



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: April 4, 2022

Re: 3100 South Old 63 – Conditional Use Permit (Case #96-2022)

Executive Summary

Approval of this request will authorize issuance of a conditional use permit allowing a 'Mechanical or construction contractor' use on property addressed as 3100 S. Old 63.

Discussion

McClure Engineering Co. (agent), on behalf of Legacy Investors Group, LLC. (owner), requests a conditional use permit (CUP) for a 'Mechanical and Construction Contractor' use on a 4.41-acre tract that was previously improved with a landscaping business. The site is zoned M-C (Mixed-use Corridor) and is currently being improved with a facility for a new landscaping business, Lanier Landscaping. It is the owner's intent to lease tenant space in the building under construction as well as share parking and outdoor storage space with uses classified as "mechanical and construction contractors."

'Mechanical or construction contractors' are a conditional use in the M-C zone, this request is subject to the issuance of a CUP as required by Section 29-6.4(m) of the UDC. Evaluation of this request was based on CUP criteria of Section 29-6.4(m) and is further detailed in the attached staff report.

Following staff's analysis of the request, it was determined that it was consistent with the comprehensive plan and the evaluation criteria for a CUP articulated in Section 29-6.4(m). When reviewing requests for CUPs, the Planning Commission may recommend and the Council may approve a CUP that includes any conditions deemed necessary to carry out the provisions and intent of the UDC. Staff and the Commission recommend four conditions be included in any Council consideration of the requested CUP to ensure that the site is developed in accordance with the attached site plan and that operation of the contractor use is consistent with the operations of the "by-right" permitted landscaping business.

The Planning and Zoning Commission heard this request at its March 10, 2022 meeting. Staff gave a report and noted there were general inquiries about the proposed use and ongoing work. The applicant stated that they held a "interested parties" meeting for neighbors and elaborated on how the landscaping and other contractors would utilize the site. The property owner was available for questions. There were no additional public comments offered; however, written correspondence was submitted within the staff report. The Commission confirmed with the applicant that the four staff recommended conditions were acceptable and inquired about the potential tenants and tenant spaces.

Following limited discussion, the Commission voted 8-0 to recommend approval of the conditional use permit subject to four recommended staff conditions.



The Planning Commission staff report, locator maps, surrounding zoning graphic, applicant's interested parties meeting minutes, site and landscaping plan, meeting excerpts, and public correspondence are attached.

Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer.

Long-Term Impact: Public infrastructure maintenance such as roads, sewers, and water, as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Reliable Infrastructure, Secondary Impact: Secondary, Tertiary Impact: Tertiary

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Not Applicable

Legislative History

Date	Action
N/A	N/A

Suggested Council Action

Approve the requested conditional use permit allowing a "Mechanical or construction contractor" use subject to the following conditions as recommended by the Planning and Zoning Commission:

1. Development of the site shall significantly conform to the proposed site plan;
2. No grinding or reprocessing of materials or debris shall be permitted on the site;
3. Vehicles and equipment used as part of such business operations may be located on the site provided they are screened from adjoining residential property in accordance with the provisions of the UDC and are not located forward of the principal building on the site; and
4. Repair of vehicles or equipment used as part of such business shall be conducted within a fully enclosed structure.