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AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, OCTOBER 3, 2011
7:00 PM

1. ROLL CALL

Mr. Michael Barton
Mr. Gary Eberhardt
Mr. James Faron
Mr. Ken Howard
Ms. Cynthia Kramer
Mr. Tim Madden
Mr. Jim Schnarr
Mr. Carl Lumley, City Attorney
Mr. Paul Langdon, AICP, Director of Community Development
Ms. Whitney Kelly, AICP, City Planner
Ms. Julie Lowery, Recording Secretary

Pursuant to Section 610.022 RSMO, the Planning and Zoning Commission could, at any time during the meeting, vote to close the public meeting and move to closed session to discuss matters relating to litigation, legal actions and/or confidential or privileged communications with the City Attorneys as provided under Section 610.021(1)RSMO or other matters as permitted by Chapter 610.

Reports, documents, plans, and related materials are available for examination at the Creve Coeur Government Center, 300 North New Ballas Road, prior to the meeting.

Special disabled service may be arranged by contacting the Office of the City Administrator in advance.

2. ADDITIONS TO – ACCEPTANCE OF THE AGENDA

3. APPROVAL OF MINUTES

A. Draft minutes from September 19, 2011 meeting.

4. PUBLIC COMMENT

An opportunity for members of the public to address the Planning and Zoning Commission regarding issues or concerns not already on the agenda for this meeting. Those wishing to speak will be asked to provide their name and address for the public record.

5. **UNFINISHED BUSINESS**

None

6. **NEW BUSINESS**

A. Public Hearing

Application #11-026: Text Amendment allowing Used Only Auto Sales with no outdoor storage as a Conditional Use in the “LI” Light Industrial Zoning District.

Applicant/Agent: Robert Mach
Mach Distributors
10665 Baur Blvd
Creve Coeur, MO 63141

Applicant's Representative:
Powell Kalish
Hilliker Corporation
2001 S. Hanley Road, Suite 300
Saint Louis, MO 63144

7. **WORK AGENDA**

None

8. **OTHER BUSINESS**

A. Planning Division Report

B. City Attorney Report

9. **ADJOURNMENT**



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, SEPTEMBER 19, 2011
7:00 P.M.**

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, September 19, 2011, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Tim Madden called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: *Mr. Timothy Madden, Chair*
 Mr. Gary Eberhardt
 Mr. James Faron
 Ms. Cynthia Kramer
 Mr. Ken Howard
 Mr. Jim Schnarr

OTHERS PRESENT: *Mr. Carl Lumley, City Attorney*
 Mr. Paul Langdon, Director of Community Development
 Ms. Whitney Kelly, City Planner
 Ms. Julie Lowery, Recording Secretary

2. ADDITIONS TO – ACCEPTANCE OF THE AGENDA

Application #11-024 was moved before the Public Hearing on Application #11-023, to item 6.A on the agenda and Application #11-023 was moved to item 6B.

3. APPROVAL OF MINUTES

Draft Minutes of August 15, 2011

Mr. Eberhardt moved approval of the draft minutes as written. Mr. Howard seconded the motion which carried unanimously.

4. PUBLIC COMMENT

Mr. David Caldwell, 257 Brooktrail Court, expressed his concern for the way the Public Hearing was published on the city's website. He also asked that minutes from previous meetings be updated and published.

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

A. Application #11-024: Request for minor site development plan approval for the Donald Danforth Plant Science Center Greenhouse C expansion.

Applicant/Agent: Howard Beittenmiller
Director of Facilities
Donald Danforth Plant Science Center
975 Warson Road
Creve Coeur, MO 63132

Ms. Kelly, City Planner, presented the staff report on Application #11-024, a request for site development plan approval for a 38,654 square-foot greenhouse expansion at the Donald Danforth Plant Science Center. The property is located at 975 N. Warson Road, north of Olive Boulevard and west of N. Warson Road, and is currently zoned “RO” Research and Office Park District. The “RO” district is intended for the development of large-scale office parks which include extensive laboratories and other similar scientific research facilities.

