



City of Olathe
Planning Division

STAFF REPORT

Planning Commission Meeting: April 13, 2020

Application:	<u>SU19-0005</u>: Renewal of a special use permit for motor vehicle sales (Olathe KIA)
Location:	132 N. Fir Street
Owner:	William J. & Betty George, Olathe KIA
Applicant:	Beverly Gibson, Olathe KIA
Staff Contact:	Emily Carrillo, Senior Planner

Site Area:	<u>0.21± 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>I-35 ROW</u>	<u>N/A</u>	<u>N/A</u>
East	<u>I-35</u>	<u>N/A</u>	<u>N/A</u>
South	<u>Motor Vehicle Sales</u>	<u>CP-3</u>	<u>Commercial Corridor</u>
West	<u>Commercial</u>	<u>C-3</u>	<u>Commercial Corridor</u>

1. Request:

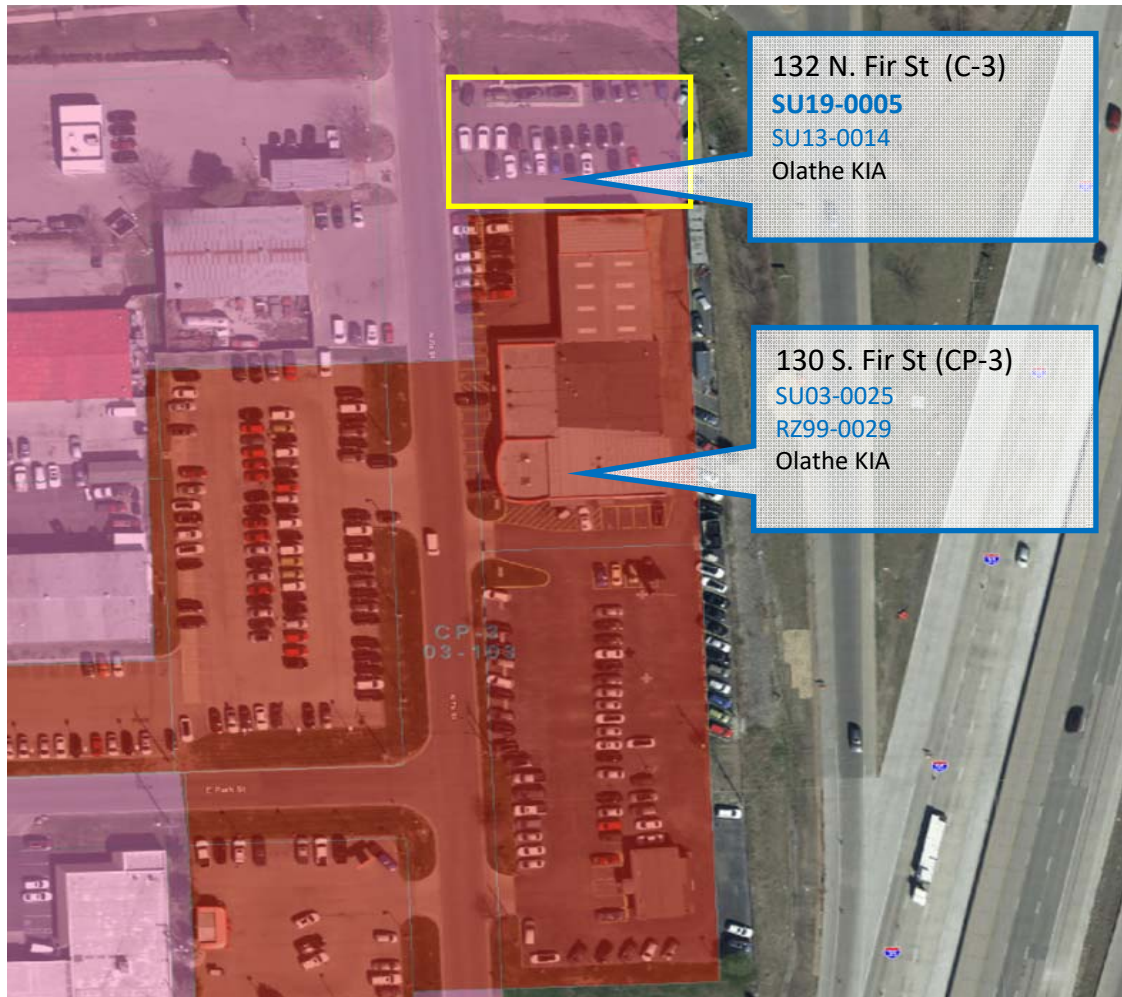
This is a request for a special use permit renewal to allow motor vehicle sales at 132 N. Fir Street. A special use permit (SU-13-014) was previously approved in February 2014 for 5-years, expiring in February 2019. Staff has worked with the applicant on the process for the renewal however several continuances were previously necessary.

The site is currently developed and has been operating as a motor vehicle sales lot for Olathe KIA since 2014 under the previously approved special use permit (SU-13-014). 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, hours of operation, or infrastructure are proposed with this application.

2. History:

A special use permit (SU-13-014) was previously approved in February 2014 to accommodate current motor vehicle sales, at that time replacing a 2,145 square foot building which was demolished in connection to a related plan review application.

