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ORDINANCE NO. O-2122-44

ITEM NO. 8

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**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT	Armstrong Bank and Lawson Retail Properties, L.L.C.
REQUESTED ACTION	Rezoning to C-2, General Commercial District
EXISTING ZONING	C-1, Local Commercial District
SURROUNDING ZONING	North: C-2, General Commercial District East: C-1, Local Commercial District South: C-1, Local Commercial District, and R-1, Single Family Dwelling District West: C-2, General Commercial District
LOCATION	2301 McKown Drive
SIZE	1.37 acres, more or less
PURPOSE	Automobile service station with a restaurant and an outdoor patio
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Commercial East: Office South: Office and Commercial West: Office and Industrial
LAND USE PLAN DESIGNATION	Commercial

**SYNOPSIS:** The applicants, Armstrong Bank and Lawson Retail Properties, L.L.C., are requesting to rezone from C-1, Local Commercial District, to C-2, General Commercial District, to allow for an automobile service station with a restaurant and an outdoor patio. The subject property is approximately 1.37 acres.

**HISTORY:** The subject property was rezoned from A-2, Rural Agricultural District, to C-1, Local Commercial District, with Ordinance No. O-8182-10 on September 29, 1981.

**ZONING ORDINANCE CITATION:** SEC 424.1 – C-2, GENERAL COMMERCIAL DISTRICT

**General Description.** This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

**EXISTING ZONING:** The subject property is currently zoned C-1, Local Commercial District. This zoning district allows only for commercial and accessory uses. An automobile service station is not permitted in C-1 without a Special Use approval.

**ANALYSIS:** As stated above, a property in the C-2 District requires direct and frequent access. While State Highway 9 is a divided highway in the Comprehensive Transportation Plan, McKown Drive and 24<sup>th</sup> Avenue SW are local streets. Twenty-fourth Avenue S.W. is constructed as a collector street in this area.

**SITE PLAN:** The proposed site plan shows one building, which will contain the restaurant, coffee shop, and market. There are two covered fueling islands, each containing four fuel pumps. The building will have a drive thru window on the north side. There are 32 parking spots proposed. There is one proposed access point off 24<sup>th</sup> Avenue SW, which will be a right in/right out, and two proposed access points off McKown Drive.

**SITE PLAN AMENDMENT:** The site plan that was approved with the plat for this property in 1994 did not show a drive access on 24<sup>th</sup> Avenue S.W.; see attached site plan as reference. The 1994 site plan also had three drives onto McKown Drive; the applicant is requesting one of these drives be removed. The applicant has submitted a Site Plan Amendment request as part of this application to allow a right in/right out drive access on 24<sup>th</sup> Avenue SW.

**USE:** The applicant stated on the application they propose to use the property as a restaurant, specialty coffee shop and market with an outdoor patio, and fueling island. There are a number of other commercial uses allowed by-right in the C-2 District, including:

Automobile, farm implement and machinery repair, sales and service, but not automobile wrecking yards or junk yards.

Automobile service station.

Bakery.

Bath.

Bus terminal.

Carpenter and cabinet shop.

Cleaning and dyeing works.

Drive-in movie theater.

Electric sales and service.

Electric transmission station.

Feed and fuel store.

Frozen food locker.

Glass shop.

Golf course, miniature or practice range.

Heating, ventilating or plumbing supplies, sales and service.

Ice plant or storage house for ice and food housing not more than ten (10) tons capacity.

Laundry.

Lodge hall.  
Lumber and building materials sales yard.  
Medical Marijuana Dispensary, as allowed by state law.  
Music, radio or television shop.  
Outdoor advertising signs.  
Pawn shop.  
Printing plant.  
Sign painting shop.  
Small animal hospital.  
Storage warehouse.  
Tier I Medical Marijuana Processor, as allowed by state law.  
Tier II Medical Marijuana Processor, as allowed by state law.  
Trailer camp.  
Used auto sales.  
Wholesale distributing center.

**OTHER AGENCY COMMENTS:**

**PUBLIC WORKS:** Sidewalks are required adjacent to McKown Drive. Detention will be required for stormwater on site. A lot line adjustment will be required.

**TRAFFIC:** To accommodate 24<sup>th</sup> Avenue S.W. southbound traffic, staff will require the applicant to include a striped southbound left turn lane/bay on the north leg of the existing intersection of 24<sup>th</sup> Avenue S.W. and McKown Drive/Van Buren Street. Traffic staff expects the striping can be done without any widening of the existing 24th Avenue S.W. The "right-in, right-out" drive shown on the site plan will be constructed to city traffic specifications and reviewed for compliance with the building permit application.

**PREDEVELOPMENT: PD 22-09, April 28, 2022**

A neighbor asked if the applicant is expecting people to drive there. The applicant said, "Yes." Neighbors said that traffic is already backed up at 5 p.m. and that this development will only make things worse. The neighbors stated that they don't want any retail establishment doing high volume sales at that location, regardless of the food quality. Traffic is the most significant issue for the neighbors. The neighbors also stated that the proposed drives will limit on-street parking. A neighbor asked if the applicants had made any contact with Planning Commission or City Council. The applicants said, "No."

**CONCLUSION:** Staff forwards this request for rezoning from C-1, Local Commercial District, to C-2, General Commercial District, as Ordinance No. O-2122-44 for consideration by the Planning Commission and a recommendation to City Council.