

TO: Planning Commission
FROM: Peter Gansen, Planning & Zoning Administrator
RE: Staff Report for CUP 2024-002
DATE: March 12, 2024 Regular Meeting



Conditional Use Permit Application C-24-002
Applicant: Whitebirch Inc
Property Address: No current address
Legal Description: LOTS 1-3 BLOCK 1 & OUTLOT A WHITEBIRCH VISTA.
Parcel ID: 10171421, 10171422, 10171423 & 10171424.
Zoned: R-4 Multi Family Residential

Conditional Use Request:

- Construct four duplex dwelling units.

The Property

LOTS 1-3 BLOCK 1 & OUTLOT A WHITEBIRCH VISTA is located at the end of a cul-de-sac on Chickasaw Circle.

The property was originally platted as Whitebirch and was subdivided to single family lots. The original zoning classification for the property consisted of Resort commercial, Multi Family Residential and Low Density Residential. With the majority of the subject property falling within the Low Density Zoning Classification.

The applicant concept plan is to eventually develop the property in duplex residential dwellings. In order to do so, the zoning classification of the property needed to be changed to be consistent with the land use requirements of Chapter 153. Chapter 153 not allow duplexes in Low Density Zoning, it does allow duplex dwellings in the Multi-Family Residential Zoning classification.

The applicant was before the planning commission with a rezone request in 2023 that was successful and subsequently applied for a formal rezone which was unanimously approved by the City Council during the regular January 2024 meeting.

The property is zoned R-4 and the request is an allowed use with a conditional use permit under the Land Use Categories Chart Section §153.044.

Findings

Upon review of a Conditional Use application the commission needs to consider the findings as required in Section §153.119 (E). In review the commission should state whether the following findings are acceptable towards granting the CUP.

The following findings must be met:

(a) The use or development is an appropriate conditional use in the land use zone.

The property is zoned R-4 and the request is appropriate under Section §153.044

(b) The use or development with conditions conforms to the Comprehensive Land Use Plan.

(c) The use with conditions is compatible with the existing neighborhood.

(d) The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the city.

The following must be considered:

(a) The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair property values in the immediate vicinity;

(b) The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area;

(c) The conditional use will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;

The use does not require any additional public infrastructure.

(d) The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic on surrounding public thoroughfares;

The proposed use is in keeping with the residential character of the neighborhood creating nominal additional traffic flow.

(e) Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use;

The use is in keeping with the residential character of the neighborhood creating nominal additional parking or loading requirements.

(f) Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner that no disturbance to neighboring properties will result;

The proposed use is in keeping with the residential character of the neighborhood. No commercial use of the property is proposed as a condition of the CUP.

(g) The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance; and

(h) The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

The proposed use is in keeping with the residential character of the neighborhood.

- Applicant has filed the appropriate application for CUP.
- Applicant has paid the appropriate fee for the application.
- Public notice of Conditional Use Hearing was published in the legal newspaper and all property owners within 350' were given mailed notice of said hearing.
- Public Hearing was held on Tuesday, January 9, 2024.

Staff has reviewed the following:

- Site Plan
- CUP Application

The following are recommended conditions.

- 1) Approval of CUP 24-002 is contingent upon final approval and acceptance of the Re-Plat of Whitebirch Vista, AKA Vista Village, by City Council.**