



Ordinance #

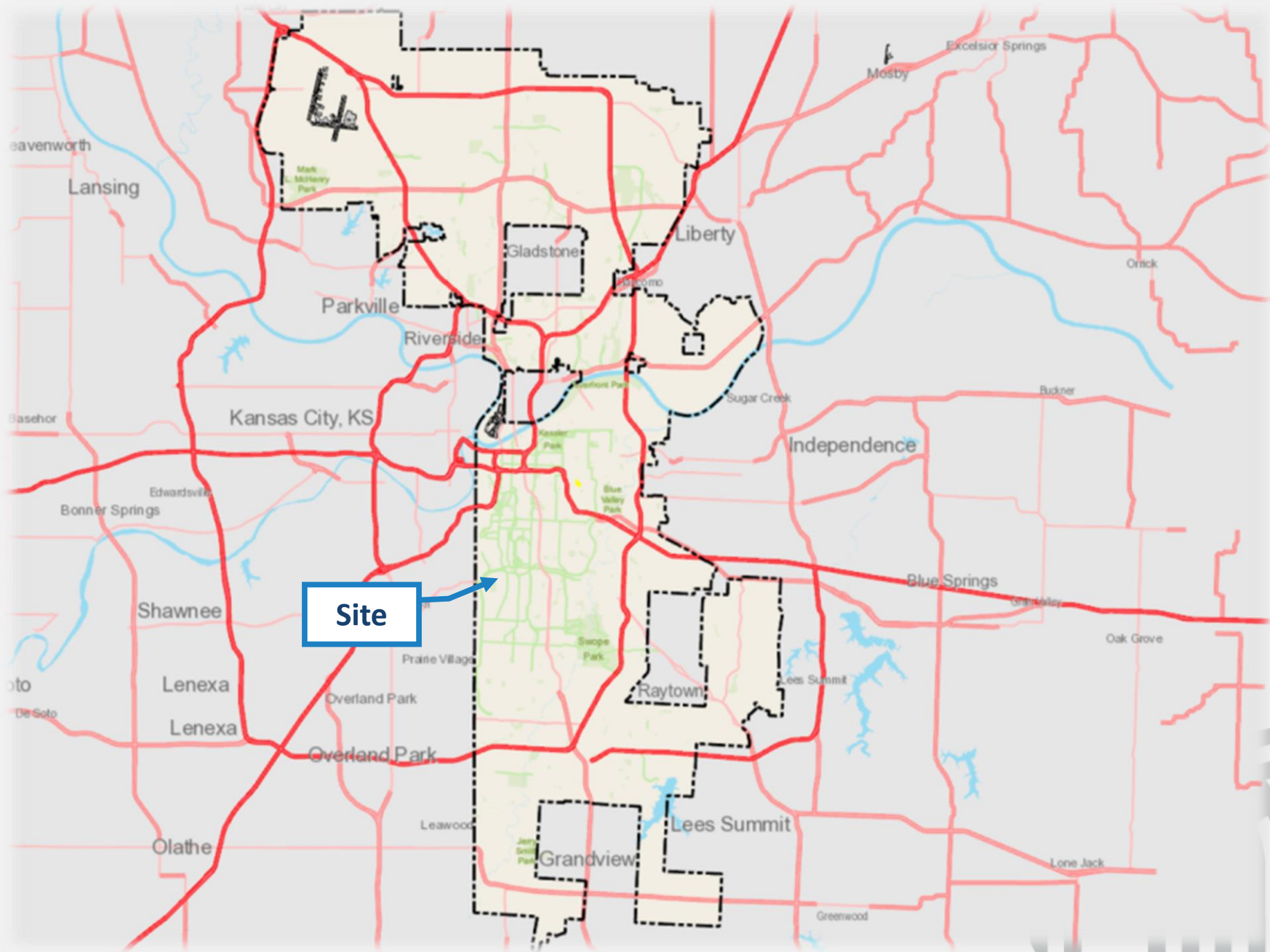
# CD-CPC-2024-00050

**Location:** 4900 Oak

**Zoning District:** R-0.5

**Summary:** The applicant is seeking to rezone the subject site from R-0.5 to O-3 so the zoning district reflects existing conditions.







