

MINUTES OF THE ZONING COMMITTEE
Thursday, August 28, 2014 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Edgerton, Merrigan, Nelson, Padilla, Reveal, Wenc, and Wickiser
EXCUSED: Makarios
STAFF: Jake Reilly, Samantha Langer, and Peter Warner

The meeting was chaired by Commissioner Nelson.

More 4 A Buck - 14-308-882 - Change of nonconforming use permit for auto repair and outdoor auto sales, 1176 Dale St N, between Maryland and Geranium

Jake Reilly stated this case was laid over at the July 31, 2014, Zoning Committee meeting. The public hearing was closed at the previous meeting. The Committee requested more information including a clear statement of violations and adverse actions, and if they were severe enough to revoke the previous conditional use permit and clarity of the issues on repair vehicles, including if it is reasonable to extend vehicle storage for more than 48 hours; and what is considered a standard in the industry for holding vehicles for repair. Mr. Reilly presented the revised staff report with the requested information with a recommendation of approval with conditions for the change on nonconforming use permit. He stated District 6 recommended denial, and there were no letters in support, and one letter in opposition.

Commissioner Padilla stated she struggles with condition 15 of the staff report stating that all required improvements must be completed prior to the change of use and no later than six months from the date of approval of this permit and the conditions of this permit must be maintained for a minimum of 18 months with no complaints or adverse actions filed or the use must cease. She doesn't believe this condition can be met currently because there is an existing adverse action in front of the City Attorney's office related to an illegal use on the property. She struggles with expanding a nonconforming use with this level of compliance issues.

Upon request from Commissioner Wenc, Mr. Reilly explained the new conditions that have been added to the revised staff report.

Commissioner Julie Padilla moved denial of the change of nonconforming use permit. She stated Finding 2c has not been met. It is unclear what the actual use is on the site, and there is significant history of failure to comply with the conditions with the existing permit as well as an ongoing adverse action related to the applicant. She added there was significant testimony at the public hearing on July 31, 2014, related to the applicant not complying with a current permit. She would like to see these things resolved before making a determination that this isn't detrimental to the character of the neighborhood. Commissioner Elizabeth Reveal seconded the motion.

There was discussion pertaining to license violations and compliance, an alleged illegal use on the site, and concerns that the Zoning Committee was not informed earlier regarding notices of violations.

After further discussion there was a roll call vote. Commissioners Wickiser, Reveal, Wencil, and Padilla voted yea for reasons stated by the maker of the motion. The motion passed by a vote of 4-2-1.

Adopted Yeas - 4 Nays - 2 (Edgerton, Nelson) Abstained - 1 (Merrigan)

Drafted by:

Samantha Langer
Samantha Langer
Recording Secretary

Submitted by:

Jake Reilly
Jake Reilly
Zoning Section

Approved by:

Gaius Nelson
Gaius Nelson
Chair