

ITEM NO. 5 RM24 TO CS; 37,500 SQUARE FEET; 1740 MASSACHUSETTS STREET (JCR)

Z-12-21-08: Consider a request to rezone approximately 37,500 square feet at 1740 Massachusetts Street from RM24 (Multi-Dwelling Residential) to CS (Commercial Strip). Submitted by Wally Storey Associates Inc, for Dillon Companies Inc, property owner of record.

STAFF PRESENTATION

Mr. Joe Rexwinkle presented the item. He also explained that the original request included an additional property on New Hampshire Street that is no longer a part of the request.

Commissioner Finkeldei inquired about the original rezoning request that included 1725 New Hampshire Street.

Mr. Rexwinkle said that Dillons had wanted to acquire and rezone the apartment building at 1725 New Hampshire Street to make way for additional parking and staff identified a portion of their existing site was not zoned properly.

Commissioner Harris asked if Dillons needed the parking spaces to be compliant with the Development Code.

Mr. Rexwinkle said there is a site plan from 1982 based upon site conditions, standards, and regulations from 1982, so staff asked for a new site plan to recalculate the parking by today's conditions and standards. Dillons did not have enough parking spaces to meet the Code and a parking variance was required at that time. Staff expects a new site plan will show a similar situation. He said Dillons was short about 30 parking spaces in 1982. This rezoning request will not bring them into conformance with regard to parking requirements because the zoning applies to an existing portion of the Dillons site that currently contains parking. This rezoning is to bring the zoning into conformance with the established use.

Commissioner Finkeldei said he shops at Dillons on Massachusetts Street and has never seen the parking lot full.

Commissioner Harris said the parking information would be helpful. She said she has experienced the opposite of Commissioner Finkeldei and that when she shops at Dillons the parking lot is full.

Mr. Rexwinkle said staff did request the parking information from the applicant but it is technically not required. As of this time a plan has not been submitted.

APPLICANT PRESENTATION

Applicant was not present.

PUBLIC HEARING

Ms. Constance Hallberg, 1822 New Hampshire Street, said the omission of the apartment complex in this rezoning was not known to her.

Commissioner Finkeldei asked if a rezoning request for 1725 New Hampshire is submitted would Planning Commission see it.

Mr. Rexwinkle said that was correct, the rezoning of the apartment complex would be heard by the Planning Commission, as a separate rezoning request.

Ms. Hallberg said she supported Dillons staying in business.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Moore, to approve the request to rezone approximately 37,500 square feet, from RM24 (Multi-Dwelling Residential) to CS (Commercial Strip) based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 9-0.