



Planning Division

STAFF REPORT**Planning Commission Meeting: April 26, 2021**

Application:	<u>SU21-0001</u>: Request for a special use permit for motor vehicle sales (Car City)
Location:	1501 E. Santa Fe
Owner:	Robert Ramm, Robert Ramm Trust
Applicant:	William J. George, Car City/Olathe KIA
Staff Contact:	Emily Carrillo, Senior Planner

Site Area:	<u>1.0± acres</u>	Proposed Use:	<u>Motor Vehicle Sales</u>
	Land Use	Zoning	Comprehensive Plan Designation
Site	<u>Motor Vehicle Sales</u>	<u>C-3</u>	<u>Commercial Corridor</u>
North	<u>Motor Vehicle Sales</u>	<u>C-3</u>	<u>Commercial Corridor</u>
East	<u>Commercial Retail</u>	<u>C-3 and CP-1</u>	<u>Commercial Corridor</u>
South	<u>Office</u>	<u>C-1</u>	<u>Commercial Corridor</u>
West	<u>Commercial Retail Center</u>	<u>C-3</u>	<u>Commercial Corridor</u>

1. Request:

This is a request for a special use permit to allow motor vehicle sales at 1501 E. Santa Fe. The site is currently developed and consists of a 5,000 square foot building that was previously operating as a car dealership, known at Country Hill Motors, since 1987. The subject property is currently zoned C-3 requiring a special use permit allowing motor vehicle sales per UDO 18.20.500. No changes to the use, existing structures or infrastructure are proposed with this application.

The existing building, accessory storage structure, and parking stalls will remain. Additional ADA and employee parking will be construction and improvements to the existing fence.

2. History:

Car City will be relocating from their current location at 101 S. Fir Street, which is affiliated with the Olathe KIA Dealership currently located at 130 N. Fir Street. Car City has operated at this location under a previously approved special use permit (SU-03-025).

The site was zoned to the C-3 (Regional Center) District in June 1970 as part of a comprehensive zoning of the City (Ord. 346-C) and the existing structure on site was constructed in 1981. The site was platted in 1886 as part of the Lockwood Heights Plat. The site was previously utilized for vehicle sales since 1987 until they vacated in July 2020.



Aerial view of subject property highlighted in red.



View of subject property from intesection of Santa Fe and N. Burch.

3. Neighborhood Meeting / Public Notice:

Public notification letters were sent to surrounding properties within 200-feet and signs were posted on the subject property per Unified Development Ordinance (UDO) requirements. A neighborhood meeting was also held in accordance with the UDO on April 5, 2021 with zero attendees. Staff has not received any correspondence from the public regarding this application.

4. Zoning Requirements:

- a. **Land Use** – The existing site is zoned C-3 (Regional Center) District. Per UDO 18.20.500, a SUP is required for the sale/leasing/rental of motor vehicles within this District. The C-3 District permits a number of auto-oriented uses by right, such as repair services and auto body shops.

Setbacks/Open Space – The C-3 District requires a 40-foot minimum front yard setback for structures from the front property line. The existing building does not meet the front yard setback requirement as the front of the building is located approximately 21 feet from the existing property line. However, when the building was originally constructed, it complied with the 15-foot front yard setback in place for the C-3 district at that time. Parking and paving areas must be setback at least 15 feet from street right-of-way and 10 feet from property lines. The existing front parking area adjacent to Santa Fe does not meet current parking/paving setback requirements as it is located 7 feet from the existing right-of-way. The existing building and parking/paving are meeting the minimum side and rear setback requirements.

When the UDO was updated in 1992, the setback requirements were increased, resulting in a nonconforming situation on this property. The existing structure and proposed site improvements are subject to UDO Section 18.60 which provides an avenue for any property owner to apply and request additional work be performed on a site with a nonconforming situation.

5. Development Requirements:

- a. **Access/Streets** – The existing site is accessed from Santa Fe from the north and two access points are currently provided from N. Burch along the west side of the site. No changes to access are proposed with this application.
- b. **Parking** – The subject property currently contains approximately 70 unstriped parking spaces. The applicant will stock approximately 60 preowned cars for sale on the site with striped parking stalls. An additional 7 spaces are being provided along the south end of the building for customer and ADA parking. The entire lot will be paved with new asphalt and striping.
- c. **Landscaping** – The existing site does not contain landscape buffers along roadways or property lines; however, existing street trees are located along the western property line and minimal landscaping is being provided at the northwest portion of the building. New shrubs will be provided along the front row of parking adjacent to Santa Fe and along N. Burch to provide screening to a height of 3 feet, and landscape screening will be provided along the west side of the building to screen existing equipment and utilities bringing the site into compliance with UDO 18.30.130.
- d. **Public Utilities** – The site is located within the City of Olathe Sanitary Sewer service area Olathe Water service area. No changes to utilities are proposed with this application.
- e. **Stormwater/Detention** – The applicant is not proposing changes to impervious surface area on site; therefore, no new stormwater improvements are required.

