

Memorandum

To: Planning Commission Members
From: Development Department
CC: Honorable Members of City Council, Clerk of Council, City Departments
Date: October 23, 2009
Re: Staff Report for GC Automart - Special Use Permit

Item #4 – GC Automart – Special Use Permit

(PID#200909210044)

Application: Special Use Permit
Location: 3190 Southwest Blvd
Applicant: **Rodney Gibson, Jr.**
Zoning: C-2 (Retail Commercial)
Use: Automotive Dealers

Relevant Code Section(s):

- 1135.09(b)(12) Special Use Permits

Project Summary:

The applicant is requesting approval of a Special Use Permit to open a used car dealership at 3190 Southwest Boulevard, west of Farm Bank Way. The applicant is proposing a lot capable of displaying up to twelve (12) cars, with two (2) parking spaces reserved for employees and customers. No “junk” or wrecked cars will be sold at the locations, or any vehicles needing repair. Proposed hours of operations are 10am to 6pm Mondays, Thursdays and Fridays, and 3pm to 6pm Tuesdays and Wednesdays. No hours of operation are proposed for Saturday or Sunday.

Review of Standards and Requirements:

The Planning Commission is responsible for reviewing Special Use Permit requests and recommending approval, approval with modifications or denial to City Council based on findings of compliance with the standards and requirements of this Code (*see relevant code sections*) and subject to the conditions established by the Planning Commission to ensure compliance with the letter and intent of this Code. The following is the Development Department’s evaluation based on code standards and requirements.

1. *The proposed use shall be in harmony with the existing or intended character of the district and nearby affected districts and shall not change the essential character of the districts;*

Standard Met: The proposed use of the area does not change the existing or intended character of the district. The proposed drive thru is consistent with other vehicle-oriented businesses in the immediate area including a car wash to the west and a drive-thru convenience store to the east (on the same lot as the applicant).

2. *The proposed use shall not adversely affect the use of adjacent property;*

Standard Not Met: As proposed, the use will adversely affect the property to the west due to the fact that there is no separation between the proposed car lot and the pavement of the west property. It is very likely that customers will be traveling over the neighboring lot in order to enter the applicant's property. In order to eliminate conflict with the neighboring property owner, staff would recommend that the applicant obtain an agreement with the property owner to the west, allowing customers to travel over the neighboring property in order to reach the applicant's property.

3. *The proposed use shall not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood;*

Standard Met: The proposed plan will not affect the health, safety, morals, or welfare of persons working in the neighborhood.

4. *The proposed use shall be served adequately by public facilities and services such as, but not limited to, roads, police and fire protection, storm water facilities, water, sanitary sewer, and school;*

Standard Met: The proposed facility is adequately served by police, fire, stormwater, water, sanitary sewer and other services.

5. *The proposed use shall not impose a traffic impact upon the public right-of-way significantly different from that anticipated from permitted uses of the district;*

Standard Met: The redevelopment of the site will not significantly impact traffic in the public right-of-way.

6. *The proposed use shall be in accord with the general and specific objectives, and the purpose and intent of this Zoning Code and the Land Use Plan and any other plans and ordinances of the City;*

Standard Met: The use is in accordance with the intent of all applicable code requirements and ordinances of the City.

7. *The proposed use complies with the applicable specific provisions and standards of this Code;*

Standard Not Met: Section 1136.05(c) states that landscape materials per Code shall be installed at a site at the time of any change of use on a property and that all non-complying parking areas and/or drive aisles will be required to comply with provisions of Chapter 1136 with the change of use for single-use structures. The site is currently vacant, and the proposed use would create a change of use. Because of this, all landscaping requirements must be met, including the installation of a ten (10) foot landscape buffer around the parking lot. In order to comply with Code, a ten (10) foot landscape buffer should be installed along the west edge of the property.

8. *The proposed use shall be found to meet the definition and intent of a use specifically listed as a special use in the district in which it is proposed to be located.*

Standard Met. The use is classified as an automotive dealer within Section 1135.09(b)(12)(A) which requires Special Use Permit approval within the C-2 zoning.

9. *A completed application indicating the Specific Special Use permit activity intended by the applicant shall be submitted to the Department of Development by the Council approved submittal dates.*

Standard Not Met: The applicant failed to submit many of the requirements for a complete application for a Special Use Permit, including a legal description of the property, a detailed narrative of the proposed use and other relevant details about the use, or a site plan with all of the necessary details, specified by Code. In addition, select details included in the submitted site plan are inaccurate, including the property boundaries.

Recommendation(s):

After review and consideration, the Development Department recommends that Planning Commission make a recommendation of disapproval to City Council for this Special Use Permit due to potential negative affects on neighboring properties, the failure of the applicant to propose needed improvements to bring the site into conformance with Code, and the failure of the applicant to submit a complete application with all specified documents.