

Agenda Memorandum

To: Honorable Mayor and City Council Members
From: Bryan Cobb, City Manager
Date: February 1, 2021
Subject: **Resolution No. 4017-21**, Christian Brothers Automotive Special Exception Use Order

Procedure: Call Up Item
City Manager Background
Applicant Comments
Public Hearing
Council Motion & Discussion
Council Action

Introduction: This is a request for the City Council to approve Special Exception Use Order (SEUO) No. 203-20 for Christian Brothers Automotive, a motor vehicle repair and maintenance (no body work) business. The subject property consists of one point zero two (1.02) acres and is generally located on the north side of Mitchell Hammock Road approximately 800 feet east of W. Broadway Street (SR 426) within the Flagler Center development.

Discussion: The subject property is currently designated as Commercial (CM) on the Future Land Use Map C-2, Commercial, on the Official Zoning Map. Under the C-2 zoning district, motor vehicle repair and maintenance (no body work) uses are permitted with the issuance of a Special Exception Use Order in accordance with the requirements of LDC Section 3.3(D).

LDC Section 3.3(D)(4)(c) states “The City Council shall review an application for a special exception use order and the recommendations of the Land Use Administrator and Local Planning Agency; and act to approve, approve with revisions, or deny the proposed special exception use order. The City Council may attach to the site development order any reasonable conditions or requirements in addition to those specified above. Such additional conditions or requirements shall be entered on the site development order and are enforceable in the same manner and to the same extent as the requirements specified above.” Special Exception Use Order uses shall be permitted only upon a finding by the City Council that the proposed use satisfies the provisions of this subsection. The City Council shall render a final decision to either approve, approve with conditions, or deny a proposed special exception use order.

Special Exception Use Order No. 203-20 allows the motor vehicle repair and maintenance (no body work) business on the subject property and will ensure that the use will only be permitted on the subject property and will not adversely impact properties and land uses within the immediate vicinity. The proposed use will consist of a 6,000 square foot building with 10 bays.

LDC Section 3.3(D)(2) contains seven (7) criteria that must be addressed by an applicant for a Special Exception Use Order. Staff has reviewed the application and offers the following findings:

Section 3.3(D)(2)	Criteria/Analysis
<p>a)</p> <p><u>Conforms:</u></p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>	<p>Land Use Compatibility: The application shall demonstrate that the special exception use, including its proposed scale and intensity, traffic generating characteristics, and off-set impacts are compatible with adjacent land uses and will not adversely impact land use activities in the immediate vicinity.</p> <p><u>Analysis:</u> The subject property is located within the Flagler Center Master Land Use Plan. The subject property was previously approved for a 7,900 square foot fitness facility. The following findings are based on the preliminary site plan received at the time this SEUO application was submitted.</p> <p>(1) <i>Scale and Intensity:</i> The proposed use is compatible with surrounding commercial land uses within the Flagler Center development. It is consistent with uses along Mitchell Hammock Road, a designated Arterial Roadway in the City’s Comprehensive Plan.</p> <p>(2) <i>Traffic Generation Characteristics:</i> The originally proposed 7,900 square foot fitness facility projected 39 (total AM & PM) Peak Hour Trips. The potential traffic impacts for the proposed motor vehicle repair and maintenance proposed development is anticipated 33 (total AM & PM) Peak Hour Trips, which is a reduction in Peak Hour trips. The proposed use is not anticipated to result in adverse impacts on Mitchell Hammock Road and is not anticipated to degrade the level of service below the adopted LOS E standard. Traffic generation and characteristics of the surrounding non-residential land uses are similar in nature to the proposed use.</p> <p>(3) <i>Off-site Impacts:</i> Per Table 1.1 of the adopted Comprehensive Plan, the Commercial future land use designation is intended to allow commercial and office development at a floor area ratio (FAR) of 0.5. Based on the compatibility criteria of FLU Policy 1-1.1.16, staff finds that the proposed use has a Level 1 compatibility in that a) the use is identical to the pre-existing land uses or totally compatible. Development should be designed in a manner consistent with good planning practice. The development of the site will require a Site Development Order/Final Engineering (SDO/FE) and an Architectural Design Order (ADO) approved by the City Council.</p> <p>(4) <i>Wetland Impacts:</i> There are no wetlands on the subject property.</p>
<p>b)</p> <p><u>Conforms:</u></p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>Sufficient Site Size, Adequate Site Specifications, and Infrastructure to Accommodate the Proposed Use: The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of special exception use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic and pedestrian circulation, infrastructure, and similar site</p>

