

Ordinance #

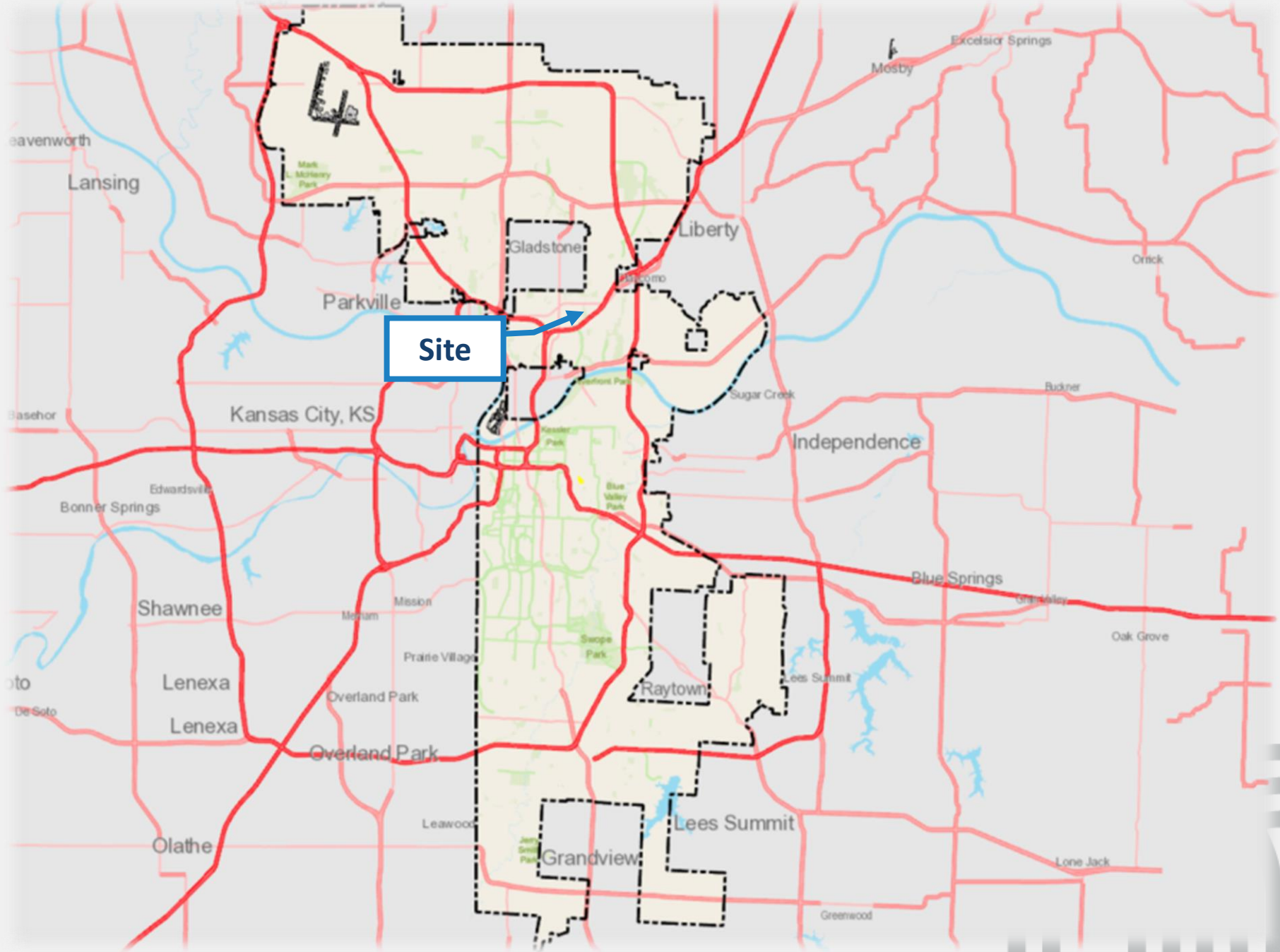
CD-CPC-2024-00113

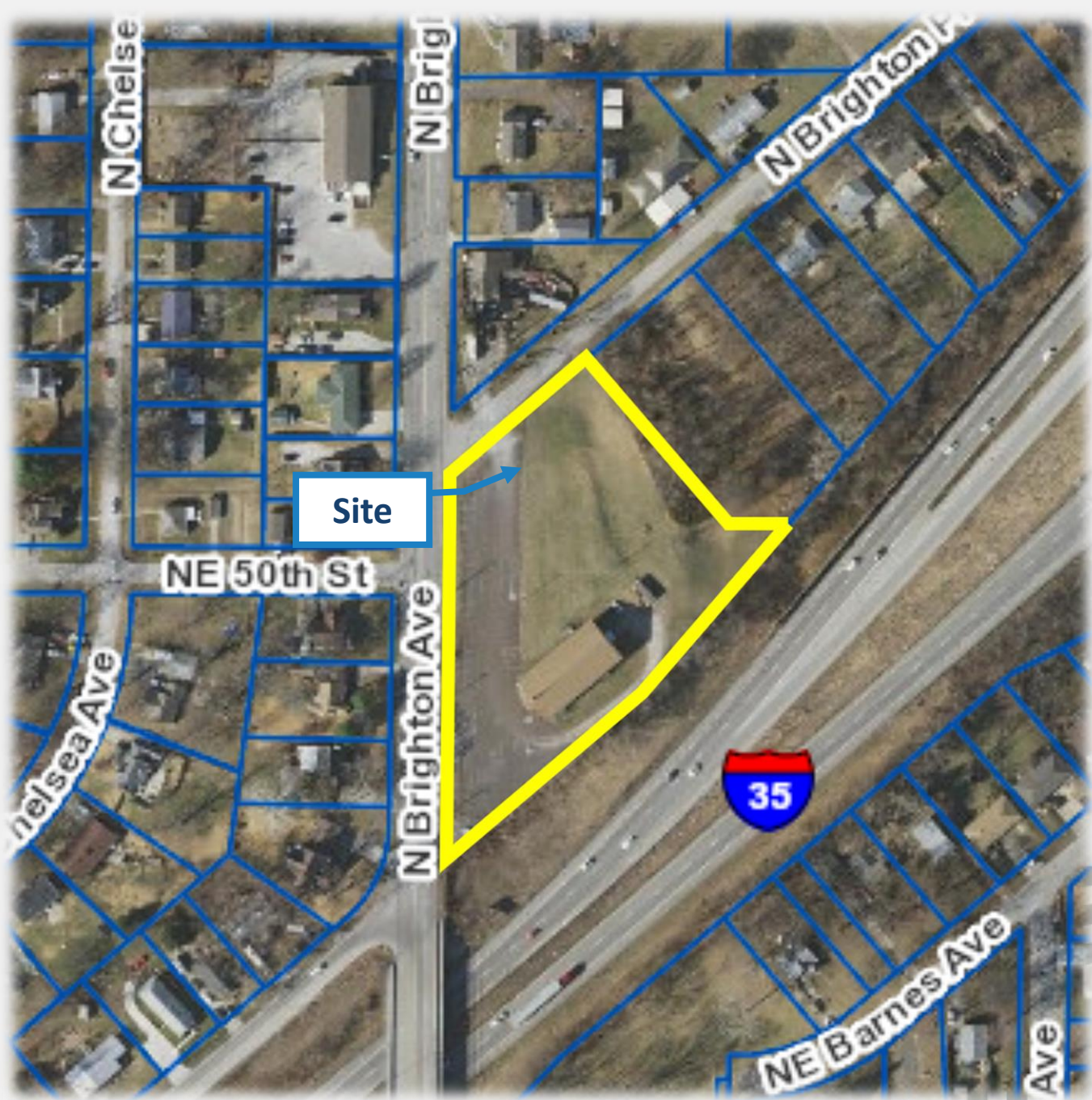
Location: 5005 N Brighton Ave

Zoning District: R-6

Summary: The applicant is seeking to rezone the subject site to B3-2 to permit a mobile vendor park on the subject site.









CD-CPC-2024-00113

Feb. 2024

- Zoning and Development Code Enforcement Inspections
 - Complaint about food truck operating permanently was received.
 - NOV issued.

