

PLANNING & REDEVELOPMENT DEPARTMENT STAFF REPORT PLANNING COMMISSION MEETING July 22, 2010

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ITEM V-A CONDITIONAL USE PERMIT MODIFICATION – 1125 ORLANDO AVENUE – A & S MOTORCYCLE AUTO SALES - FILE# 2009PL-121; (CUP-000062)

REQUEST

The applicant requests approval of a Conditional Use Permit Modification to allow the sale of pre-owned automobiles in a portion of the existing parking lot at A & S Motorcycles. Approximately 48 existing parking spaces will be utilized for the pre-owned automobile sales area. There will be no automotive services (oil changes, detailing, washing, etc.) provided. There are no proposed changes to the existing operating hours nor are there any exterior building modifications proposed.

Applicant: A & S Motorcycle Parts, Inc., Jeff Hanrahan Property Owner: Anthony C. Felice

SUMMARY RECOMMENDATION

The Planning & Redevelopment Department recommends that the Planning Commission take the following actions:

- A. Adopt the two (2) findings of fact for the Conditional Use Permit Modification; and
- B. Approve the Conditional Use Permit Modification subject to fourteen (14) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

There are no outstanding issues associated with the request to sell pre-owned automobiles at the A & S Motorcycle site. The applicant has reviewed and is in agreement with the recommended conditions of approval.

While not directly related to this project, the A & S Motorcycles parking lot has been used by late-night patrons of The Station nightclub located at 1100 Orlando Avenue. Neighbors have expressed concern to staff regarding this use and the associated noise and undesirable activities. Additional details about this activity and the City's response is provided under the Evaluation section of this report.

BACKGROUND

The subject property is located at 1125 Orlando Avenue (north of Auburn Boulevard and south of Cirby Way) in the infill area of the City. The site has a land use and zoning designation of Community Commercial (CC). Surrounding land uses include an office building to the north, single-family residences to the south and east and Interstate (I-80) to the west. The site is situated adjacent to the City of Roseville / Placer County boundary, with single-family residences on the Placer County side to the east and south.

On February 25, 1999, the Planning Commission approved a Conditional Use Permit (File #CUP 98-15) for A&S BMW Motorcycles to operate a motorcycle dealership, including new and used motorcycle sales, motorcycle repair and parts sales. The Planning Commission also approved a Design Review Permit Modification (File #99-09) to modify the exterior design of the west and south facades of the building. The Planning Commission's decision was appealed to the City Council by a neighbor who had concerns about the motorcycle dealership. The Planning Commission's approval of the CUP was upheld by the City Council.

On December 14, 2000, the Planning Commission approved a Conditional Use Permit Modification (CUPMOD 00-08) to expand the showroom by 1,300 square feet into an adjoining tenant space and to increase the amount of outdoor display area (display area for two motorcycles). The site is developed with a ±25,346 square foot building, parking and landscaping and was formerly known as the Orlando Plaza. A & S Motorcycles now occupies the entire site.

The parcel has an unusual shape. In particular, the site has two driveways on Livoti Avenue that flank a residential parcel at 201 Eddie Drive. This residential parcel is surrounded on three sides by the subject property, and on its fourth side by Livoti Avenue (See Figure 1 & Exhibits A & B). This residential parcel has an Eddie Drive address because the A & S driveway east of the residence is reserved for access to the residence as a part of Eddie Drive.

Surrounding Land Use & Zoning



The current request is to allow the sale of pre-owned automobiles that may be taken as a trade-in toward the purchase of a motorcycle, as the current Conditional Use Permit does not allow the sale of automobiles.

EVALUATION & FINDINGS

Request: The applicant has submitted a letter providing specific details of the request and operation of the automobiles sales portion of the business (see Attachment 1). In summary:

 Up to 31 automobiles may be displayed at the site; however, the vehicle display/sales area will occupy 48 parking spaces on the southwest portion of the site. The use of additional spaces will provide air space between vehicles for easier viewing by customers. Additionally, the extra space between

- vehicles improves security, reducing or eliminating concealment areas between vehicles, thus reducing risk of vehicle break-ins, theft, or vandalism.
- Drive aisles in this parking area will remain open.
- The hours of operation for automobile sales will remain the same as the motorcycle sales operation (Tuesday – Friday, 9:00 a.m. – 6:00 p.m., and Saturday 9:00 a.m. – 5:00 p.m.)
- No building modifications are proposed.
- No servicing of automobiles will be done on the premises.

Staff's evaluation of this request focused on several areas, indicated by the **bold headings** below.