Section 3.3(D)(2)	Criteria/Analysis
	<p>improvements needed to mitigate against potential adverse impacts of the proposed special exception use.</p> <p>Analysis: The site and proposed development are adequate relative to required site access, buffers, landscaping, open space, off-street parking, efficient internal traffic and pedestrian circulation, infrastructure, and similar site improvements needed to mitigate against potential adverse impacts of the proposed special exception use.</p>
<p>c)</p> <p><u>Conforms:</u></p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>Proper Use of Mitigative Techniques: The application shall demonstrate that the special exception use has been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure are not burdened with adverse impacts detrimental to the general public health, safety and welfare.</p> <p>Analysis: Staff discussed the possible mitigative techniques with the applicant and the applicant has agreed to the following Special Exception Use Order conditions:</p> <p>(a) The development will provide an additional bicycle rack in excess of the required parking spaces for the commercial use.</p> <p>(b) The development has eliminated two (2) parking spaces and converted them into striped pedestrian walkways for pedestrians in the southeastern parking spaces to safely cross to the sidewalk located to the north of the property tying into the proposed building. The project is still meeting the minimum required parking spaces.</p>
<p>d)</p> <p><u>Conforms:</u></p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>Hazardous Waste: The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of City approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The special exception use order shall provide for appropriate identification of hazardous waste and hazardous material, regulate its use, storage and transfer consistent with best management principles and practices.</p> <p>Analysis: The proposed use is not anticipated to produce hazardous waste on the site. The site plan shall include a note which ensures that no hazardous waste or hazardous materials shall be generated, stored or disposed on the subject property without complying with all federal, state, county and city laws and ordinances.</p>

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<p>e)</p> <p><u>Conforms:</u></p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>Compliance and Applicable Laws and Ordinances: A special exception use order application shall demonstrate compliance with all applicable Federal, State, County, and City laws and ordinances. Where permits are required from governmental agencies other than the City, the permits shall be obtained as a condition of approval. The City may place other conditions on the approval of a special exception in order to protect the public health, safety, and welfare.</p> <p><u>Analysis:</u> The applicant will comply with all federal, state, county and city laws and ordinances.</p>
<p>f)</p> <p><u>Conforms:</u></p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>Commercial Uses in Residential Districts: Certain commercial uses may be allowed in residential districts with the issuance of a special exception use order. These commercial uses shall conform to the following additional criteria of items (i) through (v).</p> <p><u>Analysis:</u> The site is not located within a Residential District. It is located within a Commercial (C-2) zoning district and is surrounded on its west, east and south sides by like commercial uses.</p>
<p>g)</p> <p><u>Conforms:</u></p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>Additional Criteria Applicable to Specific Land Uses: The Land Use Administrator may require additional information relevant to the proposed site to be submitted with an application for a special exception use order.</p> <p><u>Analysis:</u> The applicant is prepared to provide any additional information as required by the City upon request.</p>

The proposed Special Exception Use Order must undergo two (2) public hearings. The Local Planning Agency conducted the first public hearing on Tuesday, January 12, 2021, and thereat, recommended approval of Resolution No. 4017-21. Staff recommends approval of Resolution No. 4017-21.

Budget Impact: There is no anticipated budgetary impact associated with the approval of Resolution No. 4017-21.

Strategic Impact: The proposed commercial use is consistent with the goal of the Economic and Vitality Strategic Focus Area.

Recommendation: It is recommended that City Council conduct a public hearing and adopt Resolution No. 4017-21.

Attachment(s):

1. Location Map
2. Conceptual Site Plan Layout
3. Applicants' presentation

Prepared by: Debra Pierre, Planning Manager