



## MEMORANDUM

**Date:** April 17, 2025

**To:** Luke Winchester, Chairman  
and Planning Commission

**From:** Jon Baughman, City Planner  
Jill Johnson, Planner I

**Re:** Virtue Modern MJ HQ 3073 Curd Road  
Rezone (non-PUD)  
Map - 054  
Parcel(s) – 009.00

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**Request:** Lysle Oliveros requests a rezone for property located at 3073 Curd Road in District 1.

**Analysis:** The subject property is on the west side of Curd Road, south of Lebanon Road and is approximately 0.75 acres. The site includes a single-family home and accessory structures. Both the single-family home and accessory structures violate the bulk regulations for RS-20 zoning. Another single family home is located on a land-locked parcel behind the subject property and derives access via the subject property. The applicant intends to use the existing single family home as an office temporarily and eventually redevelop the site with an office building should this rezone request be approved. A summary of the request is below.

REQUEST SUMMARY	Land Use Map Classification	Requested Classification	Current Zoning District	Requested Zoning District
Virtue Modern 3073 Curd Road	Neighborhood Commercial	N/A	RS-20	CNS

**Future Land Use Plan:** The parcel is in the City's UGB. The City's future land use plan identifies the area neighborhood commercial. A change is not requested or required, the plan supports the request for CNS zoning.

**Zoning:** The property is currently zoned RS-20. The requested zoning is CNS. The City's land use plan supports this request.

**Findings:** In reviewing the requested zoning actions, staff finds that the request agrees with all of the following findings, as contained in the zoning ordinance. The proposed rezone:

- 1. Is in agreement with the general plan for the area, and*
- 2. does not contravene the legal purposes for which zoning exists, and*
- 3. will have no adverse effect upon joining property owners, unless such effect can be justified by the overwhelming public good or welfare, and*

4. *is not materially beneficial to a property owner or small group of property owners and will not be detrimental to the general public, and*
5. *is possible because conditions affecting the area have changed to a sufficient extent to warrant an amendment to the zoning map, and*
6. *allows uses by right, for which the base infrastructure is in place or will be required, to support their operation.*

**Summary:** This rezone is for a parcel on Curd Road currently zoned for residential. The applicant wishes to rezone to CNS to operate an office out of the home. The home and accessory structures are non-compliant with RS-20 zoning currently found on this lot. The structures will still be nonconforming if the property is rezoned and shall be subject to all regulations found in Articles 13-102 and 13-103 in the City's zoning ordinance.

**Recommendation:** Staff recommends forwarding the rezone request for 3073 Curd Road to the Board of Commissioners with a positive recommendation, subject to the conditions below:

**Planning and Zoning:**

1. Should this rezone request receive approval any additions to the buildings, new construction or changes in use will require the buildings to come into code compliance entirely per the requirements of 13-102, non-complying structures and 13-103, noncomplying uses, in the zoning ordinance.
2. Access to the property behind 3073 Curd Road (3075 Curd Road) shall be maintained. An access easement shall be established should the site redevelop.