

COUNCIL ACTION FORM

SUBJECT: INITIATE ZONING TEXT AMENDMENT FOR TEMPORARY BATCH PLANT REDUCED SETBACKS FROM HOTELS WITHIN THE HOC ZONING DISTRICT

BACKGROUND:

The City established a Special Use Permit process and siting standards for temporary use of a Highway Oriented Commercial (HOC) zoning district property for asphalt or concrete batch plants in 2011. The request to create such standards was made by Manatt's Inc. in response to a project they had desired to operate at the former Cyclone Truck Stop at 1811 South Dayton Place. The standards allow for the batch plant use for no more than 9 months total and must be located more than 500 feet from a property with a residential use and 250 feet from a property with a commercial use. The standards were designed to ensure there were undeveloped properties adjacent to any batch plant site.

Although the Special Use Permit process was established in 2011, no project has requested approval since the adoption of the standards, until this year. **Manatt's recently applied for a Special Use Permit for 1811 South Dayton Place and staff determined the site was not eligible for a temporary batch plant based upon the siting setback criteria as short term lodging (hotels) properties are within 500 feet of the 1811 South Dayton Place property.** Hotel properties are within 270 feet of the 1811 South Dayton Place property.

Staff is bringing this issue to Council in light of the facts that the conditions pertaining to 1811 South Dayton are no different in regards to the hotels than they were in 2011 and staff believes it was unintentional that the residential setback applies to hotels as well as other residential uses. However, the 2011 standards must include hotels by its use of the words "residential use" and consistency of the use of that term throughout the Zoning Ordinance.

Staff has brought this issue to City Council to determine if there is an interest in a zoning text amendment to clarify that the 500-foot residential setback does not apply to short term lodging (hotels) and only applies to permanent residential uses, such as household living and group living. Hotels properties would have a 250 foot setback standard.

Manatt's has a need to set up and use a temporary batch plant before the end of May to support work on three road projects this year. If the 1811 South Dayton Place site is not eligible for their use, they would need find an alternative location either within the City or the County. **If City Council is interested in a zoning text amendment, it would need**

to expedite the process to meet the timing interests of Manatt's. An expedited schedule would require City Council to authorize an application for the text amendment by Manatt's and to waive the rules for adoption of an ordinances on three readings at sequential meetings. The required steps would include the following:

1. April 25th- Authorize Manatt's to apply for a text amendment by April 27th
2. May 3rd- Planning and Zoning Commission Public Hearing
3. May 9th- City Council Public Hearing and first reading of ordinance
4. May 9th- Waive the rules and approve the 2nd and 3rd reading of ordinance
5. May 10th –Zoning Board of Adjustment Special Use Permit, conditional approval subject to publishing of the ordinance

ALTERNATIVES:

1. The City Council can authorize an application for a text amendment to exclude hotels from the 500-foot residential setback and apply the 250-foot commercial property setback with an expedited schedule of review.
2. The City Council can decline to authorize an application for a text amendment.

CITY MANAGER'S RECOMMENDED ACTION:

Locally, there have been few instances of a project large enough to require the establishment of a temporary concrete or asphalt batch plant. The most recent instance was in 2011. However, when such a use is needed, it has a large impact on the surroundings due to the high levels of truck traffic and the industrial nature of the use. The current Special Use Permit process allows for review and consideration of these impacts and includes minimum siting standards of 250 feet for commercial properties and 500 feet for residential properties.

The unique situation is whether to apply the 250 or 500-foot setback to hotel properties. Staff does not believe that the 500-foot setback was intended in 2011 to apply to hotel properties, but by the use of the term "residential use" it does apply based upon short term lodging listed as a residential use in Article V of the Zoning Ordinance. **The requested amendment is only relevant at this time if it can be done on an expedited schedule. Without the assurance of the expedited schedule, even without the assurance of approval, Manatt's would pursue alternative sites for the temporary batch plant use.**

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to authorize the application for a text amendment and indicate to the applicant the Council would consider the request on an expedited schedule.