

MINUTES
MANHATTAN BOARD OF ZONING APPEALS
City Commission Room, City Hall
1101 Poyntz Avenue
Wednesday, February 14, 2007
7:00 PM

MEMBERS PRESENT: Connie Hamilton, Chair Person; Harry Hardy, Vice Chair; Calvin Emig, Kate Watson, La Barbara J. Wigfall

MEMBERS ABSENT: None

STAFF PRESENT: Steve Zilkie, Senior Planner, AICP; Jeremy Frazzell, Planner; Derek Clark, Planning Intern.

CONSIDER THE MINUTES

Hardy moved to approve the January 10, 2007 minutes, which was seconded by Hamilton and passed with a vote of 4-0.

A PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AT 519 PIERRE ST. FOR A PROPOSED NONPROFIT SOCIAL SERVICE FACILITY TO BE LOCATED IN THE R-M, FOUR-FAMILY RESIDENTIAL DISTRICT AND TNO, TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT. (APPLICANT/OWNER: BIG BROTHERS BIG SISTERS/LARRY AND JANICE DOLL)

A PUBLIC HEARING TO CONSIDER A VARIANCE AT 519 PIERRE ST. FOR A PROPOSED REDUCTION IN THE MINIMUM TEN THOUSAND (10,000) SQUARE FOOT LOT AREA TO SEVEN THOUSAND FIVE HUNDRED (7,500) SQUARE FEET; AND A REDUCTION IN THE MINIMUM SIXTY (60) FOOT LOT WIDTH TO FIFTY (50) FEET, ALL FOR A PROPOSED NONPROFIT SOCIAL SERVICE FACILITY IN THE R-M, FOUR-FAMILY RESIDENTIAL DISTRICT AND TNO, TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT. (APPLICANT/OWNER: BIG BROTHERS BIG SISTERS/LARRY AND JANICE DOLL)

A PUBLIC HEARING TO CONSIDER AN EXCEPTION AT 519 PIERRE ST. TO ALLOW A REDUCTION IN THE MINIMUM FIFTEEN (15) FOOT SIDE YARD SETBACK TO TWO (2) FEET ALONG THE WEST PROPERTY LINE AND TO NINE (9) FEET ALONG THE EAST PROPERTY LINE; AND A REDUCTION IN THE MINIMUM SEVEN (7) OFF-STREET PARKING SPACE REQUIREMENT TO FIVE (5) OFF-STREET PARKING SPACES FOR A PROPOSED NONPROFIT SOCIAL SERVICE FACILITY IN THE R-M, FOUR-FAMILY RESIDENTIAL DISTRICT AND TNO, TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT. (APPLICANT/OWNER: BIG BROTHERS BIG SISTERS/LARRY AND JANICE DOLL)

Frazzell presented the Staff Reports with a recommendation for approval of the Conditional Use Permit with two conditions, approval of the Variance with two conditions, and approval of the Exception with three conditions.

Roy Crenshaw, 305 S. 4th St., briefly explained the Big Brothers Big Sisters nonprofit social service organization and their reason for choosing the residential 519 Pierre location. He said being close to the downtown area is important to the clients and to the success of the organization. He said they provided a letter to each of the neighbors explaining their operation and have had positive feedback. He said that the organization welcomes growth, but that the organization's growth is expected to be very gradual. He said the organization was not looking for any shortcuts, and is before the Board in order to conform to all of the regulations.

Hardy said he appreciated the organization communicating with the neighborhood.

Watson said she appreciates the organization and their operation.

Emig asked what was going to happen to the existing offices in their current location.

Crenshaw explained that they share offices with Boys and Girls Club and that the building was to be sold for the redevelopment project.

Rhonda Machin, 9600 W. 60th St., Riley KS., said she is the real estate agent for the organization and said 519 Pierre St. will satisfy the organization's needs.

Watson asked for clarification of the surrounding uses in the neighborhood.

Machin explained to the west is an owner occupied single-family use, north is multi-family use, and to the east is a rental single-family use.

Wigfall asked for clarification regarding the number of anticipated office visits. She asked if six was the high or was the low anticipated number.

Crenshaw stated six was the highest number of office visits in the past. He said a more realistic average is closer to three to four visits per day.

Hamilton closed the Public Hearing and opened for Board discussion.

Hardy said he could support all of the requests as the organization is not proposing to modify the existing structure which will maintain the existing residential feel of the neighborhood. He said the existing lot is constrained from being enlarged to satisfy what the zoning would require. He said the zoning district was envisioned to have this type of use and he could support the requests based on the staff reports with the conditions.

