



REQUEST FOR COUNCIL ACTION

AGENDA DATE: October 25, 2021

AGENDA ITEM: Conduct a Public Hearing to consider the adoption of an Ordinance amending Article VI Zoning within Chapter 30 Land Development Regulations by adding the *Automotive/Recreational Vehicle (Repair/Service)* use, as a use permitted with restrictions, within the CBD (Central Business District) zoning district.

PREPARED BY: Eric Trast, Community Development Department

BACKGROUND:

On October 6, 2021, Keith Still, d.b.a. Jack's Auto Service, submitted a petition requesting a text amendment to the Zoning Ordinance that would allow Automotive/Recreational Vehicle (repair/service), as a permitted use, within the CBD (Central Business District) zoning district.

As stated within his application, Mr. Still desires to add a 2,248 sq. ft., addition to his auto repair/service business located at 403 NW 3rd Avenue. The addition would accommodate two additional service bays, equipment and inventory storage space, office space, and employee breakroom. The project may ultimately add three employee's to the business.

The current auto repair/service business was originally established in the early 1960's at this location, having auto repair services, fueling stations, and car wash services over the years. The subject business/property is located within the CBD (Central Business District), and the existing use is not permitted within the CBD per Section 30-512 Table-1 Permitted Uses.

This use, along with two other long standing auto repair/service businesses in the CBD, is considered a grandfathered Class 1 nonconforming use (Those where the use of the building or land does not conform to the district use regulations of division 4 of this article) which is outlined in Section 30-458 Nonconforming uses of the Municipal Code. As such, the Class 1 nonconforming use may not be structurally altered or enlarged unless the resultant altered or enlarged building or use shall conform in terms of usage to the provisions of this article.

Currently, within Section 30-512 Table-1 Permitted Uses, the repair/service use is permitted with restrictions (R) within the GB/*SGB (General Business) and the BP/SBP (Business Park) zoning district. (* "S" designation identifies Shoreland districts)

The additional restrictions, outlined for this use, are set forth within Section 30-564 uses with restrictions, of which, staff would recommend being applied to this use in the CDB (if ultimately approved), are as follows:

(c) Automotive/RV repair (within GB, SGB, BP, SBP zone) provided:

1. No repair work shall take place outside of the principal structure; and
2. Any damaged or disassembled (partially or wholly) vehicle stored overnight shall be kept in an enclosure screening the vehicle and/or other materials from public view in such manner as described in section 30-594(h).

At their rescheduled meeting on October 18, 2021, the Planning Commission reviewed the amendments and forwarded a favorable recommendation to the City Council regarding the draft text amendment. The proposed amendments shown as Exhibits A and B attached to this RCA, and are incorporated into the draft Ordinance being considered following the public hearing, which also includes the Planning Commission's findings of fact.

REQUESTED COUNCIL ACTION:

Make a motion to Conduct a Public Hearing to consider the adoption of an Ordinance amending Article VI Zoning within Chapter 30 Land Development Regulations by adding the Automotive/Recreational Vehicle (Repair/Service) use, as a use permitted with restrictions, within the CBD (Central Business District) zoning district.