

ITEM NO. 3 RS7 TO IL; 2.96 ACRES; 1501 LEARNARD AVE (MKM)

Z-15-00427: Consider a request to rezone approximately 2.96 acres located at 1501 Learnard Ave from RS7 (Single-Dwelling Residential) District to IL (Limited Industrial) District with conditions to limit certain uses. Submitted by Sunrise Green LLC, property owner of record. *Deferred by Planning Commission on 10/19/15.*

STAFF PRESENTATION

Ms. Sheila Stogsdill presented the item.

APPLICANT PRESENTATION

Mr. Milstein was present for questioning.

PUBLIC HEARING

Mr. Jim Carpenter said this project was difficult because of the fine intentions of the people involved. He said the land was surrounded by RS5 and RS7. He said the greenhouse was first built outside of city limits and the city was built around it with residential zoning. He said it had been a non-conforming use until Sunrise closed. He asked that Planning Commission come up with a way to preserve the RS7 zoning. He suggested adding an overlay district. He said only two uses required this zoning. He asked that Planning Commission deny the rezoning request.

Mr. Matthew Stephens said he lived three houses down from this site and would like to see the greenhouse stay on the site. He felt it was important to the neighborhood. He said having the site plan go to City Commission would provide the neighborhood a voice to any changes.

Ms. Melissa Freiburger said she lives three houses down from this site and that neighbors who live nearby are in favor of this. She said there were only one or two people opposed but that there was overwhelming support for the rezoning. She reminded Planning Commission of all the letters of support they received.

APPLICANT CLOSING COMMENTS

Mr. Milstein said the two to three individuals that were opposed to the project did not represent the neighborhood.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Kelly, to approve the rezoning request for approximately 2.96 acres from RS7 (Single-Dwelling Residential) District to IL (Limited Industrial) District, with use restrictions and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following conditions:

1. Permitted uses are limited to those listed below:
 - a. Crop Agriculture
 - b. Social Service Agency
 - c. Health Care Office/Health Care Clinic, provided that the gross floor area shall not exceed 3,000 sq ft
 - d. Administrative and Professional Office
 - e. Personal Improvement, provided that the gross floor area shall not exceed 3,000 sq ft
 - f. General Retail Sales, provided that the gross floor area shall not exceed 3,000 sq ft
 - g. Fast Order Food, provided that the gross floor area shall not exceed 3,000 sq ft
 - h. Limited Manufacturing and Production when approved with a Special Use Permit
 - i. Light Wholesale Storage and Distribution when approved with a Special Use Permit
 - j. Agricultural Sales
 - k. Neighborhood Religious Institution
 - l. Telecommunication Tower when approved with a Special Use Permit
 - m. Telecommunication Antennae, accessory

- n. Satellite Dish, accessory
- 2. All site plans submitted for standard or major development projects shall require approval by the City Commission.

Commissioner von Achen asked why a PD Overlay was not applicable.

Ms. Stogsdill said it was an option but it would set the project back because in order to zone to a PD Overlay a plan would need to be prepared before. She said in staff's opinion the site plan approval to City Commission allowed the same element of control and public input. She said it would take Planning Commission out of the review of the site plan.

Mr. McCullough said there was a menu of uses the applicant wanted available and doesn't have them locked down enough yet to put them on a rock solid site plan. He said the equivalency would be to have a site plan go to City Commission.

Commissioner Britton said he would vote in favor of the motion. He said having the site plan go through City Commission would give the neighborhood control to speak up when the time comes.

Commissioner Denney said the neighbors expressed concern about maintaining the character of the area and this plan seemed to be doing that. He stated limited manufacturing and production, as well as light wholesale storage and distribution, would have to be approved by a Special Use Permit so that put sufficient control into this being a slippery slope into a serious industrial area.

Commissioner Kelly said in his mind the proposed Urban Agricultural Text Amendment didn't quite fit for this larger site. He said he would vote in favor of the recommendation.

Unanimously approved 8-0.