Watson said she could not support the request as it is proposed because she had concerns about safety issues related to increased vehicle trips in the alley. She also felt the intensity will have a greater impact than what was intended for the neighborhood. She said she felt the TNO District was intended to protect single-family residential dwellings and the proposed use was not consistent with that.

Wigfall said the land use within the area is changing to a higher density and being located on the edge of downtown, she felt the proposed use actually fits with the changing neighborhood. She said she could support the requests.

Emig said he could not recall the recent zoning changes in the area and asked whether the area was more recently up zoned or down zoned. Frazzell responded saying the area has generally retained the R-M zoning, but more recently the TNO District was added.

Hamilton said the proposed use is listed in the zoning district and therefore had been previously perceived as a compatible land use. She said the design of the house would remain, which protects the character of the neighborhood. She said the use is not anticipated to dominate the neighborhood and the proposed parking appears to be sufficient. She said she would like to allow the organization to have signage and was concerned that one of the conditions may be too restrictive. She continued by saying that she could support the request for the variance as the lot is constrained and can not be expanded in size. She clarified that her support for the variance was based on viewing the proposed project as a whole, for if the variance request was by itself, the standard might not be met. She said she could support the request for the exceptions as the condition currently exists and strict application would require the house to be moved, which is unnecessary in this case. She said she could support all of the requests with a modification to allow signage.

The Board made the following findings of fact for the Conditional Use Permit at 519 Pierre Street.

A. 519 Pierre St. is currently a residential property located on Lot 565, Ward 1 within the R-M, Four-Family Residential District. Lot 565 is an established Ward lot with a lot width of approximately 50-ft., lot depth of approximately 150-ft. and an existing lot area of approximately 7,500 sq. ft. Conditional Uses in the R-M, District are required to maintain a minimum lot area of 10,000 sq. ft. and a minimum lot width of 60-ft. The applicant has proposed a Variance of lot size for the proposed Conditional Use.

Along the west side of the lot, the existing residential structure has an approximate two (2) foot side yard setback and along the west side of the lot the structure has an approximate nine (9) foot side yard setback. The R-M, District presently requires a minimum side yard setback of eight (8) feet for residential uses and fifteen (15) feet for Conditional Uses. The applicant has proposed an Exception to reduce the minimum fifteen (15) foot side yard setback to the existing setbacks for the proposed Conditional Use.

Business and professional offices require a minimum of seven (7) off-street parking spaces. According to the site plan, the applicant is able to provide five (5) off-street parking spaces in the southern portion of the lot. The applicant has proposed an Exception to reduce the minimum number of off-street parking spaces for the proposed Nonprofit Social Service facility.

Other than the aforementioned proposed Exceptions and Variances, the proposed Conditional Use complies with all applicable regulations, including lot size requirements and bulk regulations.

B. Surrounding 519 Pierre Street is a mix of residential uses within the R-M and TNO Districts. The surrounding neighborhood to the north, west, and east are all located within the Historic Environs of the Seven Dolors Catholic Church and the Lyda-Jean Apartment House. The State Historic Preservation Office has reviewed the proposal and found that the “proposed project will not encroach upon, damage, or destroy any listed historic property or its environs.”

According to the application documents, Big Brothers Big Sisters is a nonprofit organization with three and a half full-time staff members and office hours from 8 a.m. to 5 p.m., Monday thru Friday, and the offices are closed over the weekend. The applicant states that on average, the office experiences six office sessions per day, with each lasting approximately one and a half hours. “The majority of

casework with each client takes place at the client's home or place of business... No group functions are held at the office."

Given the proposed hours and overall operation of the organization as indicated in the application documents, the proposed use is not anticipated to have an adverse effect on the surrounding neighborhood.

C. No modifications are proposed to the existing structure, other than an accessible ramp off the rear of the structure. The office use is proposed to have typical day time hours of operation and will not be open during the weekend or after 5 p.m. Vehicle access will be from the alley and will be screened from adjacent properties. As previously mentioned, the proposed operation of the structure is strictly an office type setting with limited patron traffic and typical business hours. The facility is not proposed to provide a place of mass congregation or act as a center for activities. As proposed, the Conditional Use is not anticipated to dominate the neighborhood.