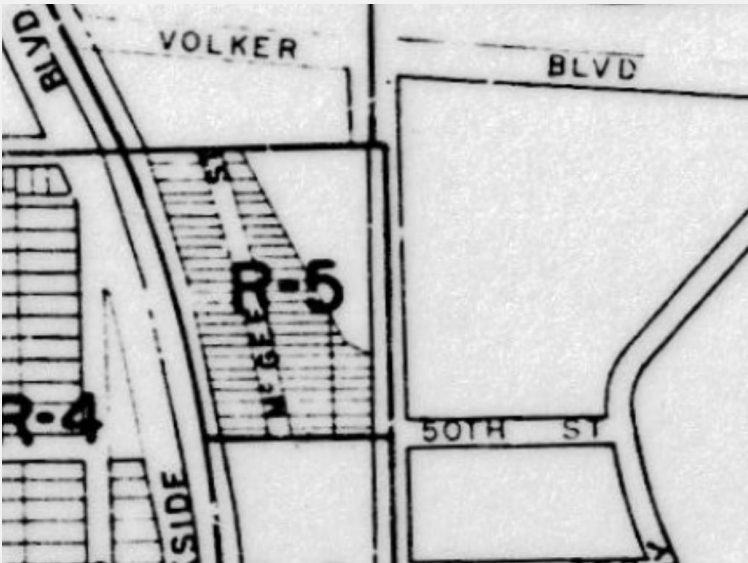




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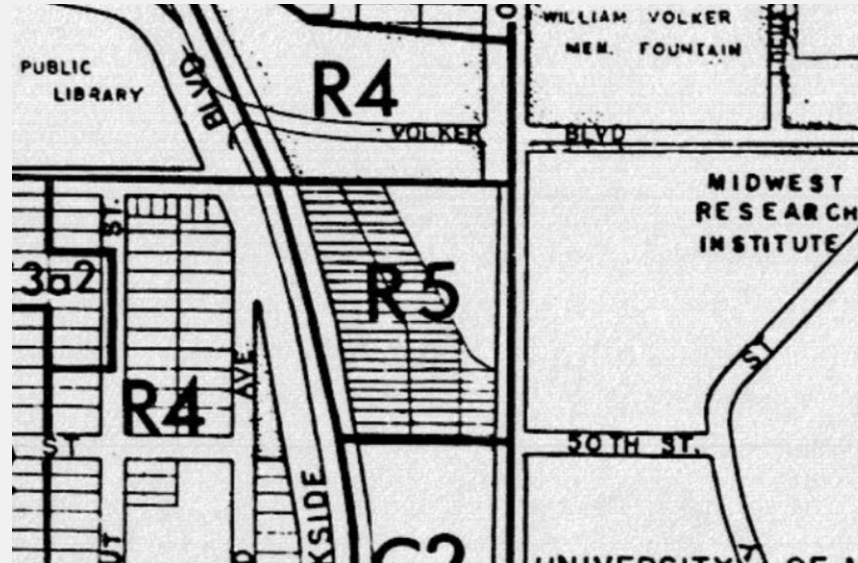


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1951

R-5 permits medical clinics  
and offices.



1965



2011

R-5 to R-0.5  
Office requires SUP  
Russell Stover = property rights  
for the use (vested) since they  
existed prior to this change.



# CD-CPC-2024-00050

## Recent Site History

-Several sign variances because of R- zoning designation.

### CD-AA-2023-00085: APPROVED SUBJECT TO CONDITIONS

A request to approve a temporary use permit for the Russel Stover 100<sup>th</sup> Anniversary event to include signage and other features depicted on the approved plans for a period not to exceed one year on about 1 acre generally located at 4900 Oak St.