The new Greenhouse C will be located just north of the existing Greenhouse B, south of the service drive on campus, outside of view from the public right-of-way and residential uses. Greenhouse C will have a basement under a portion of the above grade greenhouses. The eastern two greenhouses, labeled “GH10-C” and “GH11-C” on sheet SDP-3, will be inground soil beds and thus will not have the basement built under them. The western end of the above grade greenhouses, labeled as “Future GH1-, 2-, and 3-C” on sheet SDP-3, will be completed at a future date, however, the basements for them will be constructed at this time. The proposed Greenhouse C required the relocation of the hazardous materials storage facility to the building service court. Ms. Kelly also pointed out that all of the proposed improvements are in substantial conformance with the previously approved site concept plan for the Plant Science Center.

No comments and questions from the audience.

Mr. Eberhardt asked staff if a Phase 1 or Phase 2 Environmental Assessment had been completed by the Plant Science Center prior to relocation of the hazardous materials building and, if one had been done, did staff have a copy of it. Mr. Langdon replied that the City was not aware of any assessment having been completed.

There being no further comments, the motion was made by Mr. Eberhardt to approve the site development plan for the Greenhouse C for the Danforth Plant Science Center at 975 N. Mason Road submitted with Application #11-024, as presented to the Planning and Zoning Commission on September 19, 2011, with an added requirement that the City Engineer approve whatever reports are deemed reasonable and necessary, primarily a Phase 1 and/or a Phase 2, as to what remedial action is needed to clear hazardous substances that may be present and that that information be presented and approved by the City Engineer prior to the final approval of the building permits. Ms. Kramer seconded the motion with the resultant vote as follows:

Mr. Faron – aye
Ms. Kramer – aye

Mr. Eberhardt – aye
Mr. Howard – aye

Chair – aye
Mr. Schnarr - aye

B. Application #11-023: Request for approval of a text amendment to Section 405.470(8)(d) to allow Drive-Thru Service for Restaurants on lots of one acre or more and at least one-half mile distance from any similar use, where a lot of three acres or more is the only current requirement.

Applicant/Agent: Bill Biermann, Agent for
Creve Coeur Real Estate Venture IV, LLC
721 Emerson, Suite 100
Creve Coeur, MO 63141

Start of Public Hearing

Mr. Paul Langdon, Director of Community Development, informed the commission and the audience of a procedural change to Planning and Zoning meetings, stating that there will be a time limit of three (3) minutes for comments As well as the Petitioner being limited to a thirty (30) minutes for their presentation.

Mr. Biermann, representing Creve Coeur Real Estate Venture IV, LLC, has submitted a request to consider certain amendments to Section 405.470(8)(d) to allow drive-thru service for restaurants on sites of not less than one (1) acre and no closer than one-half (1/2) mile from another restaurant with drive-thru service.

Mr. Biermann stated that the current requirement effectively prohibits any such facilities within the city due to the historical development patterns, where parcels meeting the three acre minimum are virtually impossible to find. Therefore, the Applicant, in recognition of the City's desire to limit drive-thru restaurants facilities, has proposed that the limitation be based upon proximity to other drive-thru facilities, instead of the acreage requirement.

Comments and questions from the audience. There were 15 audience members who spoke in opposition of the proposal. Those people include: Mr. Rich Jarrett, Mr. Sean Hunt, Mr. James Heffner, Mr. Albert Lee, Mr. Steve Kling, Ms. Lynn Berry, Ms. Debbie Cole, Ms. Kathleen Kelly Burkett, Ms. Linda Rezny, Mr. Robert Kent, Mr. Kerry Hampton, Ms. Pati Trout, Mr. Tony Kardis, Mr. Robert Fry, and Ms. Stacy Manolakas.

There was only one audience member who spoke in favor of the proposal, Mr. Mel Klearman.

