



Planning Commission Staff Report

Agenda Item	Community Development Department	Date: 10/18/21
Statement of Issue:	Consider a recommendation to the City Council regarding amendments to the Zoning Ordinance that would add the <i>Automotive/Recreational Vehicle (Repair/Service)</i> use, as a use permitted with restrictions, within the CBD (Central Business District) zoning district.	
Background:	<p>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 <i>Automotive/Recreational Vehicle (repair/service)</i>, as a permitted use, within the CBD (Central Business District) zoning district.</p> <p>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.</p> <p>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.</p> <p>This use, along with two other long standing auto repair/service businesses in the CBD, is considered a grandfathered Class 1 nonconforming use (<i>Those where the use of the building or land does not conform to the district use regulations of division 4 of this article</i>) which is outlined in Section 30-458 <i>Nonconforming uses</i> 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.</p> <p>Currently, within Section 30-512 Table-1 <i>Permitted Uses</i>, the repair/service use is <u>permitted with restrictions (R)</u> within the GB/*SGB (General Business) and the BP/SBP (Business Park) zoning district. (* "S" designation identifies Shoreland districts)</p> <p>The additional restrictions, outlined for this use, are set forth within Section 30-564 <i>uses with restrictions</i>, of which, staff would recommend being applied to this use in the CDB (if ultimately approved), are as follows:</p> <p>(c) Automotive/RV repair (within GB, SGB, BP, SBP zone) provided:</p> <ol style="list-style-type: none"> 1. No repair work shall take place outside of the principal structure; and 	

	<p>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).</p> <p>By its description, within Section 30-511 <i>Purpose of districts: “CBD central business district. This district correlates only with the downtown area of the city and is intended to serve a regional clientele. It is highly diversified and intended to offer the full array of high value comparison goods and services; hotel, cultural, tourist and entertainment services; high density residential; finance; general office and public uses. Because the CBD is a very high use intensity zone, is fully developed, much of which occurred prior to the existence of zoning regulations, and is an area that requires the city to play a role in the provision of parking, normal parking, yard and lot requirements do not apply”.</i></p> <p>The uses currently permitting by right (P) within the CBD zoning district, under Section 30-512, include: accessory buildings, congregate housing, group/foster homes/residential treatment centers for 17+ persons, daycares/nursery’s, accessory buildings, pet shops, construction material suppliers, banks/savings & loan/loan agency, restaurants, clinic’s, offices, professional/scientific/technical services, administrative support services, indoor recreation, health and fitness club, communication services, general retail sales and services, nursery/landscaping services, hotels/motels, medical equipment & supplies, pharmacy’s, taproom/tasting rooms, educational services, post high school/colleges, cultural facilities, and treatment/power substations.</p> <p>The uses currently permitted with additional restriction (R) within the CBD zoning district include: accessory apartments, multi-family housing, emergency housing facilities, essential service structure, temporary buildings, veterinary services, gas stations, clubs/lodges/membership organizations, arcades, temporary outdoor sales, brewery/distillery/winery, outdoor storage – land/sea containers, churches, light manufacturing, and outdoor storage – merchandise/materials.</p> <p>The amendments for your consideration and are depicted within Exhibits A and B (changes on page 3 and 7 & 8), and are shown in the “marked-up” attachments. The draft amendments may be forwarded to the City Council “as is”, or with any additional amendments the Planning Commission deems appropriate.</p>
<p>Considerations:</p>	<p>The Planning Commission should make specific findings of fact regarding the proposed amendment to the ordinance:</p> <ol style="list-style-type: none"> 1. Will the change affect the character of the neighborhood? 2. Will the change foster economic growth in the community? 3. Would the proposed change be in keeping with the spirit and intent

	<p>of the Zoning Ordinance?</p> <ol style="list-style-type: none"> 4. Would the change be in the best interest of the general public? 5. Would the change be consistent with the Comprehensive Plan?
Recommendation:	Based on the above (and other) findings the Commission should consider a recommendation in regard to these draft changes.
Required Action:	<p>Pass a motion, based on the findings of fact, to forward either a favorable recommendation, either with or without changes to the draft amendments, to the City Council, or pass a motion, based on the findings of fact, forwarding an unfavorable recommendation to the City Council regarding amendments to Section 30-512 Table-1 <i>Permitted Uses</i> and Section 30-564 <i>Uses with Restrictions</i> of the Zoning Ordinance.</p> <p><u>Example Motion:</u></p> <p>Motion by _____, second by _____ that, based on the findings of fact presented here today, and in the public’s best interest, the Planning Commission does hereby forward a (favorable)(unfavorable) recommendation to the City Council regarding the draft text amendment adding <u>repair/service</u> under the “Automotive/Recreational Vehicle” subheading, as a use permitted with restrictions within the <u>CBD (Central Business District)</u> zoning district: Section 30-512 Table-1 (<i>Permitted Uses</i>), and that the CBD zoning district is added to the established restriction within subpart (c) of Section 30-564 <i>Uses with Restrictions</i>.</p>
Attachments:	<ul style="list-style-type: none"> • Section 30-512 Table-1 <i>Permitted Uses and Section 30-564 Uses with Restrictions</i> detailing changes (Exhibits A & B). • Copy of Text Amendment petition • CBD Zoning Map • List of Planning Commissions Text Amendment Considerations