Condition 1 – TUP expires 365 days from the date of approval (3/20/2023). \*3/20/2024 expiration date

Condition 2 – Any signs or features placed in the right-of-way may require consent/permitting from the Parks Department and/or Public Works Department. It is the applicant's responsibility to obtain separate consent/permitting.

Condition 3 – Approved use/signs are attached to plans (CD-AA-2023-00085).

### CD-BZA-2023-00022: APPROVED SUBJECT TO CONDITIONS

A request to approve a sign variance for a monument sign in a Residential Zoning District on about 2 acres generally located at 4900 Oak St, plus any other necessary variances.

Condition 1 – The monument sign approved in CD-BZA-2023-00022 is permitted for 18 months from the date of this disposition letter (3/17/2023). \*sign must be removed 9/17/2024

### 4038A3: APPROVED

A: A variance to the maximum allowed area of a wall sign in a residential district in the amount of 148 sq ft, to allow for the installation of a new wall sign (Volker façade).

B: A variance to the maximum allowed area of a wall sign in a residential district in the amount of 148 sq ft, to allow for the installation of a new wall sign (Oak façade).

C: A variance to allow a wall sign on a façade without a public entrance, to allow for the installation of a new wall sign (Volker façade).

Condition 1 – Sign lighting must be turned off at 1 am.

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## 88-515-08 - REVIEW CRITERIA



In reviewing and making decisions on proposed zoning map amendments, the city planning and development director, city plan commission and city council must consider at least the following factors:

88-515-08-A. conformance with adopted plans and planning policies;

88-515-08-B. zoning and use of nearby property;

88-515-08-C. physical character of the area in which the subject property is located;

88-515-08-D. whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;

88-515-08-E. suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;

88-515-08-F. length of time the subject property has remained vacant as zoned;

88-515-08-G. the extent to which approving the rezoning will detrimentally affect nearby properties; and

88-515-08-H. the gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

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## 88-515-08 - REVIEW CRITERIA



In reviewing and making decisions on proposed zoning map amendments, the city planning and development director, city plan commission and city council must consider at least the following factors:

88-515-08-A. conformance with adopted plans and planning policies;

88-515-08-B. zoning and use of nearby property;

88-515-08-C. physical character of the area in which the subject property is located;

O-3 across the street.

- 425 Dr MLK Jr Blvd was rezoned in 2010 (to O-3).





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88-515-08-C. physical character of the area in which the subject property is located;

88-515-08-D. whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;

88-515-08-E. suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;

88-515-08-F. length of time the subject property has remained vacant as zoned;

88-515-08-G. the extent to which approving the rezoning will detrimentally affect nearby properties; and

The existing zoning regulations do not prevent the current tenant from operating.



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88-515-08-D. whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;

88-515-08-E. suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;

88-515-08-F. length of time the subject property has remained vacant as zoned;

88-515-08-G. the extent to which approving the rezoning will detrimentally affect nearby properties; and

88-515-08-H. the gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

Commercial zoning and development “privileges”.

- Signage
- Uses

New development (use or building[s]) will have to comply with the O-3 zoning district.

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R-0.5	O-3	B-3
Residential (P)	Residential (P = Detached houses and in mixed-use buildings)	Residential (P)
Group Living (P)	Group Living (P)	Group Living (P)
Day Cares (P)	Day Cares (P)	(P)
College/University (SUP)	College/University (P)	College/University (P)
Hospital (SUP)	Hospital (SUP)	Hospital (P)
Restaurant (-)	Restaurant (P)	Restaurant (P)
		Drive Through Facility (P)
Bank (-)	Bank (SUP)	Bank (P)
		Gas Station (SUP)
Office (-)	Office, including medical (P)	Office, including medical (P)
Personal Improvement Service (-)	Personal Improvement Service (P)	Personal Improvement Service (P)



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**City Staff Recommendation**  
Approval

**City Plan Commission**  
Approval

