



City Commission December 2, 2010

BA-10-6 APP

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Pressman and Associates, Inc., agent for Main and Waldo Investments LLC. Ice House America appealing an administrative decision of the Planning Manager to classify the proposed ice making and dispensing machine as a use in the Standard Industrial Classification as IN 2097 (Manufactured Ice) instead of a retail use for zoning purposes. Zoned MU-1 (Mixed Use Low Intensity, 8-30 du/ac). Located at 1030 SE 4th Ave.



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Appeal of an Administrative Decision

- Pursuant to Section 30-354(h), the applicant is appealing a decision made by a City administrative officer of an interpretation of the Land Development Code (Chapter 30).

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Administrative Decision

- The applicant is appealing the determination made by staff that the proposed use is classified as an establishment primarily engaged in manufacturing ice for sale (IN2097) instead of an ice dealer (IN5999)

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Applicant Description of Use

- The applicant provided the following explanation of the use: "The use is a retail sales location for ice. The site functions as a free standing self service ice dispenser. The site functions with a connection to a water line and machinery produces the ice on site."

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Basis for Staff Determination

- The proposed facility is mechanical equipment that manufactures ice for sale through a self serve vending device.
- The facility does not operate as a typical vending machine. It is larger and takes up more space than typical vending machines.
- Staff considers this a new use that was not anticipated in its present form by the 1987 Standard Industrial Classification Manual (SIC).
- The industry as a whole really started in 2003.
- Section 30-357 authorizes staff to classify new industries for zoning compliance purposes.
- A machine that sells ice can not be classified as an Ice Dealer
- The owner defined the use in the land development application as an automated vending machine.

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Use allowed in the City

- District: Business Industrial, Warehousing, and Industrial
- Applicant: Mixed Use District all over the City

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Potential Options

- Change the Land Development Code to allow the use.
- (Applicant has a pending application for a code change pending the decision of the BOA, Code change petition will be decided by the City Commission).
- Place the facility in an approved zoning district.

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Board of Adjustment Order

- Based upon the foregoing finding of fact and conclusion of law, the Board of Adjustment voted 3-1 to deny the request to overturn an administrative decision that the proposed use is classified as IN 2097 which is not allowed in the MU-1 zoning district.
- In a second motion , the Board of Adjustment voted 4-0, “to submit a referral to the City Commission, the City Manager, the City Attorney’s Office and staff, requesting a speedy review of a text change submitted by the applicant that would address the manufacturing and sale of ice in the MU-1 zoning district with appropriate development standards”.

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