

Highland Auto Car Dealership

Special Review Permit

City Council Meeting

June 25, 2024

Applicants: Juan Picazo/Gaby Martinez

Case Number: 24.03 SPC

Summary: Highland Auto has applied for a special review permit to operate a used car dealership on a portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, T33N, R79W, also known as 302 Van Horn Avenue. Per Section 17.08.030 of the Zoning Regulations, Motor Vehicle Sales requires a Special Review permit in the EB (Established Business) District.

Legal Description: A portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, T33N, R79W,

Location: The property is located at 302 Van Horn Avenue, on the east side of Van Horn, across from the Wagon Wheel Skating Rink.

Current Zoning: EB (Established Business)

Planning Considerations:

Section 17.16.010 sets out the standards for Special Review/Use permits and uses. There are seven (7) standards of review that should be considered when reviewing an application for a Special Use. They are set out below for the following application.

1. *Is the site large enough to accommodate the proposed use and meet all the dimensional standards and development regulations of the zoning district in which the project is located?*

As submitted, the site plan does not provide adequate space for all the proposed “for sale” vehicles on site. The wheel stops shown on the site plan were existing on the property from the previous approved use. Historical aerial photos show parked vehicles hanging over the property line into the right of way, rendering them existing, non-conforming off-street parking spaces.

The applicant and Council should consider an alternative site design for the parking of for sale vehicles.

2. *Is the use, at the scale or density proposed, compatible with all other uses in the immediate area and with permitted uses that may be established in the area.*

Yes, a used car dealership is an appropriate use for the area and the Established Business Zoning District.

3. *Does the proposed use involve activities, processes, materials, equipment, hours of operation, or any other operational characteristics that would be materially detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke fumes, dust glare, orders, hazards or similar impacts?*

No, the use does not involve activities that may be detrimental to surrounding property owners.

4. *Does the proposal include provision for necessary and desired public utilities and facilities such as potable water, fire hydrants, sewer, electrical power, streets, stormwater facilities and sidewalks/pathways?*

Yes, the project has availability and connection to public utilities and infrastructure.

5. *Will the proposed use create excessive additional costs for public facilities and service that would be materially detrimental to the economic welfare of the community.*

No. There should be no additional costs on public facilities.

6. *Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of significant importance.*

No.

7. *Is the proposed use consistent with the applicable provisions of the Mills Comprehensive Plan?*

Yes.

The project as proposed does not appear to meet the Special Review criteria #1, regarding adequate space and development standards. The “existing parking space” shown on the proposed site plan are wheel stops for non-conforming off-street parking spaces associated with the previous use.

Council should review the proposed site plan and possibly consider requiring an alternative site design or, if approved as submitted, staff recommends the following considerations be placed on the Special Review permit:

1. The Special Review permit is granted strictly for an Automobile Sales use.
2. Obtain a Business License from the City of Mills Town Clerk.
3. Obtain a Vehicle Dealer’s License from WYDOT.
4. As shown on the site plan, only up to 10 vehicles may be parked for sale on the site at any time. Vehicles shall not be parked where they extend off the property and into the right of way for Van Horn Ave.
5. The Special Review Permit terminates upon transfer of the real property or upon cessation of use for the purposes of the permit. The permit is subject to review and possible revocation for noncompliance with the term of the permit or other violations of the Mills City Code.

Staff Recommendation: Staff recommends APPROVAL of the Special Review Permit upon revision of the existing site plan.