

To: **Mayor and City Council**
Through: **Nate Burkett, City Manager**
Ben Boike, Community Development Director
From: **Melissa Sonnek, City Planner**
Date: **September 13, 2021**

Conditional Use Permit for a Two Medical Clinics at 34 Moreland Avenue East – Continued from 08/23/2021 Meeting

BACKGROUND INFORMATION:

Property owner, Steve Wallin, has requested two Conditional Use Permits (CUP) to allow two medical offices/clinics in the B1 – Limited Business zoning district at 34 Moreland Ave. E.

1. Forward Motion Recovery, and
2. Horizon Autism Center

Please see the attached Planning Commission report for additional information related to the request.



PLANNING COMMISSION REVIEW:

The Planning Commission met in regular session and held a public hearing on August 17th, 2021.

No one from the public came forward to speak on this item.

The commission discussed the following items:

- The current condition of the parking lot and if it would need to be re-paved.
 - The applicant stated they were planning to do any parking lot improvements, such as striping and filling pot holes, all at the same time.
- The commission voiced concerns around accessibility from the parking lots into the building since it is a multi-level building, and the Commission therefore requested that the applicant paint an ADA parking stall on both the north and south parking lots.
 - City Staff noted that building code for ADA parking stalls only requires only one handicapped stall for every 25 parking stalls.
 - The applicant stated that they are willing to do this.
 - This has been added as condition number three.

Planning Commission voted 4-0 in favor of recommending approval of both of the conditional use permits, with the conditions as recommended by City Staff and the additional condition of an ADA stall in both the north and south parking lots.

ADDITIONAL FINDINGS:

Between the time period of the Planning Commission review on August 17th and the City Council meeting on August 23rd, multiple council members and the City Attorney's office expressed the following concerns about the property and the submitted application,

- Concerns regarding the lack of compatibility between the two proposed uses, particularly with no clear secured accesses provided by the applicant.
 - Placing recovering chemically dependent individuals in the same building as vulnerable children causes concern for public health, safety, and welfare (Code Section 153.028(A)(2)(b)).
- Property already has two illegal uses operating within the building,
 - Sherry's Dearest Treasures is a retail consignment shop and retail is not an allowable use within this zoning district,
 - Silver and Gold Exchange is a precious metals dealer without a valid precious metals dealer license with the city.
- Concerns regarding the lack of compatibility between the existing and proposed uses,
 - Placing recovering chemically dependent individuals next door to a business that offers cash in exchange for precious metals with no clear secured accesses or safety plan provided by the applicant.
- Lack of compliance with building code and general poor property maintenance.

STAFF RECOMMENDATION:

With the above listed items in mind, City Staff recommends the City Council,

- Hold the public hearing,
- Deny the application for Forward Motion Recovery as Staff does not believe that the proposed use as currently requested is compatible with the Silver and Gold Exchange, nor is the proposed use compatible with the proposed CUP for Horizon Autism Center (see findings of fact), and
- Approve the application for Horizon Autism Center subject to the list of conditions below,
 1. The applicant shall apply for and obtain all applicable building and sign permits,
 2. The existing retail business portion of Sherry's Dearest Treasures shall be discontinued and removed from the building within 60 days of this decision,
 3. The Silver and Gold Exchange business must obtain a business license prior to re-opening,
 4. The applicant shall work with the City Building Official to correct all building code violations resulting in a hazardous condition within 30 days of this decision, and
 5. The applicant shall re-stripe both the north and south parking lots to each have one ADA parking stall and so the parking stall lines be clearly visible prior to a new tenant occupying the building.

ATTACHMENTS:

Application and Public Notice
Planning Commission Memo
Findings of Fact and Reasons for Denial