

The Hearing Officer meeting was held on Wednesday, May 10, 2023 in the Kelly Conference Room #155 and on Zoom. Hearing Officer present: Ryan Robling

**REPORTS RESOLUTIONS AND COMMUNICATIONS:** None at this time.

**PETITIONS:**

CU-02-23     **Rita’s Italian Ice**  
430 E. Kirkwood Ave.  
Request: Conditional use approval to allow a standardized business in the Mixed-Use Downtown zoning district within the University Village downtown character overlay (MD-UV).  
*Case Manager: Gabriel Holbrow*

Gabriel Holbrow, Case Manager, presented the staff report on CU-02-23. Staff is recommending the Hearing Officer adopt the proposed findings in the staff report, including the following conditions:

1. This conditional use approval is limited to the proposed design and use as a standardized business that also meets the definition of a restaurant use. No other facade design or use is approved. Minor changes to the facade design, such as refacing of signs or change of sign graphics within the allowed signage area, can be approved as consistent with this conditional use approval, subject to sign standards and other relevant regulations.
2. A sign permit is required, and the design of all exterior signage shall substantially conform to the designs shown in this approval.

Steve Wilkos, Petitioner, presented the conditional use request.

Eric Cayman, building owner, stated how clean of an operation this business is and how he thinks this will help the community.

Robling approved CU-02-23 based on the written findings, including the two conditions outlined in the staff report.

CU-10-23     **Omega Properties (Springpoint Architects)**  
505 N. Walnut Street  
Request: Conditional use approval to allow a student housing or dormitory use in existing buildings in the Mixed-Use Downtown zoning district within the Downtown Core downtown character overlay (MD-DC).  
*Case Manager: Gabriel Holbrow*

This petition was heard by the Hearing Officer on April 26, 2023. During that hearing, the petition was continued to the next hearing date of May 10 due to staff deliberation.

Gabriel Holbrow, presented an updated staff report on CU-10-23. Staff is recommending the Hearing Officer adopt the proposed findings with the following conditions:

1. This conditional use approval is limited to a maximum of one five-bedroom dwelling unit in the existing house and one studio dwelling unit in the existing rear structure, as proposed in the filing documents.
2. The Planning and Transportation Department shall issue a recommendation for final occupancy of both dwelling units at the same time, and shall not issue a recommendation for final occupancy for either dwelling unit before the other.
3. Prior to issuance of a building permit, the petition shall obtain minor site plan approval with a site plan that demonstrates compliance with the UDO per limited compliance including providing: a minimum five-foot landscaped parking lot perimeter on the north and west sides of the rear parking lot, or as wide a landscaped perimeter as is possible for a parking lot of four spaces per limited compliance; no more than four parking spaces, not including any required ADA accessible spaces; a minimum of two large street trees or planting to the maximum practicable density per limited compliance; a minimum of one large canopy tree and a minimum of 12 shrubs in the parking lot perimeter or planting to the maximum practicable density per limited compliance; and trees and shrubs that comply with MD interior landscaping standards or planting to the maximum practicable density per limited compliance.
4. The petitioner shall provide a refuse area that that compiles with screening standards in UDO section 20.04.080(m)(3), as shown on an approved site plan.

Barre Klapper, Springpoint Architects, presented on behalf on the petitioner.

Robling approved CU-10-23 based on the written findings, including the four conditions outlined in the staff report.

Meeting adjourned 3:22 P.M.