



TITLE: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Pogue Engineering & Development Company, Inc., on Behalf of Early B. & Lena Milstead, for Approval of a Request to Rezone Less than 16 Acres from “ML” – Light Manufacturing District to “PD” – Planned Development District, Generally to Allow for a Homeless Shelter and Related Uses, Located Approximately 350 Feet North of Power House Drive and on the East Side of State Highway 5 (McDonald Street), and Accompanying Ordinance

MEETING DATE: February 19, 2013

DEPARTMENT: Planning

CONTACT: Brandon Opiela, Planning Manager
Samantha Gleinser, Planner I

RECOMMENDED CITY COUNCIL ACTION:

- On February 13, 2013, the City Secretary received a written protest (prior to the 5:00 p.m. deadline) in opposition to the requested zoning change which has been included as an attachment. Because the written protest has been filed by the owners of at least 20 percent of the area within 200 feet of the subject property, a favorable vote of three-fourths of all members of the Council is required in order to approve the rezoning request.
- Staff recommends approval of the proposed rezoning request with the following special ordinance provisions:
 1. The use and development of the subject property, more fully depicted on Exhibits “A” and “B”, shall develop in accordance with Section 146-90 (“ML” – Light Manufacturing District) of the Zoning Ordinance, and as amended, except as follows:
 - a. Homeless shelter uses shall be permitted on the subject property.
 - b. Parking for a homeless shelter shall be provided at a ratio of one parking space per dwelling unit.
 - c. No screening shall be required between homeless shelter, daycare, or retail uses on the subject property and adjacent properties.

- d. Any non-industrial uses developed on the subject property shall be subject to the “other non-residential uses in non-industrial districts” standards as specified in Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance, and as amended.
- e. One canopy tree shall be provided for every 30 linear feet along State Highway 5 (McDonald Street) and may be clustered to enhance visibility of retail uses.

ITEM SUMMARY:

- The applicant is requesting to rezone approximately 15.56 acres of land, located approximately 350 feet north of Power House Drive and on the east side of State Highway 5 (McDonald Street) from “ML” – Light Manufacturing District to “PD” – Planned Development District.
- The Samaritan Inn is looking to buy a larger tract of land in order to increase its current facilities. The Inn is proposing to relocate its existing store to the proposed site, as well as construct a new homeless shelter on the property. In addition, the Inn wishes to operate a daycare facility where its residents will have a safe place to leave their children during working hours and/or job interviews.
- At the Planning and Zoning Commission Meeting on January 8, 2013, four residents spoke in opposition to the rezoning request (see attached minutes). Their concerns included, but were not limited to, an increase in the homeless population in a concentrated area, security for surrounding properties, and a decrease in surrounding property values.
- At the City Council meeting on February 5, 2013, the item was tabled until the February 19, 2013 meeting per the applicant’s request.

BACKGROUND INFORMATION:

- See attached Planning and Zoning Commission Staff Report.

FINANCIAL SUMMARY:

- N/A

BOARD OR COMMISSION RECOMMENDATION:

- On January 8, 2013 the Planning and Zoning Commission voted 6-0 to recommend approval of the proposed rezoning request as conditioned by Staff.

