

A SPECIAL USE. REQUEST SUBMITTED BY SOLTICE PARTNERS, LLC, AUTHORIZE REPESENTATIVE FOR OSBORNE INVESTMENTS, LLC.

Kelly Stultz said the applicant in this case was granted permission to construct a multi-family housing development in an Office & Institutional district. She said as of this date no development has occurred and the applicant has no further interest in the property.

Ms. Stultz said staff recommends that the permit be deemed expired.

A motion and second was made to revoke Special Use Permit SU-13-04. Motion carried unanimously.

SPECIAL USE PERMIT SOUTHWOOD DRIVE & E. HARRIS PLACE SU-15-01
CONSIDERATION A SPECIAL USE PERMIT AS ALLOWED FOR IN SECTION 11.26(a)(3)(7) OF THE CITY OF EDEN ZONING ORDINANCE THAT PERMITS MULTI-FAMILY DEVELOPMENT AS A SPECIAL USE FOR PROPERTY LOCATED ON SOUTHWOOD DRIVE AND E. HARRIS PLACE. REQUEST SUBMITTED BY THE BTR COMMUNITIES GROUP, LLC, AUTHORIZED REPRESENTATIVE FOR OSBORNE INVESTMENTS, LLC.

Ms. Stultz said this request was for the property that had previously been discussed. She said this request was also for multi-family development.

Ms. Stultz said the applicant was The BTR Communities Group, LLC which was the prospective buyer for the property. She said the current owner of the property was Osborne Investment, LLC.

Ms. Stultz said the property was on the east corner of Southwood Drive and E. Harris Place. She said the property was zoned Office & Institutional. She said the property was rezoned from Business-General to Office & Institutional in February of 2014.

Ms. Stultz said the subject property is a vacant parcel bordered on the northwest by the Presbyterian church property and on the northeast by the golf course; to the east is a senior apartment complex; to the south (across E. Harris Place) is another senior apartment complex and two vacant parcels; to the west (across Southwood Drive) is a vacant parcel.

Ms. Stultz said the application submitted was complete and therefore eligible for consideration.

Ms. Stutz was sworn in at this time by Chairman Ellison.

Ms, Stultz presented the Findings of Fact and Staff Analysis and Staff Conclusion as follows:

FINDINGS OF FACT:

- (a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted;
- (b) That the use meets all required conditions and specifications;

- (c) That the use will not substantially injure the value of the adjoining or abutting properties, or that the use is a public necessity;
- (d) That the location and character of the use, if developed according to the plan as submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development for Eden and its environs.

STAFF ANALYSIS:

With respect to the findings of fact, staff provides the following analysis:

- (a) The applicant has petitioned to build a multi-family housing development on the subject property. Staff is of the opinion that the use will not materially endanger the public health or safety if located where proposed.
- (b) Staff finds that the proposed special use meets all required conditions and specifications. This statement is based on the following specific findings:
 - (1) A group housing or multi-family development composed of more than two (2) dwelling units may be permitted in the R-12, R-6, R-4 and O&I zoning districts in accordance with district regulations and with these provisions.
 - (2) The development as proposed meets all applicable district requirements including, but not limited to, maximum lot coverage, minimum yard requirements, height limitation, and development standards, except as specifically stated elsewhere in this ordinance. The maximum allowable units is 12 per acre as per Section 11.24(e), however one additional unit per acre shall be permitted if the development provides recreational facilities. The proposed development provides such recreational facilities, and therefore the maximum number of units shall be increased by four. In addition, the Board of Adjustment may grant a variance for additional units, provided this will provide better air and privacy to the residential units without hindering the Fire Department in combatting fires in the structures or will not adversely affect the character of the adjacent property. Staff recommends in favor of such variance to allow for a total of 48 residential units.
 - (3) Consideration shall be given to the location of the development with respect to the location of said development and adjacent residential properties. Such developments shall be encouraged in areas of transition, residential areas that contain a mixture of housing types, group housing or multi-family residential areas and adjacent to nonresidential uses. They shall not be allowed in areas characterized predominantly by or planned for single-family detached residential development and in areas where it is determined that such development would adversely affect the character of the neighborhood. The proposed development is located in a transitional area between commercial, institutional, and existing multi-family residential uses, and therefore is in harmony with the existing neighborhood.
 - (4) Consideration shall be given to the appearance and design of the development and site with respect to the surrounding residential dwellings. Such multi-family development shall not adversely affect the residential character of the surrounding area. The appearance and design of the

proposed development is in harmony with other residential uses in the neighborhood.

- (5) The permit-issuing authority may impose other appropriate or more stringent conditions deemed necessary to protect the public health, safety, and general welfare and the residential character of the neighborhood
- (c) Staff is of the opinion that the use will not substantially injure the value of adjoining or abutting properties.
- (d) Staff is of the opinion that the location and character of the use, if developed according to the plan as submitted, will be in harmony with the area in which it is to be located and in general conformity with the 2007 Land Use Plan of the City of Eden as amended.

Ms. Stultz said that based upon the facts submitted and discovered at the time of this report and the fact that we have a continued need for quality affordable housing in our community, as Zoning Officer have found that sufficient facts are proved to recommend approval of the special use permit with the recommended variance.

Mr. White wanted clarification on the variance. Ms. Stultz said the developer wanted to exceed the number of units that were allowed. She said the building would be multiple floors and that also is a determining factor on how many units would be allowed.

Mr. White said the report mentioned the apartments would be for seniors and asked if it would be for seniors or for families. Ms. Stultz replied that the development would be for families.

Chairman Ellison asked if notices were sent to the adjoining property owners. Ms. Stultz said that notices were sent to property owners within 100 feet of the property.

Mr. Brown asked if there had been any objections to the proposed request. Ms. Stultz said she had not heard of any objections to the request.

Mrs. Biggs asked if the development would have the recreational facilities that are required in order to add additional units. Ms. Stultz said that they would.

Mrs. Biggs asked if the development was going to be low income apartments.

Ms. Stultz said there was a difference in what Mrs. Biggs was referring to and what this development would be.

Ms. Stultz said there was subsidized house and there was \$0 rent payment housing. She said this type of housing was not what the Board was considering. Ms. Stultz said this development would be very similar to other developments that were already in the area.

Ms. Stultz said why this area was such a good spot for this development was because since a lot of the tenants do not drive, it was a very walkable location. She said the tenants could get to the hospital, library, a church, Walmart and a various number of other businesses.

Mr. Johnson made a motion that the request be approved as submitted and with the requested variance. A second was made and motion carried unanimously.

ADJOURNMENT:

There being no further business to come before the Board a motion and second was made for adjournment. Motion carried unanimously.

Respectfully submitted,

Kelly K. Stultz, Administrative Assistant to
the Board of Adjustment

Attest:

Cleveland Ellison, Chairman