

Tab 2

CONDITIONAL USE PERMIT (CU-2010-05)

Staff Report
Conditional Use Permit (CU-2010-05)
702 9th Street W

BACKGROUND

The owner of 702 9th Street W is the applicant of this Conditional Use (CU) for a 670 square foot apartment within a commercial (CG) zoning district. The applicant, Paul Budick is requesting a CU to live in a former office space within a building containing an auto detailing business. In addition to the subject property, the applicant also owns the adjacent Laundromat to the west, behind the Value Pawn store.

PARCEL ID & SIZE

Parcel ID: 2766300004
Size: 0.45 acres
FAR: 3286 sq. ft./0.45 ac.= 0.17

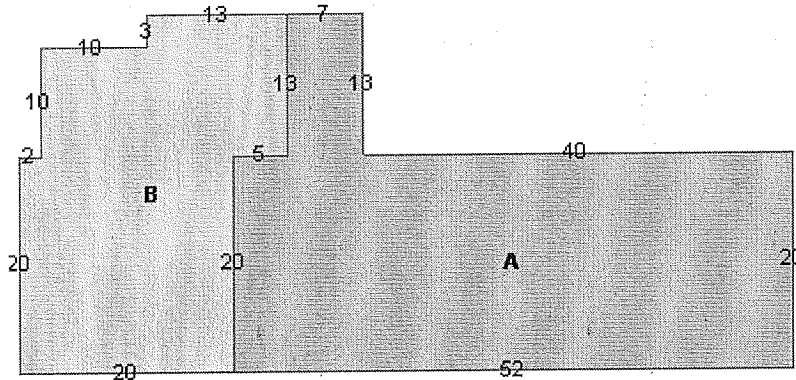
EXISTING LAND USE/ZONING CATEGORY

Future Land Use: General Commercial (GCOM)
Zoning: CG (Commercial General)

A conditional use permit may be issued for an apartment within the CG zoning district. Multi-family uses are permitted as a Conditional Use (CU) in GO, CN, CG and CC zoning districts. The proposed request is further supported by the proposed Future Land Use Element which contains the following description of the GCOM category relating to Density/Intensity:

Up to 3.0 floor area ratio (FAR) maximum may be considered in this land use designation. In order to encourage the development of residential uses in conjunction with office and retail uses, residential development can be guided by the floor area ratio (FAR), whenever residential is designed within the same structure as commercial and/or office uses, such as apartments over commercial.

PROPERTY APPRAISER'S BUILDING SKETCH



- A: Existing auto detailing business; 1130 sq. ft.**
B: Proposed commercial apartment; 670 sq. ft.

REQUESTED APPROVAL

The following conditions have been analyzed in reviewing this request:

- (1) The proposed use shall be consistent with the purpose and intent of the applicable zoning district regulations, this article, and the comprehensive plan.

The proposed request for an apartment within the CG zoning is consistent with and promoted by the proposed Future Land Use Element through FAR incentives. The GCOM category permits multi-family uses as well as mixed uses. In addition, the Plan contains the following policy:

Policy 3.10.4: The City shall assess its land development regulations and make the appropriate amendments if it is determined that the following would increase the number of affordable and attainable housing in the City:

- 1. accessory structures/granny flats as dwelling units meeting certain locational, functional and dimensional criteria;*
- 2. conversion or adaptive reuse of suitable non-residential uses in*

appropriate targeted areas;

3. *apartments above commercial in certain districts and/or targeted areas*

The proposed use shall be compatible with surrounding land uses and the general character of the area, considering, without limitation, such factors as traffic, lighting, appearance, and effect on surrounding property values. **The surrounding uses are predominantly light or general commercial uses such as retail, restaurants and auto repair. There is also a church to the southeast and several commercial apartments located on the second floor of Popi's Restaurant to the west on 8th Avenue.**

The proposed commercial apartment is in a building containing an auto detailing business and is adjacent to a Laundromat. The proposed apartment is located on the ground level of the commercial building as opposed to above commercial as described in the definition of a "commercial apartment" in the proposed Future Land Use Element.

- (2) The conditional use will not adversely impact on the public interest or adjacent property and all necessary alternative measures shall be taken by the applicant to prevent any such impact.
The proposed apartment use is generally considered a less intense use and will not negatively impact the adjacent uses to the east or west as they are owned by the applicant. The owner believes that living in the proposed apartment will provide additional security to adjacent businesses on his property. With regard to its impact on the public interest, the Police Department supports this request for a commercial apartment as attested by the attached email from Chief Rick Wells.
- (3) The conditional use is not discriminatory, considering similar situations in the general area and in past decisions under this article.
This request is not discriminatory. There other existing commercial apartments on the west side of 8th Avenue on the second floor of Popi's Restaurant.
- (4) The purpose of the requirement is otherwise fully achieved, or more important purposes of this article will be served thereby, or the requirement serves no valid public purpose in the particular case.
Commercial apartments further the objective of mixed uses
- (5) The proposal shall be consistent with the stated purpose and intent of the

applicable district regulations and this article.

The proposed apartment is considered a multi-family use which is permitted by a Conditional Use permit.

- (6) The proposal shall comply, where applicable, with the regulations of the zoning district in which the proposed use is most commonly permitted. **The proposed apartment use is a permitted use in the RM-6 (multi-family) zoning district but is a CU in four non-residential (office and commercial) districts.**
- (7) The proposal shall not create hazardous vehicular or pedestrian traffic conditions or any other type of unsafe condition. **The proposed apartment is not expected to create hazardous vehicular or pedestrian traffic conditions, nor is it expected to create any other type of unsafe conditions. The apartment will be required to meet building code regulations including installing a fire wall between the residential and commercial use.**

STAFF RECOMMENDATION:

Staff recommends approval of the proposed conditional use permit.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning shall **APPROVE, APPROVE WITH CONDITION(S) or DENY** the proposed conditional use permit.

CITY COMMISSION

The City Commission shall **APPROVE, APPROVE WITH CONDITION(S) or DENY** the proposed conditional use permit.

Lorraine Lyn

From: Rick Wells
Sent: Thursday, December 09, 2010 9:03 AM
To: Lorraine Lyn
Subject: Paul Budick

Lorraine,

Sorry for not writing you sooner. I feel that Mr. Budick's request for refurbishing an apartment on his property and residing there, would be an excellent idea. This is a good crime prevention tool that would add some extra security to an area that would normally be vacant. Mr. Budick has been pro-active with his security features and does everything he can to assist law enforcement. Thanks!

Chief Rick Wells
Palmetto Police Department
An Accredited Agency
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