Mr. Paul Langdon, Director of Community Development for the City, spoke to some comments made by residents and audience members, addressing the Public Hearing notice being available on the city's website, the city's newsletter, St. Louis County newspaper, as well as posted on the foyer in the City Hall, and posted on the roadway in front of the City Hall. Mr. Langdon also addressed that economic development is a need in any city and Creve Coeur is not opposed to entertaining new business ideas. He also stated that drive-thru restaurants on such small parcels does, however, raise serious concerns with development character and traffic conflicts, especially when so many new locations are possible under this proposal. For these reasons, the Commission should carefully evaluate

the proposal before voting on a recommendation or discussing alternatives with the applicant.

Comments or questions from Commission members. Mr. Eberhardt wanted to know how this proposal reasonably limits the amount of drive-thru restaurants in Creve Coeur, if passed. Ms. Kramer wanted to know if a traffic study had been done.

There being no further comments, the City Attorney, Mr. Lumley, presented the exhibits for the record and the public hearing was closed.

(This ends the Public Hearing; see verbatim transcript for further information)

No further comments and questions from the audience or the Commission.

There being no further comments, the motion was made by Mr. Eberhardt to recommend approval of a text amendment to Section 405.470(8)(d) to allow drive-thru service for restaurants on sites of not less than one (1) acre and no closer than one-half (1/2) mile from another restaurant with drive-thru service within the “PC” Planned Commercial District, “GC” General Commercial District, and “CB” Core Business District, as described in the staff report on application #11-023, dated September 19, 2011. Mr. Schnarr seconded the motion with the resultant vote as follows:

Mr. Faron – Nay
Ms. Kramer – Nay

Mr. Eberhardt – Nay
Mr. Howard – Nay

Chair – Nay
Mr. Schnarr – Nay

C. PUBLIC HEARING POSTPONED

Application #11-019: Text Amendment to Section 405.930 of the Sign Regulations regarding Billboards to comply with the State of Missouri Statutes.

Applicant/Agent: Paul Langdon
Director of Community Development
City of Creve Coeur

Mr. Lumley, City Attorney, explained that State bill regarding billboards was vetoed by the Governor and the legislature did not take up the issue. To the best of his knowledge, he stated, the issue has died at the State level. He suggested that it would be appropriate, therefore, for the Commission to table the application indefinitely. There being no questions from the Commission or members of the public, Ms. Kramer made a motion to table Application #11-019; Mr. Faron seconded the motion with the resultant vote as follows:

Mr. Faron – aye
Ms. Kramer – aye

Mr. Eberhardt – aye
Mr. Howard – aye

Chair – aye
Mr. Schnarr – aye

7. WORK AGENDA

A. Requested Comprehensive Plan Review of Former Belle Maison Subdivision

Mr. Langdon explained to the Commission about Delmar Garden's interest in making proposed changes to the City's Comprehensive Plan. Mr. Lumley urged the Commission to keep an open mind regarding all possible changes to the Comprehensive Plan when the review process begins.

8. OTHER BUSINESS

A. Planning Division Report

Mr. Langdon stated there will be a Public Hearing at the next meeting, October 3, 2011.

B. City Attorney Report

None

9. ADJOURNMENT

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 8:47 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary



city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

APPLICATION TO PLANNING AND ZONING COMMISSION

#11-026 TEXT AMENDMENT ALLOWING USED ONLY MOTOR VEHICLE DEALERS AS A CONDITIONAL USE WITH NO OUTDOOR STORAGE OR DISPLAY IN THE "LI" LIGHT INDUSTRIAL ZONING DISTRICT

FOR THE MEETING OF: October 3, 2011

LOCATION: "LI" Light Industrial District

REQUEST:

Powell Kalish, of the Hilliker Corporation, representing Mach Distributors, owner of 10665 Baur Blvd, has submitted a request to consider certain amendments to Section 405.380(C) Conditional Uses to allow for Used Only Motor Vehicle Dealers in the "LI" Light Industrial District, provided all business operations will take place indoors, and at no time will vehicles be parked or stored outdoors.