1. Location, nature, and height of physical improvements: No physical improvements are proposed to the exterior of the existing structure other than an accessible ramp behind the house. Minor modifications to the interior are anticipated to provide a usable space for the proposed office use. A paved parking area containing five (5) off-street parking spaces is proposed in the southern portion of the lot. A companion Exception is proposed to reduce the minimum number of off-street parking spaces. No additional improvements are proposed on the lot.
2. Landscaping and screening: No additional landscaping is proposed with the application, however the applicant states in the application documents "Landscaping and exterior maintenance will improve from current status." The off-street parking area in the southern portion of the lot is required by Section 7-102(E)(5) to be screened with sight obscuring screening. Existing wood fencing currently extends along a portion of both the west and east property lines, currently providing screening of a portion of the adjacent lots from the proposed parking area. The screening is required to be extended along the remainder of the proposed parking area.

D. An off-street parking area is proposed in the southern portion of the lot and will be accessed from the alley which crosses the property in an east to west direction. The parking area is proposed to be paved and will utilize a ninety degree parking configuration which is parallel to the alley. The proposed configuration is in conformance with the parking configuration standards.

A minimum of seven (7) off-street parking spaces is required for the proposed Nonprofit Social Service Facility based on the Business and Professional office requirement of "at least one (1) off-street parking space for each 300 sq. ft. of floor area." The applicant's have proposed a companion Exception to reduce the minimum seven (7) off-street parking spaces to five (5) off-street parking spaces. The total number of offices proposed within the structure is six (6), however the application documents indicate that there are three and a half full time employees and office visits are generally minimal. On-street parking is permitted along the south side of Pierre St. and a public parking lot within 600-ft. of 519 Pierre St. in the R-M/TNO, District is available across the street if additional parking is needed. Given the proposed operation of the organization, adequate parking is provided.

E. Adequate public utilities are currently provided to the site and no significant modifications are proposed which will alter the existing drainage pattern.

F. An alley crosses along the southern portion of the lot in an east to west direction. The alley will

provide access to the proposed off-street parking area proposed in the rear of the lot. The parking area is proposed to be paved and an ADA ramp is proposed to provide accessibility into the structure. A sidewalk crosses along the north portion of the lot in an east to west direction and provides pedestrian access to the front of the structure. Adequate access is provided to the site.

Hardy moved to approve a CONDITIONAL USE PERMIT for a proposed Nonprofit Social Service Facility to be located in the R-M, Four-Family Residential District and TNO, Traditional Neighborhood Overlay District with the following conditions:

1. The operation of the Conditional Use shall be limited to Big Brothers Big Sisters Nonprofit Social Service Facility as outlined in the application materials.
2. Companion Exceptions and Variances shall be approved.
3. Signage shall follow the residential signage zoning requirements.

Emig seconded which passed with a vote 4-1, with Watson voting against.

The Board made the following findings of fact for the Variance at 519 Pierre Street.

1. Lot 565, Ward 1 has an established lot size of 7,500 sq. ft. and lot width of 50-ft. The lot can not be increased in size as it is constrained to the north by Pierre Street, to the south by an alley, and to the west and east by adjacent established properties. Without an ability to increase the lot size, the lot is restricted in its potential use.

2. Surrounding 519 Pierre Street is a mix of residential uses within the R-M and TNO Districts. The surrounding neighborhood to the north, west, and east are all located within the Historic Environs of the Seven Dolors Catholic Church and the Lyda-Jean Apartment House. The State Historic Preservation Office has reviewed the proposal and found that the “proposed project will not encroach upon, damage, or destroy any listed historic property or its environs.”

According to the application documents, Big Brothers Big Sisters is a nonprofit organization with three and a half full-time staff members and office hours from 8 a.m. to 5 p.m., Monday thru Friday. The offices are closed over the weekend. The applicant states that on average, the office experiences six office sessions per day, with each lasting approximately one and a half hours. “The majority of casework with each client takes place at the client’s home or place of business... No group functions are held at the office.” Given the proposed hours and overall operation of the organization as indicated in the application documents, the proposed reduction in lot size for the proposed Conditional Use is not anticipated to have an adverse effect on the surrounding neighborhood.

3. Conditional Uses in the R-M District are required to have a minimum lot size. The lot can not be increased to meet the minimum lot size, therefore in order for the proposed Conditional Use to be allowed, the proposed Variance has to be approved. The applicants are required to relocate due to the south redevelopment project. As indicated in the application documents, the proposed operation of the Nonprofit Social Service organization is not anticipated to be more intensive than other permitted uses allowed in the neighborhood (residential uses up to four dwelling units, religious organizations, schools, etc.). According to the applicants, 519 Pierre St. meets the structural needs of the organization as well as the close proximity requirements to the downtown area. To require strict application of the regulations would restrict potential use of the structure and would be a hardship to the applicants.

