

ITEM NO. 8A IG TO IL; .20 ACRES; 920 & 920 ½ DELAWARE ST (SLD)

Z-11-26-11: Consider a request to rezone approximately .20 acres from IG (General Industrial) to IL (Limited Industrial), located at 920 and 920 ½ Delaware Street. Submitted by Struct/Restruct, LLC, property owner of record.

ITEM NO. 8B PRELIMINARY PLAT FOR EVEN LOWER EAST SIDE ADDITION; 920 & 920 ½ DELAWARE ST (SLD)

PP-11-11-11: Consider a Preliminary Plat for Even Lower East Side Addition, a one lot subdivision containing approximately .20 acres, located at 920 and 920 ½ Delaware Street. The request includes a variance request from the Subdivision Design Standards, specifically 20-809(d) regarding the minimum area of the proposed lot. Submitted by Struct/Restruct, LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 8A and 8B together.

APPLICANT PRESENTATION

Mr. Matt Jones, Struct/Restruct, said he wanted to open a coffee shop that had a retail element to it to provide a place for viewing and experiencing some of the products he makes.

PUBLIC HEARING

Ms. K.T. Walsh, East Lawrence Neighborhood Association, said the applicant came to the neighborhood association and that they were in favor and had no objections. She asked the applicant to look under the dirt for a brick sidewalk.

COMMISSION DISCUSSION

Commissioner Finkeldei said he was not a big fan of conditional zoning but he understood why the neighborhood would want to so. He said he would support this.

ACTION TAKEN on Item 8A

Motioned by Commissioner Finkeldei, seconded by Commissioner von Achen, to approve the request to rezone approximately .20 acres from IG (General Industrial) to IL (Limited Industrial), located at 920 and 920 ½ Delaware Street based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the following condition:

1. Publication of an ordinance that indicates the following uses are prohibited:
 - a. Animal Services; Kennel
 - b. Eating & Drinking Establishments; Fast Order Food, Drive-In
 - c. Office; Financial, Insurance & Real Estate
 - d. Retail Sales & Service; Mixed Media Store
 - e. Transient Accommodation; Hotel, Motel, Extended Stay,
 - f. Vehicle Sales & Service;
 - i. Cleaning (Car Wash)
 - ii. Gas and Fuel sales
 - iii. Heavy Equipment Repair
 - iv. Heavy Equipment Sales/Rental
 - v. Inoperable Vehicles Storage
 - vi. RV and Boats Storage
 - g. Industrial Facilities; Scrap and Salvage Operation
 - h. Wholesale, Storage & Distribution; Mini Warehouse and
 - i. All uses included in the Agriculture group

Commissioner Hird said it was nice to see a project in this economy and on this side of town. He appreciated the applicant working with the neighborhood association.

Unanimously approved 7-0. Student Commissioner Davis voted in the affirmative.

ACTION TAKEN on Item 8B

Motioned by Commissioner Finkeldei, seconded by Commissioner Belt, to approve the variance request from Section 20-809(d)(2) which requires that each lot resulting from the division will conform with the minimum lot size and other dimensional requirements applicable to the property through the Zoning District Regulations found in Section 20-601(a).

The variance would permit the following variation from the dimensional requirements of Section 20-601(a) for the IL Zoning District:

1. Lot area of 8,701 for Lot 1 rather than the 20,000 sq. ft. required in the proposed IL Zoning District.

Commissioner Britton inquired about the requirement of 20,000 sq. ft. for industrial IL and only 5,000 sq. ft. for IG.

Mr. McCullough said the answer may be in having staff research the analysis of the Code.

Unanimously approved 7-0. Student Commissioner Davis voted in the affirmative.

Motioned by Commissioner Finkeldei, seconded by Commissioner Burger, to approve the Preliminary Plat of the Even Lower East Side Addition subject to the following conditions:

1. Revision of the preliminary plat with the following notes and changes:
 - a. Addition of the following note to the face of the drawing: "Variance approved from Section 20-809(d)(2) which requires that each lot conform with the dimensional requirements applicable to the property through the Zoning District Regulations found in Section 20-601(a), specifically the minimum area requirements.
 - b. The revised Preliminary Plat must list the revision date.
 - c. Provision of a revised note regarding the 100 year floodplain to reference the August 5, 2010 FEMA FIRMs.
2. An Agreement Not to Protest the Formation of a Benefit District for future street and sidewalk improvements to Delaware Street must be executed by the property owner and provided to the Planning Office with submission of the Final Plat.
3. Review and approval by the Historic Resources Commission.

Unanimously approved 7-0. Student Commissioner Davis voted in the affirmative.