

Staff Report

Subject: Rezoning (First District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: August 1, 2023
Item Description: **Ground Control Development, LLC** requests to **rezone** 12.3 acres from **B-2** to **B-3**, to allow for development. Located on US Highway 80. **[Map# 329 Parcel# 36,37,38]**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to **rezone** 12.3 acres from **B-2** to **I-1**, to allow for development, to allow for business development with conditions.

Executive Summary/Background

- The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Zoning districts are described in Appendix C, Article V-Uses Permitted in Districts.
- The applicant wishes to rezone to be in full compliance for operation of land development business and storage of related equipment.
- Map/Parcel 329-38 was rezoned to B-2 in 1983 to allow for auto repair. Automotive repair is now a permitted use in B-3. While the applicant is not proposing automotive repair, rezoning would bring current allowable use of the property to include the original intended use.
- Map/Parcels 329-36&37 were rezoned to B-2 for sale for “commercial use” in 2020. The properties’ functional use prior to that was as a junkyard. When the applicants purposed these parcels, they believed the land was zoned for use equaling the intensity to allow for a junkyard.
- At the July 11, 2023 Planning Board meeting, the applicants amended their request to rezone to I-1, having decided to not include on site wood chipping. They wish to continue pursuit of B-3 zoning to ensure their proposed use of fleet parking for machinery is within compliance.
- At the July 11, 2023 Planning Board meeting, Ryan Thompson made a motion to approve, with the following condition:
 1. A recombination subdivision plat must be approved by Development Services and, and be recorded, before the rezoning can take effect.
- The motion was seconded by Alan Zipperer, and carried unanimously.

Alternatives

1. **Approve** the request to **rezone** 12.3 acres from **B-2** to **B-3**.
 - 1.A recombination subdivision plat must be approved by Development Services and, and be recorded, before the rezoning can take effect.
2. **Deny** the request to **rezone** 12.3 acres from **B-2** to **B-3**.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Rezoning application and checklist 3. Plat 5. Deed
1. Ownership certificate/authorization 4. Aerial photograph