

MEETING DATE: September 28, 2021

STAFF: Stuart Borders, Senior Planner

PROJECT NAME: Palomino vehicle sales lot

CASE NUMBER / REQUEST: Case 21-200-06 – Special Use Permit – Julio Palomino requests approval for a vehicle dealership at 908 N. Atherton

APPLICANT: Julio Palomino

OWNER: Russell Hilton

PROPERTY ADDRESS: 908 N. Atherton Road

SURROUNDING ZONING / LAND USE:

- North:** R-6 (Single Family Residential), C-2 (General Commercial); Daycare, golf course property
- South:** C-2; Restaurants
- East:** C-3 (Service Commercial); Offices
- West:** R-6, C-1 (Neighborhood Commercial); Vacant, golf course property

PUBLIC NOTICE:

- Letters to adjoining property owners – September 9, 2021
- Public notice published in the Independence Examiner – September 11, 2021
- Sign posted on property – September 10, 2021

FURTHER ACTION:

This special use permit request is scheduled for first reading by the City Council on October 18th and the public hearing/second reading at its November 1st meeting.

RECOMMENDATION

Staff recommends **APPROVAL** of this application with the following conditions:

1. Due to the limited size of the business area, the number vehicles for sale on-site is limited to seven.
2. The parking and vehicle storage area surrounding the building must be resealed (and restriped) to prevent groundwater contamination from parked vehicles. One of the spaces must be designated an ADA space with proper marking and signage.
3. All site improvements shall be completed prior to a City license being approved for the vehicles sales business.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

A request by Julio Palomino for a special use permit to operate a used vehicle sales lot at 908 N. Atherton Road.

Current Zoning:	C-2 (General Commercial)	Proposed Use:	Used car sales lot
Current Use:	Car detailing business	Building Square Foot:	2,950 SF +/-
Acreage:	1.40 acres+/- (total lot)		

BACKGROUND & HISTORY:

Mr. Palomino has operated an auto detailing business in this building on Atherton Road just north of US 24 Highway since December 2018. He now seeks to expand his business to include used car sales. This 1.40-acre site contains three buildings: the applicant’s detailing shop (908); a small restaurant just north of his shop (910); and a larger vacant building in the rear of the site (908½) which has been used for auto-related businesses. The applicants building, a red brick structure which contains several garage doors on its north/south elevations, has previously been used for automotive related business in the past. Parking spaces adjoin each of the three buildings; the spaces are not designated for a particular business or building.

Vehicles for sale will be displayed adjacent to the south side of the detail shop; employee and customer parking will be provided on the west side of the building; with detailed cars parked on the north side of the building.

Other sales lots – According to Business Licensing, there are 18 licenses sites along US 24 Highway for used auto/light truck sales, three of those businesses also provide auto repair services. The list of Vehicle Sales Lots on 24 Hwy is included as an attachment to the case.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

This proposed use could help support the economic prosperity of this segment of E. US 24 Highway corridor property.

Comprehensive Plan Guiding Land Use Principles:

This special use permit is in keeping with several elements of the Comprehensive Plan as it makes adaptive reuse of this underutilized property while using city existing facilities and infrastructure.

Historic and Archeological Sites: There are no apparent historic/archeological issues with this property.

Public Utilities: All utilities are present on the site and operational.

REVIEW CRITERIA

Recommendations and decisions on special use permit applications must be based on consideration of all the following criteria:

- 1. Compatibility of the proposed use with the character of the neighborhood.**
This segment of the E. US 24 Highway corridor, such as this site, includes many automotive related uses including auto repair shops, other vehicle dealerships, auto parts stores, and drive-through restaurants.
- 2. The extent to which the proposed use is compatible with the adjacent zoning and uses.**
As mentioned previously, there are numerous auto-related businesses in the area, so if conducted properly, this proposed use should have minimal impact on the area.
- 3. The Impact of the proposed use on public facilities.**
All public facilities are in place here and used vehicle dealerships are generally not significant consumers of water, sanitary sewer, and electricity services.
- 4. The suitability of the property for the permitted uses to which it has been restricted under the applicable zoning district regulations.**
This special use permit would allow an additional land use not already permitted by right in this C-2 district.
- 5. The extent to which the proposed use may injure or detrimentally affect the use of enjoyment of property in the area.**
Based upon the site's zoning and long use as a commercial property, it is not expected to affect any of these issues.
- 6. The extent to which the proposed use will create excessive stormwater runoff, air pollution, noise pollution or other environmental harm.**
This small dealership will not create any more extensive noise, air, or environmental pollution than other automotive uses that don't require a special use permit. Staff recommends that the area around the building used in the business be resealed to prevent any groundwater contamination.
- 7. The extent to which there is a need for the use in the community.**
Given there have been over 11 special use permit applications approved (and several applications denied) for used car dealerships over the past few years, there seems to be a demand for this type of business in the city.
- 8. The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to this article.**
If approved with a special use permit, the application appears to satisfy the requirements Section 14-416 of the Unified Development Ordinance.
- 9. The extent to which public facilities and services are available and adequate to meet the demand for facilities and services generated by the proposed use.**
This is an commercial property with three existing buildings with all public facilities in place.

10. Conformance of the proposed use to the comprehensive plan and other adopted plans and polices.

The City's updated Comprehensive Plan envisions Community Commercial uses for this site.

11. The extent to which the use will impact sustainability or revitalization of a given area.

This special use permit would allow this business to utilize a vacant commercial property helping to sustain the commercial base of the area.

EXHIBITS

1. Applicant's letter
2. Mailing affidavit
3. Notification Letter
4. Mailing List
5. Aerial site plan
6. Comp Plan Map
7. Zoning map
8. List of Vehicle Sales Lots on 24Hwy