



## **Request for City Council Committee Action from the Department of Community Planning & Economic Development—Planning Division**

**Date:** December 4, 2012

**To:** Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

**Referral to:** Zoning & Planning Committee

**Subject:** Eric Galatz, on behalf of Metro Star LLC, has appealed the decision of the City Planning Commission denying an application for a Certificate of Nonconforming Use for a roof sign and an amendment to an existing Conditional Use Permit for major automobile repair to remove a condition relating to the removal of the roof sign for the property located at 331 Ulysses Street Northeast in the I1 Light Industrial District.

**Recommendation:** The following action was taken by the City Planning Commission on October 29, 2012 (BZZ-5733):

### **7. Auto Repair Roof Sign (BZZ-5733, Ward: 1), 331 Ulysses St NE (Brad Ellis).**

**A. Nonconforming Use:** Application by Eric Galatz, on behalf of Metro Star LLC, for a certificate of nonconforming use for a roof sign for the property located at 331 Ulysses St NE in the I1 Light Industrial District.

**Action:** The City Planning Commission adopted the findings and **denied** the certificate of nonconforming use to reestablish two nonconforming roof signs on one structure located at 331 Ulysses St NE in the I1 Light Industrial District and the UA University Area Overlay District.

**Aye:** Kronzer, Luepke-Pier, Mammen, Schiff, Tucker and Wielinski.

**Nay:** Cohen

**Absent:** Huynh

**Motion passed.**

**B. Conditional Use Permit:** Application by Eric Galatz, on behalf of Metro Star LLC, to amend the existing conditional use permit for major automobile repair to remove a condition relating to the removal of the roof sign for the property located at 331 Ulysses St NE in the I1 Light Industrial District.

**Action:** The City Planning Commission adopted the findings and **denied** the removal of condition 3, removal of abandoned roof signs, from the existing conditional use permit for Major Automobile Repair on the property located at 331 Ulysses St NE in the I1 Light Industrial District and the UA University Area Overlay District.

**Aye:** Kronzer, Luepke-Pier, Mammen, Schiff, Tucker and Wielinski.

**Nay:** Cohen

**Absent:** Huynh

**Motion passed.**

**Ward:** 01

Prepared by: Brad Ellis, Senior Planner (612-673-3239) Approved by: Hilary Dvorak, Planning Supervisor Presenters in Committee: Brad Ellis, Senior Planner
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**Financial Impact**

- No financial impact

**Community Impact**

- Neighborhood Notification: Southeast Como Improvement Association
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: On November 9, 2012, staff sent a letter to the applicant extending the 60 day decision period to no later than January 25, 2013.

**Supporting Information**

Eric Galatz, on behalf of Metro Star LLC, has appealed the decision of the City Planning Commission denying an application for a Certificate of Nonconforming Use for a roof sign and an amendment to an existing Conditional Use Permit for major automobile repair to remove a condition relating to the removal of the roof sign for the property located at 331 Ulysses Street Northeast in the I1 Light Industrial District. At its meeting of October 29, 2012, the City Planning Commission voted 6-1 with one absence to deny the applications. The appeal (attached) was filed on November 8, 2012. The City Planning Commission minutes and Planning Division staff report are attached.

The appellant has stated that the decision is being appealed because they believe they have presented clear and convincing evidence that the sign was established lawfully and has never been abandoned. The appellant's complete statement of the actions being appealed and reasons for the appeal are attached.