

SUPPLEMENTAL STAFF RECOMMENDATION ON CONDITIONAL ZONING RESTRICTIONS

MAR 2013-9: MICHLER FLORIST, INC

At the Zoning Committee meeting of the Planning Commission on April 4th, the Planning staff reported on possible conditional zoning restrictions provided by the applicant for the subject property. The staff expressed concern related to some of the remaining Neighborhood Business (B-1) zone uses that would still be permitted at this location with the applicant's rezoning proposal. After additional staff review, and some discussion with the applicant, the staff has a more comprehensive list of uses that would be most appropriate at this location.

The Staff Recommended: **Approval**, for the following reasons:

1. The requested Neighborhood Business (B-1) zone, if restricted via conditional zoning limitations, is more appropriate than the existing (and unrestricted) R-3 zoning for the subject property, for the following reasons:
 - a. The proposed B-1 zone will allow the existing historic business, in continuous operation on this site since 1903, to operate as a conforming use in the B-1 zone.
 - b. If restricted via conditional zoning, given the existing H-1 Overlay zone for this site and this area, the proposed B-1 zone should not permit a noticeably more intrusive land use than what the long time non-conforming use has allowed.
 - c. A restricted B-1 zone will still allow a small number of additional uses in addition to the existing florist business, and will provide additional off-street parking to accommodate the proposed expansion. Those uses will complement the existing florist and greenhouses, as well as support the neighborhood.
2. The 2012 Goals and Objectives of the Comprehensive Plan are supportive of neighborhood character preservation, which provides safe and positive social interactions in neighborhoods. The goals and objectives are also supportive of providing incentives to renovate and maintain the historic resources that already enhance a neighborhood's unique identity and image (Goals A.3.a., A.3.b., D.3., D.3.a. and D.3.b.).
3. This recommendation is made subject to approval and certification of ZDP 2013-31: Michler Florist, Inc., prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are proposed for the subject property via conditional zoning:

Prohibited Uses:

- a. Automobile service station
- b. Tattoo parlors
- c. Miniatures golf courses
- d. Carnivals and Circuses, even on a temporary basis
- e. Drive-through facilities
- f. Research development and testing laboratories or centers
- g. Indoor theaters
- h. Arcades, including pinball and electronic games
- i. Pawn shops
- j. Gasoline pumps
- k. Mining of non-metallic minerals
- l. Funeral Parlors
- m. Hospitals
- n. Medical Offices and clinics
- o. Kindergartens, nursery schools and child care centers for four or more children
- p. Parking lots and structures, other than as an accessory use
- q. Rental of equipment whose retail sale would otherwise be permitted in a B-1 zone
- r. Minor Automobile repair

These restrictions are appropriate and necessary to ensure that any future redevelopment remains compatible in this established, historic residential neighborhood.