ADDITIONAL INFORMATION:

The property owner has a potential tenant, Sherman Auto Sales, Inc., that would offer for sale classic vehicles that would only be stored inside the building and would be viewed by appointment only. Currently, Section 405.380(C) permits only motorcycle dealers in the "LI" District with conditions.

Key Issues:

- Does the request integrate with existing permitted and conditional uses?
- Does this request further the goals and/or implement the Comprehensive Plan?
- Is this a reasonable exercise of zoning authority?

Comp. Plan References

- NA

Zoning Code References

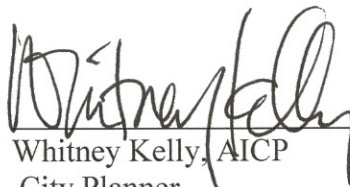
- Section 405.380: "LI" Light Industrial District
- Section 405.470 Conditional Uses

APPLICANT: Robert Mach
Mach Distributors
10665 Baur Blvd
Creve Coeur, MO 63141

**APPLICANT'S
REPRESENTATIVE:**

Powell Kalish
Hilliker Corporation
2001 S. Hanley Road, Suite
300
Saint Louis, MO 63144

REPORT PREPARED BY:


Whitney Kelly, AICP
City Planner

9/29/2011
Date

ATTACHMENTS: Draft Ordinance
Applicant's revised application submitted September 12, 2011

INTRODUCTION

Powell Kalish, of the Hilliker Corporation, representing Mach Distributors, owner of 10665 Baur Blvd, has submitted a request to consider certain amendments to Section 405.380(C) Conditional Uses to allow Used Only Motor Vehicle Dealers in the "LI" Light Industrial District. Current regulations only permit with conditions motorcycle dealers in the "LI" District. A potential tenant, Sherman Auto Sales, Inc., of the building would offer for sale classic cars and classic car memorabilia that would only be stored inside the building and would be viewed by appointment only. Therefore, the applicant has proposed language to allow for used only auto dealers as a conditional use with the provision that all business operations will take place indoors, and at no time will vehicles be parked or stored outdoors.

DISCUSSION

The applicant has proposed adding Used Only Motor Vehicle Dealers to the list of Conditional Uses in the "LI" District that would stipulate that all business operations will take place indoors, and at no time will vehicles be parked or stored outdoors.

Generally, automotive sales are a conditional use within the City of Creve Coeur, with the sale of used vehicles only permitted in conjunction with new vehicles (unless a motor vehicle dealer, whose new vehicle franchise has been terminated, may continue all other services performed by the dealer for a period of 3 years). Section 405.470 Conditional Uses provides further requirements for conditional uses, but approval of a permit is not limited to those listed, and could include specific conditions to the site, structure, and/or operation of the business. Below are the conditions for Automotive Dealers in Section 405.470.

Section 405.470 Conditional Uses

11. Automotive dealers--SIC Code 551 (conditional use in the "GC" and "CB" districts).
 - a. Site size. Shall be located on lots of not less than one (1) acre.
 - b. Service bays. Service bays shall be limited to one (1) per five thousand (5,000) square feet of land area. All service bays shall be contained entirely within the building. Service bay doors shall not face residentially zoned property ("A", "B", "C", "D", "AR" or "MR").
 - c. Trash disposal and storage. All used tires and parts, trash and similar objects shall be stored within a solid brick or concrete enclosure in the rear half or, in the case of corner sites, the rear quarter of the site.

