
MEETING DATE: May 24, 2022

STAFF: Stuart Borders, Senior Planner

PROJECT NAME: Your Next Pre-Owned vehicle sales lot

CASE NUMBER/REQUEST: Case 22-200-06 – Special Use Permit – Gus Salman seeks approval for a vehicle sales lot at 203 N. M-291 Highway

APPLICANT: Gus Salman, Your Next Pre-Owned, LLC

OWNER: James White

PROPERTY ADDRESS: 203 N. M-291 Highway

PROPERTY ZONING: C-2 (General Commercial)

COMPREHENSIVE PLAN: Residential Established Neighborhoods

SURROUNDING ZONING/LAND USE:

North: C-2 (General Commercial); Vacant restaurant

South: C-2; Restaurant

East: R-12 (Two Family Dwelling); Vacant, single family homes

West: C-2; Undeveloped

PUBLIC NOTICE:

- Letters to adjoining property owners – May 4, 2022
- Public notice published in the Independence Examiner – May 7, 2022
- Sign posted on property – May 3, 2022

FURTHER ACTION:

This special use permit request is scheduled for first reading by the City Council on June 6th, 2022 and the public hearing/second reading at its June 21, 2022 meeting.

RECOMMENDATION

As the nearby US 24 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 for this site. However, if the Planning Commission did determine to recommend approve this application, it should be with the following conditions:

1. No vehicles shall be displayed, stored, or parked in the right-of-way or in the gravel/grass area on the sides and rear of the building.

2. The parking lot shall be resealed and re-stripped in accordance with City Code requirements with one of the spaces must be designated a van-accessible ADA space with proper markings and signage with at least three customer parking spaces shall be provided.
3. Landscaping must be provided in accordance with City Code standards.
4. If a trash dumpster is to be placed on the site, a masonry trash enclosure must be constructed.
5. All site improvements shall be completed prior to a City business license being approved for the vehicles sales business.
6. The trailer/shed currently along the highway used for signage must be removed and replaced with a sign in accordance with the UDO. The use of this trailer/shed for a sign is not permitted by the City Sign Code.
7. The drive entrance width from 3rd Street shall be reduced to provide better safety at this offset intersection.

PROJECT DESCRIPTION

A request by Gus Salman, Your Next Pre-Owned, LLC, for a special use permit to operate a used vehicle sales lot, in conjunction with a light auto repair business, at 203 N. M-291 Highway.

Current Zoning: C-2 (General Commercial)
Current Use: Vacant with small building
Acreage: 0.35 acres+/-

Proposed Use: Used car sales lot
Building Square Foot: 1,260 square feet +/-

BACKGROUND INFORMATION

Gus Salman recently leased the property at 203 N. M-291 Highway for a used car sales lot in conjunction with a light auto service repair business. The property has seen various businesses over years since its original construction as a gas station years ago, including a diner and a tobacco store. The property includes a roughly 1,260-square foot building facing the north-bound lanes of M-291 Highway. The parking lot that contains 17 spaces is in poor condition and is sited on the front and sides of the building. This site has direct access to both M-291 and 3rd Street on its north side.

Mr. Salman intends to paint at least part of the building and install a single garage door on the front elevation just south of the entry doors for the auto repair aspect of the business. He projects that 65% of the business revenues will be in vehicles sales with the remainder in repair. Generally, sale vehicles will be displayed in the front (west) parking row along M-291 Highway; customer parking will be adjacent to the building.

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, given the number of used car lots along nearby US 24 Highway, staff is not supportive of this request.

Comprehensive Plan Guiding Land Use Principles: The property has been used as retail business in the recent past. The Comprehensive Plan envisions fostering redevelopment opportunities within the City to revitalize unused or underused property.

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: Access drives to both M-291 Highway and 3rd Street are existing and will remain unchanged.

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.

With the exceptions of a small sales lot at 2840 S. M-291 and the CarMax dealership in Eastland Center, M-291 Highway is devoid of used cars lots as proposed here. However, the stretch of US 24 Hwy from M 291 to Dickenson has 6 used car lots.

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

There are already numerous used car sales along E. US 24 Highway to the north, 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 other commercial uses permitted here, other than 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 uses that do not require a Special Use Permit.

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

Excluding this application, there have been 17 applications for used vehicle sales lots since 2015. Of those, six were denied or withdrawn by the applicant. The preferred locations seem to be along US 24 Highway, Noland Road, and US 40 Highway. Given the abundance of existing used car lots along these corridors, there is little need for approval of an additional used car lot here.

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 Residential Established Neighborhood for this site. Staff does not believe adding a used car lot along this segment of M-291 Highway 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. Application
3. Notification Letter
4. Affidavit
5. Photo of Mailing List
6. Aerial Photo
7. Landscaping and Perimeter Images
8. Comp Plan Map
9. Zoning Map
10. Used Car Lot Location Map