Neighborhood Concerns/Outreach: Staff's review of this request included review of the prior entitlements referenced above. Nearby residents actively participated during the processing of the original Conditional Use Permit and Conditional Use Modification requests. Staff wanted to be certain that the neighbors were adequately informed about the current request; therefore, staff requested that the applicant contact nearby residents to inform them of the request to include automobile sales as part of their Conditional Use Permit. Staff was advised that the ownership of A & S Motorcycles made personal contact with neighbors on the weekend of February 13, 2010 regarding the request to sell pre-owned automobiles. The applicant advised that the neighbors were receptive and understood the need to increase business in the bad economy.

Safety/Security: As discussed below under Other Issues, staff has recommended after-hours closure of the entry drives off Orlando and Livoti Avenues to address safety/security concerns for the site. The original Conditional Use Permit and subsequent modification (CUP 98-15 & CUPMOD 00-08) concluded that the existing lighting (pole mounted parking lot lights, building lights and adjacent street lights) is sufficient for security purposes and is consistent with the City's Community Design Guidelines. Staff has discussed security issues with the applicant, and the applicant is in agreement that no additional lighting or fencing, other than that recommended for after-hours drive aisle closure, is required for security purposes.

Hours of Operation/Noise: As referenced above, the operating hours for the business are 9:00 a.m. – 6:00 p.m. Tuesdays through Fridays and 9:00 a.m. to 5:00 p.m. on Saturdays. There are no proposed changes to operating hours. Conditions 4 & 5 have been included requiring the sale of automobiles to be done only during approved hours of operation and that any automobile delivery (via transport vehicles) be done on-site and not on any nearby streets. Additionally, such vehicle deliveries are to be done only during approved hours of operation.

Parking: As stated above, the entire site is now occupied by businesses owned/operated by the applicant. Approximately 48 parking spaces will be utilized for the display/sales area for pre-owned automobiles; therefore, the total number of parking spaces available at the site will be reduced by 48 spaces. The table below depicts the parking requirement and available parking (after the 48 space reduction) for the various business entities operating at the site.

Business	Parking Requirement	Spaces Available
A & S Motorcycles	48	48
A & S Powersports	8	8
A & S Auto Sales	9	9
Total Parking	65	65

Available parking at the site meets the Zoning Ordinance standards for off-street parking for the business.

The City's Sign Ordinance (Chapter Signage: 17.06.220.B.2.) states that signage should not cover or interrupt major architectural features, including features as doors. windows. embellishments and reveal lines. The window design of the building, including the window mullions are an architectural design element of the building. The windows facing Orlando Avenue and the main parking area have been virtually "blacked out" with bright-colored signage promoting motorcycles manufacturers and sales (see Figure 2) Staff has



advised the applicant that this signage was out of compliance with the City's Sign Ordinance, and created a negative visual impact to the site and to the adjacent public street (Orlando Avenue). The applicant has since removed the window signage. Condition 11 has been included to require removal of such signage, and prohibit

the future covering of windows with "blackout" signage.

Landscaping: A recent upgrade to the monument sign along Orlando Avenue resulted in damage to the landscaping in the vicinity of the sign (see Figure 3). Additionally, plant materials in the landscape border along Orlando Avenue have deteriorated and are in need of replanting/rehabilitation.

Although staff was unable to locate an approved landscape plan for the site, conditions of approval for the existing CUP and CUPMOD require landscaping and that it be maintained in a healthy and weed-free condition (see Exhibit C). With the addition of the automobile sales/display area along Orlando Avenue, increased attention will be given to the site, magnifying the need to have an established, well maintained landscape border between Orlando Avenue and the parking lot and vehicle display area. The City's Community Design Guidelines for Commercial Projects state that "Landscaping shall be used extensively throughout the project to achieve multiple objectives." These objectives include creation of a visual buffer, and relieving the visual appearance of large expanses of hard surfaces, such as parking lots.





Currently, there are established trees and some low-growing shrubbery in this lan`dscape border (see Figure 4) Additional low-growing shrubbery is to be planted within the landscape borders along Orlando Avenue to fill in areas lacking plants (see Exhibit B for planter areas). Conditions 7 - 9 have been included in this report reaffirming that the landscaped area be repaired/refurbished to the satisfaction of the Planning Department and maintained in a healthy and weed free condition.

