



REPORT TO PLANNING COMMISSION

NO TAXES ARE DUE

TO: The Honorable Mayor and Members of the City Council

FROM: Kimberly Smith-Drake, Economic Development Coordinator

THRU: Debra Irvin, City Manager

DATE: March 3, 2020

SUBJECT: **Case # 20-06: A request for a Special Use Permit to Christian Orr of Carvana, LLC for the operation of a pre-owned auto sales center at the location of 9300 Natural Bridge Road, in the City of Berkeley, St. Louis County, Missouri.**

We have investigated the Subject item, above, and present the following as our findings:

RECOMMENDATION

Staff recommends review by the Planning Commission for consideration of a Special Use Permit for Christian Orr, Carvana LLC for the operation of a pre-owned auto sales center at the location of 9300 Natural Bridge Road, in the City of Berkeley, St. Louis County, Missouri.

BACKGROUND

The property was previously used as Katsam, a street sweeping and truck cleaning business and is now Carvana auto sales. The building is a one-story, brick on concrete retail building of 17,749 sq. ft. The property is zoned "C-2" General Commercial and subject to special use permit approval for the requested use.

ZONING CODE

This location is zoned C-2 General Commercial District and in accordance with Special Use provisions through 400.530 D (13):

Automotive services, including new car and vehicle dealerships, used motor vehicle sales, auto parts stores, filling stations, public garages, auto repair garages, towing and wrecking services, body shops, car washes, auto detailing shops and similar uses, are allowed.

LITTER

The applicant and its employees will regularly monitor the property site and area immediately adjacent to the site to ensure that all trash is picked up. In addition, staff has included standard condition language requiring the applicant to pick up litter around the premises at least twice a day.

STAFF RECOMMENDS:

1. Approval of the petition by Planning Commission
2. Disapproval of the petition by Planning Commission

CONDITONS OF PLANNING COMMISSION

The Commission shall consider the following conditions:

1. Hours of operation MON-FRI 10:00 am – 7:00pm, SAT 10:00am-4:00pm, SU-Closed
2. The affixed company sign shall be changed to reflect the current business name and permits secured from City of Berkeley Buildings Department
3. The parking lot shall be restriped, weather permitting.
4. The building, lot, landscaping, and yard areas shall be maintained and kept free and clear of any debris or trash or weeds including maintenance of all landscaped areas.
5. Prior to issuance of any Commercial Occupancy Permits all site improvements and/or damaged portions of the building and lot is required to be repaired.
6. Exterior building and site conditions in need of repair must be approved by the Building Commissioner.
7. Owner shall comply with Ordinance 4373 and install a commercial enclosure
8. No loitering on the parking lot at any time.
9. Pick up litter around the premises at least twice a day
10. No snipe signs or directional signs in the Public Right of Way
11. Only 10% of windows space shall be used for window signage
12. Deliveries, loading and unloading shall not occur between 7am-9am and 4pm -6pm
13. This Special Use Permit will be revoked if for any reason the applicant ceases operation and closes its doors to the public for a period of six (6) months or more and not complying with the City's Special Use Permit.
14. The Special Use Permit shall not be assigned, or sold, or conveyed, or operated by another without prior approval by the City Council and occupancy permit, building permit or business license shall be issued to such assignee until such approves is secured.
15. Any violations can be a reason for the City to revoke this permit, according to the City's current regulations. The applicant will comply with all the City's rules and regulations.
16. Prior to issuance of a “new” Commercial Occupancy Permit, the conditions as described in the attached Report, the inspections as part of the normal occupancy permit process shall be met, and as approved by the City Council.
17. In granting such special use permits, the City Council may provide that the permit be valid for a limited period of time not to exceed ten (10) years. Upon expiration of the time limit specified in the permit, the holder of the permit may request the permit be reviewed by the City Council, and the City Council may extend it for another limited

period of time not to exceed ten (10) years. The City Council shall provide that the permit be exclusive only for the holder and non-transferable.

18. The City Council may, in accordance with Section [400.580](#), institute a rezoning. The City Council, after a public hearing, may revoke a special use permit for failure of compliance with the regulations and restrictions of this Chapter or the requirements of the special use permit.

19. The building will also be inspected by the City's Building and Fire Department for code compliance related inspections.

PUBLIC NOTICE AND COMMENT

Public Hearing notification is applicable. Upon recommendation by City Plan Commission to City Council, notices shall be mailed to owners and occupants of property within 185 feet of the site. This public hearing shall be published, posted and scheduled for April 6, 2020 at 7:00pm.

