

the property and its relation to C-C zoning being unclear, and there being no stated alternative proposed use of the property requiring C-C zoning, the applicant's Rezoning request is deemed to be SPECULATIVE.

In general, it is considered highly inappropriate for commercial uses (particularly the intensive ones...) to have their only means of access through a residential area, and therefore such intensive zoning districts in these areas should not be approved as part of any redevelopment proposal. In the City's Land Development Regulations (LDR) it gives general purpose statements for each of the City's zoning districts. For C-C zoning (LDR section 206 16(A)), it states that it "should be located on collector streets where they are convenient by car and on foot to surrounding neighborhoods but will not cause excessive traffic on residential streets."

Staff understands the history of the property with its commercial/warehouse type buildings, and its currently intensive nonconforming usage, but does NOT believe this situation justifies the potential negative impacts such a zoning change could have on the adjacent residential neighborhood to the east and south. If rezoned to C-C, any of the allowable uses in C-C zoning become eligible for the subject property (see attached "Zoning District Comparison Chart"). Staff would certainly encourage redevelopment of the subject properties, and even adaptive reuse of the existing buildings, but believes there are better alternatives --- such as an institutional use (many of which are allowed in R-6 with a CUP approval), or perhaps redevelopment as multi-family (requiring a rezoning to R-M, which is eligible in the CAC character area), which would be generally supported by staff.

Staff finds the request inconsistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP) and recommends DENIAL to the City Council.

Commissioner Willis asked if the current use will continue. Mr. Martin replied that is a question for the applicant. Commissioner Hightower inquired as to the allowable uses in C-C zoning. Mr. Martin stated retail, restaurants, offices, etc., as well as multi-family housing.

There being no further questions for staff, Chairman Miller opened the Public Hearing portion of the case.

Speaking in favor of the request:

- Mr. Billy Nijem, Attorney for the Applicant – 1007 N. Patterson St.

Mr. Nijem reiterated the purpose of the request is to make the long-standing use conform to zoning. The intent is to clean up the property and use it for specialty services that might include a general contractor's office, appliance repair, locksmith or the like. He also stated a Conditional Use Permit is required for many uses in C-C zoning which gives opportunity to limit undesirable uses via conditions.

Commissioner Wildes voiced concern about access through a residential street not knowing what the actual use will be. Mr. Nijem stated speculative use is not forbidden when making the request. Commissioner Foreman asked is the applicant knows what use it will be, to which Mr. Nijem answered