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ORDINANCE NO. O-2122-8

ITEM NO. 16

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**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT	Jim Holmes Investments, L.L.C.
REQUESTED ACTION	Rezoning to CCPUD, Center City Planned Unit Development
EXISTING ZONING	Center City Form-Based Code, Urban General Frontage
SURROUNDING ZONING	North: R-1, Single Family Dwelling District East: CCFBC, Urban General South: CCFBC, Urban General West: CCFBC, Urban General
LOCATION	453 W. Gray Street
SIZE	0.22 acres, more or less
PURPOSE	Medical Marijuana Dispensary with Tier I and Tier II processing
EXISTING LAND USE	Commercial Strip Center with three tenant spaces, one of which is occupied by Jim Holmes Insurance
SURROUNDING LAND USE	North: Single Family Residential East: Betty Lou's Flower Shop South: Sprouts Grocery Store West: Vacant Tenant Space
LAND USE PLAN DESIGNATION	Floodway

**SYNOPSIS:** The applicant is requesting to rezone this property from Center City Form Based Code, Urban General (CCFBC) to Center City Planned Unit Development, CCPUD. They are seeking a CCPUD in order to utilize CCFBC uses, which allow for Medical Marijuana dispensary and Tier I and II processing without complying with the required CCFBC form standards for the existing building. The applicant is requesting to maintain and/or replace existing signs with a sign of the same square footage. Any new signs will comply with 704 (N) of the CCFB Code.

**CCPUD BACKGROUND:** During the review of the Center City Form Based Code, the question was asked, what to do with applications that need or want an option to vary from the regulations within the CCFBC? The option, establish Appendix B, Sec. 520 Center City Planned Unit Development, within the Center City Form-Based Code. Appendix B was included to provide an alternative zoning district for the Center City Area as defined in the Center City Form Based Code (CCFBC). This process of requesting a CCPUD gives Planning Commission and City Council the opportunity to review the proposal within the Center City area.

## **Appendix B**

### **Sec. 520 Center City Planned Unit Development**

**A. *Statement of Purpose:*** *It is the intent of this section to provide an alternative zoning district for the Center City Area as defined in the Center City Form Based Code (CCFBC). This Center City Planned Unit Development District (CCPUD) is specifically catering to the Center City Area because of the size of lots, the lack of vacant land and other distinguishing characteristics in this area that make the use of the existing PUD regulations not feasible. The CCPUD encourages developments that create the character of development envisioned in the CCFBC.*

*Specifically, the purposes of this section are to:*

- 1. Provide an alternative zoning district to the CCFBC where a property owner proposes a development that does not meet the strict regulations required in the CCFBC.*
- 2. Provide open space/street space that is compatible with the concepts of the CCFBC.*
- 3. Provide comprehensive and innovative planning and design for a development which is consistent and compatible with surrounding developments.*
- 4. Provide more efficient and economic use of land resulting in an urban/pedestrian environment.*
- 5. Provide complete and useful information which will enable the Planning Commission and City Council to make more informed decisions on land use.*
- 6. Encourage developments that achieve community goals, such as, but not limited to, aging in place, or affording housing, or other emerging trends in housing, that may not be able to meet all the required elements of the Center City Form Based Code.*

**ANALYSIS:** The applicant provided a CCPUD Narrative which outlines the proposed uses and applicable regulations for this property.

### **PARTICULARS OF THIS CCPUD:**

- 1. USES** The CCPUD Narrative states that the property's allowable uses shall be as follows:
  - Medical Marijuana Dispensary,
  - Tier I Medical Marijuana Processor, as allowed by state law,
  - Tier II Medical Marijuana Processor, as allowed by state law,
  - Office Uses as listed in Exhibit C,
  - Bar, lounge, or tavern, subject to the applicable requirements of Section 704.F of the CCFBC, as may be amended from time to time,

- Restaurant. A restaurant may include live entertainment and/or a dance floor, (all such activity fully within an enclosed building) provided the kitchen remains open with full food service whenever live entertainment is offered, and
- Variety of Commercial and Civic use as listed in Exhibit C.

It should be noted that the property is currently allowed these uses under the Urban General Frontage of the Center City Form Based Code District. As mentioned earlier in this report, in order to utilize the medical marijuana uses afforded under the CCFBC District, the structure must comply with the form requirements of the code but the applicant wishes to utilize the existing building.

2. **SITE PLAN AND ACCESS** The existing structure and parking lot at 453 W Gray Street is to remain as is, with interior remodeling as needed. Access to the parking will remain off of Gray Street as well as the alleyway behind the building.
3. **HEIGHT** The CCPUD Narrative states that the existing building will remain in its current configuration of one story. It further states that if redevelopment occurs the property shall comply with the CCFBC regarding building height requirements.
4. **ELEMENTS** The CCPUD Narrative states the existing building will remain in its current condition, but if redevelopment occurs, it will comply with the Element aspects as required in the CCFBC.
5. **PARKING** The existing parking lot at 453 W Gray Street is to remain.
6. **LANDSCAPING/OPEN SPACE** The CCPUD Narrative states that if redevelopment occurs, the property will then comply with the open space requirements of CCFBC Urban General Frontage.
7. **SIGNAGE** The CCPUD Narrative states that the existing signs on the building shall be allowed to remain. It additionally states that the existing signs shall be allowed to be repaired, updated or replaced as long as the area for the sign remains the same. All other new signs shall comply with the signage provisions Section 402.N of the CCFBC.

**DISCUSSION:** Staff reviewed this CCPUD and does not see a negative impact on the intent of the CCFBC. The existing building has been vacant for some time and the applicant's proposed use will help bring commercial activity back to this section of Gray Street. The applicant will be housing all activities within the existing building with no outside storage or activity beyond the customer and employee parking lot.

**OTHER AGENCY COMMENTS:**

- **PUBLIC WORKS** Water, sewer and drainage infrastructure are existing for this site. If the property is redeveloped, it will have to meet floodplain ordinance requirements since it is located in the Imhoff Creek floodplain. It should also be noted that due to floodway restrictions, this lot can never be redeveloped outside the current footprint of the existing building.

- **PREDEVELOPMENT PD21-21** June 24, 2021

No neighbors attended the predevelopment meeting for this proposal.

**CONCLUSION:** Staff forwards this request and Ordinance No. O-2122-8 for your consideration.