



MINUTES

Planning Commission Meeting: December 9, 2024

Application:	<u>SU24-0003:</u> Request for approval of a special use permit for Motor Vehicle Sales (Golf and Utility Carts) for Icon Midwest on approximately 1.08 acres; located at 1301 E. Santa Fe Street.
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Ms. Jessica Schuller, Senior Planner, presented SU24-0003, a request for a special use permit for motor vehicle sales of golf and utility carts for Icon Midwest.

Ms. Schuller explained the site's location and history. The building at the southeast corner of Santa Fe and Ridgeview Road was repurposed in 2019 for Tint World after the previous Quik Trip was relocated. This request is for a new tenant to take over the Tint World building. The site is zoned as C-3 Regional Center, where vehicle sales of any type require a special use permit. The Future Land Map identifies this area as a commercial corridor, where new businesses aim to strengthen and revitalize existing commercial centers. No changes are proposed to the parking area, lighting, or building.

Ms. Schuller explained the applicant seeks to sell golf and utility carts and create a display area for 15 of these vehicles in the striped spaces along Santa Fe. The applicant and staff agree that the carts will be moved indoors after business hours. However, staff is only supportive of a limited outdoor display area, to be located adjacent to the building (rather than along Santa Fe), with a maximum of five (5) carts displayed outdoors at one time.

This recommendation is due to the changing nature of the Santa Fe Corridor, which has historically been auto-oriented but is transitioning toward a more walkable environment. The existing comprehensive plan notes opportunities to reduce auto-oriented uses along Santa Fe and encourage more mixed-use and multimodal development. The current UDO also requires new development to push building up to the street with parking areas behind them, promoting a more pedestrian-friendly environment. The future recommendations of the ongoing comprehensive plan update may also reduce vehicle-related uses in the area. Ms. Schuller opined that displaying carts along Santa Fe would significantly alter the character of the area and impact the visual environment.

Staff recommended approval of the special use permit with stipulations, including the following requirements:

1. Two-year time limit for the permit (as requested by the applicant),
2. Display limited to golf and utility carts only,

3. Display area located adjacent to the building, not along Santa Fe,
4. Number of outdoor carts limited to five ,
5. Outdoor carts must be located within designated and striped parking stalls and moved indoors after business hours,
6. Standard stipulations regarding signage and outdoor storage restrictions.

In addition to the stipulations regarding outdoor displays, staff also recommended two stipulations regarding landscaping and screening, to bring the current property up to code compliance.

Ms. Schuller said the applicant met the public notice requirements. The applicant received one phone call with some general inquiries, but staff and the applicant have not received any additional correspondence.

Ms. Schuller stated the applicant wished to make a presentation also.

Chair Janner asked if the commissioners had any questions for staff before the applicant presented.

Commissioner Brown asked if the property would be affected by the future modifications to the Santa Fe and I-35 Interchange.

Ms. Schuller demonstrated that the I-35 Interchange improvements would not directly impact this site, since the improvements will taper off after Chester Street.

Commissioner Creighton asked whether the applicant was aware of the possibility that two years down the road, the special use permit could go away in light of the potential for comprehensive plan and corridor changes.

Ms. Schuller said in two years, the applicant would have the right to request that the permit be renewed. At that time, the request would be reviewed against the effective corridor and comprehensive plan at that point, and Planning Commission and Council would decide at that time.

Chair Janner called the applicant to the podium for their presentation.

Amy Grant, Polsinelli, 900 W. 48th Place, Kansas City, Missouri, 64112, introduced herself on behalf of Bob Peel, the owner of AEG LLC. She apologized for Mr. Peel's absence due to a prior commitment. Ms. Grant explained that the site is challenging due to its limited space and parking constraints. The building was previously occupied by Quik Trip and later Tint World, both of which were good tenants.

Ms. Grant continued that the primary request was for permission to display 15 utility carts along Santa Fe for the first two years to establish the new business, which is the first of its kind in the metropolitan area. She emphasized visibility as crucial for the business's success, since the carts' unique nature would draw attention, without using typical car

dealership signage such as price stickers, flag banners, or sale signs. Ms. Grant compared the cart display to the parking of customer or employee vehicles by other businesses and expressed enthusiasm about future improvements in the area, including the highway interchange and the comprehensive plan updates. She acknowledged the area will likely evolve over the next few years and stated they are open to working with the City on future developments on the site. She clarified that the business does not involve a significant capital investment. The goal is simply to repurpose the site for a new use in the interim. Ms. Grant concluded that a two-year permit would be a good starting point; after that time, they are open to extending the permit but are also prepared to relocate once the business is established.