6. Building Design Standards:

The building on site is existing and all building materials are proposed to remain the same as they exist today, with the addition of new paint and needed minor repairs. The existing building is not being expanded or enlarged at this time. However, any future changes or building additions that increase the legal nonconformity will be subject to the requirements found in UDO 18.60.

7. Time Limit:

Special Use Permits are required for uses that the City has determined are higher-intensity land uses that require greater consideration, requirements, and review to ensure compatibility with surrounding uses, orderly growth and development, and consistency with the goals and vision of the City as a whole. For this reason, special use permits are also different than by-right permitted land uses in that by-right uses do not require a time restricted permit. Motor vehicle sales/leasing/rental are identified in the UDO as requiring a Special Use Permit.

Unless otherwise specified, special use permits are approved for a five (5) year period (UDO 18.40.100.F.4). In this case, the applicant has not requested a specified time period and as such staff recommends the initial permit be valid for a five (5) year term. This provides the ability to follow up and confirm site maintenance of the specified improvements that will bring the property into compliance with the UDO.

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8. Analysis:

The future land use map of the PlanOlathe Comprehensive Plan identifies the subject property as "Commercial Corridor." Staff is supportive of the proposed use as Motor Vehicles, All Types, Sales/Leasing/Rental is a commercial use that relies on an increased amount of outdoor space, as is commonly found in higher-intensity commercial and industrial areas. This site was previously the location for vehicle sales and is surrounded by commercial and retail establishments.

The following are criteria for considering special use applications as listed in Unified Development Ordinance (UDO) Section 18.40.100.F and the application meets the criteria as detailed below:

A. The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.

The future land use map of the PlanOlathe Comprehensive Plan identifies the subject property as "Regional Center." The property is zoned C-3 which allows for a variety of auto-oriented and retail uses, including motor vehicle sales/leasing/rental with a special use permit. This application complies with the following principle of the *Comprehensive Plan*:

Principle ES-3: "Strengthen and revitalize existing commercial centers."

Approval of the special use permit request will allow an existing commercial establishment to continue operations, to relocate and make improvements to an existing commercial site previously used for automotive sales.

B. The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).

The use is compatible with the character of the surrounding area as this site has other commercially zoned lots and several properties near the subject property include auto/car dealerships and other auto-oriented uses. The surrounding buildings are primarily one story in height and were constructed between the mid 1970's-1990's and early 2000's. Businesses along Santa Fe include parking located primarily in front and sides of the buildings.

C. *The zoning and uses of nearby properties and the extent to which the proposed use would be in harmony with such zoning and uses.*

The subject property is adjacent to, and surrounded by other commercial properties, including car dealerships. Approval of the Special Use Permit will not interrupt the harmony of existing zoning or uses in the adjacent area as this property has been utilized for this same use previously.

D. *The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.*

The C-3 District permits a broad range of commercial retail, office, and service-related uses along with certain uses that require a special use permit including motor vehicle sales. There is no City zoning district that allows this use by right; however, the special use permit ensures that adequate precautions are taken to assure compatibility with surrounding uses.

E. *The length of time the property has remained vacant as zoned.*

The building on the subject property was constructed in 1981 and has only been vacant for less than a year since the previous used car dealer vacated the building in July 2020.

F. *The extent to which approval of the application would detrimentally affect nearby properties.*

The proposed special use will not have an impact on noise, aesthetics, traffic, lighting, or other characteristics of the surrounding area. The property is located adjacent to other commercial and industrial properties along Santa Fe and was previously used for vehicle sales.

G. *The extent to which development under the proposed district would substantially harm the value of nearby properties.*

The business will continue to generate sales tax revenue and should have no negative impacts on surrounding property values. Surrounding properties consist of other commercial and automotive type businesses. Furthermore, the applicant is making aesthetic improvements to the site related to repainting and repairing the building, landscaping, and pavement repairs.

H. *The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.*

The proposed development will not adversely affect the adjacent road network. The site is accessed from N. Burch a collector street and also E. Santa Fe an arterial, and no changes to access are proposed. The site was previously utilized for the same use proposed with this application; therefore, the proposed application will not generate an increased number of vehicle trips as compared to the previous use on the property.

