

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
DENYING AN APPEAL AND UPHOLDING THE COMMUNITY DEVELOPMENT
DIRECTOR'S DENIAL OF A ZONING CLEARANCE FOR A VEHICLE AND AUTO
SALES AND REPAIR USE FOR DIBS AUTO SALES LOCATED AT 704 AND 722 SANTA
ROSA AVENUE; ASSESSOR'S PARCEL NUMBER(S) 009-331-050 AND 051; FILE
NUMBER ZC13-0524

WHEREAS, on May 20, 2013 the Community Development Department received a letter from a representative of Dibs Auto Sales requesting a Zoning Clearance in accordance with Zoning Code Section 20-52.020 to allow an auto sales and repair use to replace the existing, legal non-conforming mobile home and RV sales and repair use located at 704 and 722 Santa Rosa Avenue; and

WHEREAS, City records indicate that prior to 1987, "auto and vehicle sales and rental" and "vehicle service – major repair" land use operations were recognized as legal uses on the site through use permits and/or zoning clearances, and the last such tenant was a Dodge dealership; and

WHEREAS, beginning in 1987, the use of the site converted to "mobile home, boat, and RV sales" and "vehicle services – major repair", as documented by a Business Tax Certificate secured for the existing use, Bob's Travel Center. No use permit or zoning clearance records for the new replacement use have been found; however, the Community Development Department recognizes that the replacement use has operated on the site for the last 26 years and still remains active today; and

WHEREAS, City records show that the property at 704 Santa Rosa Avenue has been zoned Neighborhood Commercial since at least 1983, prior to the current businesses establishment. The Neighborhood Commercial zone did not allow auto and vehicles sales, mobile home and RV sales or repair in 1987, and, as such, the use was non-conforming at the time it was established; and

WHEREAS, City records show that the property at 722 Santa Rosa Avenue was zoned General Commercial at the time the current business was established. Auto and vehicles sales, mobile home and RV sales and repair were all allowed uses in the General Commercial zone; and

WHEREAS, on August 31, 2010, the City Council adopted an ordinance rezoning the 722 Santa Rosa Avenue property from General Commercial-Historic to Neighborhood Commercial-Historic-Station Area, rendering the existing use on this site non-conforming; and

WHEREAS, on June 4, 2013, based on findings that the auto and vehicles sales and mobile home and RV sales are distinctly separate land use classifications, that the existing use is a more restrictive land use than the proposed use, and that the proposed use would result in more traffic and noise impacts than the existing use, the Community Development Director determined that the proposed auto and vehicle sales and repair use is not allowed on the subject property and denied the Zoning Clearance; and

WHEREAS, on June 17, 2013, the applicant filed an appeal of the Community Development Director's denial of the Zoning Clearance; and

WHEREAS, the Planning Commission has reviewed the staff report, heard staff's presentation, and any public comments submitted on this item.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Santa Rosa does hereby deny the appeal and upholds the Community Development Director's denial of a Zoning Clearance for vehicle and auto sales and repair for Dibs Auto Sales located at 704 and 722 Santa Rosa Avenue, based on the information submitted.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 24th day of October, 2013, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
CHAIR

ATTEST: _____
EXECUTIVE SECRETARY