



City of Olathe
Planning Division

MINUTES

Planning Commission Meeting: June 24, 2019

Application:	<u>SU19-0002:</u> Request approval for the renewal of a special use permit for Motor Vehicle Sales in C-3 District on 0.58± acres; located at 115 S. Fir Street.
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Dan Fernandez, Planner II, approached the podium to present this application, which is for a renewal of a special use permit to allow motor vehicle sales at 115 S. Fir Street. He notes that this site has a long history of special use permits involving vehicles. He presented an aerial of the site and noted surrounding properties and their zoning. The property is surrounded by commercial, including other auto dealerships and a vehicle repair business. The previous special use permit was issued for this site in 2014. This special use permit is being requested by a new operator at this location, called CarStoreUSA. Motor vehicle sales will take place at this location and the site meets all requirements for parking. Upon inspection, staff noted several violations, including chipped paint on the building, no foundation landscaping, Christmas lights around the sign, poor fencing, and cracks in the pavement. **Mr. Fernandez** said the applicant has been very responsive to suggested improvements to the site and has been working to make repairs. All should be completed prior to the City Council meeting on July 16, 2019. The applicant is requesting a five-year special use permit, which staff supports. Staff recommends approval of this application.

Comm. Nelson asked if there is a limit to the number of vehicles that can be on site. **Mr. Fernandez** said there is no limit to number of vehicles parked during business hours, but stipulations prohibit parking in drive aisles and landscape areas. **Comm. Nelson** asked if it's because of the size of the lot that there is not a restriction as to number of cars. **Mr. Fernandez** said there is not a number restriction on other sites, but per the UDO, cars may not be parked on drive aisles or in the grass. **Aimee Nassif, Chief Planning and Development Officer** added that all cases are vetted and if there is a potential issue, the ability exists to restrict number of spaces during the permitting process. This particular application was vetted and there was no issue, so no restrictions were placed.

Vice Chair Rinke opened the public hearing and asked the applicant to come forward. **Brenen Frye** 115 South Fir Street, approached the podium, representing the applicant. He said they have worked hard to meet all stipulations and be in compliance.

There was no one else present who wished to speak on this item. **Vice Chair Rinke** called for a motion to close the public hearing.

Motion by Comm. Sutherland, seconded by Comm. Munoz, to close the public hearing.

Motion passed 7-0.

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Motion to recommend approval of SU19-0002 made by Commissioner Freeman, seconded by Commissioner Fry, for the following reasons:

- a. The proposal conforms to the Goals, Objectives and Policies of the *Comprehensive Plan*.
- b. The proposal complies with the *Unified Development Ordinance (UDO)* criteria for considering special use permit requests.
- c. The applicant has addressed all site items identified in Section 3 of this report.

Comm. Freeman's motion included recommending that the following stipulations be included:

- a. The Special Use Permit is valid for a period of five (5) years following Governing Body approval, with an expiration date of July 16, 2024.
- b. Vehicles shall not be stored or displayed in customer parking stalls, drive aisles or in landscape areas.
- c. No vehicle maintenance or repair shall be done at the subject property.

Aye: Rinke, Freeman, Fry, Nelson, Munoz, Corcoran and Sutherland (7)

No: (0)

Motion was approved 6-0.