I. *The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.*

Staff is not aware of any potential for unlawful levels of air, water or noise pollution with the proposed development. Landscaping is being added to the site and there is no increase in impervious surface. The proposed use is subject to all local, state, and federal environmental regulations.

J. *The economic impact of the proposed use on the community.*

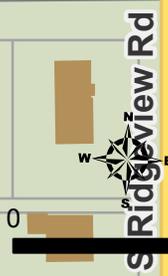
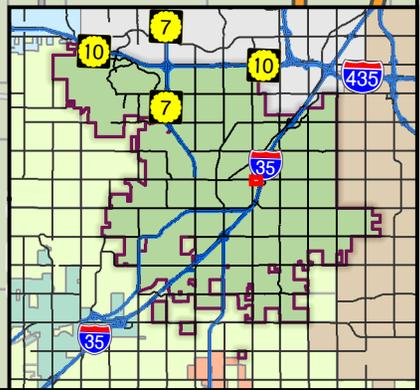
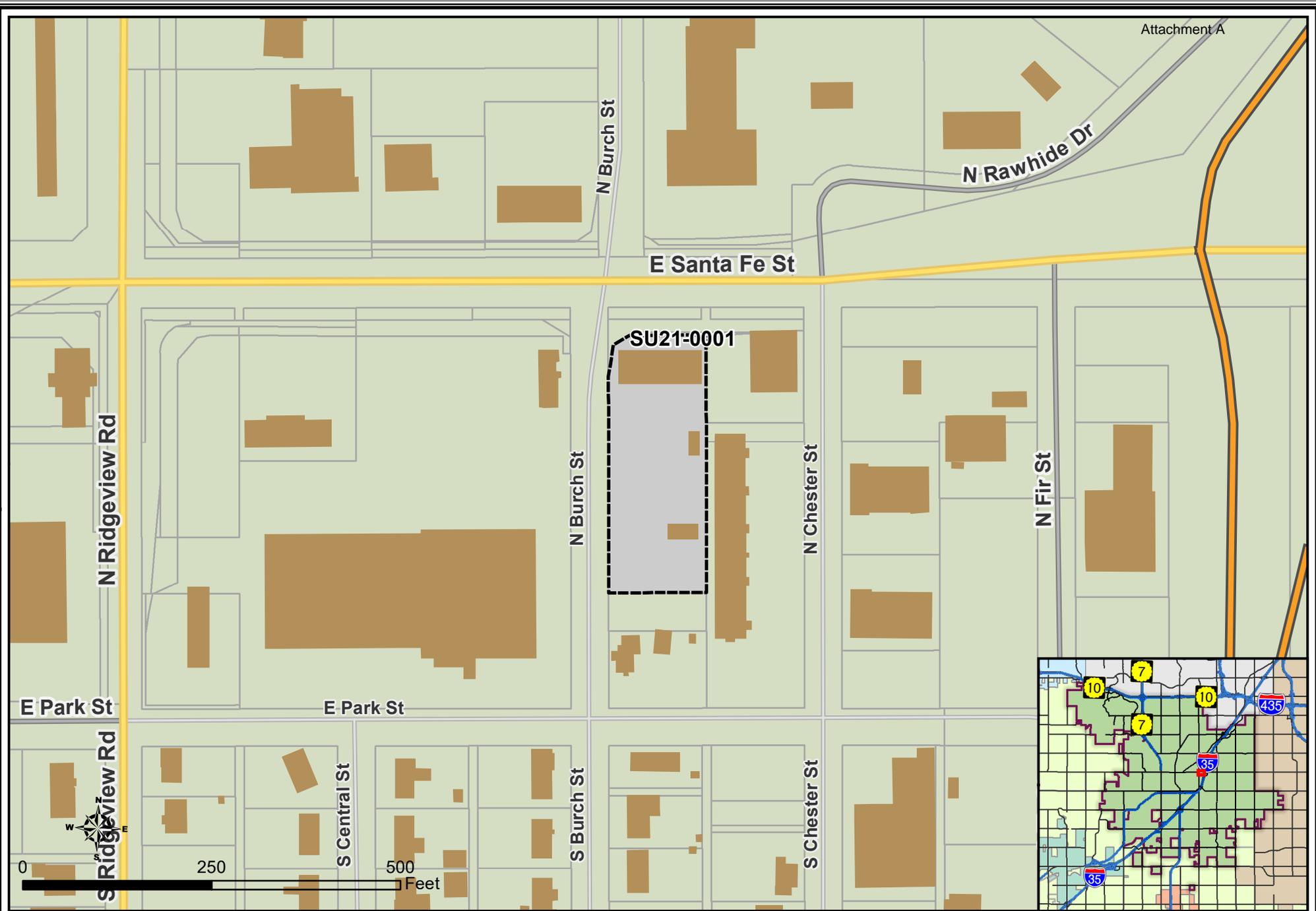
The development follows the economic sustainability goals of the Comprehensive Plan by encouraging private investment in the community and reinvestment in an existing commercial property.

