

MEETING DATE: December 14, 2021

STAFF: Brian Harker, Planner

PROJECT NAME: Joe Saitta vehicle sales lot

CASE NUMBER/REQUEST: Case 21-200-08 – Special Use Permit – Joe Saitta requests approval for a vehicle dealership at 9300 E. US 40 Highway

APPLICANT: JMS Enterprises, LLC

OWNER: Joe Saitta

PROPERTY ADDRESS: 9300 E. 40 Highway

PROPERTY ZONING: C-2 (General Commercial)

COMPREHENSIVE PLAN: Community Commercial and Residential Established Neighborhoods

SURROUNDING ZONING/LAND USE:

- North:** C-2 (General Commercial)...retail store
- South:** C-2 (General Commercial)...tire service shop
- East:** C-2 (General Commercial)...medical device store and house
- West:** C-2 (General Commercial)...restaurant

PUBLIC NOTICE:

- Letters to adjoining property owners – November 3, 2021
- Public notice published in the Independence Examiner – October 27, 2021
- Sign posted on property – October 27, 2021

FURTHER ACTION:

This special use permit request is scheduled for first reading by the City Council on January 3, 2022 and the public hearing/second reading at its January 18, 2022 meeting.

RECOMMENDATION

Staff **does not** recommend approval of this application.

If the Planning Commission decides to approve this application, it should be with the following conditions:

1. In the parking and vehicle storage area, one of the spaces must be designated a Van-accessible ADA space with proper markings and signage.
2. No vehicles shall be displayed, stored or parked in the right-of-way.
3. The parking lot shall be striped in accordance with the UDO.

4. At least 2 customer parking spaces shall be provided; one of which shall be a van accessible space with markings and applicable signage.
5. Parking lot and building landscaping must be provided in accordance with the UDO.
6. Upgrade the exterior and paint.
7. For any trash removal service, a masonry trash enclosure must be constructed.
8. All site improvements shall be completed prior to a City business license being approved for the vehicles sales business.

PROJECT DESCRIPTION

A request by Joe Saitta for a special use permit to operate a used vehicle sales lot at 9300 E. US 40 Highway.

Current Zoning: C-2 (General Commercial)

Current Use: Vacant

Acreeage: 25,293-square feet+/-

Proposed Use: Used car sales lot

Building Square Foot: 432-square feet +/-

BACKGROUND INFORMATION

The applicant, Joe Saitta, recently purchased the property at 9300 E. US 40 Highway for a used car sales lot. Although it had previously been (but not recently) a car lot, it had lost its legal nonconformity due to non-renewal of the previous business license within six months prior to Special Use Permit application.

The property includes a 432-square foot building, limited green space and existing paved surface with three driveways onto US 40 Highway and on onto 35th Street. The applicant has already repaved the asphalt surface and fixed the fences. The applicant also intends to upgrade the exterior with stucco and paint and redo the landscaping with small trees and bushes to enhance the look from the street but the property would still need a landscaping administrative adjustment since the existing configuration cannot meet the landscape Code. Given there is no new construction, no public improvements will be required.

As the US 40 Highway corridor has an abundance of used car lots already in operation, staff does not recommend the approval of an additional used car lot/dealership in this area.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan: The proposal may “Increase economic prosperity of community” and it does meet the strategy to, “recruit business.” However, this would be the seventh used car lot along US 40 Hwy from the City Limits to 35th Terrace. Given the number of used car lots in the area, staff is not supportive of the request.

Comprehensive Plan Guiding Land Use Principles: The property has been used as some sort of auto related business in the recent past. The Comprehensive Plan envisions fostering redevelopment

opportunities within the City to revitalize unused or underused property. Staff does not believe adding a 7th used car lot along this stretch of US 40 meets that guiding principle.

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.

Access: Accesses to the rights-of-way are already in place.

Public Improvements: Given there will be no new construction, no public improvements will be necessary.

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 US 40 Highway corridor includes many automotive related uses, so the market may arguably be already saturated.

2. The extent to which the proposed use is compatible with the adjacent zoning and uses.

Again, there are already numerous auto-related businesses with used car sales in the area, so the market may arguably be already saturated.

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.

There are many additional commercial uses permitted, other than the use for a used car lot.

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 lot will not create any more extensive noise, air, or environmental pollution than other area automotive uses that don't require a Special Use Permit.

7. The extent to which there is a need for the use in the community.

Given there have been over 12 Special Use Permit applications approved (and several applications denied) for used car lots over the past few years and given the abundance of used car lots along the US 40 Highway corridor, there is little need for approval of an additional used car lot in this area.

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 a commercial property with an existing building with all public facilities in place.

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

The City's updated Comprehensive Plan envisions Community Commercial uses for this site. The Comprehensive Plan envisions fostering redevelopment opportunities within the City to revitalize unused or underused property. Staff does not believe adding a 7th used car lot along this stretch of US 40 meets that guiding principle.

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 impacting the sustainability of the facility.

EXHIBITS

1. Applicant's letter
2. Mailing affidavit
3. Notification Letter
4. Mailing List
5. Site Plan
6. Comp Plan Map
7. Zoning Map
8. Nearby Used Car Sales Map