SUPPORTING DOCUMENTS

- Staff Report
- SUP Application
- Petitioner Narrative
- Aerial & Site photos (Exhibit A & B)
- Site Map (Exhibit C)

IMPACT ON BUDGET

There is no impact on the City Budget from the recommended action.

Respectfully submitted,

STAFF REPORT

CASE NUMBER: **20-06**

DATE: March 3, 2020

PETITIONER: Christian Orr
Carvana, LLC
1930 W. Rio Salado Parkway
Tempe, AZ 85281

PROPERTY OWNERS: Matthew Simon
PO Box 221103
St. Louis, MO 63122

REQUEST: Special Use Permit for Christian Orr, Carvana LLC
to operate pre-owned auto sales

PROPERTY ADDRESS: 9300 Natural Bridge Rd, Berkeley, MO

SIZE: One story brick/concrete retail building and lot, 1.8 acres

CURRENT ZONING: "C-2" General Commercial District

PROPOSED ZONING: Zoning to remain the same

EXISTING USE: Katsam Enterprises Street Sweeping Trucks

PROPOSED USE: Pre-Owned Auto Sales

RECOMMENDATIONS: Staff recommends Planning Commission review

TYPE OF APPLICATION

(Please check all that apply)

INITIAL FEE

\$350

<input type="checkbox"/> Preliminary (Plats)	<input checked="" type="checkbox"/> Special Use Permit
<input type="checkbox"/> Reapproval (Plats)	<input type="checkbox"/> Zoning Change
<input type="checkbox"/> Amending (Plats)	<input type="checkbox"/> Resubdivision/Reconsolidation
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Other

REQUIREMENTS:

1. Prepare twenty (20) legible sets of drawings detailing interior & exterior of property.
2. Submit a completed application three (3) weeks prior to Planning meeting. (SEE attached Deadline & Meeting dates)
3. **DO NOT** destroy, tear down or remodel proposed business structure until 'FINAL' approval by City Council.
4. If you do not submit your application in a timely manner your request will be considered on the next meeting date.

APPLICANT(S) NAME(S) Christian Orr, Carvana LLC

APPLICANT IS: OWNER _____ AGENT _____ PURCHASER OF CONTRACT _____ LEASEE X

APPLICANT(S) ADDRESS: STREET 1930 W Rio Salado Parkway

CITY Tempe STATE AZ ZIP 85281 PHONE (801) 310-9977 E-MAIL christian.orr@carvana.com

PROPERTY DESCRIPTION AND STREET ADDRESS OR, IF NO STREET ADDRESS, THEN A GENERAL STREET LOCATION AND/OR DESCRIPTION: 9300 Natrual Bridge Road

PRESENT ZONING DISTRICT: C-2 Commercial PROPOSED ZONING DISTRICT (if applicable) N/A

THE PROPERTY HEREIN IS PRESENTLY BEING USED AS FOLLOWS: Katsam Enterprises Street Sweeping Trucks, Carvana

THE REQUEST IS TO USE IT FOR: (Overview/Nature of business, hours of operation etc.) _____

13. Used auto sales, car washes, auto repair garage, auto detailing and similar uses; 17. Parking lots and related uses

APPROXIMATE SIZE OF TRACT: _____ ACRES 1.8 acres SQUARE FEET _____

IF APPLICANT IS NOT OWNER: OWNER(S) NAME: Matthew Simon

ADDRESS: STREET: P.O. Box 221103 CITY: St Louis

STATE: MO ZIP: 63122 PHONE: (314) 922-3523 E-MAIL: trucksimon@gmail.com

I HAVE AUTHORITY TO ACT ON BEHALF OF THE OWNER BASED ON: Lease Agreement

By signing this application the owner(s) and applicant(s) attest that all information and facts provided on this form and attachments are complete and accurate and that any omission or incorrect fact or information may invalidate any notice or subsequent action taken by the City of Berkeley Board of Adjustments, City of Berkeley Planning & Zoning Commission. (All applicants and owners shall sign the application. Attach additional name/address/signature/date pages as needed.)