K. *The gain, if any, to the public health, safety, and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.*

There is no gain or detriment to the public health, safety, or welfare if the application were denied. The proposed special use does not negatively impact public health, safety, or welfare as presented. Denial of the special use permit would create a hardship for the property owner who would not be able to continue their current business pending the sale of their previous location. The proposed application provides consistency with the use of surrounding properties.

8. Staff Recommendation:

- a. Staff recommends approval of SU21-0001 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.
 3. The applicant has addressed or is working to address all site items identified in Section 5 of this report.
- b. Staff recommends approval of SU21-0001 subject to the following stipulations:
 1. The Special Use Permit to allow motor vehicle sales is valid for a period of five (5) years following City Council approval.
 2. Vehicles will be stored or displayed on paved and striped parking surfaces only.
 3. Signage is approved administratively through a separate application and must meet the requirements of UDO 18.50.190.
 4. Wind signs, including pennants, streamers, balloons, whirligigs, or similar devices are prohibited.
 5. Exterior ground-mounted or building mounted equipment including but not limited to, mechanical equipment, utilities' meter banks and coolers must be screened from public view with three (3) sided landscaping or an architectural treatment.

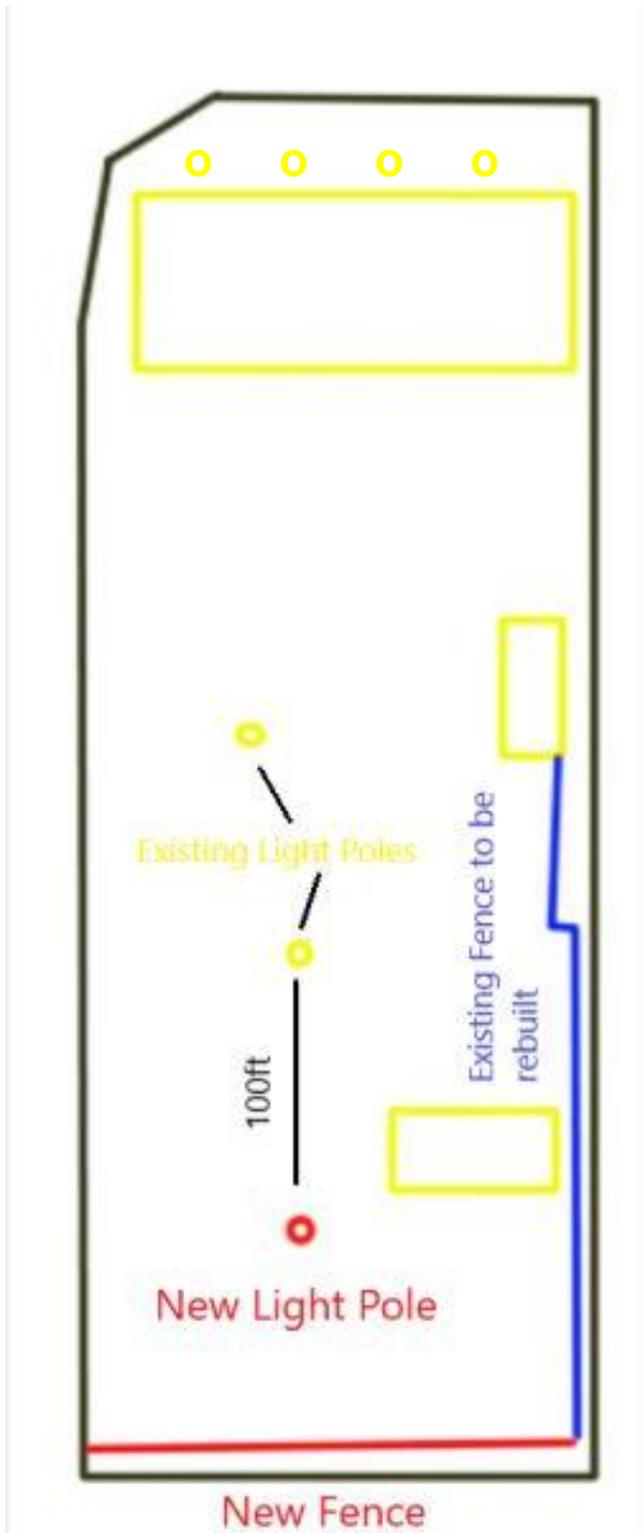


CAR CITY
SU21-0001



Aerial of the existing site with the proposed site plan overlaid showing any proposed changes.

