

City of Marion City Planning Commission

Rezoning Request

Staff Report

June 30, 2021

APPLICANTS: Brent T. Stooksbury & Justin Stooksbury

LOCATION: 311 Rose & 321 Rose Ave.

REQUEST: Rezone Parcels #122150005600 (5.669 acres) & parcel # 12-2150005400 (3.645 acres) from I-2 to C -2 for use as a haunted house in a former industrial warehouse.

ZONING: I-2 General Commercial

BACKGROUND: According to the tax card, the foundry building on the 5.669-acre tract had been in poor condition and all of the industrial equipment had been removed by 2008. The building was removed, and the lots combined into one deep parcel that has 51' of frontage on Silver St. and 38' on Rose Ave. The 1905 warehouse/storage facility remains at the end of Rose Ave. on the smaller of the two parcels known as 321 Rose. This structure sits behind (south of) the former Foundations Rehabilitation Center which is currently being used as an alternate jail facility by the County. Brent Stooksbury also owns the vacant residential-sized lot known as 274 Rose Ave. which the first lot on the east, immediately north of the jail parcel. He acquired it from the City of Marion in April of 2021. Justin Stookbury also owns 3 parcels on 185 Leader St. just north of the NYC Railroad lines.

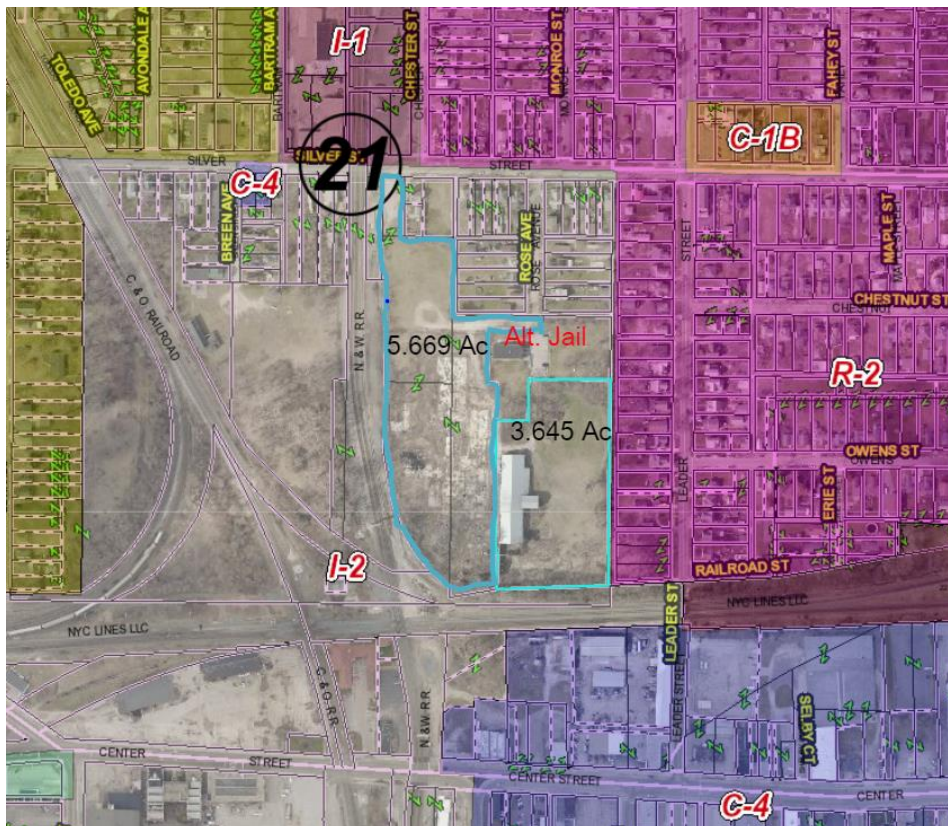


Photo of warehouse building:



Comments:

Section 1143.012 C-2 Community Shopping District in subsection (A) (6) lists principal permitted uses such as “assembly halls, bowling alleys, concert halls, enclosed theaters, skating rinks, and similar places of assembly or entertainment “. Since these uses permit a large group of people from the community to gather for entertainment, the Zoning Inspector and I felt that a haunted house open to the public was similar in character to these uses.

The land in question is I-2 General Industrial because of its industrial history and proximity to the railroads. Even though the proposed haunted house is not as intense of a use as many of the industrial uses permitted, the zoning code does not permit uses from the Commercial districts to pyramid up into the Industrial districts. This is because traditional industrial uses are often loud, dirty, smelly, and often are a nuisance to surrounding homes and businesses. Therefore, the code tries to separate heavy industry from other land uses. However, in this particular neighborhood, single family homes are located on Rose Ave. Leader St. and Silver St. Some C-3 & C-4 Commercial districts are south of the railroad tracks facing Center St. and there are a few small pockets of neighborhood scale commercial zoning sprinkled amongst the homes on Silver St.

In favor of the request, we find:

1. The neighborhood already has a mixture of land uses and the haunted house will be inside and tucked away at the end of the dead-end street with railroads on two sides.
2. The land in question has not been used in a productive way for many years.
3. An industrial use with large trucks and increased traffic would be permitted to locate in the site as it is currently zoned.
4. The site has over 9 acres for parking and on-site traffic control.
5. The building is located deep in the property about 350’ away from the Rose Ave. homes and 230’ from the Leader St. homes.

Against the request we find:

1. If the haunted house is successful, more traffic will come down Rose Avenue and Silver St. An interior traffic flow plan will need to be developed to create an orderly way in and out of the site.
2. The jail administration may not desire to have the public and increased traffic go past its facility.

RECOMMENDATIONS:

Approve the rezoning if at least two means of ingress/egress are acceptable to the city engineer's office.