



## Legislation Text

File #: 2016-963, Version: 1

### Report to Mayor and City Council

Tuesday, October 18, 2016

Discussion

#### **SUBJECT:**

**KOTT PROPERTY EXEMPTION CONSIDER RESOLUTION NO. 16-139 AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 16-1578U FOR KEN PORTER AUTO AUCTIONS AT 21212 AVALON BOULEVARD (CITY COUNCIL)**

#### **I. SUMMARY**

On January 19, 2016, the City Council adopted Interim Urgency Ordinance No. 16-1578U extending a moratorium on new development and expansion or modification of existing buildings or sites in six Planning Areas for 10 months and 15 days. On February 2, 2016, the City Council ratified the ordinance (Exhibit No. 1). Section 6 of this Ordinance allows the City Council to make exceptions to the application of this Ordinance. On August 18, 2016, Mr. Jeffrey Morgan of Cushman and Wakefield on behalf of Ken Porter Auctions and Mr. Paul Freeman of Shibumi Strategies representing the Kott family (Applicant) filed a request to make an exception to this ordinance to allow processing of plans and all necessary permits for continuation of the current temporary uses related to Ken Porter Auctions until February 1, 2020 (Exhibit No. 2). The Applicant has committed to remove non-vehicular items stockpiled along the 213<sup>th</sup> Street frontage and visible from the freeway. In addition, the Applicant has agreed to improve the landscaping on along the streets. If the City Council determines to allow an exception pursuant to Section 6, such applications and/or permits may be filed and processed in accordance with the City's regulations and authority, and any other applicable laws, ordinances and regulations. Staff recommends adoption of Resolution No. 16-139 allowing the applicant to proceed with filing the plans (Exhibit No. 3).

#### **II. RECOMMENDATION**

WAIVE further reading and ADOPT Resolution No. 16-139, "ALLOWING AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 16-1578U TO ALLOW PROCESSING OF PLANS AND ALL RELATED PERMITS FOR CONTINUATION OF THE CURRENT TEMPORARY USES RELATED TO KEN PORTER AUCTIONS UNTIL FEBRUARY 1, 2020 LOCATED AT 21212 AVALON BOULEVARD."

### **III. ALTERNATIVES**

TAKE such other action as the City Council deems appropriate, consistent with the requirements of law.

### **IV. BACKGROUND**

The existing uses on the 14 acres owned by the Kott family were approved approximately five years ago for temporary uses for Ken Porter's Auctions and AW Collision Centers. The said approval contemplated the expiration of the Sonic Automotive lease on February 1, 2017. The Conditional Use Permit (CUP) for Ken Porter's Auction expires on December 31, 2016. The CUP for AW Collision Centers expires on July 1, 2017. Ken Porter operations will be taking over the AW Collision site. The uses on the site will include: automotive and equipment auction, collector car display, restoration, and sales, auto showroom, and auction offices. The Applicant will be requesting approval of a CUP from the Planning Commission that would extend the temporary operations until February 1, 2020. The Kott family and Ken Porter Auctions recently agreed to extend the lease until February 1, 2020.

The existing unsightly outdoor storage of the non-vehicular items will be moved to inside the buildings at the AW Collision site. In addition, the required parking for Ken Porter's Auctions will be moved from the lot behind the AM/PM service station to the AW Collision site as well. Through the CUP process, a new landscape plan will be reviewed and approved to enhance the landscaping along Avalon Boulevard and 213<sup>th</sup> Street.

Section 6 of Interim Urgency Ordinance No. 16-1578U states that the City Council may allow exceptions to the application of this Ordinance, if the City Council determines any of the provisions included in Section 6, A through D apply to the request. Staff has determined that provisions of Section D. apply to this request. Section 6.D. of Interim Urgency Ordinance No. 16-1578U states:

"The request is for an exception from the application of this Ordinance for permits for development of new projects or expansion and modification of existing buildings and sites and the use proposed is consistent with and will not pose an impediment to the establishment of a "signature project" as that concept is described in the Land Use and Economic Development Elements of the City's General Plan."

The extension of the current use for another three years allows the property owner to prepare plans for the future development of the site. Staff has been meeting with the property owner's representative regarding their preliminary plans for a mixed use project. The elements of this project are not finalized yet; however, in the next few months more information will be submitted to staff. The said use has been determined to be consistent with the existing zoning and character of the area and would not pose an impediment to the establishment of a "signature project" as required by Section 6.D since it is temporary in nature.

**V. FISCAL IMPACT**

None.

**VI. EXHIBITS**

1. Ordinance No. 16-1578U. (pgs. 4-12)
2. Letter from Mr. Jeffrey Morgan, dated August 18, 2016 and letter from Mr. Paul Freeman dated August 25, 2016. (pgs. 13-16)
3. Resolution No. 16-139. (pgs. 17-19)

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