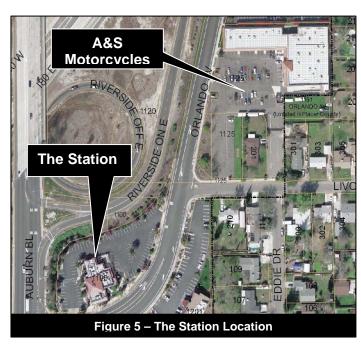
Other Issues: After submission of the request, a letter describing the request was sent to the Cirby Side Neighborhood Association. Subsequent to the mailing of the letter, staff received a telephone call and emails from a nearby resident (210 Livoti Avenue, in Placer County) who did not have concerns about the proposed sale of automobiles; however, he had concerns about use of the A & S Motorcycles parking lot by late-night patrons of The Station, a restaurant/nightclub at 1125 Orlando Avenue, approximately one block south of the project site (see Figure 5 & Attachment 1). The neighbor advised that the parking lot at The Station becomes

filled and customers then park in the A & S Motorcycles parking lot. They return to their cars between 1:30 and 2:00 A.M., often intoxicated and very noisy. Additionally, there have been late-night break-ins of vehicles parked in the lot, as well as throwing of bottles, cans, and general littering in the parking lot and nearby vicinity. The resident at 210 Livoti Avenue also owns the landlocked residence at 201 Eddie Drive, between the two drive aisles for A & S Motorcycles off Livoti Avenue (see Figures 1 & 2).

Staff also received a letter (see Attachment 2) from a nearby business expressing similar concerns about patrons from The Station using their parking lot as overflow parking; thereby eliminating parking for their own customers. The business chose to block access to their parking lot after-hours, preventing patrons of The Station from using the lot. This closure caused an increase in the late night use (and associated problems) of the parking lot at A & S Motorcycles.

Staff has worked with the applicant, concerned neighbors and the City's Public Works and Police Departments in an effort to mitigate the problem, as discussed below.

It is recommended that post-mounted security chains be used to close off the entry drives to the A & S parking lot after hours. Both entry drives off Orlando Avenue will be closed, as well as the westernmost entry drive off Livoti Avenue. Per the homeowner's request, the access drive to the home at 201 Eddie Drive (as discussed above) will not be closed. Additionally, no parking signs will be placed along the north side of Livoti Avenue between Eddie Drive and Orlando Avenue (see Figure 1). The south side of Livoti Avenue west of Eddie Drive is in Placer County; therefore the City does not have jurisdiction to place signage on the south side of the street. Staff also responded via email to the concerned neighbor and nearby business regarding the City's plan to address the problems associated with late night parking in the A & S Motorcycle lot (See Attachment 3) Conditions 12-14 have been included in this report requiring the closing of entry drives off Orlando and Livoti Avenues. Condition 13 requires that the chains used for closure



be equipped with reflectors for high visibility after dark. Reflector detail is shown on Attachment 5. The applicant, concerned neighbors and the City's Public Works and Police Departments support these recommendations.

Section 19.78.060(J) of the Zoning Ordinance requires that two findings be made in order to approve a Conditional Use Permit Modification. The required findings are listed below in *italicized bold print* and are followed by an evaluation.

1. The proposed modification is in substantial compliance with the intent of the original approval, prior conditions of approval and all applicable design, development, and improvement standards in effect as of the date of application for the modification.

The original Conditional Use Permit (CUP 98-15) for the site allowed a motorcycle dealership, including new and used motorcycle sales, service and parts sales. The subsequent modification (CUPMOD 00-08) allowed a 1,300 square foot expansion of the motorcycle dealership's showroom into an adjoining tenant space, as well as an expansion of the outdoor display area. The City's Zoning Ordinance (Section 19.08.090 C.4.) includes motorcycle sales and automobile sales under the same use type

classification; Automobile Sales. The operational characteristics of the business will not change as a result of the addition of pre-owned automobile sales.

Additionally, as stated above, the applicant does not propose any modifications to the exterior of the building at the site, nor are there any proposed changes to the hours of operation.

It is staff's belief that the proposed modification, as conditioned, is in substantial compliance with the requirements of this finding.

2. The proposed modification is in compliance with all standards and requirements of the City's Zoning Ordinance, with the applicable goals, policies, and objectives set forth in the General Plan, the applicable Community Design Guidelines, and the applicable specific plan.

The project site has zoning and General Plan land use designations of Community Commercial (CC). The City's Zoning Ordinance allows Automotive Sales (including motorcycle sales) within the CC zoning district upon approval of a Conditional Use Permit.

As discussed above, available parking at the site meets the Zoning Ordinance standards for offstreet parking for the businesses operating, and proposed to operate at the site.