4. The reduction in lot size for the proposed use is not anticipated to have an adverse effect on the public health, safety, morals, order, convenience, prosperity, or general welfare.

5. The minimum lot area and lot width regulations are intended to ensure that adequate yard, setback, and structural coverage do not exceed minimum or maximum standards for uniformity in a neighborhood, as well ensure that adequate light, air and access are provided for the inhabitants of the property. The regulations also ensure that properties within a zoning district are developed at a density that is consistent with the intent of the zoning district. While Lot 565, Ward 1 does not meet the minimum lot area or lot width requirements, the intensity of the proposed use may have a similar or less impact than permitted uses in the established neighborhood.

Hardy moved to approve a VARIANCE for 519 Pierre St. for a proposed reduction in the minimum ten thousand (10,000) square foot lot area to seven thousand five hundred (7,500) square feet; and a reduction in the minimum sixty (60) foot lot width to fifty (50) feet, all for a proposed Nonprofit Social Service Facility in the R-M, Four-Family Residential District and TNO, Traditional Neighborhood Overlay District with the following conditions:

1. A Conditional Use for a Nonprofit Social Service Facility shall be approved.
2. The Variance shall be for the Big Brothers Big Sisters Nonprofit Social Service organization as proposed in the application documents and site plan.

Emig seconded which passed with a vote 4-1, with Watson voting against.

The Board made the following Findings of Fact for Exceptions at 519 Pierre Street.

A. A vacant residential structure is currently located on Lot 565, Ward 1 within the R-M, Four-Family Residential District. Lot 565 is an established Ward lot with a lot width of approximately 50-ft., lot depth of approximately 150-ft. and an existing lot area of approximately 7,500 sq. ft. In the R-M, Four-Family Residential District, single-family detached dwellings are required to have a minimum lot area of 6,000 sq. ft. and lot width of 50-ft. Two-family dwellings are required to have a minimum lot area of 7,500 sq. ft. and lot width of 50-ft. According to the applicant, the established structure was more recently utilized as a two-family dwelling. The established lot size is in compliance with the present zoning district for a single-family detached and two-family dwelling residential use. Conditional Uses in the R-M, District however, are required to have a minimum lot area of 10,000 sq. ft. and a minimum lot width of 60-ft. The applicant has proposed a Variance of lot size for the proposed use.

The residential structure has an existing approximate two (2) foot side yard setback along the west side of the lot and an approximate nine (9) foot side yard setback along the east. The R-M, District requires a minimum side yard setback of eight (8) feet for residential uses and fifteen (15) feet for Conditional Uses. The existing west side yard setback is nonconforming to the present zoning regulations for a residential use, and both the west and east side yard setbacks are nonconforming for a Conditional Use. The applicant has proposed an Exception to reduce the minimum fifteen (15) foot side yard setback to the existing setbacks for the proposed Conditional Use, which will alleviate the nonconformity.

The proposed Conditional Use also requires a minimum of seven (7) off-street parking spaces based on the professional and business office use. According to the site plan, the applicant is able to provide five (5) off-street parking spaces in the southern portion of the lot. The applicant has proposed an Exception to reduce the minimum number of off-street parking spaces.

Other than the aforementioned proposed Exceptions and Variances, the proposed Conditional Use complies with all applicable regulations, including lot size requirements and bulk regulations.

B. Surrounding 519 Pierre Street is a mix of residential uses within the R-M and TNO Districts. The

surrounding neighborhood to the north, west, and east are all located within the Historic Environs of the Seven Dolors Catholic Church and the Lyda-Jean Apartment House. The State Historic Preservation Office has reviewed the proposal and found that the “proposed project will not encroach upon, damage, or destroy any listed historic property or its environs.”

There is no longer a record of the original building permit. The County Appraiser’s original Data Collection Card identified the structure in its present configuration when the first record was made around 1958. The present setbacks from roof overhang to side property lines have been part of the established neighborhood for more than forty years with no known adverse impacts to surrounding properties. No changes are proposed to the exterior which will further increase the existing degree of nonconformity. The condition of the structure is nonconforming to the present regulations and is a condition which was created when the original structure was built. The proposed setback reductions are not anticipated to have an adverse effect on adjacent properties.

