

Midway City Council
17 November 2020
Regular Meeting

Zone Boundary Determination /
60 West 100 South



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: November 17, 2020
NAME OF APPLICANT: Darin and Nancee Heckel
AGENDA ITEM: Zone Boundary Determination
LOCATION OF ITEM: 60 West 100 South
ZONING DESIGNATION: R-1-7 and C-2

ITEM: 9

Darin and Nancee Heckel are requesting a Zone Boundary Determination regarding their parcel that is partially located in the R-1-7 zone and the C-2 zone. The property is located at 60 West and 100 South.

BACKGROUND & ANALYSIS:

Darin and Nancee own parcel OMI-0017-0-004-034 which is 0.3 acres in size and is located at 60 West 100 South. The lot is dissected by two separate zones being the R-1-7 and C-2 zones and the applicant is asking that the entire parcel is considered in the C-2 zone. The applicants would like their property to be completely C-2 so they can enjoy the property rights offered by the commercial zone and not be restricted by the R-1-7 zone.

When a parcel is in two separate zones, the code allows the City Council to consider allowing the uses from one zone to extend up to 100' into another zone. Section 16.13.30 states the following:

Uses which are permitted on either portion of a lot which lot is divided by a zone boundary line or which is coterminous with a zone boundary line may be permitted to extend to the entire lot, but not more than 100 feet beyond the boundary line of such zone in which such use is permitted. Before a permit for such a use may be granted, however, the City Council must find that the General Plan of zoning will be maintained and that a more harmonious mixing of uses will be achieved thereby.

The distance from the zone boundary line to the property line is about 10'-15'. The Heckel's lot is 100' wide so about 10-15% of the lot is in the C-2 zone while the rest of the lot is in the R-1-7 zone. Because the distance from the zone boundary to the Heckel's west boundary is less than the 100' maximum as described in the code, the City Council is able to allow the uses for the C-2 zone on the entire lot. If the City Council does approve the petition, staff will make the adjustment on the land use map, so the entire parcel will be zoned C-2 so the uses allowed by this zone will be allowed on the entire lot. The Heckel's plan is to submit a business license application for a property management company that they would like to run from their home.

Before the City Council can extend the C-2 uses to the entire lot, the City Council must find the following:

1. The General Plan of zoning will be maintained.
2. That a more harmonious mixing of uses will be achieved thereby.

POSSIBLE FINDINGS:

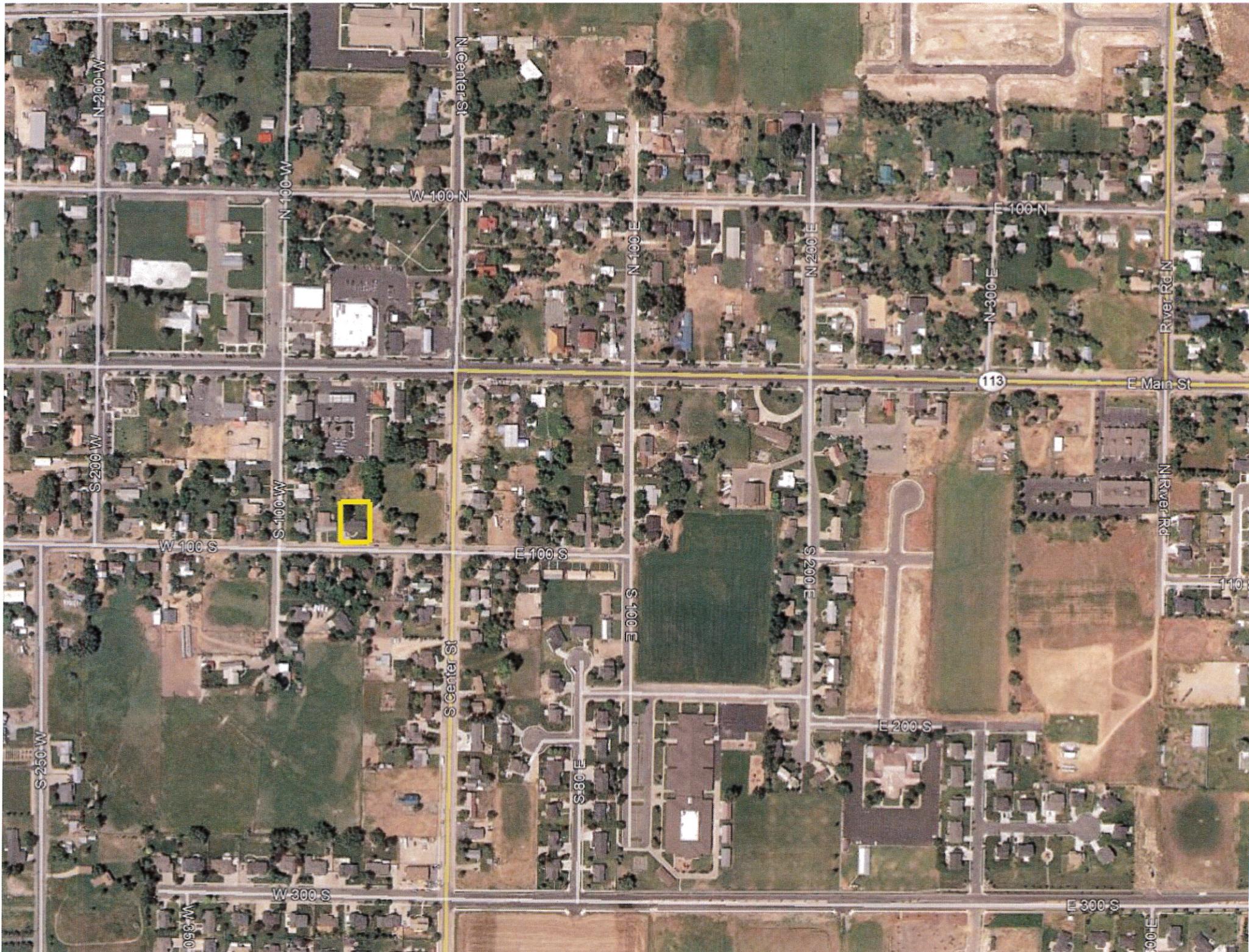
- The General Plan of zoning will be maintained
- A more harmonious mixing of uses will be achieved
- The lot is dissected by two zones
- About 10-15% of the property is in the C-2 zone
- About 85-90% of the property is in the R-1-7 zone
- The applicants would like to submit a business license to the City and the license they seek can only be approved in a commercially zoned area