Updates to current property and the proposed changes.



Ground Mounted lights repaired - led 5,000-8,000 lumens LED

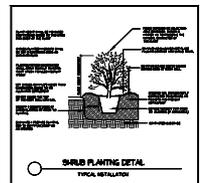
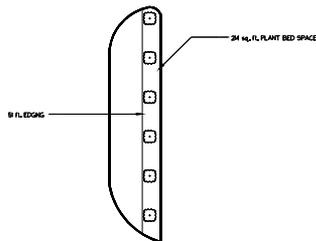
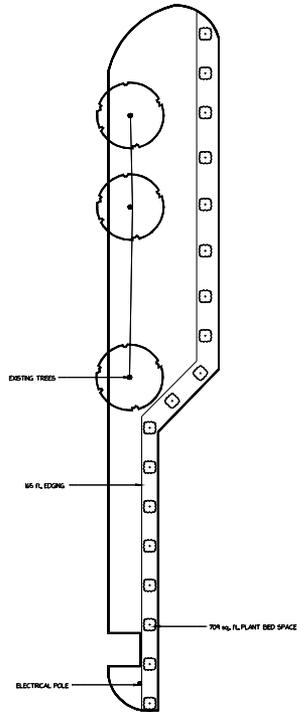
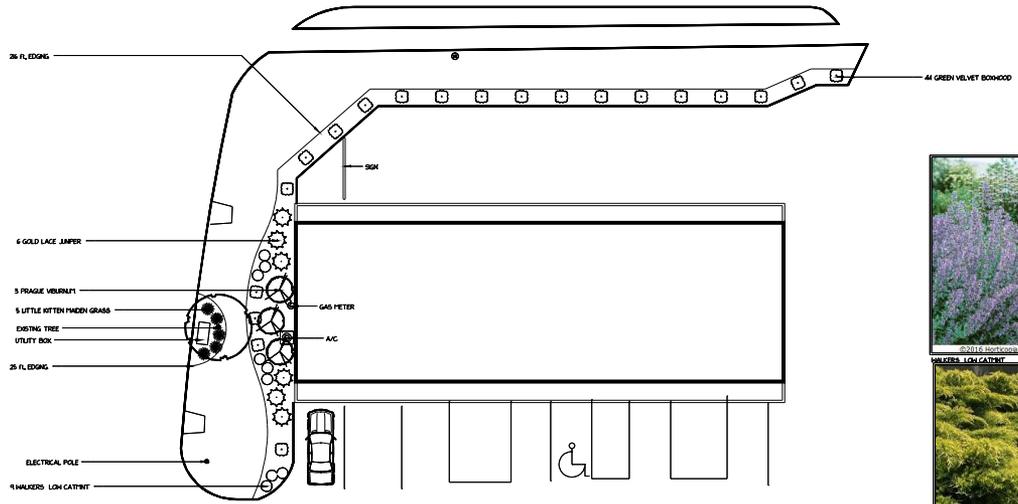
Fresh paint and any needed cosmetic repairs on all existing structures

Replacing heads on existing light (2) poles to 39,000 lumens LED

Repair and rebuild existing fence (East side property line) using 6ft cedar to match current fencing

Adding new light pole (South side of property) 39,000 lumens LED bulbs

Adding 6 ft cedar fence to match current property fencing (South side property line)



Qty	Botanical Name	Common Name	Site/Condition
Shrubs			
6	<i>Artemisia chinensis</i> Gold Lace ¹	GOLD LACE JAMPER	#3
44	<i>Buxus Green Velvet</i> ¹	GREEN VELVET BOMWOOD	#3
3	<i>Viburnum x pragnese</i>	PRAGUE VEURNUH	#3
Ornamental Grasses			
5	<i>Mizolobus shenobis</i> Little Kitten ¹	LITTLE KITTEN MADDEN GRASS	8' h
Perennials and Annuals			
9	<i>Nepeta x faassenii</i> Walkers Low ¹	WALKERS LOW CATMINT	#1

NOTES: PLANTS SHOWN AS A MATURE PLANT SIZE.
 AT FUTURE: BOMWOOD WILL BE 3'X7'
 VEURNUH 8'X7'
 GOLD LACE JAMPER 3'-65'-4'
 MADDEN GRASS 2'X2'



CAR CITY OLATHE KIA 1501 E. SANTA FE ST OLATHE, KS		
sheet: 1107 18X24	date: 4/1/21	revision:
drawn by: HANSON	checked by: LDK	drawing #: 1107 18X24