

MINUTES OF THE ZONING COMMITTEE
Thursday, September 26, 2019 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: DeJoy, Edgerton, Grill, Ochs, and Rangel Morales
EXCUSED: Baker, Lindeke, and Reveal
STAFF: Kady Dadlez, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

Dr. David Wetherill - 19-081-471 - Rezone from RM2 multiple-family residential to T2 traditional neighborhood, 600 - 602 Lawson Avenue W, between Dale Street and Loeb Street

Kady Dadlez presented the staff report with a recommendation of approval for the rezoning. She said District 6 submitted a letter recommending approval, and there were no other letters in support or opposition.

Commission Edgerton asked why the spot zoning finding was not included in the staff report. Ms. Dadlez said the finding was overlooked in the staff report and would be included in the Planning Commission resolution. She explained that the T2 traditional neighborhood zoning district allows both residential and commercial uses. There may not be an adjacent T district, but due to the flexibility of the T zoning district and the fact that this property is located in between both multiple family residential and commercial uses, it would not result in spot zoning.

In response to further questions on spot zoning by Commissioner Rangel Morales, Mr. Torstenson followed up with more information. He said the term spot zoning applies to zoning changes typically limited to small plots of land which establish a use classification inconsistent with surrounding uses and creates an island of nonconforming use within a larger zoned district which dramatically reduces the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property. It is a multidimensional standard based on uses and property value. Generally, T2 zoning allows uses that are a combination of B2 commercial uses and RM2 residential uses. In this case, the property is currently zoned RM2 and property to the south and east is RM2, and to the west is B3 which allows more uses and more density than B2. Staff believes, that in this location, T2 is appropriate because it has uses that are consistent with what already exists around it.

Mr. Torstenson said that B3 zoning allows for heights of 30 feet plus additional height for stepbacks, RM2 zoning allows for 50 feet without stepbacks, and T2 zoning allows for 35 feet with stepbacks and a possibility for a conditional use permit for additional height.

Al Roers, Chief Financial Officer for Como Park Animal Hospital, said he is representing David Wetherill, and he is available for questions.

In response to Commissioner Grill, Mr. Roers said that the animal hospital patients will not be boarded at this location.

No one spoke in support of opposition. The public hearing was closed.

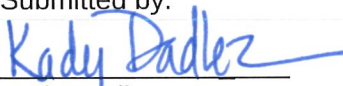
Commissioner Kristine Grill moved approval of the rezoning. Commissioner Anne DeJoy seconded the motion.

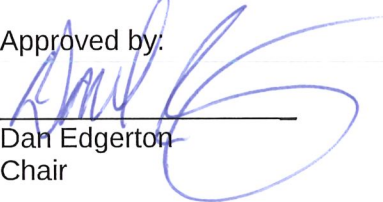
The motion passed by a vote of 5-0-0.

Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:

Samantha Langer
Recording Secretary

Submitted by:

Kady Dadlez
City Planner

Approved by:

Dan Edgerton
Chair