However, within the "LI" District, automotive dealers were further limited to only motorcycle dealers as a conditional use, as follows:

Section 405.380 "LI" Light Industrial District

C. Conditional Uses.

2. Automotive dealers including only motorcycle dealers (all uses within SIC Code 557).

Compared to Permitted Uses throughout the City, which are often familiar and part of the culture of the community, such as retail or office uses, the City requires conditional use permits for those entities that have known issues, where violations often occur, and/or the City has less experience in the regulation of the use. The Conditional Use process provides the Planning and Zoning

Commission and City Council an extra level of protection from anticipated site and operating problems, and provides a greater level of oversight for the City.

The City has also had a long standing restriction against used only vehicle sales, as this was not seen as fitting the character of the community. While the proposed use does not function in a manner similar to a typical used car lot. For example, the business will not be trying to grab the attention of the average passer-by with signs and other attention getting devices; it also does not prefer the outdoor storage of vehicles. Nonetheless it still falls within the same category use of a used only motor vehicle dealer. Instead a "classic car" dealer functions in much the same way as other specialty retail use that offers large items (such as piano stores). While the proposed tenant states that they intend that all activity will be occurring inside an existing structure, this does represent a new use for the City and a new use for a building that could have greater impacts on the surrounding area, than a general permitted use (i.e. outdoor storage of damaged or in-operable vehicles, unloading, washing and cleaning, service and repair, and painting of vehicles).

Regarding the term "classic car", it is used to describe an older car, but the exact meaning is subject to differences in opinion, and can be used for all used vehicles. Therefore, Staff recommends that the City simply allow Used Only Motor Vehicle Dealers in the "LI" District as a conditional use, subject to the given conditions recommended for Section 405.470 shown in the attached draft ordinance.

If the members of the Planning and Zoning Commission wish to consider allowing this use with the conditions that all storage, maintenance, and cleaning of vehicles, and all business activities occur indoor only as a "permitted" use, they should vote on a motion to amend the attached draft ordinance accordingly, before voting on a recommendation for the entire draft ordinance.

CONCLUSION AND ACTION

A conditional use permit would hold the dealer responsible to the conditions outlined in the permit and provide further protection for the City. Therefore, Staff recommends that Used Only Motor Vehicle Dealers be included as a Conditional Use for the "LI" District only.

MOTION

If the Planning Commission has chosen to accept the draft ordinance as written, the following would be a suitable motion for this application:

"I move to recommend approval of a text amendment to include Used Only Motor Vehicle Dealers (SIC 552), where all business operations will take place indoors, and at no time will vehicles be parked or stored outdoors as a Conditional Use within the "LI" Light Industrial District as described in the staff report on application #11-026, dated September 29, 2011."

APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.

**AN ORDINANCE TO AMEND CHAPTER 405, THE ZONING ORDINANCE, OF THE
CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI, BY
ADDING USED ONLY MOTOR VEHICLE DEALERS AS A CONDITIONAL USE
IN "LI" LIGHT INDUSTRIAL ZONING DISTRICTS, AND ESTABLISHING
CONDITIONS FOR SUCH USE.**

WHEREAS, Chapter 405 does not currently permit used only motor vehicle dealers within any zoning district; and,

WHEREAS, Powell Kalish, of the Hilliker Corporation, representing Mach Distributors owner of 10665 Baur Blvd, has submitted a request to consider certain amendments to Section 405.380(C) Conditional Uses to allow Used Only Motor Vehicle Dealers in the "LI" Light Industrial District.; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for an addition to the provisions of the City Code of Ordinances and related amendments to other sections as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, October 3, 2011, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of _____ recommended approval of the subject amendments at its meeting on Monday, October 3, 2011; and,

WHEREAS, notice of said public hearing had previously been published at least 15 days prior to the hearing in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur; and,

WHEREAS, all persons who presented themselves at said meeting and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the City Council; and this Bill having been read by title in open meeting two times before final passage by the City Council; and,

WHEREAS, the City Council being fully informed finds that amending the City Code of Ordinances would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest.

