



Legislation Details (With Text)

File #: 18-867 **Version:** 1 **Name:**
Type: Action Item **Status:** Agenda Ready
File created: 5/7/2018 **In control:** Town Council Meeting
On agenda: 5/21/2018 **Final action:**
Title: Public Hearing on Rezoning of 200 Maple Avenue East and 109 Park Street Northeast From C-1a Special Commercial Zone to C-2 General Commercial Zone for Proposed Automobile Service Station and Convenience Store

Sponsors:

Indexes:

Code sections:

Attachments: 1. PC STAFF REPORT - 4-25-2018 - 200 MAPLE AVE E REZONING, 2. 200 Maple Ave E Plans, 3. 200 Maple Ave E Statement of Justification, 4. 200 Maple Ave E Proffer Statement (Executed Version), 5. PC Meeting Memo April 25.Rezoning Gas Station final

Date	Ver.	Action By	Action	Result
5/21/2018	1	Town Council Meeting	approved	Pass

Subject:

Public Hearing on Rezoning of 200 Maple Avenue East and 109 Park Street Northeast From C-1a Special Commercial Zone to C-2 General Commercial Zone for Proposed Automobile Service Station and Convenience Store

EXPLANATION AND SUMMARY :

The applicant requests a rezoning of two parcels located at 200 Maple Avenue East and 109 Park Street Northeast, parcels 38-2 ((2)) 88 and 38-2 ((2)) 89, to the C-2 General Commercial Zone to allow for the operation of an automobile service station (commonly referred to as a gas station).

The proposal includes demolishing all existing structures on-site, including a 2-story commercial building and existing automobile service station (with canopy, cashiers building, and detached accessory structure). During its operation, the service station was operating as a nonconforming use, meaning it was legally operating but did not meet current zoning regulations. Because the gas station has been vacant for more than two years (since 2009) and there has not been a continuance of use, the nonconforming use is no longer permitted. Therefore, the applicant must rezone at least the one parcel, 38-2 ((2)) 88, from C-1A Special Commercial to a zone that allows automobile service stations. The C-2 General Commercial zoning district permits automobile service stations.

The Future Land Use Plan in the Comprehensive Plan 2015 Update shows the site as mixed-use. The mixed-use land category was added to the plan to reflect the vision for the existing commercial areas to redevelop as mixed-use projects. While the desire of the mixed-use is to encourage redevelopment of mixed-use projects, the rezoning to the C-2 General Commercial zoning district, which reinstates the defunct gas station as a gas station, is consistent with maintaining Maple Avenue as a commercial corridor.

In accordance with Article 24 of the Town Code, the Planning Commission held a public hearing on the rezoning application on April 25, 2018, at which time the Commission recommended approval of the rezoning.

Departmental Recommendation :

Finance Recommendation : N/A

Purchasing Recommendation : N/A

Town Attorney Recommendation : The Town Attorney recommends the Town Council conduct a public hearing on the proposed rezoning.

Town Manager's Recommendation : I recommend the Town Council approve the proposed rezoning of two parcels for the operation of an automobile service station located at 200 Maple Avenue East and 109 Park Street Northeast as presented.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: N/A

PROPOSED/SUGGESTED MOTION

"I move to close the Public Hearing."

"I further move to approve the proposed rezoning of two parcels for the operation of an automobile service station located at 200 Maple Avenue East and 109 Park Street Northeast from the C-1A Special Commercial zoning district to the C-2 General Commercial zoning district."

Or

Other action deemed necessary by Council.