TO: Mayor and City Council

SUBJECT: ZON2008-00026 – Zone change from SF-5 Single-family Residential (“SF-5”) and LC Limited Commercial (“LC”) to GC General Commercial (“GC”); generally located on the south side of Lewis, a half block west of Zelta and one block north of east Kellogg. (11002 & 11723 East Lewis) (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

DAB II Recommendation: Approve, subject to Protective Overlay #213, vote 9-0.

MAPC Recommendation: Approve, subject to Protective Overlay #213, vote 10-0

MAPD Staff Recommendation: Approve, subject to Protective Overlay #213
Background: The applicants request a zone change from SF-5 Single-family Residential ("SF-5") and LC Limited Commercial ("LC") to GC General Commercial ("GC") on a site encompassing two properties. The property at 11002 East Lewis Street is 0.87 acre in size, while the property at 11728 East Lewis Street is 0.88 acre in size (Lots 47 and 46 respectively of the Linwood Acres Addition.) Lot 47 is developed with an outbuilding while Lot 46 is currently undeveloped. The applicants propose to use the site for vehicle rental and for additional outdoor storage.

The surrounding area is characterized, predominantly, by large undeveloped and developed commercial properties zoned either LC or GC. Residential development is located north of the subject site, across Lewis, with property zoned MH Manufactured Housing District ("MH"), TF-3 Two-family Residential ("TF-3"), MF-18 Multi-family Residential ("MF-18") and SF-5. There currently is no industrial development in the area.

The property north of the subject site, directly across east Lewis Street, is zoned MH and SF-5 and is developed as a mobile home park and single-family residences. The property to the south (same property owner as the subject site) is zoned GC and is developed as an auto dealership. The property to the east of the subject site is zoned LC and SF-5 and is currently undeveloped, while the property to the west of the subject site is zoned GC and is also undeveloped.

Analysis: This case was heard at the District II Advisory Board meeting held on June 16, 2008, and DAB II voted (9-0) to approve the request with Protective Overlay #213. There was one person who spoke for the applicant in regards to one of the overlay conditions. After some discussion, the issue was resolved and the one citizen was satisfied with the outcome. At the MAPC meeting held June 05, 2008, the MAPC voted (10-0) to approve the request for LC zoning with a Protective Overlay with four provisions which:

1. Dedication of complete access control by separate instrument along East Lewis Street.
2. The applicant shall construct a 6-foot solid screening fence along Lewis Street 10 feet south of the right-of-way line.
3. Submit a “no protest” petition regarding the future paving of Lewis Street.
4. Establish a covenant tying the ownership of the subject site to the abutting lot to the south.

No citizens that spoke in favor or opposition of the application.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC, approve the zone change subject to the provisions of Protective Overlay #213; and withhold publication of the ordinance until conditions of the protective overlay are met; or
2. Return the application to the MAPC for reconsideration; or
3. Deny the application.

(An override of the Planning Commission’s recommendation requires a two-thirds majority vote of the City Council on the first hearing.)