ALTERNATIVE ACTIONS:

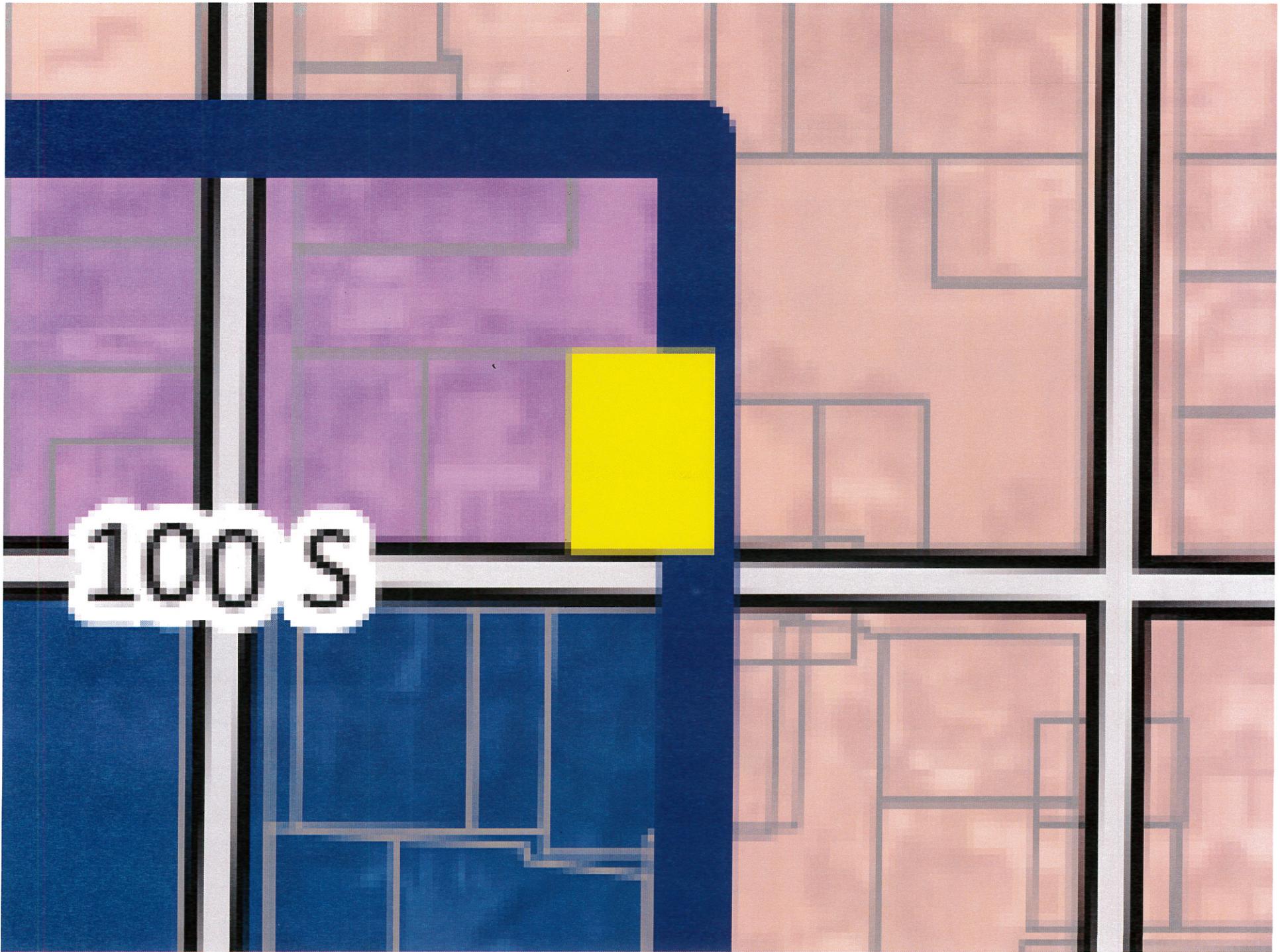
1. Approval. This action can be taken if the City Council finds the proposal is acceptable and in the community's best interest.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)

2. Continuance. This action can be taken if the City Council finds that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

3. Denial. This action can be taken if the City Council finds that the request is not acceptable and not in the best interest of the community.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial







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