



STAFF REPORT

March 26, 2008

To: Aubry Township Zoning Board
Fr: Karen Miller, Planner
Re: Application No. AU-CU-2847

APPLICATION INFORMATION

Applicant: Kosta Poulidikis

Owner: Stilwell Properties, Inc., LLC

Requested Action/Purpose: Conditional Use Permit to allow Vehicle Storage

Legal Description: Part of Lot 1, Block 1 and Lot 2, Block 1 Coventry Estates in Section 8, Township 15, Range 25

Location: 20219 Metcalf Avenue

Existing Land Use and Zoning: Former site of lawn and farm implement store; PRB-2, Planned Residential Retail Business District

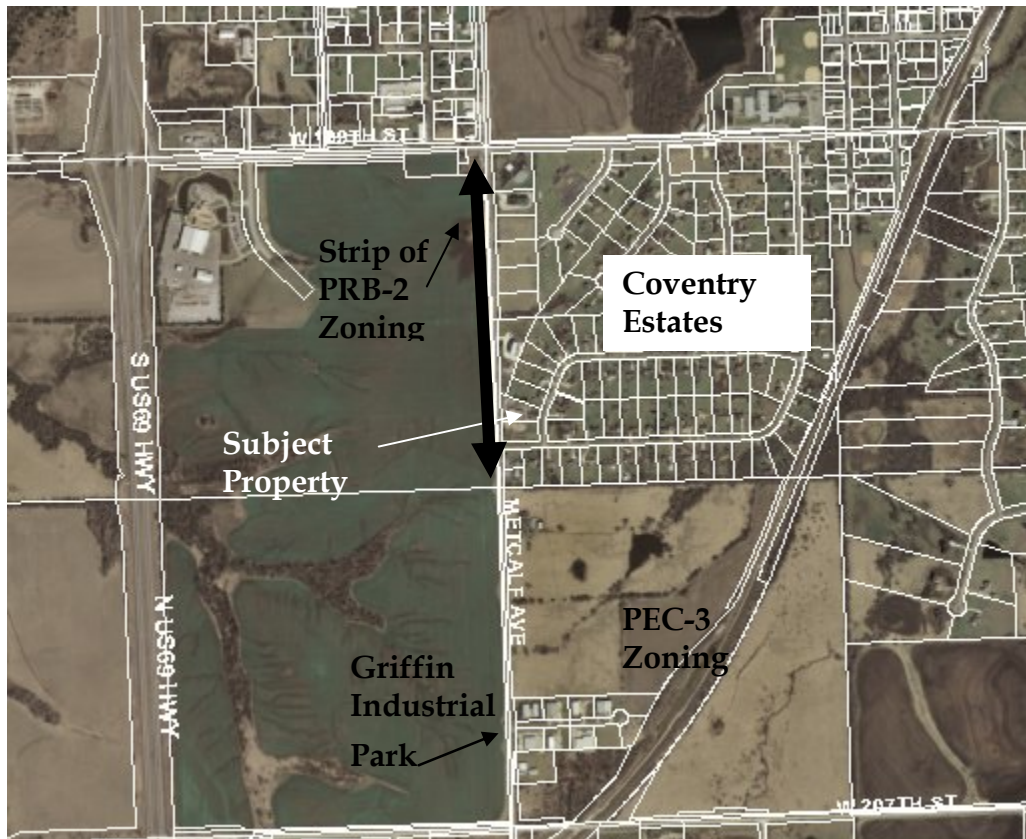
Existing Improvements: Vacant retail building with attached garage/warehouse

Site Size: 2.13 acres

Proposal: The applicant has indicated that he desires to purchase automobiles that are operable and in good condition at wholesale auctions. The applicant would then bring the automobiles to the site for detailing (i.e., vacuuming and cleaning) and accessorizing (i.e., tinting windows and upgrading speakers). When completed, the automobiles would be shipped to New York to be exported to other countries. "Detailing" and "accessorizing" are activities allowed in PRB-2 District zoning. However, "vehicle storage" requires a CUP in this district. The applicant has indicated the following regarding his proposed activities:

- **Sales:** The cars will not be sold at the site. ("Automobile sales" requires PRB-3 District zoning and a CUP.)
- **Repair:** All cars will arrive at the site in working order. There will be no automotive painting or repair at the site. ("Automotive repair" would require a CUP in the PRB-2 District.)

