



Agenda Item:

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## COUNCIL COMMUNICATION City Manager's Office

### GENERAL INFORMATION

Agenda Date: 03/28/05

Communication

No.: 05-158

Agenda Item Type: Ordinance

Roll Call No.:

Submitted by: Larry Hulse, Community Development Director

### SUBJECT—

Public Hearing on request from The Pawn Store Inc. (Purchaser) represented by Jeffrey R. Pocock (Agent) to rezone property located at 3025 Douglas Avenue from Limited "C-2" General Retail and Highway Oriented Commercial District to a Limited "C-1" Neighborhood Retail Commercial District.

### SYNOPSIS—

The applicant would like to join the vacant property in question with property located at 3005 Douglas Avenue to allow expansion of the existing commercial structure at 3005 Douglas Avenue currently used for "The Pawn Store". On February 3, 2005 the Plan and Zoning Commission voted 13-0 to recommend approval of the rezoning subject to the following conditions:

1. The use of the property (3025 Douglas Avenue) for the sale of alcoholic beverages is prohibited.
2. Any development of the subject property (3025 Douglas Avenue) shall be in combination with property having frontage along Douglas Avenue.
3. Any site plan which includes any or all of the subject property (3025 Douglas Avenue) shall fully comply with all provisions of the adopted Landscape Standards for the "C-1" District.
4. Any structures or building additions constructed on a site containing the subject property (3025 Douglas Avenue) shall be designed and have materials that are compatible with the

existing structures and/or other commercial structures in the surrounding neighborhood as approved by the Community Development Director.

5. Any site plan which includes any or all of the subject property (3025 Douglas Avenue) shall be subject to review and approval by the Plan and Zoning Commission.

The existing and proposed zoning for 3025 Douglas Avenue and existing zoning for 3005 Douglas Avenue (The Pawn Store) prohibits parking, display or storage of vehicles for hire, rental or sale. The Zoning Ordinance prohibits merchandise for sale or rent from being displayed or stored in the required front yard in any commercial or industrial district. Transient merchants must be licensed and are regulated in accordance with Chapter 78 of the City Code.

**FISCAL IMPACT—**

None

**RECOMMENDATION—**

Approval

**BACKGROUND—**

On February 28, 2005 the City Council voted 7-0 to set the public hearing regarding the proposed rezoning for March 28, 2005. The City Council specifically requested that staff verify the recommendation of the Plan and Zoning Commission and provide information to the City Council regarding the prohibition of vehicle display lots and regulation of outdoor merchandising and transient merchants.

Confirmation of P&Z Recommendation:

On March 17, 2005 the Plan and Zoning Commission confirmed their previous recommendation and associated conditions as noted in the Synopsis. In general, if the subject property is combined with 3005 Douglas Avenue (The Pawn Store) as part of a site plan, the Plan and Zoning Commission would like to review that site plan and require the entire site to be upgraded to C-1 Landscape Standards.

Prohibition of Vehicle Display Lots:

The proposed limited C-1 zoning for the subject property at 3025 Douglas Avenue prohibits use of the subject property for parking, display or storage of vehicles for hire, rental or sale. The existing C-1 zoning of 3005 Douglas Avenue (“The Pawn Store”) also prohibits parking, display or storage of vehicles for hire, rental or sale.

Regulation of Outdoor Merchandising:

Section 134-1276[n] of the City Code “Merchandising in front yard” states that no merchandise shall be offered for sale or rent nor shall it be displayed or stored in the required front yard in any commercial or industrial district; provided that dispensing devices for motor fuel, air and water shall be permitted if they are set back at least 12 feet from the property line. The required front yard setback in the C-1 District is 25 feet. The Douglas Avenue and 30<sup>th</sup> Street frontages are both considered front yards.

Regulation of Transient Merchants:

Chapter 78 of the City Code regulates transient merchants. In addition to requiring a transient merchant license from the City Clerk's office, the following acts are prohibited:

- (a) No transient merchant shall sell to any person situated in a motor vehicle upon any public street, alley, driveway access, or public way.
- (b) No transient merchant shall erect a sign in and around the location of the sale in a manner such that the sign leans or is temporarily propped against a display area. Nothing in this subsection, however, shall be deemed to prohibit the erection of a sign permanently affixed to the place of sale so long as it complies with all other sections of this article and with chapter 134 of this Code.
- (c) No transient merchant shall conduct a transient sale with a display and sale area in excess of 1,000 square feet, but in no event shall any one dimension exceed 50 feet.
- (d) No transient merchant shall conduct a transient sale with a display height in excess of 15 feet.
- (e) No transient merchant shall display wares or products without anchoring or affixing such wares or products in such a manner so as to prevent their displacement by weather conditions.
- (f) No transient merchant shall conduct a transient sale within the setback area designated by chapter 134 of this Code.
- (g) No transient merchant shall conduct a transient sale without displaying the license required by this article within the place of sale in a manner such that it is readily visible to all persons attending the sale.
- (h) No private property owner shall allow, permit or authorize any person to conduct a transient sale without the license required by this article.
- (i) No private property owner or lessee shall allow, permit, or authorize the use of any property within the control of the private property owner or lessee in violation of any of the sections of this article.