



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

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## Development Services Staff Report

<b>File Number</b>	PL2021-082
<b>File Name</b>	SPECIAL USE PERMIT renewal for automotive sales
<b>Applicant</b>	Jay Hatfield Mobility, LLC
<b>Property Address</b>	1115 SW Oldham Pkwy
<b>Planning Commission Date</b>	April 22, 2021
<b>Heard by</b>	Planning Commission and City Council
<b>Analyst</b>	Victoria Nelson, Planner
<b>Checked By</b>	Hector Soto, Jr., AICP, Planning Manager Kent D. Monter, PE, Development Engineering Manager

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### 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 August 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: March 27, 2021

Radius notices mailed to properties within 300 feet on: March 31, 2021

Site posted notice on: March 31, 2021

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**Attachments**

Site Plan

Applicant Narrative for Special Use Permit – 3 pages

Ordinance approving the Special Use Permit (2011 and 2018) – 3 pages

Photos of property and adjoining properties – 7 pages

Photos of repaired fence-2 pages

Location Map

**1. Project Data and Facts**

Project Data	
<b>Applicant/Status</b>	Jay Hatfield Mobility, LLC / Owner
<b>Applicant’s Representative</b>	Jay Hatfield
<b>Location of Property</b>	1115 SW Oldham Pkwy
<b>Size of Property</b>	±1.65 acres
<b>Zoning</b>	CP-2 (Planned Community Commercial District)
<b>Comprehensive Plan Designation</b>	Retail
<b>Procedure</b>	<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><b>Duration of Validity:</b> A special use permit shall be valid for a specific period of time if so stated in the permit.</p>

Current Land Use
The property is a platted developed lot with an existing outdoor sales for handicapped accessible transportation and the repairs of mobility vehicles and mobility devices. The sales and repair building is 9,900 square feet and is on approximately 1.65 acres.

Description of Applicant’s Request
This application is for a special use permit (SUP) renewal for outdoor sales of vehicles and repairing mobility vehicles and mobility devices. The applicant is requesting a 10-year time period. The applicant previously requested a 10-year time period as part of the SUP application in 2011, but was only approved for 7 years.

**2. Land Use**

Description and Character of Surrounding Area
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The area has a variety of land uses from commercial, retail, and residential. Immediately to the northeast is US 50 Highway and to the southwest are single-family homes. Commercial and retail uses are located to the southeast and northwest. To the southeast and northwest are more commercial and retail uses.

**Adjacent Land Uses and Zoning**

<b>Northeast:</b>	US 50 Highway
<b>Southwest:</b>	Single-Family Homes/ R-1 (Single-Family Residential)
<b>Southeast:</b>	GS Labs and Hardee’s Restaurant / CP-2 (Planned Community Commercial District)
<b>northwest:</b>	Big O Tires and Central Bank / CP-2 (Planned Community Commercial District)

**Site Characteristics**

The site is fully developed and comprised of one building housing an office and repair shop.

**3. Project Proposal**

**Site Design**

Land Use	
Existing use	Handicap accessible mobility sales and repairs (existing)
Land area	71,874 sq. ft. (1.65 acres)
Site area	Fully developed as a handicap accessible mobility sales and repairs

**4. Unified Development Ordinance (UDO)**

Section	Description
6.620, 6.630, 6.640, 6.650	Special Use Permit
6.1050	Outdoor Sales or Lease of Motor Vehicles/Equipment

Use of the subject property as outdoor sales for handicapped accessible transportation and repairs of mobility vehicles and mobility devices is allowed in the UDO under CP-2 zoning district with approval of a special use permit, subject to certain conditions. Conditions currently in effect under the UDO include, but are not limited to, setbacks, screening, and provisions for noise, odors, or fumes.

However, since the current use is an existing condition allowed under previous versions of the development ordinance that does not comply with the current requirements of the UDO and 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 – High impact buffer to the rear of the property between the single-family residential and the commercial property.
  - Existing – The property has an existing six (6) foot wood fence that runs along the entire rear property line. **No modification required.**
- Setbacks.

- Required – Vehicles or equipment must be displayed a minimum ten (10) feet from all property lines.
- Existing – The existing parking lot has a five (5) foot setback from the east, west, and south property lines, and a seven (7) foot setback from the north property line. **No modification required.**

The current wood fence was in need of repair in certain spots and needed to be painted. The applicant has since repaired and painted the fence.

## 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

- August 11, 1987 – The City Council approved a special use permit (Appl. #1987-039) for automotive and truck sales at 1115 SW Oldham Pkwy. for a period of 15 years by Ordinance No. 3031.
- August 8, 2002 – The City Council approved a special use permit renewal (Appl. #2002-091) for automotive and truck sales at 1115 SW Oldham Pkwy. for a period of 20 years by Ordinance No. 5373.
- August 13, 2008 – The City Council approved a special use permit (Appl. #2008-080) for vehicle sales at 1115 SW Oldham Pkwy. for a period of 6 years by Ordinance No. 6665.
- November 3, 2011 – The City Council approved a special use permit (Appl. #2011-097) for vehicle sales at 1115 SW Oldham Pkwy. for a period of 7 years by Ordinance No. 7106.

The applicant seeks approval for the renewal of a special use permit for the existing outdoor sales of vehicles and repairing mobility vehicles and mobility devices. The business' special use permit expired in 2018. There are no proposed building expansions or changes as part of this special use permit renewal.

The applicant requests that the special use permit renewal be approved for 10 years. This request is consistent with special use time periods for renewals of existing businesses.

### **Compatibility**

The proposed facility will not negatively impact the surrounding neighborhood by the continued presence of the outdoor sales for handicapped accessible transportation and the repairs of mobility vehicles and mobility devices. This particular facility has existed on the site for approximately 10 years, but the site was originally constructed as a car dealership in 1988 and has housed auto-related uses since that time. The site will be screened by vegetation where it is allowed and a wood fence is established on the backside of the building buffering the company from the single-family housing.

### **Adverse Impacts**

The outdoor sales for handicapped accessible transportation and the repairs of mobility vehicles and mobility devices are designed, located and proposed to be operated so that the public health, safety and welfare will be protected. There are no code violations on record for this facility.

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

### **Public Services**

The outdoor sales for handicapped accessible transportation and the repairs of mobility vehicles and mobility devices business has little or no impact on the existing public facilities and services. Access to the facility is served by Oldham Pkwy. The 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 outdoor sales for handicapped accessible transportation and the repairs of mobility vehicles and mobility devices is a commercial service to the community that has been in operation for 10 years.

### **Recommendation**

The application meets the requirements of the UDO and/or the Design and Construction Manual (DCM).

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

### **Site Specific**

1. The special use permit shall be approved for a period of 10 years from the date of the previous special use permit expiration. The special use permit renewal shall be set to expire on November 3, 2028.

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Planning Commission Hearing Date / April 22, 2021

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