- **Storage:** The cars will be stored entirely within the existing building.
- **Intensity:**
 - The applicant estimates that after the building is remodeled, it will hold approximately 20 cars.
 - The typical number of cars processed each month will be approximately five (5).
 - The maximum number of cars processed each month will be approximately fifteen (15).
 - The typical amount of time on-site will be approximately four (4) to five (5) business days per car.
 - Approximately one-half of the cars received will be driven to the site and one-half of the cars will be delivered on a trailer (generally sized to hold three cars).



Aerial View of Surrounding Area



Aerial View of Subject Property



Surrounding Residential Properties, Dwelling Orientation

BACKGROUND INFORMATION

Zoning History: This property was zoned from CP-3 to PRB-2 District zoning upon adoption of the 1994 Zoning and Subdivision Regulations. The lawn and farm implement store known as “Blue Valley Tractor” was formerly located at this site for over 30 years.

Infrastructure:

Water: Water and fireflow is available in sufficient quantities to meet the requirements of the County’s fire code. A hydrant is located on the west side of Metcalf Avenue just north of 202nd Terrace. The hydrant is approximately 200 feet from the building and is capable of 1,500 gpm or greater.

Sewers: The property is served by a holding tank.

Public Safety: Police protection is provided by the Johnson County Sheriff’s Department. Fire protection is provided by Johnson Fire District No. 2. The nearest fire station is located approximately one road-mile to the north.

Transportation: The property has two driveways onto Metcalf Avenue approximately 200 feet north of 202nd Terrace. Metcalf Avenue is currently a paved, two lane street and is designated as a Type II CARNP Major Arterial and planned for four lanes in the future.

STAFF ANALYSIS

In evaluating this application, Planning staff has considered the regulations, the *Rural Comprehensive Plan* and the applicable laws in Kansas as to whether the proposed use is in the interest of the public health, safety, morals, and the general welfare of the community. Staff has also considered the application with regard to the following criteria:

1. Whether the use would be consistent with the zoning and uses of nearby properties.

The subject property is located 300 feet from the south end of a shallow strip (one-lot deep and one-half mile long) of PRB-2 District zoning located along the east side of Metcalf Avenue. Various commercial uses are located within this strip of PRB-2 District zoning including RV and boat sales and repair, a convenience store, a veterinary clinic, and a small office building. Abutting the PRB-2 District zoning to the east is an established residential subdivision (Coventry Estates) with over 100 acres of RN-1 District zoning and one-acre lots. South of the PRB-2 and RN-1 District zoning is approximately 160 acres of PEC-3 District zoning which includes Griffin Industrial Park. To the west of the subject parcel is over 300 acres of vacant land with RUR District zoning.

The proposed vehicle storage located entirely within the existing building is consistent with the adjacent PRB-2 District zoning and commercial uses and the nearby PEC-3 District zoning and industrial uses.

2. Whether the use is compatible with the character of the neighborhood.
The character of the neighborhood has been established by the strip of PRB-2 District zoning along Metcalf Avenue and its accompanying commercial uses and the large residential subdivision to the east. Inherent within this established development pattern is the conflict between commercial and residential uses. (The development pattern was established prior to the adoption of the 1994 Zoning Regulations.) Dwellings abutting the commercial uses might possibly be impacted by noise, odors, and negative views generated by the activities of commercial uses. The main concern is whether the proposed use will increase the conflicts between already established residential and commercial uses.

Given that the vehicles will be stored within the existing building, the use will not increase conflicts between residential and commercial uses and is compatible with the character of the area.

3. Suitability of the property for uses to which it has been restricted. The property is zoned PRB-2, Planned Residential Retail Business District and is suitable for the uses allowed.
4. Extent of detrimental effects to nearby parcels should the use be approved. Since the vehicles will be stored within the existing building, the main detrimental effects to nearby residential properties will occur when the vehicles are delivered to the site. Such detrimental effects could occur in the form of noise and negative views of delivery trucks. Staff does not anticipate that such impacts will be significant since the applicant has indicated that a maximum of 15 cars a month will be processed at the site. These activities can be screened with the addition of landscaping along the perimeter of the parking lot.

Note: Views of the back of the existing commercial building from nearby residential uses is an existing detrimental effect created by the existing zoning and commercial building. In fact, the proposed use will generate fewer vehicular trips than some uses allowed within the PRB-2 District (i.e., supermarket, hardware store, bank, or drug store).

