

PLANNING COMMISSION MINUTES

August 25, 2016

6:30 p.m.

1. CALL TO ORDER & ROLL CALL

Members Present:

Fred Britain
Dan Bullock
Scott Leason
David Lewis
Brad Long
Kyle McLaren
David Stewart
Gerald Watson

Staff Present:

Jay Shivers
Scott Rickard

Others Present:

Robert Kaplan
Ashlyn Lindskog
Ross Stumpf
Richard Stumpf
Steve Hiser
Steven Anderson
Joshua Jones
Randy Melrose

2. APPROVAL OF MINUTES

Commissioner Leason moved to approve the minutes from the July 28th, 2016, Planning Commission meeting, seconded by Commissioner Long. The motion passed unanimously (8-0).

3. NEW BUSINESS

4. OLD BUSINESS

CONTINUE – CASE NO. 16-003-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW AUTO SALES AT 401 S. MAIN STREET.

A) PRESENTATION OF REQUEST

Jay Shivers provided an overview of the case. Mr. Shivers stated that the Comprehensive Plan Vision addresses the downtown area and gateways and has led to continued investment in the downtown area. He said that the Future Land Use Map recommends Downtown Mixed Use which directly aligns with the C-2 zoning district classification; C-2 does not allow vehicle sales. He explained that the Special Use Permit process allows land uses that may not be compatible with an area to become compatible with the addition of conditions. In this case, the applicant has agreed to install lamppost and hanging flower baskets to match those along Main Street in the downtown area.

Bob Kaplan, representing the applicant, said that he has worked with staff and agrees with the staff report and recommendation. Mr. Kaplan asked for the Commission's recommendation of approval and made himself available for questions.

A) PUBLIC HEARING

Chairman Britain opened the public hearing. Steve Hiser said that there are many vacancies downtown and there's no reason to drive one out. He said the business has been there for years and permitted to operate there. He said it serves a purpose in the community.

Joshua Jones stated that he works for the Chop Shop and the business supports his family. He said the business has many happy customers and they provide the same quality vehicles for a better price. He said the business is positive for the community. He said he's happy to be with the Chop Shop. There being no one else to speak, the public hearing was closed.

B) DISCUSSION BY PLANNING COMMISSIONERS

Commissioner Long asked if the dealer would be selling cars and trucks on the lot and if they are used or new. Mr. Kaplan responded that it would be pre-owned vehicles. Commissioner Long asked if there would be any tractors or trucks or vehicles of that nature. Mr. Kaplan replied that there would not. Commissioner Long acknowledged the offered conditions with the lampposts and flower pots and asked about the condition of the lot itself. He asked if the lot will be repaved. Mr. Kaplan said there would not be any other improvements. Mr. Kaplan said that the downtown area is beautiful and the lampposts will help blend in with the area.

Chairman Britain asked about a fence on the site plan. Mr. Kaplan said they are not proposing a fence but one might be added in the future for security. They have had a theft problem lately when someone stole a motorcycle. It would not be a beautification.

Commissioner Lewis asked if there is a time frame. Mr. Shivers said he would have to check the municipal code for timing, the zoning ordinance doesn't provide a timing for installation.

Commissioner Bullock said that the southern downtown area hasn't seem the beautification investment that the rest of downtown has. Mr. Shivers said the lamppost and flower baskets are installed as far south as Olive Street, which is next to 401 S. Main Street. Mr. Shivers stated that this all ties in to the Comprehensive Plan Vision that places and emphasis on improving the downtown area. Commissioner Bullock asked if future businesses would be asked to install lampposts and flower baskets. Mr. Shivers replied that since this is a Special Use Permit and the

land use is not allowed by right, conditions can be imposed to make it fit in with the surrounding area. Mr. Shivers stated that vehicle sales lots don't fit in with downtowns where you see high-density, pedestrian-oriented development rather than large open lots full of cars. Mr. Shivers reiterated that staff is recommending approval, but with the conditions to help blend the property with the area as the downtown area continues to improve and business owners rehabilitate aging historic buildings.

Commissioner McLaren asked if the time frame for lamppost installation can be a condition. Mr. Shivers replied that it can be a condition.

Commissioner Watson asked if the surrounding property owners were notified. Mr. Shivers replied that they were notified up to 200 feet from the property. Commissioner Watson asked when the applicant could use the lot for auto sales if the permit is approved. Mr. Shivers replied that it is a unique situation and that, if approved, the applicant could sell vehicles while ordering and installing the lampposts.

Commissioner Long asked if the remodeling of 411 S. Main Street is part of the application. Mr. Shivers replied that it is not a part of the application since it is a separate property. Mr. Shivers stated that conditions must be generally tied to the specific land use and impact created by the land use.

Commissioner Lewis asked if the applicant wanted a fence, would the Special Use Permit need to be changed. Mr. Shivers replied that it can be taken care of as a walk-in permit application if it is not a condition.

