



REPORT

TO: Mayor Graham
City Council

FROM: Ted Shekell, Director of Planning and Zoning
Lisa Reime, Planner
Walter Denton, City Administrator

DATE: July 27, 2004

SUBJECT: P2004-16: MidAmerica Advertising Billboard – Special Use Permit

Planning Commission Update

The Planning Commission reviewed the above referenced application at their Tuesday, June 8, 2004 meeting and recommended denial with a vote of 8-0. A copy of the project report and excerpts of the minutes are attached to this memo.

Zoning Board of Appeals Update

The Zoning Board of Appeals reviewed the above referenced application at their Tuesday, June 22, 2004 meeting and denied the petition with a vote of 3-2. Two ZBA members were absent, however the applicant did not want to wait for their vote in absentia and requested it proceed on to the Council for their "21 day right-of-review" consideration. An excerpt of the minutes in addition to the ZBA packet for this project is attached to this memo.

City Council Update

At the Tuesday, July 6, 2004, City Council meeting, the Council approved a motion to exercise its power to review the ZBA decision and sent it to the Community Development Committee.

Community Development Update

The Community Development Committee reviewed the above reference application at their Tuesday, July 20, 2004 meeting. The Committee took no formal action on the application and made no recommendation to the Council.

Additional Information

As stated in Ordinance No. 2000, passed in July 1998 by the City Council, the City Council may exercise the power of review on any Zoning Board of Appeals action for any Special Use Permit. Within 21 days of receiving this report, the City Council may exercise the power of review upon majority vote for this application. If the City Council does not exercise power of review within 21 days, the ZBA decision shall stand.

The Council, upon motion to exercise the power of review, may refer the application to committee. The hearing for the application may be set for either the committee or the City Council. An affirmative majority vote of the City Council is required to overturn or modify a decision of the Zoning Board of Appeals concerning the Special Use Permit. The decision rendered by the City council must be made within 45 days of the Zoning Boards of Appeals vote, unless extended by a majority vote of the Council. If a decision is not made within 45 days, the Zoning Board of Appeals decision shall stand. Therefore, this Council meeting is the last time the item may be considered, and if not vote is taken to overturn the ZBA's decision, then their rejection of the billboard shall stand.

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