APPLICANT(S) SIGNATURE: [Signature] OWNER(S) SIGNATURE: [Signature]

DATE: 02/06/2020 DATE: 02/06/2020

2/21/20 On this date, all items necessary for a technical review of the proposed special use permit plan have been submitted and constitute a COMPLETE APPLICATION. [Signature]

DATE PAID 2/21/2020 (Cash Check Money Order Debit/Credit RECEIPT NO: 41609 CASE NO: 20-06



Kimberley Smith-Drake
Economic Development Coordinator
Planning & Zoning Commission
8425 Airport Rd
Berkeley, MO 63136

March 05, 2020

Re: Special Use Permit Narrative - 9300 Natural Bridge Road

Hello Ms Kimberley Smith-Drake:

On behalf of Carvana, LLC, I would like to submit this narrative with our special use permit application for the property **9300 Natural Bridge Road, Berkeley, MO, 63134**. The property is identified by the Assessor's Office with the parcel number #13K340726 in the C-2 General Commercial zoning district. This site has previously been used as a street sweeping truck operation, and other auto uses. We began operating on the site as a tenant several weeks ago under misinformation of previously established approved uses, and it was brought to our attention by Mr. Maloney that a special use permit would be required. In the past few weeks I've been working with zoning staff to resolve this as quickly as possible.

Carvana requests a special use permit for ***Used Motor vehicle sales, car washes and similar uses*** and ***Parking lots and related uses*** found in Municipal code section 400.140 paragraph D, 13 and 17 respectively. In the *Future Land Use* section of the Comprehensive Plan, for areas designated "Commercial" along Natural Bridge Road, automobile-oriented sales and services are recommended. Carvana recognizes that Natural Bridge Road is a gateway area into the City of Berkeley where aesthetics and professional operations are highly valued. Carvana is different from typical used auto dealerships because we don't have long-term derelict sitting inventory, unsold cars to peruse onsite, or car salesmen. The general public is not permitted, nor are the cars directly sold on site. Our lean business operation minimizes impact and use-intensity because there is no forward-facing customer component.

Carvana is an online publicly-traded company providing a selection of over 34,000+ clean-title vehicles in pristine condition on www.carvana.com. These vehicles have undergone a 150-point inspection process, and have clean titles with no water or fire damage. Customers purchase a vehicle online and schedule an appointment for it to be delivered to their home or office, generally within 1-4 days. Cars are brought to the site, stored, staged, and delivered. Minor

preparations of the interior (vacuuming, window washing, etc.), with light rinsing and dusting of exterior occur before final delivery. Customers have 7 days or 400 miles to "test-own" the vehicle and can schedule a return pickup for any reason before sale becomes final. Once ordered, these vehicles are delivered from regional inspection centers to delivery hubs like this site. Trade-in and return vehicles are also scheduled for pick-up the same way. This site is operated by Berkeley-local employees.

Carvana believes the proposed use, approved zoning code special uses, and future land use intent align well. Carvana respectfully requests approval of the special use application.

Thank you,

A handwritten signature in blue ink, appearing to read "Christian Orr".

Christian Orr
Development Project Manager
1930 Rio Salado Parkway
Tempe, AZ 85281

(801) 310-9977
Christian.Orr@Carvana.com

No Taxes Are Due

Effective 2/21/2020.

Tax Year: 2020
Locator Number: 13K340726
Owner Name: Great White Investments Llc
Property Location: 9300 Natural Bridge Rd
Subdivision: Lewellyn Brown Estate
Block Number:
Lot Number:
School Sub Code: 111BP
Legal Description: Lot Pt 1 & Survey 48-46-6 Located At
The Sw Corner Of Natural Bridge Rd &
Harold Dr
Assessed Value: The 2020 total assessed value will not
be available until the end of May.

2020 tax information will be published in the fall of 2020. Below is the latest tax payment information for this account.