Commissioner Leason asked about vehicles sales in C-1 and C-2 zoning districts. Mr. Shivers explained that the City has two commercial zoning districts. C-1, which is primarily along W. Central Avenue, allows most commercial uses including vehicles sales. C-2, which is specifically for the downtown area, allows residential in addition to most commercial uses and prohibits vehicle sales.

Commissioner Stewart stated that the lot in question is zoned I-1.

Commissioner McLaren asked if auto sales were allowed in C-1 by right. Mr. Shivers replied that it is and that an example of that is the W. Central corridor. Commissioner McLaren stated that there is a C-1 lot to the east of 401 S. Main.

Commissioner Stewart commented that the proffered conditions and the staff memo make a connection to 411 S. Main Street. Commissioner Stewart said he didn't understand the difference between auto sales as an establishment on a lot that is reliant on a building where auto sales are not allowed. He stated he had no issue with auto sales and that there is a building across the street that conducts auto sales online. Mr. Shivers stated that there are two things that make this case unique: one, the applicant is operating on two separate lots and two, the two lots have different zoning classifications. Mr. Shivers stated if the corner lot was zoned C-2, they wouldn't be having this discussion because auto sales are prohibited. Commissioner Stewart added that the Special Use Permit for 411 S. Main is for auto repair, not for auto sales; he asked if the transactions take place in 411, how is that to be addressed.

Commissioner Bullock replied that they are getting into the semantics of where the sale takes place. The case could be made either way but that question may not be resolved. Mr. Shivers said that they are focusing on where all the sales cars will be parked, regardless of sale taking place by phone, internet, or in person.

Commissioner Leason asked about a minimum lot size for vehicle sales. Mr. Shivers said he wasn't aware of a minimum lot size specifically for vehicle sales.

Commissioner McLaren asked about El Dorado Main Street and the historic district. Mr. Shivers replied that the State Historic Preservation Office (SHPO) must be notified of any permit applications within the historic district by state statute. He said that he received a reply before the meeting that said the sales lot would not damage or destroy the historic district designation. Mr. Shivers said that they usually go into more detail when dealing with historic structures. Mr. Shivers also said that he has not been in contact with El Dorado Main Street on this particular matter.

Commissioner Long asked if Homestead Properties, the applicant, stores any equipment or parts on the west side of the alley. Mr. Kaplan replied that they do not and they only work in 411 S. Main Street.

Commissioner McLaren asked about the date for the Special Use Permit for 411 S. Main Street. Commissioner Bullock replied that it was November of 2009. Commissioner McLaren asked about the specific conditions on that permit. Mr. Shivers replied that he cannot speak on the matter.

Ashlyn Lindskog, attorney representing the City of El Dorado, stated that the original condition is that no vehicles waiting for services may be parked outside and that all repairs are done inside. Mrs. Lindskog stated that she advised Mr. Shivers not to go into detail on the property because of pending legal matters.

Commissioner Bullock asked about parking requirements. Mr. Shivers replied that properties zoned C-2 do not have off-street parking requirements. I-1 does have parking requirements with the spaces being shown on the site plan. Commissioner Bullock asked if the applicant can park his sales vehicles on Main Street. Mr. Shivers said the municipal code prohibits parking sales vehicles on the street. Commissioner Bullock commented that he didn't want the street to turn into an extension of the sales lot.

C) MOTION

Commissioner Bullock moved to recommend approval of Case No. 16-003-SUP, a request by Homestead Properties, LLC, for a Special Use Permit to allow vehicles sales at located at 401 S. Main Street with the condition of adding historic lampposts and flower baskets, for the reasons set forth in the staff recommendation and heard at this public hearing. Commissioner Leason seconded the motion.

Chairman Britain asked for a roll call vote and invited the Commission to share more information about their vote.

Commissioner Lewis asked if they could add a time frame to the conditions. Scott Rickard said he thought the time limit is six months. Commissioner Bullock asked if Mr. Kaplan had a reasonable time frame in mind. Mr. Kaplan replied that he wasn't sure how long ordering and installation would take but he thought 60 days would be a reasonable time frame. Commissioner Bullock proposed the idea of 90 days. Mr. Kaplan replied that that would be more than adequate. Commissioner amended his motion to include a 90 day time limit on the lamppost and basket installation. Commissioner Lewis seconded the motion.

Roll Call Vote

Fred Britain	Yes
Dan Bullock	Yes
Scott Leason	Yes
David Lewis	Yes
Brad Long	Yes
Kyle McLaren	No
Samuel McVay	Absent
David Stewart	No
Gerald Watson	Yes

The motion passed (6-2).

B) STAFF ITEMS

Mr. Shivers informed the Commission that there would not be a September meeting.

6. ADJOURNMENT