Commissioner Corcoran asked to clarify that the applicant's two requests were to move the vehicles closer to the street and to be allowed to display 15 carts.

Ms. Grant confirmed that the applicant has always wanted 15 vehicles along Santa Fe, whereas staff wants to limit it to five (5) vehicles right up against the building.

Commissioner Brown stated there is another area business that reconditions and sells golf carts. He asked whether there was any intention for that by the applicant.

Ms. Grant answered that they would only be selling new carts.

Chair Janner acknowledged the value of marketing for a new business but asked why the applicant wanted 15 vehicles, especially since traffic moves rather quickly.

Ms. Grant answered she believed there are currently 15 marked parking stalls along Santa Fe, and they liked the uniformity. They anticipate they will have 15-plus vehicles in the interior display area. She stated that if the City decided they were allowed to park along Santa Fe but only approved five (5) vehicles there, she anticipated the applicant would be amenable to that. The applicant feels it would be detrimental to the new business to have the inventory be both limited and located away from the street, up against the building.

Chair Janner again acknowledged the need for visibility for a new business but added that 15 vehicles seemed like a lot.

Commissioner Brown asked whether the total inventory would be 15 vehicles.

Ms. Grant answered no. They will also have an indoor display area, in addition to the storage area for the outdoor vehicles.

Commissioner Chapman asked in addition to sales, whether the business would do service also.

Ms. Grant stated that these vehicles are electric vehicles and would be ordered as the customer wanted.

Commissioner Chapman asked to confirm whether any maintenance or upkeep would be needed.

Ms. Grant responded there may be a rare occasion when a person breaks a taillight and needs it replaced, but there is not much maintenance required for the electric vehicles.

Commissioner Lynn asked for staff to answer why their recommendation was 5 vehicles as opposed to 15.

Ms. Schuller stated the limited number was to help the visual aesthetics of the site. There are currently five parking stalls adjacent to the building, which staff believes will still be very visible from Santa Fe.

Commissioner Breen asked for clarification on the total number of parking stalls currently available and whether the total number included handicapped spots.

Ms. Schuller confirmed that there were around twelve stalls total, some of which were handicapped spots.

Chair Janner asked about customer parking.

Ms. Schuller answered the parking area was designed to accommodate both employee and customer parking, and some stalls on Santa Fe could be used for customer parking.

Commissioner Chapman asked whether there had been any discussion of five carts along Santa Fe.

Ms. Schuller reaffirmed the goal was to maintain a clean appearance along Santa Fe, and that parking vehicles along that road was not part of their recommendation.

Commissioner Lynn asked if there were other plans to change how the nearby Ford dealership parked its vehicles.

Ms. Schuller acknowledged that there were other auto-related businesses in the area, some of which were grandfathered in. Ms. Schuller stated this particular site has not historically been used for auto land uses. She explained that the goal was to maintain the improvements gained by the "Tint World" development and to prepare for the future development of the area.

Commissioner Lynn asked about a nearby used car dealership and whether it still existed.

Ms. Schuller confirmed there was a used car dealership (Car City) two doors down from the site.

Chair Janner sought clarification regarding whether the issue of vehicle display would be reviewed again after two years, if a compromise was made.

Ms. Schuller deferred to Ms. Hollingsworth.

Kim Hollingsworth, Planning and Development Manager explained that the special use permit would be revisited when it expired in two years, and all stipulations would be reviewed at that time, with a full analysis conducted

Commissioner Creighton agreed he had had a similar question.

Commissioner Brown asked whether the special use permit would be tied to the business or the property. He expressed concern about what would happen if the business went out of operation and a car dealership took over, wanting to display fifteen cars along the site.

Ms. Schuller explained that special use permits could be transferred from tenant to tenant. However, the new tenant would be subject to all existing stipulations. If the new business were an auto sales operation other than golf and utility carts, a new special use permit would need to be applied for. The stipulations would be reevaluated unless the new business was another golf cart operation wanting to continue under the same stipulations.

