective 4.1 Objective 4.2 Objective 4.3

Background

- February 22, 2000 –The Planning Commission approved the Preliminary Plat for *Eastside Business Park, Lots 1-17 and Tracts A & B* (Appl. #1999-219)
- July 6, 2000 – The City Council approved the Final Plat (Appl. #2000-083) for *Eastside Business Park, Lots 1 thru 17 and Tract A*. The plat was recorded with the Jackson County Recorder of Deeds Office by Instrument #2000I006114.

Analysis of the Preliminary Development Plan

Landscape Buffer Yard. Modification Requested

- Proposed – 10 foot wide landscape buffer yard along the south property line.
- Required – 20 foot wide landscape buffer yard along the south property line.
- Recommended – Staff recommends approval of the modification request. The Unified Development Ordinance (UDO) requires a medium impact buffer along the south property line, abutting the PI (Planned Industrial District) zoning district. The medium impact landscaping requirements have been met based on the 20 foot buffer yard square footage. Staff feels the decrease in buffer yard width will have minimal or no impact to the abutting property.

Parking Lot Screening Spacing. Modification Requested

- Proposed – shrubs in a clustered formation along SE Century Dr. and SE Oldham Pkwy.
- Required – shrubs that will spread into a continuous visual screen within two (2) growing seasons, the planted screen shall provide an opaque screen of the parking lot or loading area visible from a street right-of-way.
- Recommended – Staff recommends approval of the modification request to allow the shrubs to be clustered rather than in hedge form. The number of shrubs provided along the frontage exceeds the number required for the parking lot screening requirement. Rather than provide a continuous hedge that limits the view of vehicles displayed for sale, the applicant's proposal for the clustering of the shrubs combined with the proposed crab apple and red bud trees along the street frontages will provide adequate visual softness for the proposed parking lot and display area.

Livable Streets.

The proposed development includes all Livable Streets elements identified in the City's adopted Comprehensive Plan, associated Greenway Master Plan and Bicycle Transportation Plan attachments, and elements otherwise required by ordinances and standards, with exception of sidewalk along SE Century Dr.

Sidewalk along SE Century Drive. Staff Recommendation

- Proposed. Due to a lack of existing sidewalks along SE Century Dr, the applicant proposes deferring construction of a 5' sidewalk along the site's SE Century Dr frontage until such time as within 90 days after notification that a sidewalk on the abutting property is scheduled to be constructed. ***(This same construction deferral was approved by City Council in 2011 as part of the preliminary development plan for the Roberts [now McCarthy] Chevrolet dealership.)***
- Required. The requirement for sidewalks is supported by the UDO and adopted City policy.

Current UDO platting standards (enacted in 2001) require sidewalks on both sides of all commercial/industrial streets. However, sidewalks were not required along industrial streets (e.g. SE Century Dr, etc.) at the time the subject property was platted in 2000 and therefore are not reflected on the current plat of record for the subject property.

- As part of the UDO's criteria for consideration of a preliminary development plan, the Commission and Governing Body may give consideration to "*the extent to which the proposed use facilitates the adequate provision of **transportation**, water, sewerage, schools, parks and other public requirements*". Ensuring "adequate provision of transportation" is not intended to solely focus on the street network supporting vehicular modes of transportation. Adequate transportation facilities also require extension into the pedestrian realm in the form of sidewalks to support walking as mode of transportation.
- The adopted Livable Streets Policy (Resolution 10-17) requires sidewalk and describes three conditions for exception (within Section 7 of the Policy), which must be documented in a submission to the City Council for approval with the development application:
 - The accommodation is not necessary because non-motorized use is prohibited, such as interstate freeways; or
 - The cost of accommodation is excessively disproportionate to the need or future use; or
 - The documented absence of current or future need.

Recommended. Consistent with the approved preliminary development plan for the existing McCarthy Chevrolet dealership to the east, staff recommends deferring construction of a 5 foot sidewalk along the site's SE Century Dr frontage until such time as within 90 days after notification that a sidewalk on the abutting property is scheduled to be constructed.