At that time, the subject property was proposed as a new expansion to the adjacent Olathe KIA dealership that has been in operation at 130 S. Fir Street since 1999. A separate special use permit (SU03-0025) was approved in 2003 for motor vehicle sales at the 130 S. Fir location.



Aerial Map of site.



Aerial Map of site.



View of property looking east from N. Fir Street.

3. Parking:

The subject property currently contains twenty-seven (27) spaces for motor vehicle display and customer parking. The site also includes an elevated display pad located along the north boundary line along Santa Fe which is constructed of limestone and is four feet (4') in height.

Existing light poles are twenty-five feet (25') in height and put out an average maintained foot-candle of 11 foot-candles. In 2014, Planning Commission approved an exception to the light requirements in UDO 18.30.135. This allowance was determined to be appropriate for a motor vehicle sales lot versus standard parking lot lighting and is consistent with other dealerships throughout the city. The previous light level allowance will carry over with this new special use permit if approved.

4. Site Improvements:

Upon inspection of the site, Community Enhancement staff cited cars previously parked on the gravel corner of the lot and have requested the gravel be replaced with turf or landscape plantings as this area is highly visible from Santa Fe. Staff also requested removal of the T-posts along the rock wall on the north end of the lot to avoid signage which is not permitted.

At this time, the applicant has replaced the gravel located with the northwest corner of the lot with sod, the T-posts have been removed and the applicant has agreed to replace any dead or diseased landscaping.

Pavement striping for vehicle storage and display was required with the previous special use permit (SU-13-014). however, upon recent inspection it was found to be faded and, in some areas, diminished.

After working with the applicant, the applicant has agreed to correct all site deficiencies and concerns prior to placement on City Council agenda.

5. Neighborhood Meeting/Public Notice:

The applicant notified neighbors within 200 feet of the subject property by certified letter, return receipt as required by the *Unified Development Ordinance*. The property owner notification affidavit and receipts have been submitted to staff showing that this requirement has been fulfilled. The applicant also posted a sign on the property and a notice was published in the paper.

A neighborhood meeting was not required for this application as no new development is proposed on the site. Neither staff nor the applicant has received any correspondence from the public regarding this application.

6. Time Limit:

Per Section 18.40.100.F.4 of the UDO, the Planning Commission may recommend, and the Governing Body shall grant or extend a permit for any period as is warranted under the circumstances. The original special use permit (SU-13-014) was approved for 5 years.,. The applicant originally requested an indefinite time period with this renewal application.

Due to the City's standard practices and processes, special use permits do require a time limit as they are not uses permitted by right in the district. These expiration dates provide

the City the opportunity to monitor the property, ensure the use and the site are in compliance with all code requirements as well as any stipulations. The renewal process also provides an opportunity to hear from the public if there were any concerns and consider any additional or modified stipulations if necessary.

For these reasons and after discussing and collaborating with the applicant, they are amenable to and staff is supportive of a ten (10) year renewal period with this application.

7. Analysis:

Staff's analysis of this application is based in part on the criteria established in *Golden v. City of Overland Park*, which determined factors a Planning Commission and City Council should consider in making decisions on special use applications. The following are the criteria for considering applications as listed in *Unified Development Ordinance (UDO) Section 18.12.140* and staff findings for each item:

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

The property is zoned C-3 which allows motor vehicle sales 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 the existing commercial establishment to continue operation.

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 area surrounding this site has other commercially zoned lots and I-35 to the east. Several properties adjacent to the subject site on Fir Street are car dealerships.

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 and nearby 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.

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

The property is suited for occupancy by a variety of C-3 uses including motor vehicle sales with a special use permit. The C-3 district permits a broad range of commercial retail, office, and other uses. Motor vehicle sales require a Special Use Permit in the C-3 district. There is no City zoning district that allows this use by right.

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

The building on the subject property was constructed in 2014 and has been occupied since that time, as an expansion of the Olathe KIA dealership.

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

The proposed special use will not have a significant impact on noise, aesthetics, traffic, lighting, or other characteristics of the surrounding area. The property is located adjacent to other commercial properties and along I-35 and Santa Fe.

The existing business is unlikely to detrimentally affect any nearby properties, as it has been at this location for the past 5 years.

G. The economic impact of the proposed use on the community.

The existing business will continue to generate sales tax revenue and provide economic development opportunities for the City, and should have no negative impacts on surrounding property values.

H. 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.

Staff does not believe that there is any threat to the public health, safety and welfare with the Special Use. The proposed use has existed at the site for 5 years.

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. The proposed development shall be 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 stability goals of the *Comprehensive Plan*.

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.

The plan does not pose a threat to the public health, safety and welfare.

7. Staff Recommendation:

a. Staff recommends approval of SU19-0005 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 3 of this report.
- b. Staff recommends approval of SU19-0005 subject to the following stipulations:
 - (1) The Special Use Permit to allow motor vehicle sales is valid for a period of ten (10) years following Governing Body approval, with an expiration date of May 5, 2030.
 - (2) An exception to the light standards in the UDOWill be continued for the existing light poles which are twenty-five feet (25') in height and put out an average maintained foot-candle of 11 foot-candles.
 - (3) Vehicles will be stored or displayed on approved paved parking surfaces only.
 - (4) No vehicle maintenance or repair shall be done at the subject property.