BILL NO. _____

ORDINANCE NO. _____

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri as follows:

SECTION 1: Section 405.380 (C)(2) shall be amended to include Motor Vehicle Dealers, Used Only, to the Conditional Uses within the "LI" Light Industrial District, as follows:

Section 405.380 "LI" Light Industrial District

C. Conditional Uses.

2. Automotive dealers including only the following:

- a. Motor Vehicle Dealers, Used Only (all uses within SIC Code 552), subject to provision of Section 405.470.
- b. Motorcycle dealers (all uses within SIC Code 557)

SECTION 2: Section 405.470, *Conditional Uses* of Chapter 405, The Zoning Ordinance, of the City of Creve Coeur's Code of Ordinances shall be amended to include new paragraph 12, Motor Vehicle Dealers, Used Only, in the "LI" Light Industrial District, as follows, and all subsequent sections renumbered accordingly:

Section 405.470 Conditional Uses

12. Motor Vehicle Dealers, Used Only--SIC Code 552 (conditional use in the "LI" District).

- a. Trash disposal and storage. All used tires and parts, trash and similar objects shall be stored within a solid brick or concrete enclosure in the rear half or, in the case of corner sites, the rear quarter of the site.
- b. All business operations will take place indoors, and at no time will any vehicle, except customer and employee vehicles, be parked, serviced, cleaned, or stored in any way outdoors.

SECTION 3: All ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 4: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2011.

TARA NEALEY
PRESIDENT OF CITY COUNCIL

BILL NO. _____

ORDINANCE NO. _____

APPROVED THIS ____ DAY OF _____, 2011.

HAROLD DIELMANN
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK

File # _____



city of CREVE COEUR

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PLANNING AND ZONING COMMISSION AGENDA APPLICATION TEXT AMENDMENT

PLEASE COMPLETE FRONT AND BACK PAGES

Applicant: Robert Mach <i>Name</i> Mach Distributors <i>Company (If Applicable)</i> 10865 Baur Blvd. <i>Address</i> Saint Louis, MO 63132-1612 <i>Address</i> Telephone #314-993-4560 Fax #314-993-0512 Email: machdistributors@brick.net	Applicant's Representative (if applicable): Powell Kalish <i>Name</i> Hilliker Corporation <i>Company (If Applicable)</i> 2001 S. Hanley Road - Suite 300 <i>Address</i> Saint Louis, MO 63144 <i>Address</i> Telephone #314-781-0001 Fax #314-781-1159 Email: pkalish@hillikercorp.com
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Applicant's Status (Indicate one):

____ City Official (Mayor, City Councilor, Planning Commissioner, Zoning Administrator)
☒ Private Party (Financial, contractual, or proprietary interest)
 ____ Other Governmental Interest (Jurisdiction: _____)

The undersigned hereby requests to be placed on the Agenda for the Planning and Zoning Commission meeting at 7:00 P.M. on Monday, ~~September 12~~ Oct. 3, 2011.

Robert Mach
Applicant's Signature
9/2/11
Date

Powell Kalish
Applicant's Representative's Signature
9/2/11
Date

RECEIVED
 SEP 12 2011
 PLANNING DEPT.

File # _____

Description of Request (attach additional sheets as needed): _____

The wholesale of classic cars and classic car memorabilia remotely, via the internet, and by appointment only to collectors, corporations, set designers, corporate advertisers, and advertising firms. All business operations will take place indoors, and at no time will vehicles be parked or stored outdoors.

Affected Section(s) of the Zoning or Subdivision Code: _____

Light Industrial.

Proposed Ordinance Language (attach additional sheets as needed): _____

Amend the list of conditional uses in the "Light Industrial" zoning district to include Used-Only Automotive Sales.

Office Use Only

____ Proposed Ordinance Language
____ Fees Paid
____ Written Justification

Received By: _____

Date: _____

Paul Langdon, Director of Community Development
Whitney Kelly, City Planner
Julie Lowery, Admin. Assistant (872-2501)

RECEIVED
SEP 12 2011
PLANNING DEPT.

Revised: 9/11