Sidewalk Gap along SE Oldham Pkwy. Staff Recommendation

- Proposed – No sidewalk connecting to the sidewalk to the west.
- Recommended – It has come to staff's attention that a sidewalk gap exists between this development and the development to the west. Staff proposes the applicant construct approximately 50 feet of sidewalk off-site, which is otherwise not required per ordinance, to complete the sidewalk connectivity along SE Oldham Pkwy. This construction would be within City right-of-way.

Analysis of Special Use Permit

Ordinance Requirements. Under the Unified Development Ordinance (UDO) a special use permit is required for the outdoor sales or lease of motor vehicles/equipment. Section 10.450 of the UDO lists the following conditions that apply to the 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.** Proposed display locations meet the required setbacks from all property lines.
2. **No fencing is permitted in the area forward of the main building or within the front yard setback if not 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 will be paved and all vehicles will be arranged in an orderly manner.

Time Period.

- Request – The applicant requests a 13.5 year time period to coincide with the expiration of the special use permit for the existing McCarthy Chevrolet dealership on the adjacent property, across SE Century Dr., which will run through November 17, 2031.
- Recommendation – Staff is supportive of the requested time period. The requested time period would allow for both special use permits for McCarthy Chevrolet to expire at the same time, allowing for the special use permit renewal process to coincide with both properties. In general, automotive sales with new construction have received approvals for 20 years. The existing McCarthy auto dealership was approved for a 20 or 30 year time period on November 11, 2011.

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 property to the east is zoned CP-2. Other surrounding zoning districts are CS to the north, PI to the south, and PMIX to the west. Automotive sales as a primary or accessory use are allowed in the CP-2, CS, and PI zoning districts with a special use permit.
- The proposed auto sales at this location will not detrimentally affect the appropriate use of neighboring property. The area is “automotive” in nature with an existing dealership to the east and an approved automotive sales facility to the north.
- 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.

Engineering

1. All required engineering plans and studies, including water lines, sanitary sewers, storm drainage, streets and erosion and sediment control shall be submitted along with the final development plan.
2. All Engineering Plan Review and Inspection Fees shall be paid prior to approval of the associated engineering plans and prior to the issuance of any infrastructure permits or the start of construction (excluding land disturbance permit).
3. A Land Disturbance Permit shall be obtained from the City if ground breaking will take place prior to the issuance of an infrastructure permit, building permit, or prior to the approval of the Final Development Plan / Engineering Plans.
4. Private parking lots shall follow Article 12 of the Unified Development Ordinance for pavement thickness and base requirements.
5. Any cut and / or fill operations, which cause public infrastructure to exceed the maximum / minimum depths of cover shall be mitigated by relocating the infrastructure vertically and / or horizontally to meet the specifications contained within the City’s Design and Construction Manual.

Fire

6. 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.
7. FC 105.6.20 - A Hazardous materials permit is required for the using, dispensing, transporting, handling, and/or storing of extremely hazardous substances. "Extremely Hazardous Substances (EHS) Facilities" are defined as facilities subject to the provisions of Superfund Amendments and Reauthorization Act of 1986 (SARA TITLE III), Section 302, for storing, dispensing, using, or handling of listed chemicals in excess of their threshold planning quantities (TPQ). See amended Section 5001.4 of the 2012 International Fire Code. Action required: Provide an inventory statement for materials to be stored on site.

Planning

8. Sign permits shall be obtained prior to installation of any signs through the Development Services Department. All proposed signs must comply with the sign requirements of Article 13 of the UDO.

Attachments:

1. Transportation Impact Analysis, prepared by City Traffic Engineer, dated April 18, 2018 – 2 pages
2. Preliminary Development Plan, date stamped April 3, 2018 – 8 pages
3. Copy of Ordinance No.7110 for the Roberts [now McCarthy] Chevrolet Dealership –3 pages
4. Special Use Permit Explanation, provided by Applicant, date stamped April 3, 2018 – 1 page
5. Photos of Subject and Surrounding Properties, date stamped April 3, 2018 – 14 pages
6. Special Use Permits for Car, Truck, Boat, & Trailer Sales –1 page
7. Location Map