



City of Grand Island

Tuesday, April 22, 2008

Council Session

Item E7

**Public Hearing on Amendment to Chapter 36-70 of the Grand
Island City Code Relative to Automobile Body Repair by
Conditional Use Permit in the B3 - Heavy Business Zone**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: April 22, 2008

Subject: Text Amendment of Zoning Ordinance

Item #'s: E-7 & F-3

Presenter(s): Chad Nabity AICP, Regional Planning Director

Background

Concerning proposed amendments to section 36.70, Section B, addition of Automobile body repair as a conditional use to the B3 Zoning District in the Grand Island City Code. (C-12-2008GI) Rick Johnson an owner of property located in the B3 Heavy Business Zone requested consideration of the proposed amendments. (See full recommendation.)

Discussion

The following proposed amendment to section 36.70 Section B of the Grand Island City Code, was considered by the Regional Planning Commission at the April 2, 2008 meeting following a public hearing.

§36-70. (B-3) Heavy Business Zone

Intent: The intent of this zoning district is to provide for the multiple uses within the central business district. Residential uses are permitted at the density of the (RO) Residential Office Zone.

(B) Conditional Uses: The following uses are subject to any conditions listed in this chapter and are subject to other conditions relating to the placement of said use on a specific tract of ground in the (B-3) Heavy Business Zoning District as approved by City Council.

- (1) Manufacture, fabrication or assembly uses incidental to wholesale or retail sales wherein not more than 20% of the floor area is so used
- (2) Outdoor sales and rental lots for new or used automobiles, boats, motor vehicles, trailers, manufactured homes, farm and construction machinery
- (3) Stores and shops for the conduct of wholesale business, including sale of used merchandise.
- (4) Towers

(5) Automobile body repair: subject to the following minimum standards:

No storage of parts or unlicensed vehicles outside of an enclosed building,

The facility shall meet or exceed all building and fire code requirements,
(6) Other uses as indicated in the Zoning Matrix [Attachment A hereto]

Nabity explained the proposed changes and that Automobile Body Repair is a permitted use in the M3 Zoning District north of Downtown and that there is an existing Body Repair Business (Vintage Autobody) located at 3rd and Elm. Heineman asked if this would also allow body work on motorcycles and Nabity responded that it would include all automobiles as written.

A motion was made by Haskins, and seconded by Snodgrass, to approve the Text Amendment Zoning Ordinance as presented. A roll call vote was taken and the motion carried with 9 members present voting in favor (Miller, O'Neill, Hayes, Reynolds, Monter, Haskins, Bredthauer, Heineman, Snodgrass).

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the proposed changes as presented

Sample Motion

Move to approve as recommended.

Agenda Item #4

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

March 21, 2008

SUBJECT:

Concerning amendments to the Zoning Ordinance for the City of Grand Island and its 2 mile extra-territorial jurisdiction. Amendments to be considered pertain to the §36-70 (B) B3-Heavy Business Zone Conditional Uses to include Automobile body repair as a conditional use in this zoning district (C-12-2008GI)

PROPOSAL:

The changes proposed here were requested by Rick Johnson of Grand Island, Nebraska. All areas with changes are **highlighted**. Additions are *italicized and underlined* and deletions are in ~~strike-out~~.

§36-70. (B-3) Heavy Business Zone

Intent: The intent of this zoning district is to provide for the multiple uses within the central business district. Residential uses are permitted at the density of the (RO) Residential Office Zone.

(B) Conditional Uses: The following uses are subject to any conditions listed in this chapter and are subject to other conditions relating to the placement of said use on a specific tract of ground in the (B-3) Heavy Business Zoning District as approved by City Council.

(1) Manufacture, fabrication or assembly uses incidental to wholesale or retail sales wherein not more than 20% of the floor area is so used

(2) Outdoor sales and rental lots for new or used automobiles, boats, motor vehicles, trailers, manufactured homes, farm and construction machinery

(3) Stores and shops for the conduct of wholesale business, including sale of used merchandise.

(4) Towers

(5) Automobile body repair: subject to the following minimum standards:

No storage of parts or unlicensed vehicles outside of an enclosed building,

The facility shall meet or exceed all building and fire code requirements.

(6) Other uses as indicated in the Zoning Matrix [Attachment A hereto]

OVERVIEW:

The B3 zone does not permit Automobile Body repair but does allow mechanical repair garages by conditional use permit. Vintage Body Shop at 3rd and Elm has been located in the B3 district for many years without creating any issues. The only B3 property in the City is located in the Downtown area. All of the property

north of the B3 zone is M3-Mixed Use Manufacturing and allows Automobile Body Repair as a permitted principal use.