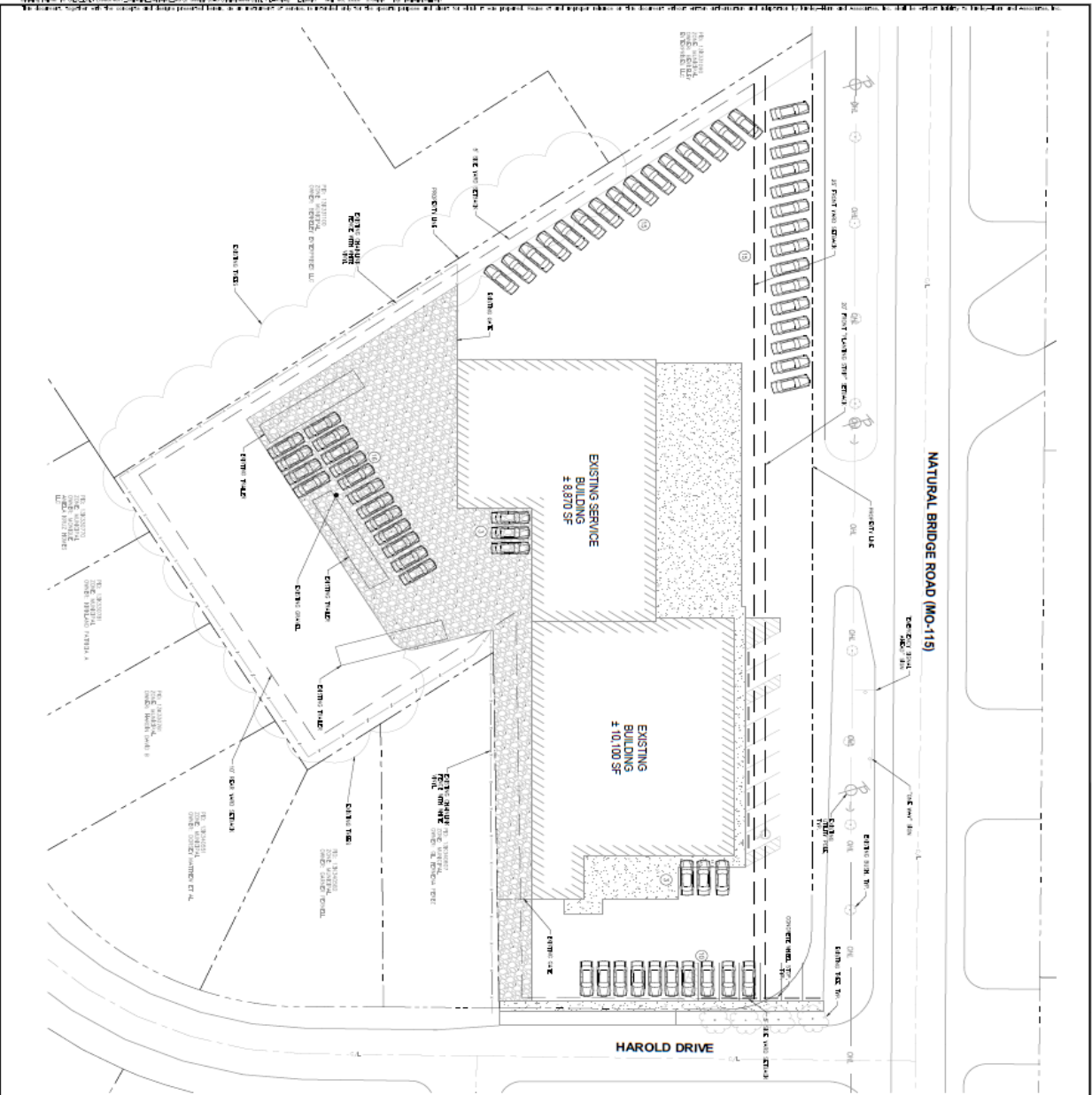
Real Estate Taxes Paid:

Locator Number - 13K340726							
Tax Year	Tax	Interest	Penalties	Other Charges	Total Tax	Amount Paid	Date Paid
2019	\$19,753.84	\$0.00	\$0.00	\$3,672.00	\$23,425.84	\$23,425.84	12/31/2019

EXHIBIT A

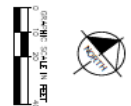
Aerial Photo: 9300 Natural Bridge Rd.





LEGEND

- ADJACENT USE
- ASPH PAVT
- CONCRETE
- GRAVEL
- PAV. 3



SP-1 SHEET NUMBER 2/20/2020 DATE 2/20/2020 DATE 2/20/2020 DATE	CARVANA BERKELEY 5300 NATURAL BRIDGE ROAD BERKELEY, MO 63134	SITE PLAN	SCALE: AS SHOWN DRAWN BY: [Name] CHECKED BY: [Name] DATE: 2/20/2020	Kimley-Horn ENGINEERS 1111 N. GARDNER AVENUE SUITE 200 BERKELEY, MO 63104 TEL: 636-333-8800 FAX: 636-333-8801 WWW.KIMLEY-HORN.COM	COMMENTS:	DATE: 2/20/2020	BY:
					COMMENTS:	DATE:	BY: