



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: January 4, 2021

Re: 1809 Vandiver Drive - Conditional Use Permit (Case # 24-2021)

Executive Summary

Approval of this request will result in the authorization to issue a conditional use permit (CUP) allowing the use of "Personal Services, General" at 1809 Vandiver Drive which is currently zoned M-OF (Mixed-use Office).

Discussion

The applicant is seeking approval of a conditional use permit (CUP) to allow uses identified as "Personal Services, General" within the existing structure located upon the subject site which is zoned M-OF (Mixed-Use Office). The site is located at the corner of Vandiver Drive and Warwick Street and presently improved with an office building that has hosted several tenants whose uses are categorized as either personal services or office.

The subject property was rezoned from R-3 to O-1 in 1979. A request to rezone the property from O-1 to C-P (Planned Commercial) was denied in 1998 given expressed concerns about the impact that up-zoning to allow commercial and retail sales would have upon the surrounding area. The site's zoning was recoded from O-1 to M-OF in 2017.

The M-OF district is intended to serve as a transitional area between residential and more intense nonresidential uses. The principal uses within the district are small-scale office, personal services, and residential uses. While personal services are described as a principal use, they are not permitted by-right due to their commercial nature. Per Section 29-6.4(m) of the UDC a CUP is required prior to business licensure and operation. A CUP is required to be reviewed by the Planning Commission and final approval granted by Council following consideration of the six review criteria of Section 29-6.4(m). A full analysis of these criteria are provided in the attached Planning and Zoning Commission Staff Report.

The current zoning of the property affords a transitional buffer between commercial and residential land uses. There are no proposed exterior alterations to the site and adequate parking exists on the property to support the requested CUP. Permitting a mix of compatible uses at this location would be consistent with the Comprehensive Plan's Employment District designation and would permit opportunities for jobs and services to be offered and rendered to nearby residential and commercially zoned properties.

At its December 10, 2020 meeting, the Planning and Zoning Commission considered this request. Staff gave its report and the applicant indicated that approval of this request would allow him and his tenants to continue to use this property as they have for the past 14 years. A member of the public spoke in favor of the request indicating that having this



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location was a cost-effective for new business entrepreneurs and afforded her daughter personally the opportunity to be a business woman. A petition from 11 adjoining neighbors supporting the request was also submitted. No other members of the public spoke.

Following limited additional Commission discussion in which one Commissioner confirmed public testimony regarding the use of the building and its operation a motion to approve the request passed (8-0).

A copy of the Planning and Zoning Commission staff report, locator maps, public correspondence, and meeting excerpts are attached for review.

Fiscal Impact

Short-Term Impact: None. No expansion of infrastructure is required with this request.

Long-Term Impact: None. The site's use under the CUP will be no more intense upon public services than the current use.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Economy, Secondary Impact: Social Equity, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Economic Development, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Not Applicable

Legislative History

Date	Action
10/22/98	Denied Rezoning O-1 to C-P (B 352-98)
5/7/79	Approved Rezoning R-3 to O-1 (Ord. 8251)

Suggested Council Action

Approve the requested conditional use permit to authorize all permitted "Personal Services, General" uses upon the subject site as recommended by the Planning and Zoning Commission.