



## MEMORANDUM

**Date:** November 16, 2023

**To:** Luke Winchester, Chairman  
and Planning Commission

**From:** Jennifer Hamblen, Planning Director  
Jon Baughman, Deputy Planner

**Re:** 330 W. Division Street  
Rezone  
Map – 073L, Group C  
Parcel(s) – 002.00

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**Request:** Submitted by Robinson Properties, the applicant seeks a rezone from OPS to CTC for 330 W. Division Street located in District 1.

**Description:** The subject property is in the City limits, located on the north side of W. Division Street between 3<sup>rd</sup> and 4<sup>th</sup> Avenues. North of the property are the railroad tracks. The area of the site is approximately an acre. There is an existing single-family home and accessory structure on the site. The applicant desires to change the zoning from OPS (office professional services) to CTC (commercial town center), a request which the City's land use plan supports. The intent for the property is for a hair salon and coffee shop. OPS does not support take-out which is the reason for the request. A summary of the request is provided below:

REQUEST SUMMARY	Land Use Map	Requested Classification	Current Zoning	Requested Zoning
Robinson Properties	Neighborhood Commercial	N/A	OPS	CTC

**Future Land Use Plan:** The City's Future Land Use Map identifies the property as Neighborhood Commercial. Surrounding land uses classifications include Neighborhood Commercial and Low Density Residential. The future land use plan supports this request for CTC zoning and a plan amendment is not required.

**Zoning:** Current zoning OPS and the requested zoning is CTC. Surrounding properties include CTC, RS-40 north of the railroad tracks and RS-20 west of 4<sup>th</sup> Avenue.

**Findings:** In reviewing the requested zoning actions, staff finds that the request agrees with all of the following findings, as contained in the zoning ordinance. The proposed annexation and rezone:

1. *is agreement with the general plan for the area, and*
2. *does not contravene the legal purposes for which zoning exists, and*

3. *will have no adverse effect upon joining property owners, unless such effect can be justified by the overwhelming public good or welfare, and*
4. *is not materially beneficial to a property owner or small group of property owners and will not be detrimental to the general public, and*
5. *is possible because conditions affecting the area have changed to a sufficient extent to warrant an amendment to the zoning map, and*
6. *allows uses by right, for which the base infrastructure is in place or will be required, to support their operation.*

**Summary:** The applicant seeks CTC zoning (OPS currently) for this property. The request is supported by the City's Land Use Plan.

**Recommendation:** Staff recommends forwarding the Rezone request from OPS to CTC for 330 W. Division Street to the Board of Commissioners with a positive recommendation, subject to the conditions below: