
ORDINANCE NO. O-2021-40

ITEM NO. 3

STAFF REPORT

GENERAL INFORMATION

APPLICANT	S.W. Armstrong, Jr. & John Traw
REQUESTED ACTION	Rezoning to C-3, Intensive Commercial District
EXISTING ZONING	PUD, Planned Unit Development (O-1617-15)
SURROUNDING ZONING	North: C-3, Intensive Commercial District East: C-3, Intensive Commercial District South: I-1, Light Industrial District West: C-3, Intensive Commercial District
LOCATION	220 South Porter Avenue
SIZE	0.32 acres
PURPOSE	Uses allowed in the C-3, Intensive Commercial District
EXISTING LAND USE	Gym
SURROUNDING LAND USE	North: Vacant (Previously a bank) East: Car lot/tire shop South: Hiland Dairy West: Parking Lot
LAND USE PLAN DESIGNATION	Commercial

SYNOPSIS: The applicant is requesting to rezone from a PUD, Planned Unit Development, to C-3, Intensive Commercial District for approximately 0.32 acres at 220 South Porter Avenue.

HISTORY: S.W. Armstrong, Jr. and John Traw rezoned the 0.32 acres from C-3 to a Planned Unit Development with Ordinance No. O-1617-15 in 2017. The PUD allowed any permitted used listed in the C-2, General Commercial District, as well as the uses of motorcycle retail, service, and repair shop and an on-site parking exemption. Before the rezoning to PUD in 2017 this parcel had been zoned C-3 since 1954.

ZONING ORDINANCE CITATION:

Sec 425.1 – C-3, Intensive Commercial District

1. General description. This commercial district is intended for the conduct of personal and business services and the general retail business of the community. It differs from other commercial districts in that off-street parking is not required. This district was created primarily for those commercial areas which already were so intensely developed that they could not comply with the provisions for other commercial districts in this ordinance.

EXISTING ZONING: The existing zoning for the subject property is PUD, Planned Unit Development – 220 S Porter Avenue – Ordinance No. 1617-15. The existing PUD allows for the following uses:

- Uses permitted in C-2.
- Motorcycle sales, repair and service and related motorcycle and similar vehicle uses.

Medical Marijuana uses were not allowed at the time the PUD was adopted.

ANALYSIS: The building has two lease spaces on this parcel; the entire site will be subject to C-3 zoning.

The applicants' proposal is to lease one of the two spaces as a Medical Marijuana dispensary. Currently, one of the two spaces is being occupied by a gym. For many years the south side of the building was home to a muffler shop/auto repair. After the muffler shop closed the previous tenant relocated his motorcycle sales and service business to the site. The decision at the time was a motorcycle shop was not an allowed use in the C-3 District so the owner rezoned to a PUD to allow the motorcycle sales and service uses. Now that the motorcycle shop is gone, the owner is requesting to take the property back to the original zoning of C-3. The north side of the building was an art studio for several years.

The lot is approximately 140'x100' (14,000 SF) and is completely built out; it is recognized as a legal tract. The site has approximately four existing parking spaces on the north side with on-street parking on the south side of the building. The proposed C-3 zoning does not require parking be provided on-site so no new parking spaces will be required with this request.

ALTERNATIVES/ISSUES:

- **IMPACTS** There will be no impact on the surrounding properties because the intensity of the uses will remain the same as what currently exists. The surrounding properties are all zoned for a similar intensity of uses.

OTHER AGENCY COMMENTS:

- **PUBLIC WORKS** Public sanitary sewer and water serves the property. There are existing sidewalks adjacent to South Porter Avenue and Comanche Street.

CONCLUSION: Staff presents this request for rezoning and Ordinance No. O-2021-40 for consideration by Planning Commission.