Commissioner Breen agreed with Chair Janner and suggested finding a compromise. He acknowledged the request to display cars along Santa Fe but emphasized the importance of maintaining the aesthetic appeal the City was striving for. He supported the staff's recommendation to keep the vehicles in the proposed area next to the building but suggested increasing the number of carts to about ten (since carts are smaller than cars) and maintaining the handicapped stalls on the west side. He also suggested revisiting the situation in two years to evaluate whether the stipulations worked.

Chair Janner acknowledged Commissioner Breen's comments and invited further input from the other commissioners.

Commissioner Corcoran supported a compromise and emphasized the importance of the two-year evaluation. He acknowledged the potential cost to the business and suggested allowing up to ten carts along Santa Fe, noting that it would improve the visual appeal (he preferred to see carts rather than customers' cars along Santa Fe) and potentially attract more customers. He proposed that the issue could be revisited after two years.

Commissioner Creighton concurred with the comments made by Commissioner Corcoran and expressed support for a two-year agreement allowing the use of the parking spaces near Santa Fe. He also suggested that a number between eight and ten carts would be a reasonable compromise.

Commissioner Lynn agreed with the other commissioners and thought that allowing the business to establish itself was important. She believed that if the business didn't succeed there, it would likely move outside of Olathe.

Commissioner Terrones expressed his agreement with the previous comments and added that allowing the display of different models would give the business an opportunity to showcase a variety of products as they became available.

Chair Janner acknowledged the importance of attracting interest from passing drivers but noted that fifteen carts might be too many. He expressed understanding of the compromise being discussed.

Chair Janner opened the public hearing, though no one had signed up to speak. He called for a motion to close the public hearing. A motion was made by **Commissioner Chapman** to close the public hearing, seconded by **Commissioner Terrones**. The motion passed with a vote of 8 to 0.

Chair Janner called for any final discussion or a motion on the item.

Commissioner Brown acknowledged the arguments of the applicant and staff. He noted that other businesses in the area displayed cars along the street, which made him understand both sides of the issue. He suggested a compromise that would allow a smaller number of golf carts to be displayed along Santa Fe, with the understanding that the carts would be brought in each night.

Chair Janner asked for any additional discussion or a motion on the item.

Commissioner Corcoran moved to approve the special use permit, subject to the staff's stipulations, but with the modification allowing up to ten carts to be displayed along Santa Fe, rather than allowing five next to the building. This change would allow carts to be displayed in a way that was more visible to the public.

Commissioner Creighton clarified that the motion would replace Stipulation #2, changing the maximum number of carts to ten and allowing them to be displayed along Santa Fe.

Commissioner Corcoran confirmed that the motion was correct.

Chair Janner clarified the staff-recommended display area would revert to customer parking, which **Commissioner Corcoran** confirmed.

Chair Janner asked if there were any questions or further discussion. With none, **Commissioner Lynn** seconded the motion.

The motion passed with a vote of 8 to 0 with the following stipulations:

- A. Staff recommends approval of SU24-0003 with conditions, for the following reasons:
 1. The proposal conforms to the Goals, Objectives and Policies of the Comprehensive Plan.

2. The proposal complies with the Unified Development Ordinance (UDO) criteria for considering special use permit requests.

B. Staff recommends approval of SU24-0003 subject to the following stipulations:

1. The special use permit to allow motor vehicle sales for golf and utility carts only, equal or similar to those depicted in Attachment A, is valid for a period of two (2) years following the date of Governing Body approval. The sale of any other motor vehicle types is prohibited.
2. The maximum number of golf and utility carts permitted to be parked outdoors is ten (10).
3. Golf and utility carts are only permitted to be displayed outdoors between the hours of 9:00 AM and 5:30 PM; they must be stored inside the building at all other times.
4. Golf and utility carts for inventory, sales, or display must be located in designated, striped parking stalls and must not be located in driveways or on lawn areas.
5. No cart or vehicle display risers are permitted outdoors.
6. Site landscaping must be replaced and maintained in accordance with the landscape plan, dated November 12, 2024.
7. Roof top utility equipment must be fully screened, per UDO 18.30.130, including modification of the existing screen wall to meet or exceed the height of the existing equipment.
8. Wind signs, including pennants, streamers, balloons, whirligigs, feather flag banners or similar devices, are not permitted within the front yard or corner side yard.
9. No outdoor storage of equipment or materials is permitted unless completely screened per UDO 18.30.130.