5. Length of time the property has remained vacant as zoned. The property has been vacant approximately two years. Prior to that the property was the site of “Blue Valley Tractor” for over 30 years.
6. Relative gain to the public health, safety and welfare as opposed to the hardship imposed upon the landowner by denying the request. Due to the low intensity of the proposed use there would be little gain to the public health, safety and welfare upon denial of the request.
7. Whether the use is in keeping with the Comprehensive Plan.
The *Rural Comprehensive Plan: A Plan for the Unincorporated Area of Johnson County* (Plan) indicates that this site is in the Blue Valley Area Plan, which anticipates Commercial/Neighborhood Business as the future uses. The proposed use is in keeping with the Plan.

8. Other Considerations [Article 23 Sec. 6 (C) Standards for Issuance of CUP]. Article 23 Sec. 6 (C) establishes that the granting of the requested CUP shall not be recommended unless the Zoning Board first makes a finding that the conditions have been met. Staff has reviewed the conditions and concludes that they have all been met.

RECOMMENDATION

Staff recommends **approval** of a CUP to allow vehicle storage subject to the following stipulations:

1. Term: The term of this CUP shall be for a period not to exceed ten (10) years, commencing with approval of this resolution by the Board of County Commissioners.
2. Permitted Use: This CUP allows for the storage of operable vehicles provided that such storage shall be entirely within the existing building as shown on the Development Plan, attached hereto as Exhibit A.
3. Retail sales: No new or used car or truck sales shall be allowed on the site.
4. Window Screening: Windows within the existing building shall be sufficiently screened so that vehicles stored within the building are not visible from the exterior of the building.
5. Outside Storage: No car haulers, trailers, equipment, materials, or vehicles shall be stored outside on the site.
6. Parking: Parking shall occur only in areas of asphalt as shown on the Development Plan. No vehicles shall be parked outside and overnight on the property.
7. Building Codes: Within sixty (60) days of approval of this CUP by the BOCC, an *analysis of the change of occupancy and a determination of whether the new use is compliant with adopted codes and regulations* (analysis) shall be submitted to and approved by Johnson County Planning and Codes. Such analysis shall be prepared and stamped by an architect.

All modifications to the existing building shall be constructed in accordance with the County environmental, building, and fire codes.

8. Other Agencies: The approved use shall be continuously conducted in compliance with any and all applicable governmental codes and regulations.
9. Signs: The applicant has not proposed signage. Any new signs (wall mounted or otherwise) shall comply with Article 20 of the County Zoning and Subdivision Regulations and, if required by the regulations, sign permits shall be obtained.
10. Lighting:
 - a. The applicant has not proposed additional lighting. All future exterior lights shall be of a shoebox or similar design. All light fixtures shall utilize a cut-off design to prevent light spillage off site and glare.
 - b. A note shall be added to the Development Plan stating that, "All lights shall be directed down onto the property, shall be shielded and aimed such that no glare or bare bulbs shall

be seen off the property. No light spillage shall occur onto adjacent properties. Lights shall be for security purposes only.”

- c. A lighting plan shall be submitted to and approved by Planning staff prior to installing lights.

11. Landscaping:

- a. The applicant shall revise the Development Plan to show two 5-foot wide strips of landscaping, as follows: i) starting at the southeast edge of the asphalt and running 90 feet to the west along the south edge of the asphalt (to exclude the area located west of the garage doors), and ii) starting at the southeast edge of the asphalt and running 30 feet to the north along the east edge of the asphalt.
- b. The landscaped strips shall include landscape plantings on no greater than 15-foot centers, consisting of, at a minimum, a mixture of evergreen trees at least 5-6 ft. tall at time of planting, and deciduous trees, no less than 1½ inch caliper at time of planting,
- c. All landscaping materials shall be adequately maintained and replaced when dead.
- d. The landscaping materials shall be planted within six (6) months of approval of this CUP by the BOCC.

12. Revised Development Plan: The applicant shall submit a revised Development Plan prior to the issuance of a zoning permit for any portion of the development, in accordance with the aforementioned stipulations.

REASONS FOR RECOMMENDATIONS:

1. The proposed vehicle storage located entirely within the existing building is consistent with the adjacent PRB-2 District zoning and commercial uses and the nearby PEC-3 District zoning and industrial uses.
2. Given that the vehicles will be stored within the existing building, the use will not increase conflicts between residential and commercial uses and is compatible with the character of the area.
3. There will be no significant detrimental effects to residential nearby property.
4. Due to the low intensity of the proposed use there would be little gain to the public health, safety and welfare by denying the request.
5. The proposed use is in keeping with the Comprehensive Plan.
6. The standards for issuance of CUPs have been met (Article 23 Sec. 6 (C) of the *Zoning Regulations*).

Enclosures: Vicinity Map
Written Narrative
Development Plan
Comments from Public Works, Codes, and Environmental Departments and WaterOne