



Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of July 12, 2023

Title/Subject

Popeye's Louisiana Kitchen Request extension of Site Plan & Variance approvals 4N2802BC-1680 N First St

Summary and Background

On June 8, 2022, the planning commission approved a variance request for property located at 1680 N First Street. Similarly, on July 8, 2022, staff approved an administrative land use decision approving a site plan at the same address. Both approvals are for the construction of a new Popeye's restaurant. Under §157.228(B) of the Hermiston Code of Ordinances, all land use approvals are valid for one year if no substantial construction has taken place. However, the planning commission may approve two one-year extensions upon determination that the applicant is pursuing completion of the project.

The applicant is pursuing completion of the project. Building plans were reviewed and approved by the city in September of 2022. Civil drawings for all on-site and adjacent civil construction were submitted following the land use approvals and were approved by the engineer in February of 2023.

The applicant requests an extension of the time limit for their land use approvals. The requests were submitted prior to the one-year date of the June 8 approval on May 31, but the planning commission could not consider this request until the July meeting. It is staff's opinion that the one-year validity date is met as the request was submitted prior the expiration date and there was no way to schedule the request for an earlier consideration.

Although the site plan approval is a land use approval issued administratively by planning staff, the staff interprets the code to read that staff does not have the authority issue an extension. A strict reading of the code grants the authority to approve extensions, even of administrative approvals, only to the planning commission.

Time limit on a permit. All land use decisions and approvals shall be based upon findings of fact. In order to assure that these decisions remain valid, **all land use** approvals shall be void after one year if no substantial construction has taken place. However, **the Planning Commission may grant two one-year extensions** upon a determination that the applicant is pursuing the completion of the project and that no material changes of surrounding land uses or designation has occurred. (Emphasis added)

In reviewing the proposed development and surrounding area, staff can find no material changes to the land uses or land use designations. Therefore, staff recommends that the planning commission grant a one-year extension to the setback variance, and a one-year extension to the site plan approval.

Tie-In to Council Goals

N/A

Fiscal Information

The site is currently vacant. Commercial development will generate an increase in property tax revenue. Similar sites in Hermiston generate in the vicinity of \$4,000 to \$5,000 in tax revenue annually.

Alternatives and Recommendation

Alternatives

The planning commission may choose to:

- Approve one-year extensions for the variance and site plan approval
- Deny one-year extensions for the variance and site plan approval

Recommended Action/Motion

Staff recommends that the planning commission make a motion to approve one-year extensions of the variance and site plan approvals.

Submitted By:

Clinton Spencer, Planning Director