This use would not be appropriate for the entire B3 zoned area but there are places along the outskirts that it would not be detrimental. Allowing this use as a conditional use would give Council the option of permitting it and placing reasonable restriction on it in those locations where it would make sense.

Automobile mechanical repair and sales are both conditional uses in the B3 zone and allowed in the M3 zone.

RECOMMENDATION:

That the Regional Planning Commission recommends that the Grand Island City Council **approve** the changes to the Grand Island Zoning Ordinance as requested.

_____ Chad Nabity AICP, Planning Director

§36-70. (B-3) Heavy Business Zone

Intent: The intent of this zoning district is to provide for the multiple uses within the central business district. Residential uses are permitted at the density of the (RO) Residential Office Zone.

(A) Permitted Principal Uses: The following principal uses are permitted in the (B-3) Heavy Business Zoning District.

- (1) Agencies as found in the Zoning Matrix [Attachment A hereto]
- (2) Boarding and lodging houses, fraternity and sorority houses
- (3) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature
- (4) Colleges offering courses of general instruction, including convents, monasteries, dormitories, and other related living structures when located on the same site as the college
- (5) Country clubs
- (6) Dwelling units
- (7) Elderly Home, Assisted Living
- (8) Group Care Home with less than eight (8) individuals
- (9) Hospitals, nursing homes, convalescent or rest homes
- (10) Hotel and motel uses
- (11) Mortuaries, funeral homes, and funeral chapels
- (12) Nonprofit community buildings and social welfare establishments
- (13) Office and office buildings for professional and personal services as found in the Zoning Matrix [Attachment A hereto]
- (14) Preschools, nursery schools, day care centers, children's homes, and similar facilities
- (15) Public parks and recreational areas
- (16) Public, parochial and private schools having a curriculum equivalent to an elementary or higher educational level
- (17) Public and quasi-public buildings for cultural use
- (18) Radio and television stations (no antennae), private clubs and meeting halls
- (19) Railway right-of-way but not including railway yards or facilities
- (20) Retail activities of a prescriptive service provided it is limited to being secondary to said use. Retail space is limited to 25% of the total floor area
- (21) Stores and shops that conduct retail business, provided, all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open, as per the Zoning Matrix [Attachment A hereto]
- (22) Truck, bush and tree farming, provided, there is no display or sale at retail of such products on the premises
- (23) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall be of such exterior design as to harmonize with nearby properties
- (24) Vocational or trade schools, business colleges, art and music schools and conservatories, and other similar uses
- (25) Other uses as indicated in the Zoning Matrix [Attachment A hereto]

(B) Conditional Uses: The following uses are subject to any conditions listed in this chapter and are subject to other conditions relating to the placement of said use on a specific tract of ground in the (B-3) Heavy Business Zoning District as approved by City Council.

- (1) Manufacture, fabrication or assembly uses incidental to wholesale or retail sales wherein not more than 20% of the floor area is so used
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(5) Automobile body repair: subject to the following minimum standards:

No storage of parts or unlicensed vehicles outside of an enclosed building.

The facility shall meet or exceed all building and fire code requirements.

(6) Other uses as indicated in the Zoning Matrix [Attachment A hereto]

(C) Permitted Accessory Uses:

(1) Buildings and uses accessory to the permitted principal use.

(D) Space Limitations:

Uses			Minimum Setbacks					
		A	B	C	D	E		
	Minimum Parcel Area (feet)	Minimum Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)	Maximum Ground Coverage	Maximum Building Height (feet)
Permitted Uses	3,000	30	10	0 ¹	0 ²	10	100%	
Conditional Uses	3,000	30	10	0 ¹	0 ²	10	100%	

¹ No rear yard setback is required if bounded by an alley, otherwise a setback of 10 feet is required.

² No side yard setback is required, but if provided, not less than five feet or unless adjacent to a parcel whose zone requires a side yard setback, then five feet. When adjacent to a public alley, the setback is optional and may range from 0 feet to 5 feet.

(E) Miscellaneous Provisions:

(1) Supplementary regulations shall be complied with as defined herein.

(2) Only one principal building shall be permitted on one zoning lot except as otherwise provided

Amended by Ordinance No. 8947, effective 1-5-2005