

EXHIBIT C

CONDITIONAL USE TO ALLOW MULTIFAMILY IN THE OCI ZONING DISTRICT

a. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare.

The proposed conditional use will not be detrimental to or endanger public health, safety or the general welfare. The use provides for needed and desirable living options that help create enhanced living opportunities and compliment the surrounding area. Petitioner's proposed development is situated adjacent to the existing Tabor Hills community and will also serve as a transitional use to the high intensity of Diehl and Raymond. Given the nature of Petitioner's development as an age-restricted community, it will have less impact on nearby residences than traditional multi-family uses. Accordingly, the development will include unique features specifically targeted to the needs and desires of the targeted resident population. Given the resident profile and associated lifestyle, external impacts are significantly reduced because there are fewer residents per dwelling unit and residents will utilize community services at non-peak hours. In conclusion, the establishment and maintenance of the age-restricted multi-family community will not be detrimental to or endanger the public health, safety, and general welfare. The proposed age-restricted multi-family community will serve the same purpose, but with significant and material reductions to external impacts (i.e. traffic) on the surrounding community.

b. The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The conditional use will provide for the improvement of the Subject Property which will improve property values in the area. As a result the property values in the area will increase as well as the housing stock improved. The conditional use will not be injurious to the use and enjoyment of property in the immediate area nor will it impair property values. The Property is designated for "Office, Research and Development". Under this future land use designation, an industrial zoning designation would be permissible and uses could include things such as medical cannabis

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distribution, medical cannabis cultivation, laboratories, manufacturing, assembly and food processing. In real estate, uncertainty regarding future development prospects and the possibility of uses that some may deem incompatible can result in diminution of property values. Through development of the Property, Petitioner will eliminate a large degree of uncertainty from the market and thereby bolster the value of surrounding residential real estate. A multi-family development is an appropriate transitional use between the existing Tabor Hills to the south and more intensive commercial use corridors to the north.

c. The establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district.

The proposed development will create the highest and best use of the Subject Property with a harmonious residential use. The conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district. The proposed development is consistent with the trend of development in the area, shares the zoning of incorporated properties immediately adjacent to the Property and will be compatible with the surrounding environs. Lastly, it is important to point out that all surrounding property is already developed.

d. The establishment of the conditional use is not in conflict with the adopted comprehensive master plan.

Establishment of the conditional use is not in conflict with the adopted comprehensive master plan. Under the Northwest Plan, the property is designated for Commercial. Petitioner proposes OCI zoning of the property because the permitted uses in the OCI district are more in keeping with the adjacent residential land uses. The proposed multi-family use is a conditional use in the OCI district. Most recently, the City has approved OCI zoning for Avenida which is a similarly situated project. The proposed conditional use for “multi-family dwellings” is similar in character and compatible with the adjacent Tabor Hills community to the south.