

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: October 10, 2011
	Agenda Item No. 37 Roll Call No. <u>11-1729</u> Communication No. <u>11-627</u> Submitted by: Phillip Delafield, Community Development Director

AGENDA HEADING:

Public hearing regarding request from Hue Nguyen (owner) to rezone property located at 1435 University Avenue from "R-3" Multiple Family District to Limited "C-1" Neighborhood Retail Commercial District to allow for retail development.

SYNOPSIS:

The subject property is 5,490 square feet in size. Retail development on the single parcel would require significant relief from the Zoning Board of Adjustment for setbacks, parking and site circulation and result in a building of approximately 400 square feet. Therefore, the Plan and Zoning Commission voted 13-0 to recommend denial of the requested rezoning. However, the site may be suitable for a more viable retail development if the applicant can purchase or a lease of an adjoining parcel to the north for parking and vehicular access. Staff is facilitating discussions between the applicant and adjoining property owner. If no agreement is reached prior to the October 10, 2011 City Council meeting staff will recommend either denial of the rezoning request or continuance of the public hearing to a future date.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

Hue Nguyen purchased the subject property from Street Jesus Ministry Inc. in July 2010. Street Jesus Ministry Inc. owns an adjoining parcel of land north of 1435 University that is also currently zoned "R-3" Multiple Family Residential. If an agreement can be reached for Hue Nguyen to purchase or lease the adjoining parcel of land north of 1435 University for vehicular access and parking, a more viable retail development could be possible on 1435 University. The adjoining parcel of land could be combined with 1435 University and be subject to a new zoning application. Alternatively, the rezoning of 1435 University could be approved subject to a condition that parking and vehicular access be provided on the adjoining parcel of land pursuant to Plan and Zoning Commission site plan review for extension of commercial parking into a residential district. If mutual interest is expressed by Hue Nguyen and Street Jesus Ministry Inc. to reach an agreement, staff will recommend continuance of the public hearing to a future date so that a letter of acceptance for zoning conditions can be prepared for review and signature by the property owner(s). If no mutual interest expressed by the parties, staff will recommend denial of the rezoning request.

A letter from the Plan and Zoning Commission is attached. The letter contains the staff report to the Plan and Zoning Commission, a summary of public hearing discussion, and the recommendation of the Plan and Zoning Commission.

PREVIOUS COUNCIL ACTION(S):

Date: September 26, 2011

Roll Call Number: 11-1664

Action: [On](#) request from Hue Nguyen to rezone 1435 University Avenue from “R-3” (Multiple-Family Residential) to Ltd. “C-1” (Neighborhood Retail Commercial) to allow for retail development. Plan and Zoning Commission recommends DENIAL. **Moved by Hensley to continue the hearing to October 10, 2011 at 5:00 PM. Motion Carried 7-0.**

Date: September 12, 2011

Roll Call Number: 11-1577

Action: [On](#) request from Hue Nguyen to rezone 1435 University Avenue from “R-3” (Multiple-Family Residential) to Ltd. “C-1” (Neighborhood Retail Commercial) to allow for retail development, (9-26-11). Plan and Zoning Commission recommends DENIAL. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: September 1, 2011

Resolution Number: ZON2011-00146

Action: DENIAL of a request from Hue Nguyen (owner) to rezone property located at 1435 University Avenue from “R-3” Multiple-Family Residential District to Limited “C-1” Neighborhood Retail Commercial District, to allow for retail development based on a finding that the subject property is not large enough by itself to develop for the intended commercial use without negatively impacting the residential neighborhood to the north. If the request is approved the applicant will likely need to seek relief from the Zoning Board of Adjustment to be able to develop the site.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

For more information on this and other agenda items, please call the City Clerk’s Office at 515-283-4209 or visit the Clerk’s Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk’s Office on Thursday afternoon preceding Monday’s Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk’s Office or sending their request via email to cityclerk@dmgov.org.