

## **OFFICIAL MINUTES**

Chairperson Al Heuton called the regular meeting of the City Planning Commission to order on Tuesday, August 1, 2017, at 5:30 PM in the Chambers Room #310 on the third floor of the City & County Government Center. Members present were Tanner Aiken, James Drew, Greg Fargen, Alan Gregg, Alan Johnson, Lee Ann Pierce, Kristi Tornquist, Eric Rasmussen and Heuton. Also present were City Planner Staci Bungard, Community Development Director Mike Struck, City Engineer Jackie Lanning, City Manager Jeff Weldon, John Mills, Michael Bender, and others.

**Item #6a** - Terrance Heideman submitted a petition to rezone Lot 100, Block 1, Skinners 3<sup>rd</sup> Addition, also known as 807 2<sup>nd</sup> Street South, from an Industrial I-1 Light District to an R-1D Single-Family District.

(Pierce/Johnson) Motion to approve the rezone request from an Industrial I-1 Light District to a R-1D Single-Family District. Rasmussen, Tornquist and Drew voted yes. All others voted no. **MOTION FAILED.**

## **OFFICIAL SUMMARY**

**Item #6a** – This property currently has a residential home on the lot. The property was rezoned, to Industrial, several decades ago and the residence was allowed to remain in a nonconforming use. In 2011 the City issued a Zoning Use and Registration Permit for a daycare, which is a permitted use in an Industrial zone and at that time the residential use of the property was lost. The Comprehensive Plan does show this area as industrial. The residential use of the property was lost when the owner converted this property to a daycare.

Terrance Heideman, owner of the property, explained that this was a residence that was rezoned to Industrial. He had his business behind this home and decided to sell off a portion of the lot, and separate the house and the business. A daycare was permitted in this house, which is allowed in an I-1 District by permit. Terrance wasn't aware he had lost his ability to convert this back to a residential property. Johnson asked if the property next door was a house used for residential purposes. Bungard stated yes, it is a residential house, but it is in nonconformance. If it were converted to a different use, it would not be able to go back to a residential use. Struck explained that this area is gradually converting to an Industrial area and eventually all residential uses will eventually be phased out and turned in to an industrial use. Drew noted that the properties to the southwest are zoned residential, and he would suspect that these will eventually be rezoned to Industrial based on the fact that the neighborhood is transitioning to Industrial. Most of the homes in the Industrial area of this neighborhood

have been converted to businesses. Fargen asked "If we deny this request, would this residential use have to go away?" Bungard stated yes, that the residential use would have to be vacated.