

2023-0029

Nonresidential Zoning District Consolidation

*Ms. Bahm presented the zoning district consolidation discussion. She said that it is part of best practices for the Planning Commission and City Council members to meet together on a regular basis. She said that last year, the conversation was started about simplifying the zoning ordinance to provide clarity and consistency, especially looking at uses in industrial districts. She noted that similar uses are permitted within the B-1 and O-1 districts, and there was a time when ordinances were written to make a zoning district for every specific use. She commented that then difficulty arises trying to find what districts new uses fit into and it becomes frustrating and confusing for the community, boards and applicants. She noted that last year staff started to think about how to break apart the ordinance and how to put it back together, and that started with the Flex Business district. She said that they are hoping to build on the model of having study sessions and engaging the public. She commented that uses permitted in particular districts can impact economic development, and anticipated issues can be addressed in advance.*

*Ms. Bahm presented a chart showing that some districts are proposed to be renamed for clarity and some districts are proposed to be removed. She explained that the district name changes are intended to more accurately reflect what the permitted uses are. She pointed out that the B-5 district contains a small amount of properties and suggested that this district can be collapsed and*

*consolidated. She stated that the REC Regional Employment Center Districts are often confused with recreation. She said that in sharing the process they have been going through with staff they are looking for direction from the Commissioners and Councilmembers. She commented that specific parcels are not being reviewed today, and she noted that district consolidation will promote more flexibility.*

*Ms. Bahm stated that with regard to the consolidation of some uses, this is a work in progress. She commented that some definitions need to be refined and some new use standards will need to be written. She explained that for example, animal and agricultural uses need to be consolidated instead of having definitions for kennels and pet boarding, and pet day care may need to be identified as a use. She stated that a lot of the listed uses were created over time and may not all be necessary. She said instead staff can look at what the impacts are for certain uses such as noise or odors and those impacts can be addressed through additional provisions.*

*Ms. Bahm said that the discussion about private recreation facilities was prompted by recreational uses occupying industrial properties when there is a noticeable need and low vacancy rate in industrial districts. She recalled that the conversation was that the recreational businesses are serving the community as well. She suggested that perhaps recreational uses could be restricted to industrial properties on major roads in order to avoid an inappropriate mixing of uses within the industrial parks, which can result in having children next to properties that are operating heavy machinery. She noted uses like dry cleaners, places of assembly and medical/professional offices need clarifications. She said that staff will be looking district to district to ensure there will not be a lot of non conformities made.*

*Mr. McLeod stated that he has been working with GIS to create an interactive map for the City's website to show proposed rezonings so that a resident could click on a property and then a page will pop up to explain the impact of the zoning change, allowing the implications to be clear to the public.*

*Mr. Tangari noted that such an interactive map will go above and beyond the requirements.*

*Mr. Hetrick said that will be great to make potential impacts clear to the public. He asked what any potential impact would be on the PUD process. He said that at one point the City started to see a lot of PUD projects and they tended to be harder to manage, and this might minimize the use of PUDs.*

*Ms. Bahm said that if there is more flexibility in the zoning standards then developers may be less inclined to go through the PUD process, and this would lead to more predictable outcomes.*

*Ms. Mungoli stated that she is happy to hear that staff is planning on going above and beyond what is required to inform the public but asked for specifics about this.*

*Mr. McLeod said that the interactive map is beyond what is required, and it will be on the website so that everyone can see it, not just if a resident receives a notice in the mail. He noted that other ideas have been discussed such as adding the notice to water bills or providing information on social media, and he stated that those ideas are just beginning to be discussed.*

*Ms. Mungioli said that if a resident doesn't know to go looking for a map on the website or understand why it is important and how it could affect them, they could miss the connection as to why they should care about it. She suggested that perhaps impacted properties could be listed by Council District. She said that it needs to be clear if it is just a zoning district name change or if it is a use change and the impacts need to be clear.*

*Mr. McLeod responded that staff have been discussing this and consulting with City Attorney John Staran as to what level constitutes a name change, a use change, etc.*

*Ms. Bahm said that the consolidation would be presented in a way that is understandable, and she stressed that this is being done to simplify things.*

*Ms. Mungioli said that with moving movie theaters to places of assembly, the Emagine theaters could be occupied by a church.*

*Ms. Bahm said that places of assembly will be addressed and regulated by size.*

*Ms. Mungioli said that possible unintended consequences should be addressed, and she asked what would happen with a consent agreement.*

*Mr. McLeod responded that a consent judgment always dictates what is allowed. He said part of this review is to bring zoning closer to what properties under consent judgments allow. He noted that the Meijer that is under the Grand Sakwa consent judgment is actually zoned Industrial.*

*Ms. Mungioli stated that she would like to know if there is a plan submitted already or if a particular developer is lobbying for a zoning change. She said that she is not supportive of restricting recreational uses in industrial zoning, and that should be a landlord decision.*

*Mr. Walker said that he supports industrial properties but he said the City should be welcoming to all businesses. He asked whether there is enough available space to say that recreational uses could only be located on the periphery of the industrial districts. He asked how many businesses are in violation of that, and if it is a lot then the City should forget adding that requirement.*

*Mr. McLeod said that staff will have to go through each district and see what the changes and consequences would be at a later time, and explained that this topic is just to provide a big picture tonight.*

*President Deel said that this discussion is good and Council will have to weigh in. He said that this is nothing new because the discussion is about changing technology and to change the ordinance to be plain and straightforward. He said that Council is getting all of these messages and if they don't understand the message it is the City's fault. He said the presentation has to be in plain English.*

*Regarding industrial and recreation uses, President Deel stated that he agrees with Ms. Mungoli. He said that the recreational uses are currently permitted and those locations are part of residents' daily routines, and it would be disruptive to change that. He said that it is his job to think of the safety of his kids. He said that most of the industrial properties are rental properties, and if the landlords don't have a problem with it then the City shouldn't. He urged everyone to think of the stakeholders that they are serving. He commented that this is a supply issue and not a zoning issue if more industrial space is needed.*

*Mayor Barnett stated that it says a lot about an organizational structure when there is such mutual respect displayed while working together. He expressed his condolences to Ms. Roediger on the passing of her mother, and thanked Mr. McLeod and his team for stepping up for this meeting. He commented that there are seeds of innovation in these discussions. He said it is easiest not to make changes and evolve. He said that Council is giving direction to a team who is trying to clean up the ordinance and make things easier. He urged Commissioners and Council to keep in mind that if Pam Valentik, Economic Development Manager, were here tonight, she would say that there are some challenges with less industrial space available. He said that the City received complaints from some of the recreational businesses about heavy truck traffic and other complaints about their industrial neighbors. He said this makes it harder for traditional industrial users to locate there. He explained that the benefit of the industrial businesses over the recreational businesses is a huge wage gap for the jobs provided. He said that as a City we celebrate when we get a new company that will provide 50 good paying jobs. He reiterated that this is a great discussion and staff will react to Council's desires. He said that this can be frustrating and pointed out that the intent is not to sneak things in or to allow for taller or denser development. He concluded that all conversations bring us closer to providing clarity in the ordinance and to bring about the type of development that the community and Council want.*

**Discussed**