

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT  
PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2007**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

Consent  Discussion

**SUBJECT:**

**ZON-23579 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: RAUL GIL -**  
Request for a Rezoning FROM: R-4 (HIGH DENSITY RESIDENTIAL) TO: C-2 (GENERAL COMMERCIAL) of 0.17 acre at 511 North 11th Street (APN 139-5-211-036), Ward 5 (Barlow).

C.C.: 10/17/2007

**PROTESTS RECEIVED BEFORE:**

Planning Commission Mtg.

5

City Council Meeting

0

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.

2

City Council Meeting

0

**RECOMMENDATION:**

**DENIAL**

**BACKGROUND DOCUMENTATION:**

1. Location and Aerial Map
2. Conditions (Not Applicable) - Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest postcards
7. Submitted after final agenda - Protest and support postcards for items 24, 25 and 26

Motion made by DAVID STEINMAN to Hold in Abeyance Items 24-28 to 10/11/2007

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

GLENN TROWBRIDGE, DAVID STEINMAN, [NAME NOT FOUND], LEO DAVENPORT, RICHARD TRUESDELL, SAM DUNNAM; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-BYRON GOYNES)

**Minutes:**

CHAIRMAN DAVENPORT declared the Public Hearing open for Items 24-28.

JIM MARSHALL, Planning and Development Department, stated the proposed development is incompatible with the adjacent neighborhood and surrounding area.

REX BELL, RAY DESJARDINS, 3305 Spring Mountain Road, and FERNANDO RANGEL appeared on behalf of the applicant. MR. BELL noted that the residential lot is adjacent to



commercial zoning and stated the requested zone change is appropriate. He explained the applicant would like to operate a wholesale ice cream manufacturing business, emphasizing that traffic would be kept to a minimum since their business would have no retail component.

MR. DESJARDINS briefly described the property and its surrounding area. He explained the business would utilize existing buildings, which limited the amount of property available to meet the landscaping, setback and parking requirements. Acknowledging the business would be parking deficient, he noted 11th Street is a dead-end adjacent to the property with ample on-street parking.

MR. DESJARDINS briefly described the proposed delivery route and traffic patterns to the site. Underscoring the sizeable investment the project required, he explained the applicant would like to keep the existing structures and ornamental fence already on the property rather than constructing new buildings and a block wall which would meet Code requirements. MR. DESJARDINS also explained that a small area would be used for gelato manufacturing, with the remainder of the space used for storage, freezers and office space.

COMMISSIONER EVANS presented the applicant's representatives with several questions regarding profitability, delivery hours, hours of operation, forms of pollution and appropriateness for the area.

MR. DESJARDINS explained that MR. GIL had operated the ice cream manufacturing because it was relatively low-key and also because having the buildings had been very challenging. With regards to noise and air pollution, he stated the manufacturing equipment was very advanced and produced little pollution and hence the buildings' existing construction would buffer the neighborhood from noise as well.

MR. RANGEL briefly described the ice cream machines and the freezers, as well as how the business would operate. He informed the Commission that the plant would operate in two shifts with a staff of four. He also described the delivery trucks and the proposed delivery schedule for the plant.

TODD FARLOW, 240 North 19th Street, expressed concern with the appropriateness of this project in the City's Redevelopment Area, stating he could support this proposal if it had a retail component.

MICHAEL FEDERICO, 323 North 11th Street, appeared in opposition. As the owner of the adjacent apartments, he explained his tenants currently complain about noise from the garbage trucks and he expressed concern with this project's potential noise, pollution and traffic impacts.

SLYVIA FERENCZIK, 319 North 11th Street, appeared in opposition and expressed concern with the lack of parking and landscaping.

MR. BELL pointed out that this project would improve the area by increasing the amount of landscaping and added that a retail component could be added if requested.

MR. DESJARDINS informed COMMISSIONER STEINMAN that the applicant's building on Stewart Avenue had a tenant and was not part of this project and that the rezoned property would be used for storage and parking. COMMISSIONER STEINMAN suggested that a retail component attached to the plant would be more appropriate for the area than a completely wholesale facility and COMMISSIONER EVANS concurred.

COMMISSIONER EVANS stated he could not support this project and expressed his concern with the intensity of the project and the fact that it does not meet the City's goals for the downtown area.

COMMISSIONER TROWBRIDGE stated he could not support the landscape waivers, but encouraged the applicant to consider a retail component for the plant. He acknowledged that this project did not fit the redevelopment goals for this area.

COMMISSIONER TRUESDELL agreed with staff's assessment of the project and stated he could not support a food manufacturing plant directly adjacent to a residential area.

COMMISSIONER STEINMAN encouraged the applicant to address the items in abeyance in order to address the Commissioners' concerns. MR. BEL expressed the applicant's willingness to rework the project and MR. DESJARDINS suggested the item be held for one month.

CHAIRMAN DAVENPORT declared the Public Hearing closed.

