



Legislation Details (With Text)

**File #:** 22-0864      **Version:** 1

**Type:** Ordinance      **Status:** Agenda Ready

**File created:** 7/19/2022      **In control:** City Council

**On agenda:** 8/16/2022      **Final action:**

**Title:** Pass the ordinance approving a minor change to the conditional use for 216 E Ogden Avenue (Autumn Homes) - PZC 22-1-032

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Plat of Survey, 4. Exhibit C - Planset, 5. Exhibit D - Response to Standards, 6. Petition for Development Approval, 7. Location Map

Date	Ver.	Action By	Action	Result
8/16/2022	1	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance approving a minor change to the conditional use for 216 E Ogden Avenue (Autumn Homes) - PZC 22-1-032

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly, AICP, Community Planner

**BOARD/COMMISSION REVIEW:**

Board/Commission review is not required for this request. The Petitioners provided the required notice (mailed written notice; sign posted on the property) in accordance with Section 6-3-5 (Procedures for Processing Petitions) of the Municipal Code.

**BACKGROUND:**

The subject property, 216 E. Ogden Avenue, is approximately 8,263 square feet in size and is zoned R2 (Single-Family and Low-Density Multiple Residence District). The property is located at the southeast corner of Ogden Avenue and Ellsworth Street and is improved with a 1-story frame building and associated parking lot. A conditional use was approved in 2000 to permit a home-to-office conversion with variances for the property located at 850 N. Ellsworth Street (Ordinance #00-084). The subject property previously had an address of 850 N. Ellsworth Street and is now known as 216 E. Ogden Avenue.

The Petitioner, Autumn Homes, a custom home builder, has submitted a request for approval of a minor change to the conditional use to permit modifications to the existing structure including an increase to the height of the roof.

**DISCUSSION:**

### ***Minor Change to the Conditional Use***

Autumn Homes has submitted a request for a minor change to the conditional use approved by Ordinance #00-084 to allow for modifications to the existing structure. The proposed modifications include an interior remodel and an increase to the height of the roof. Per Section 6-3-8:5 (Conditional Uses) of the Municipal Code, the proposed increase to the height of the existing structure requires approval of a minor change to the conditional use.

The maximum permitted height for buildings and structures in the R2 district is 3 stories, not to exceed 40 feet. Following the desired modifications, the maximum height of the structure will be 1-story and 21'-4", well below the maximum permitted height allowed by code. The Petitioner has indicated that the proposed improvements to the façade will allow the building to be more in line with a craftsmen style home which is an architectural style they build as a custom home builder. Per code, home-to-office conversions are required to maintain a residential character to avoid any appreciable adverse effect on the surrounding properties. The proposed modifications will maintain the residential character of the home and are therefore compliant with this requirement.

The Petitioner intends to use the space as an office for their business. The use of the property is consistent with the home-to-office conversion approved in 2000. The use will continue to comply with the required conditions established for home-to-office conversions (Section 6-6C-4:1). Based on the information provided, staff is supportive of the requested minor change to the conditional use.

### ***Findings of Fact***

The Petitioners' responses to the Standards for Granting a minor change to the Conditional Use can be found in the attachments. Upon review, the staff agrees with the Petitioners' findings and recommends their adoption by the City Council.

### ***Key Takeaways***

- The subject property, 216 E. Ogden Avenue, received a conditional use for a home-to-office conversion in 2000. The Petitioner is requesting approval of a minor change to the conditional use to permit modifications to the existing structure. Staff is in support of this request.

### **FISCAL IMPACT:**

N/A