It is staff's belief that the proposed modification, as conditioned, is in compliance with the standards required in this Finding.

CONDITIONAL USE PERMIT MODIFICATION CONCLUSION

Based on the evaluation presented above, staff believes that the proposed expansion of use, Automotive Sales, is consistent with the original Conditional Use Permit approved for the project. As proposed, and with the recommended conditions of approval, the modification is in compliance with all standards and requirements of the City's Zoning Ordinance, General Plan & Community Design Guidelines.

ENVIRONMENTAL DETERMINATION: This project is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and Section 305 of the City of Roseville CEQA Implementing Procedures.

RECOMMENDATION

The Planning Department recommends that the Planning Commission take the following actions:

- A. Adopt the two (2) findings of fact as discussed in the staff report for the Conditional Use Permit Modification 1125 ORLANDO AVENUE A & S MOTORCYCLE AUTO SALES FILE# 2009PL-121; (CUP-000062); and,
- B. Approve the Conditional Use Permit Modification 1125 ORLANDO AVENUE A & S MOTORCYCLE AUTO SALES FILE# 2009PL-121; (CUP-000062), with the fourteen (14) conditions of approval listed below.

CONDITIONS OF APPROVAL FOR CUP- 000062:

1. The project shall comply with all original conditions of approval for CUP 98-15 and CUPMOD 00-08, except as modified below. (Planning & Redevelopment)

- 2. Fire department access must be maintained from Orlando Ave to each structure in accordance with adopted fire code. The fire lane shall be based on the required width of 20 feet and turning radii of 30 and 50 as adopted by this department. (Fire)
- The hours of operation of the business shall be limited to the following: Tuesday through Friday 9:00 a.m.
 6:00 p.m., and Saturday 9:00 a.m. 5:00 p.m. Closed Sunday and Monday. (Planning & Redevelopment)
- 4. There shall be no servicing or repair of automobiles performed at the site. (Planning & Redevelopment)
- 5. If automobile transport vehicles are used for delivery or pick-up of automobiles, all loading and off-loading of vehicles from any transport vehicle or trailer shall be done on-site, and not on any streets adjacent to the project site. (Planning & Redevelopment)
- 6. The sale of automobiles shall be conducted only during the approved hours of operation. (Planning & Redevelopment)
- 7. All vehicle delivery and/or pick-up shall be done during approved hours of operation. (Planning & Redevelopment)
- 8. The landscaped area adjacent to Orlando Avenue shall be repaired/refurbished with plantings of low-growing shrubbery and ground cover, to the satisfaction of the Planning & Redevelopment Department. (Planning & Redevelopment)
- 9. At a minimum, landscaped areas not covered with live material shall be covered with a rock, (2") bark (no shredded bark) or (2") mulch covering. (Planning & Redevelopment)
- 10. Following the installation/repair of the landscaping, all landscape material shall be maintained in a healthy and weed free condition; dead plant material shall be replaced immediately. All trees shall be maintained and pruned in accordance with the accepted practices of the International Society of Arboriculture (ISA). (Planning & Redevelopment)
- 11. Per the City's Sign Ordinance, (Chapter 17.06.220.B.2.), signage and/or blackout painting of windows shall be removed as to not cover, interrupt or obscure architectural features and embellishments of the building, including window mullions. (Planning & Redevelopment)
- 12. Entry driveways off Orlando and Livoti Avenues are to be closed after normal business hours 6:00 p.m. Tuesday Friday, 5:00 p.m. Saturday, and all day Sunday and Monday. (Planning & Redevelopment)
- 13. Reflectors or reflective material shall be placed on the security chains used for after-hours closure of entry drives to ensure high visibility during hours of darkness. (Planning & Redevelopment, Public Works)
- 14. Posts and security chains used for closure of entry drives off Orlando Avenue shall have a minimum 20-foot setback from back of curb. (Planning & Redevelopment, Public Works)

ATTACHMENTS

- 1. Email From Resident Regarding After-Hours Parking at A & S Motorcycles
- 2. Letter From Nearby Business Regarding Parking Problems Associated with The Station
- 3. Email Response to Neighbors Regarding After-Hours Parking Issues
- 4. Letter From Applicant Outlining Business Operations Plan For Automotive Sales
- 5. Security Chain Reflector Detail

EXHIBITS

- A. Site Plan
- B. Landscape Planting Area
- C. Original Conditions of Approval For CUP 98-15
- D. Conditions of Approval for CUPMOD 00-08

Note to Applicant and/or Developer: Please contact the Planning Department staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Director at, or prior to, the public hearing.