

9. REZONING NO. 2010-3 - 7615 Shawnee Mission Parkway

1. APPLICANT: Polsinelli Shughart PC is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting a rezoning from C-2, General Business District, to CP-3, Planned Commercial District, to allow a used car dealership and detailing business.
3. LOCATION: The .33-acre tract is located at 7615 Shawnee Mission Parkway.
4. CHARACTER OF THE NEIGHBORHOOD: The property is located along Shawnee Mission Parkway, which is developed with commercial uses.
5. LAND USE AND ZONING PATTERNS: The property to the south of the application area is zoned R-1, Single-Family Residential District, and developed with single-family homes. The property to the east is zoned C-3, Commercial District, and developed with a commercial use. Across Shawnee Mission Parkway to the north are commercial uses, zoned C-3 and C-2. West of the application area are commercial uses, zoned C-2.
6. ANALYSIS OF APPLICATION: A rezoning application in 2001 to rezone the same property to CP-3 was ultimately withdrawn by this same applicant. The applicant was allowed to open a new car dealership on this property, which involved the selling of kit cars. The applicant has stated over the last nine years the sales of new cars have declined and it was determined that he no longer met the requirements as a new car dealership. Therefore, he is required to apply for CP-3 zoning to allow a used car dealership and detailing business.
 - a. DEVELOPMENT PLAN: The applicant is requesting rezoning from C-2 to CP-3. The development plan identifies an existing 1,738 square-foot building will remain. A total of 12 parking spaces are provided on the site plan. Three of these spaces will be utilized for customers, therefore, there will be nine vehicles for sale stored outside. The applicant has stated that two of the employees park on an adjacent lot, and the rest of the employees drive vehicles which are for sale on the lot.

The landscape plan submitted by the applicant shows two street trees planted; one of these will replace a dead tree. Additional bushes will be planted to screen the parking area but will be a maximum of three feet in height. Finally, trees will be planted in an existing parking island on the east and west sides of the site.

No changes are proposed for the exterior of the building. The staff has worked with the applicant to improve the site. These improvements include adding a crosswalk from the ADA parking to the entrance, as well as, from the public sidewalk to the main entrance. The curb at the main entrance to the building will have to be reconstructed to accommodate ADA accessibility, as well as, the sidewalk from the public sidewalk into the parking drive. Another alteration will be to reconstruct the concrete entry drive off of Shawnee Mission Parkway. This will require a right-of-way work permit.

- b. TRAFFIC IMPACTS: The proposed parking lot arrangement provides for adequate traffic circulation on the site and maintains the existing connection to the property to the west. Consequently, the transportation staff supports this application.
- c. ENVIRONMENTAL IMPACTS: Existing drainage on the site includes an inlet on the northwest corner of the parking lot and a concrete flume located on the west side of the commercial entrance. No additional modifications to the storm sewer system are planned at this time.

The concrete on the commercial entrance is in poor condition. The staff recommends the property owner construct a new commercial entrance based on city standards.

7. CONFORMANCE TO THE COMPREHENSIVE PLAN:

- a. FUTURE DEVELOPMENT PLAN MAP: The Future Development Plan identifies this property for commercial uses. The plan does not delineate between the commercial zoning districts found in the Unified Development Ordinance. Therefore, the request does conform to the adopted Comprehensive Plan.
- b. GOALS AND POLICIES: There are few commercial goals and policies in the Comprehensive Plan, which relate to this type of request. Buffering and landscaping adjacent to less intensive uses is the primary goal discussed by the Comprehensive Plan. This is an existing building with limited ability to provide additional buffer to the residential homes to the south. The fence and landscaping do provide some buffering of the residential properties to the south. In staff's opinion, the reinvestment in the property will help with the

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lot's appearance. Staff is aware of a concern about additional CP-3 rezoning requests for the properties to the west and its impact on the properties to the south. If there are additional requests, each of those requests will be looked at on a case by case basis with a goal of minimizing the adjacent residential uses and the appearance along Shawnee Mission Parkway.

8. STAFF RECOMMENDATION: Staff understands that the car lot might not be the most compatible use with the residential properties; however, staff feels the proposed improvements will help offset the negative impacts on the adjacent properties and improve the appearance along Shawnee Mission Parkway. In addition, the proposed use is similar to the existing use of the property for the past nine years. The staff recommended approval of Rezoning No. 2010-3, subject to the stipulations approved by the Planning Commission.

9. PLANNING COMMISSION RECOMMENDATION: The Planning Commission considered this item at a public hearing on March 22, 2010. No one spoke in opposition to the request and the Planning Commission voted 11 to 0 to recommend approval of Rezoning No. 2010-3, subject to the following stipulations:
 - a. The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Building Elevations), which are filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Overland Park, unless specifically exempted by the Governing Body.

 - b. Development of the tract shall be limited to 1,738 square feet.

 - c. Prior to the issuance of a Building Permit for any parking areas on the site, the Planning Commission shall review and approve final development plans.

 - d. Prior to the issuance of a Building Permit, a Maintenance Agreement for landscaping in the public right-of-way along the north property line shall be submitted, reviewed and approved by city staff with the associated recording fees paid by the owner.

 - e. The location and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.

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- f. Prior to the issuance of a Building Permit, the applicant shall submit to the staff of the Planning and Development Services Department evidence of a recorded covenant running with the land establishing a common access easement for the benefit of the abutting property owner to the west. That easement shall extend from the Shawnee Mission Parkway driveway to the adjoining property to the west. The exact location and extent of the easement and the content of the easement document shall be subject to review and approval by the Planning and Development Services Department.
- g. Prior to the issuance of a Certificate of Occupancy, any existing public sidewalk adjacent to this property that does not substantially meet current city standards (sidewalk is damaged, broken, or is a tripping hazard) shall be reconstructed to current city standards. The limits of the repair shall be approved by Engineering Services staff prior to the issuance of a Building or Site Development Permit.
- h. All private sidewalks shall comply with the city's standard details for public sidewalks and sidewalk ramps, unless waived by the Director of Planning and Development Services. Accessible routes leading to accessible structures and amenities within the public way shall be clearly identified on the plans and comply with the building code.
- i. The drive approach from Shawnee Mission Parkway shall be reconstructed and meet city standards.