

Memorandum

To: Planning Commission Members
From: The Development Department
CC: Honorable Members of City Council, Clerk of Council, City Departments
Date: August 1, 2013
Re: Staff Report for Byers Auto – Special Use Permit (Automotive Dealers, Automotive Service/Repair)

**Item #5 – Byers Auto – Special Use Permit (Automotive Dealer, Service/Repair)
(PID# 201307170029)**

Application: Special Use Permit
Location: North Meadows Drive
Applicant: Jay DuRivage, GCD Development, LLC
Zoning: PUD-I (Planned Unit Development – Industrial)
Use: Automotive Dealer, Service/Repair

Relevant Code Section(s):

- 1135.09 (b) (12) Special Use Permits

Project Summary:

The applicant is requesting a special use permit to operate a Byers Auto GM dealership on the west side of North Meadows Drive, on lot five of the Gateway Business Park, parcel 040-009552. The proposed dealership will conduct new and used car sales and related activities, including service and mechanical and body service and repair.

Submitted plans show the proposed GM dealership located on the southern portion of the lot with two additional future automobile dealerships and two office buildings to the north. Materials indicate that 387 parking stalls are proposed for the GM dealership and 18 display stalls; however these details and other items related to site layout and configuration will be examined with the submittal of a development plan for the site.

The proposed dealership would operate from 7am to 9pm Monday through Friday and 9am to 6pm Saturday and Sunday.

Code Analysis:

Per Section 1135.09, 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 is Met: The proposed automotive dealership and service center will not change the intended character of the district. According to the zoning text for the area, the development should contain uses that require highly visible orientation and immediate access. The site is bordered by industrial buildings to the north and east across North Meadows Drive, a retention pond to the south, and Interstate 71 to the west.

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

Standard is Met: The proposed automotive dealer and service/repair will not adversely affect the use of adjacent property. The parking of all cars will be contained on the site and repairs will be done entirely within the proposed structure.

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

Standard is Met: The proposed automotive sales and service will not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood. All work will be conducted within the structure.

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 is Met: The proposed use will be adequately served by public facilities.

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 is Met: The proposed use will not impose a traffic impact significantly different from other uses in the district. Furthermore, the recent improvements to North Meadows Drive will have the capacity to handle more traffic generated by uses in the area.

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

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 is Met: The site of the proposed use is zoned PUD-I, in which automotive dealers and automotive service and repair is permitted with a special use permit.

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 is Met: The applicant properly submitted a completed application.

10. *Parking of employee vehicles, vehicles used in the operation of the business, vehicles awaiting service or return to customers after services, and vehicles held for disposal shall only be permitted in the locations approved on the site plan.*

Standard is Met: Submitted materials indicate that 387 parking stalls will be installed for the proposed GM dealership. The specific configuration of the site and parking lot configuration will be examined with the final development plan.

11. *Outdoor repair, preparation, cleaning, assembly, disassembly, of vehicles shall not be permitted unless the nature and location of such activity is specifically identified in the application and approved by the Board. Outdoor display, storage, or sale of goods shall not be permitted on the site unless specifically approved as a condition of the Special Use Permit and in conformance with the supplementary standards for outdoor display, storage, and sale. The storage area shall be completely surrounded by a gated masonry wall six (6) feet in height or other screening approved by the Planning Commission. Such screening shall be set back from residential districts at least six (6) feet and landscaped according to the approved site plan.*

Standard is Met: No work will be conducted and no equipment or materials related to the servicing of vehicles will be stored outside of the structure.

Recommendation(s):

After review and consideration, the Development Department recommends Planning Commission make a recommendation of approval to City Council for the Special Use Permit with the following stipulation:

1. No more than 25% of vehicles offered for sale shall be pre-owned vehicles.