April 2024

- Appeal Case Filed
 - Email correspondence between the applicant and City Staff occurred, directing them to file TUP.
 - Unknown scale of the business characteristics at the time of this determination.
 - TUP denied.

July 2024

- BZA Hearing
 - Determined that an appeal of the denial of the TUP was the correct route.
 - Out of the options presented, the BZA directed the property owner to rezone the property.

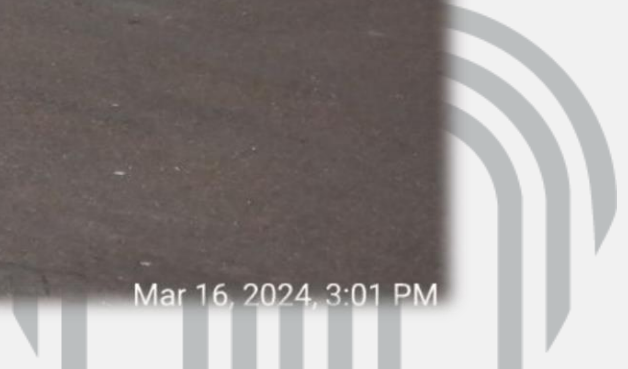
3/16/24



shot on moto g play (2021)

Mar 16, 2024, 3:01 PM

Ordinance #



4/6/24



shot on moto g play (2021)

Apr 6, 2024, 2:40 PM



Ordinance #

CD-CPC-2024-00113

88-515-08 - REVIEW CRITERIA



In reviewing and making decisions on proposed zoning map amendments, the city planning and development director, city plan commission and city council must consider at least the following factors:

88-515-08-A. conformance with adopted plans and planning policies;

88-515-08-B. zoning and use of nearby property;

88-515-08-C. physical character of the area in which the subject property is located;

88-515-08-D. whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;

88-515-08-E. suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;

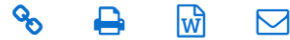
88-515-08-F. length of time the subject property has remained vacant as zoned;

88-515-08-G. the extent to which approving the rezoning will detrimentally affect nearby properties; and

88-515-08-H. the gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

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88-515-08 - REVIEW CRITERIA



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88-515-08-B. zoning and use of nearby property;

88-515-08-C. physical character of the area in which the subject

The subject site is ~600 ft away from a B3-2 zoned district, adjacent to NE Vivion Rd.



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88-515-08-C. physical character of the area in which the subject property is located;

88-515-08-D. whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;

88-515-08-E. suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;

88-515-08-F. length of time the subject property has remained vacant as zoned;

88-515-08-G. the extent to which approving the rezoning will detrimentally affect nearby properties; and

Traditionally, churches and schools match their surrounding zoning district.

Planners see an interest from schools and churches to have different zoning designations to accommodate campus-style or activity center use or development standards.

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amendment;

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ZDC-2024-0084 was initiated because of a complaint from a nearby property.

City staff does not believe that the operational characteristics of a mobile vendor park will have a detrimental effect on nearby properties (wide-spread).

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CITY PLAN COMMISSION RECOMMENDATION

Approval



CD-CPC-2024-00113

- Why the TUP was denied?
 - Eating and Drinking Establishments or Mobile Vendor Parks are prohibited in R-6 zoning districts.

TUP Regulations	5005 N Brighton Food Truck
CPD Director or authorized decision-making body determines a temporary use when it is generally compatible with surrounding uses and not be detrimental to public safety	No – complaint * Any temporary use of property operating without a permit shall constitute a violation of this article.
Time Limit 45 days or 15 nonconsecutive days	No – 245 days
An SUP = TUP for unique circumstances.	No – The food truck wants to be sited at 5005 N Brighton in perpetuity.

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88-575-09 - REVIEW CRITERIA

An appeal may be sustained only if the board of zoning adjustment finds that the administrative official erred.

- The Planner reviewing the TUP did not error because the use is not temporary.

Other means to achieve goals,

- SUP = Reducing the number of days at 5005 N Brighton to ~156 a year for a limit of 3 years.
- Rezoning.
- Relocating food truck.