Given the existing lot size and improvements, there is limited space for off-street parking on the lot. Existing wood fences extend along a portion of the east and west property lines, generally screening the proposed parking area from the adjacent properties. The wood fencing or another type of sight obscuring screening with a minimum height of six (6) feet in height will need to be added to provide the required sight obscuring screening between the proposed parking area and the adjacent residential properties. According to the application documents, the proposed Conditional Use will not be a large traffic generator and the reduction in off-street parking is not anticipated to have an adverse effect on adjacent properties.

C. The proposed Exceptions will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

D. The residential structure is part of the established neighborhood and the proposed setback reduction will alleviate an existing nonconformity. The lot can not be increased in size to provide for additional setbacks or additional space for parking. The applicant’s have proposed to utilize the existing structure as it currently exists and have not proposed to modify the exterior to decrease its visual appearance of a residential structure. Within approximately 120-ft. of Lot 565 is a public off-street parking area within the same zoning district which could be utilized if additional off-street parking is required. The applicants are required to relocate due to the proposed south redevelopment project, which is anticipated to have an overall positive effect on the general public. When all facts and circumstances are considered, the strict application of the regulations is unnecessary.

Hardy moved to approve EXCEPTIONS at 519 Pierre St. to allow a reduction in the minimum fifteen (15) foot side yard setback to two (2) feet along the west property line and to nine (9) feet along the east property line; and a reduction in the minimum seven (7) off-street parking space requirement to five (5) off-street parking spaces for a proposed Nonprofit Social Service Facility in the R-M, Four-Family Residential District and TNO, Traditional Neighborhood Overlay District with the following conditions:

3. A Conditional Use for a Nonprofit Social Service Facility and Variance for lot size shall be approved.
4. The Exception for the side yard setbacks shall be for the existing structure as shown on the site plan.
5. The Exception for the off-street parking shall be for the Big Brothers Big Sisters Nonprofit Social Service Facility as proposed in the application documents and site plan.

Emig seconded which passed with a vote 4-1, with Watson voting against.

A PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AT 2438 VAUGHN DRIVE TO ALLOW FOR THE CONTINUED USE OF AN EXISTING RESIDENTIAL BUILDING AS A FINANCIAL OFFICE FOR THE MERCY REGIONAL HEALTH CENTER HOSPITAL IN THE R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT. (APPLICANT/OWNER: MERCY REGIONAL HEALTH CENTER)

Clark presented the Staff Report and recommended approval with seven conditions.

Hardy clarified that nothing has changed since the previous request was previously approved.

Wigfall asked why the applicant had not come to the Board before the Conditional Use expired.

Clark said the application documents stated Mercy did not realize that the Conditional Use had expired and the renovations are not complete to allow the financial office to return back to the hospital.

Danny Woodworth, 1823 College Ave., said a red flag did not come up telling them it was time to extend the conditional use. He said it was their fault and measures were going to be made to ensure that a need for an extension did not occur again. He said they sent fliers to the surrounding neighborhood and did not receive any concerns. He said the neighbors supported the request as there is no noise emanating from the house, unlike the past rental use. He said the financial office has been a good fit in the neighborhood.

Hamilton clarified that the use was previously approved in 2005 based on the fact that the use was temporary.

Woodworth said Mercy fell behind in their original construction time frame and said the new request is to continue utilizing the house as a temporary financial office for an additional two years after which, the house would be utilized for housing.

Watson asked how Woodworth would track the time if the request was approved. Woodworth responded saying it has been added to a computer program which will notify them when the time is up.

Wigfall asked Woodworth about existing landscaping and inquired if they planned on replacing a tree which was recently removed. Woodworth said the tree was removed for safety reasons and would not be replaced.

Hamilton closed for Public Hearing and opened for Board discussion.

Hardy said he was on the Board with the last request and could maintain his support provided the use was temporary. He said he understood needing to adjust construction time lines based on time and financial constraints.

Wigfall said she could support the request as she also could sympathize with needing adjustments to the construction time frame.

Emig said he was on the Board when the first application was presented. He said he supported the request then and could support it this time as well.

Hamilton said she could support the request provided the request is to remain as a temporary use and additional time might change the temporary nature. She said she does not want to see the financial office become part of the established neighborhood.

The Board made the following Findings of Fact for the Conditional Use Permit at 2438 Vaughn Drive.

