

**RESOLUTION AUTHORIZING A CONDITIONAL USE FOR THERESA SOMERS
D/B/A OVERLOOK 66 MOTORS FOR AN AUTOMOBILE SALES BUSINESS IN
ACCORDANCE WITH THE ZONING CODE OF THE CITY OF PACIFIC, MISSOURI**

ADDRESS: 1043 EAST OSAGE, PACIFIC, MO 63069

NAME OF BUSINESS: THERESA SOMERS, D/B/A Overlook 66 Motors

WHEREAS, The Zoning Code of the City of Pacific, Missouri sets forth the regulations concerning certain land uses which by their nature are, or may become, undesirable to adjacent property owners and;

WHEREAS, In various zoning district classifications, as set forth in the Zoning Code, certain uses are not permitted unless reviewed by the Planning and Zoning Commission and approved by the Board of Aldermen; such uses are considered “conditional uses” and;

WHEREAS, An application has been filed with the Zoning Officer requesting a condition use for an Automobile Sales business. The application has been reviewed by the various Officers of the City and their reports have been presented to the Planning and Zoning Commission and;

WHEREAS, The Planning and Zoning Commission has conducted a public hearing on January 24, 2012 regarding the application, and after due consideration has recommended to the Board of Aldermen the approval of the application with 7-0 vote in favor and;

WHEREAS, The Board of Aldermen accepts the written findings of the Planning and Zoning Commission as set forth in the Staff Report on file with the City Clerk and incorporated herein and as provided for in Section 405.040 of the City Code.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF PACIFIC, as follows:

SECTION ONE: The Board of Aldermen hereby approves a conditional use for the applicant herein named to henceforth operate a business as set forth herein subject to adherence to the conditions listed in the attached report incorporated herein, unless revoked under provisions of the Zoning Code or otherwise revoked by provisions of law.

SECTION TWO: This Resolution shall take effect and be in full force from and after its passage by the Board of Aldermen and approval by the Mayor.

Adopted by the Board of Aldermen and approved by the Mayor this 7th day of February, 2012.

Herbert C. Adams, Mayor

ATTEST:

City Clerk

STAFF REPORT

January 20, 2012

Members of the Planning & Zoning Commission
City Of Pacific, Missouri

RE: Conditional Use Permit to Theresa Somers for an Automobile Sales Business in a "C-1" – Light Industrial District at 1043 East Osage in Pacific, MO.

Dear Commission Members:

The property in question is correctly zoned "C-1" – Downtown Commercial District, as depicted on the City Of Pacific zoning map. The City Of Pacific Zoning Ordinance (Section 400.120(C)(1)), lists the use as requiring a conditional use permit.

The Petitioner wishes to operate a used automobile sales lot. No new buildings or any new construction are proposed for the business.

The City Of Pacific Staff conceptually understands Petitioner's rationale for selecting this desirable location, but cautions the Commission that, if approval is granted, sufficient conditions be imposed to ensure outdoor neatness, cleanliness, and an aesthetically pleasing property appearance.

The Commission should consider all procedures in the Zoning Ordinance related to Plan Review (Section 405.050, pages 257-260) and then consider any recommended conditions, some of which could include:

1. The Petitioner Shall provide off-street parking as required by Section 400.235. The Petitioner will patch, repair as needed and keep repaired, and seal the designated parking area. All off-street parking/loading areas will be hard surface as required by Section 400.235 of the Land Use Regulations. The parking area will be properly marked as required by the Zoning Ordinance.
2. All vehicles must be parked on a hard surface area.
3. Stormwater detention & Erosion control shall be provided as required in accordance with the standards contained in the Zoning Ordinance.
4. All signage shall conform to Chapter 425 of the Pacific Municipal Code.
5. All exterior trash storage containers, if any shall be screened so as not to be visible from off the property. Enclosures shall be constructed as required by Section 400.230(D)(2) (page

244.31) and shall be large enough to enclose any other outside storage, such enclosure will be constructed within thirty (30) days of approval.

6. The Petitioner shall abide by Chapter 225: Litter and Nuisance Control at all times.
7. All proposed landscaping, as required by Section 400.230 of the City of Pacific Zoning Ordinance, will be installed prior to occupancy. All planting shall be continually maintained, watered, nourished and trimmed, as necessary. All planting shall be replaced as necessary.
8. The operation shall conform to the requirements of the building department and fire district prior to occupancy.
9. Should the petition be granted, the Petitioner shall sign the Conditional Use Permit affirming that he/she will abide by any conditions required by the Conditional Use Permit.

The Commission should then consider the Conditional Use Permit (Section 404.040[B], pages 254-256) and vote on the following findings of fact, as to **whether such building, development or use:**

- a. Complies with all applicable provisions of this Ordinance;
- b. At the specific location will contribute to and promote the community welfare or convenience;
- c. Will not cause injury to the value of neighboring property and will not create a nuisance;
- d. Is consistent with the Comprehensive Plan and existing zoning district provisions;
- e. Will provide, if applicable, off-street parking and loading areas in accordance with the standards contained in the Zoning Ordinance.
- f. Will provide, if applicable, erosion control and on-site stormwater detention in accordance with the standards contained in the Zoning Ordinance.
- g. Will not substantially increase traffic congestion and noise.

Staff Comments:

The petitioner wishes to operate an automobile sales business at this location. All onsite vehicles for sale at the property will be located on the hard surfaced parking lot in front of the building. The building is approximately 4,000 square feet and will contain two occupants: the current occupant, Winn Tech, will remain with their warehouse space and the new occupant, Theresa Somers with the proposed automobile sales. Parking requirements for the two uses combined will be seven (7) spaces.

The following findings of fact are made consistent with this report:

- a. Complies with all applicable provision of this Ordinance; because it was reviewed by staff and such compliance was verified.

- b. At the specific location will contribute to and promote the community welfare or convenience; because its proposed location is consistent with the conditional use.
- c. Will not cause injury to the value of neighboring property and will not create a nuisance; because neighboring property permits similar use and the proposed use will not encroach over the limits of the property.
- d. Is consistent with the Comprehensive Plan and existing zoning district provisions; because the proposed use is specifically listed as a conditional use for the present zoning.
- e. Will provide, if applicable, off-street parking and loading areas in accordance with the standards contained in the Zoning Ordinance; because parking requirements were reviewed and the appropriate number of spaces will be provided.
- f. Will provide, if applicable, erosion control and on-site stormwater detention in accordance with the standards contained in the Zoning Ordinance; not applicable.
- g. Will not substantially increase traffic congestion and noise; because applicant proposes a limited number of automobiles for sale.

Vote to approve, disapprove, or approve with conditions the Conditional Use Permit.

Respectfully submitted,

Daniel P. Rahn, PE
City Engineer/Building Commissioner