

**ITEM NO. 4 RM12 & RS5 TO CS; .52 ACRE; 508 MICHIGAN (SLD)**

**Z-17-00087:** Consider a request to rezone approximately .52 acre from RM12 (Multi-Dwelling Residential) District & RS5 (Single-Dwelling Residential) District to CS (Strip Commercial) District, located at 508 Michigan. Submitted by The Johnson Group, for Jesson S. Ross, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**APPLICANT PRESENTATION**

Mr. Lance Johnson, The Johnson Group, was present for questioning. He thanked staff for their time on the rezoning.

**PUBLIC HEARING**

Mr. Bob Thurber, 1301 W 5<sup>th</sup> St, said the rezoning would change the zoning to match the land use that had existed for many years. He felt the rezoning would benefit the neighborhood by knowing what would be allowed. He felt it was good to have a distinction between residential and non-residential. He expressed concern about screening and future uses of the property.

Ms. Gina Graham, 1311 W 5<sup>th</sup> St, said she did not have any issue with the rezoning but expressed concern about noise and restrictions for future businesses on the property.

**APPLICANT CLOSING COMMENTS**

Mr. Johnson said he had no closing comments.

**COMMISSION DISCUSSION**

Ms. Day said the Commercial Strip zoning district allowed for a wide variety of land uses. She said the size of the property, amount of frontage, and existing improvements limited what could ultimately be developed there. She said there were some uses that may not be conducive being adjacent to a residential use, such as automotive uses or fast food with drive-thru. She said the property today was not conducive for a drive-thru restaurant. She said the property was somewhat self-restricting through its current configuration. She said during the site planning process staff would look at the common property line in terms of buffering, fencing, and some amount of greenspace. She said as far as noise it was a bit more challenging. She stated there were certain requirements in the Code about noise but it could be mitigated through fencing and landscaping.

Commissioner von Achen inquired about the west half of the property being non-conforming.

Ms. Day said there was a fair amount of history to the property. She said it went back to the early zoning codes where the district allowed for commercial use along the street for the front lots. She said the non-conforming use covered the property that fronted Michigan Street.

Commissioner von Achen asked if access, no matter what the use, would be from Michigan Street.

Ms. Day said yes.

Commissioner Kelly inquired about the other three properties.

Ms. Day said she did not know anything specific about those properties. She said it was conceivable that a property owner in the future would want to make a similar request to rezone. She said 5<sup>th</sup> Street was the boundary line as it transitioned to residential.

Commissioner Kelly expressed concern about creating an island with the other three properties within the middle of commercial zoning.

Mr. McCullough said the issue was that it was an existing commercial use today. He said site planning and apply today's standards could only improve the site and make the transition better.

Mr. Thurman asked if the gravel would have to be paved.

Ms. Day said that would be looked at during the site planning process.

Mr. McCullough said site planning process would require notice and the neighbors could be involved in that process.

**ACTION TAKEN**

Motioned by Commissioner Britton, seconded by Commissioner Culver, to approve the request to rezone approximately .52 acres, from RM12 (Multi-Dwelling Residential) District & RS5 (Single-Dwelling Residential) District to CS (Strip Commercial) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 10-0.