

**ITEM NO. 4A PCD TO CN2; 3.47 ACRES; 4000 W 6<sup>TH</sup> ST (MKM)**

**Z-12-19-10:** Consider a request to rezone approximately 3.47 acres from PCD (Planned Commercial Development-Monterey Center) to CN2 (Neighborhood Commercial Center), located at 4000 W. 6<sup>th</sup> Street. Submitted by Allen Belot, for Monterey Partners, LLC., property owner of record.

**ITEM NO. 4B SPECIAL USE PERMIT; 4000 W 6<sup>TH</sup> ST (MKM)**

**SUP-12-9-10:** Consider a Special Use Permit for a drive through window in a retail center located at 4000 W. 6<sup>th</sup> Street. Submitted by Allen Belot, for Monterey Partners, LLC., property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented items 4A and 4B together.

**APPLICANT PRESENTATION**

Mr. Allen Belot, representative for Monterey Partners LLC, said the zoning change was to allow a few more uses out of this unique infrastructure from the previous PCD. There was a drycleaners previously there. He said the change in the zoning ordinance has made the definition of pick-up drive thru restaurant so tight and this would allow this particular suite a little more flexibility, such as a coffee shop.

Commissioner Rasmussen asked if he was concerned about it becoming a fast order food place with no means to order.

Mr. Belot said there was not enough room for a menu board or speaker box, only a drive up window.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Liese said he liked drive up windows without a speaker box and found them charming. He said he gets his prescriptions and coffee that way.

**ACTION TAKEN on Item 4A**

Motioned by Commissioner Rasmussen, seconded by Commissioner Liese, to approve the rezoning of approximately 3.5 acres located at 4000 W 6<sup>th</sup> Street from PCD-[Monterey Center] to CN2, based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval contingent upon the following condition:

1. That the property owner of the remaining portion of the Planned Development provide their written consent to the rezoning.

Unanimously approved 7-0.

**ACTION TAKEN on Item 4B**

Motioned by Commissioner Rasmussen, seconded by Commissioner Culver, to approve Special Use Permit (SUP-12-9-10) for a fast order food with drive-in, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Publication of an ordinance per Section 20-1306(j).
2. Applicant shall provide a revised site plan with the following changes:
  - a. Note added which limits this window for 'pick-up' only with no separate order window or speaker box.
  - b. General Note 1 revised to indicate that the current zoning for the development is PCD-[Monterey Center] and that the proposed zoning for Lot 1B is CN2.

- c. The legal description revised to "Lot 1B, Monterey Addition No 7".
  - d. General Note 2 revised to indicate that the *current* use is *general retail sales*.
  - e. General Note 3 revised to indicate that the proposed use is *general retail sales* with a '*fast order food with drive-in*'.
  - f. Lot 1B shall be bubbled or otherwise delineated from the remainder of the development so it is clear that the SUP applies only to Lot 1B.
  - g. The plan shall be relabeled 'SUP site plan for Lot 1B, 4000 W 6<sup>th</sup> Street STE 1."
  - h. The property ownership for Lot 1B shall be added to the plan and the developer information changed, if necessary.
  - i. The plan shall show the entire property being rezoned to the CN2 District (all of Lot 1B) and include a parking summary for this lot as well as the parking requirements for the entire commercial development, both the CN2 and the remaining PCD-[Monterey Center] zoned areas.
  - j. The following note shall be added to the plan: "*The parking requirements for the Commercial Development will continue to be evaluated based on the entire commercial development, including the portion that retains the PCD-[Monterey Center] zoning and Lot 1B, which is zoned CN2.*"
3. The applicant shall provide an exhibit for recording with the previously approved Final Development Plans for the Monterey Center with the following:
- a. Clearly delineates the property being rezoned to the CN2 District, and the area which remains in the Planned Development.
  - b. Notes that uses permitted in the PCD-1 District are permitted on the remaining portion of the Planned Development, but uses permitted in the CN2 District are permitted on Lot 1B.
  - c. Provides a parking summary for the entire development and for Lot 1B Monterey Addition.
  - d. Includes the following Note: "*The parking requirements for the Commercial Development will continue to be evaluated based on the entire commercial development, including the portion that retains the PCD-[Monterey Center] zoning and Lot 1B, which is zoned CN2.*"

Unanimously approved 7-0.