A. A Conditional Use was required and approved in August of 2005 to allow for an expansion of the Mercy Regional Health Center Campus at 2438 Vaughn Drive for a financial office. Conditional Uses in the R-1, District require a minimum fifteen (15) foot side yard setback as apposed to the eight (8) foot side yard setback required for residential buildings. An Exception was applied for and approved in August of 2005 to reduce the minimum side yard setbacks to six (6) feet along the west property line and nine (9) feet along the east property line for the existing structure. Approving the proposed Conditional Use will allow the property in question, 2438 Vaughn Drive, to remain in compliance with the Manhattan Zoning Regulations.

Other than the aforementioned, the subject property, 2438 Vaughn Drive complies with all applicable provisions of the Zoning Regulations except for the Conditional Use application in question.

B. Adjacent properties to the general south, east and west of 2438 Vaughn Drive, are located in the R, Single-Family Residential District. The surrounding area is a combination of renter and owner-occupied older single-family homes. The property to the north is occupied by the Mercy Regional Health Center and is currently zoned R-1, Single-Family Residential District. The property has been used for a temporary office space for Mercy Regional Health Center's accounting office for the past one (1) year and six (6) months and has shown to have no adverse effects on the surrounding residential properties. Approving this Conditional Use and allowing the continual use of this office space for an additional two (2) years is foreseen to continue to not adversely affect the surrounding properties based on the fact that this is a temporary use.

C.

1. Location, nature, and height of physical improvements: The structure at 2438 Vaughn Drive is an existing single story, single-family residential building located on an irregular polygon shaped lot with an approximate area of 7,840 square feet. Seven (7) administrative personnel will temporarily occupy the facility during normal business hours (8 a.m. to 5 p.m.) for approximately two (2) years.
2. Landscaping and screening: Although not required, the applicant has improved the existing aesthetics of the lot since the prior Conditional Use approval. Perennial plants, groundcover, and shrubs were placed around the perimeter of the house along with an existing tree. The wooden fence located on the east and west of the property has been repaired and an ADA handicap ramp was added to the front (south side) of the property. A large wooden deck has also been added to the rear (north side) of the property.

D. Clients will not be visiting or utilizing the facility, it was and will remain for use by office staff only. One (1) ADA parking space is provided on the properties driveway off Vaughn Drive with all other staff entering from the rear of the property and using the existing hospital's adjoining parking lot. Off-street parking is permitted within 600 feet and in the same zoning district. Adequate parking is provided.

E. Adequate utilities including electric, gas, cable and telephone services are available. Storm

drainage flows to the City storm drains located on Vaughn Drive.

F. The subject property has frontage along Vaughn Drive, while the Mercy Regional Health Center of Manhattan Campus has frontage along Kimball Avenue and College Avenue. The front driveway will provide parking for one car with existing access off of Vaughn Drive. The Mercy Health Center of Manhattan parking lot will provide additional parking for hospital personnel and has access from College Avenue and Kimball Avenue. Adequate provision for access is available for the proposed temporary office.

Emig moved to approve a CONDITIONAL USE PERMIT to allow for the continued use of an existing residential building at 2438 Vaughn Drive as a financial office for the Mercy Regional Health Center Hospital in the R-1, Single-Family Residential District with the following conditions:

1. The Conditional Use at 2438 Vaughn Drive shall be for a temporary accounting office for two (2) years from the date of the Notice of Decision, at which time the use shall cease, unless the applicant submits an application for a Conditional Use to extend the temporary occupancy. The application shall be submitted and considered by the Board of Zoning Appeals prior to the date on which the temporary use expires.
2. The temporary office shall only be used by hospital personnel and shall be limited to seven (7) employees.
3. Off-street parking shall be provided on the Mercy Regional Health Center's parking lot, except that the existing driveway off 2438 Vaughn Drive shall accommodate one (1) ADA accessible off-street parking space.
4. On-street parking for the temporary office use shall be prohibited along Vaughn Drive.
5. Temporary office hours shall be limited to normal business hours from eight (8) a.m. to five (5) p.m., Monday through Friday.
6. Landscaping shall be as proposed in the landscape plan and maintained in good condition.
7. The residential building with structural improvements shall be maintained in good condition.

Wigfall seconded which passed with a vote 5-0.

The Board wished Frazzell best of luck and with no further business, Hamilton closed the Public Hearing.

Respectfully Submitted,

Jeremy Frazzell, Planner

021407