

MEMORANDUM

TO: Honorable Mayor and Members of City Council
FROM: Susan Anne Cox, City Planner
RE: Bo Thomas Packing House Property (File No. PO2-11-SUR); Application for Special Use Permit
DATE: 20 June 2002

QUASI-JUDICIAL HEARING

PROJECT DESCRIPTION

The City is in receipt of an application from Glade Holdings, Inc., for the issuance of a special use permit authorizing development of two buildings, each containing 27,750 sq. ft. of floor area dedicated to residential uses and 13,450 sq. ft. of floor area dedicated to certain specified commercial uses for a total of 82,400 sq. ft. on a 2.98-acre parcel. In the application, the developer has agreed to limit the property to the following uses: hotel, professional offices, retail sales and residential.

EXISTING LAND USE & ZONING

The lot is zoned CMU Central Mix Use. To the north, west, and east are commercial uses on property zoned CMU. To the south is an abandoned commercial structure on property zoned C-2 Secondary Business.

PLAN REVIEW

The application complies with the requirements of Section 7-8-4 of the Zoning Ordinance with two exceptions:

- (1) there is no preliminary stormwater plan meeting the requirements of Section 6-2;
- (2) the site plan does not conform with the requirements of Section 18-3 Stream Buffer Protection Standards.

The Planning Director, pursuant to authority granted him by Section 7-8-4 of the Zoning Ordinance, has waived the requirement for a conceptual stormwater plan. A final stormwater management plan is required at the time of final site plan review.

The applicant is requesting a variance of 359 sq. ft. from within the required 30-foot stream buffer and 3,639 sq. ft. from within the required 20-foot transitional area. Please refer to the attached letter dated May 30, 2002 requesting a variance.

This development is located within the floodway and the floodway fringe of Wash Creek. Section 18-2-4 of the Zoning Ordinances allows for re-development in the floodway and floodway fringe if the applicant can demonstrate compliance with the requirements contained therein. A copy of the applicant's narrative addressing this section is attached to this memorandum. Staff is of the opinion the applicant has met this requirement.

ANALYSIS

Section 7-4-4 of the Zoning Ordinance provides "No special use permit shall be approved by City Council unless each of the following findings is made."

- (1) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.

No public health, safety or general welfare issues have been identified.

- (2) There are, or will be at the time they are required, adequate public facilities to serve the use or development as specified in Section 7-11.

Existing water and wastewater facilities are adequate to accommodate increased demand associated with this project.

- (3) The use or development complies with all required regulations and standards of the zoning ordinance or with variances thereto, if any, granted pursuant to Section 7-4-14 and with all other applicable regulations.

Staff has not identified other regulations or standards of the Zoning Ordinance that appear to be problematic.

- (4) The use or development is located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located.

A neighborhood compatibility meeting concerning the project was held on 20 February 2002. Notice was provided by U.S. mail to record owners of all property situated within 400 feet of the subject property as required by Section 7-4-5 of the Zoning Ordinance.

Three property owners/ residents attended the meeting. Questions

focused on the floodplain issue and storage of floodwater. It was the consensus of those in attendance that the proposed development would improve the area. A copy of the neighborhood compatibility meeting report is attached to this memorandum.

- (5) The use or development conforms to the general plans for the physical development of the City as embodied in this chapter and in the Land Development Plan and the Thoroughfare Plan.

The 1980 Land Development Plan shows this property classified as Secondary Commercial. This project appears to be consistent with the Land Development Plan. The 1991 Thoroughfare Plan deems Church Street in this vicinity to have adequate roadway and right-of-way widths. The project is in compliance with the City's Thoroughfare Plan.

SUGGESTED MOTIONS

Variance

Stream Buffer

Approval: With regard to the request of Glade Holdings Inc. for a variance from the requirements contained in Section 18-3 Stream Buffer Protection Standards for a reduction of 359 sq. ft. from the required 30-foot stream buffer and 3,639 sq. ft. from the 20-foot transitional area, I move City Council to find that a literal enforcement of such requirements will result in practical difficulty or unnecessary hardship and that the granting of the requested variance will not result in a development which would violate the findings of fact required by Section 7-4-4 of the Zoning Ordinance.

Consequently, I move Council to grant the requested variance.

[IF SECONDED, DISCUSS & VOTE]

Denial: With regard to the request of Glade Holdings Inc. for a variance from the Stream Buffer Protection Standards contained in Section 18-3 of the Zoning Ordinance, I move City Council to find

- (1) that the applicant has not demonstrated that a literal enforcement of such requirements will result in practical difficulty or unnecessary hardship

[or]

- (2) that the granting of the requested variances will result in a development which would violate the following finding(s) of fact required by Section 7-4-4 of the Zoning Ordinance: [STATE SPECIFIC FINDING(S) & REASONS].

Consequently, I move Council to deny the requested variance.

[IF SECONDED, DISCUSS & VOTE]

Special Use Permit

Approval: With regard to the application from Glade Holdings, Inc. for a special use permit based on the record before us, I move Council to make the following findings of fact required by Section 7-4-4:

- (1) the development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- (2) there are, or will be at the time they are required, adequate public facilities to serve the development;
- (3) the development complies with all required regulations and standards of the Zoning Ordinance and with all other applicable regulations;
- (4) the development is located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located; and
- (5) the development conforms with the general plans for the physical development of the City.

I further move Council to approve the application of Glade Holdings, Inc. the issuance of a special use permit, based on the site plan submitted by the applicant and subject to the conditions stipulated on the document entitled "Application of Glade Holdings, Inc.: List of Conditions" as well as any other conditions agreed to by the applicant on the record of this proceeding.

[IF SECONDED, DISCUSS & VOTE]

Denial: I move City Council to find that the application of Glade Holdings, Inc., does not meet the following requirement(s) of Section 7-4-4 of the Zoning Ordinance in that:

[CHOOSE ONE OR MORE OF THE FOLLOWING]

- (1) the development is not located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- (2) there are not, nor will there be at the time they are required, adequate public facilities to serve the development;
- (3) the development does not comply with all required regulations and standards of the Zoning Ordinance, namely [SPECIFY REGULATIONS];
- (4) the development is not located, designed, and proposed to be operated so as to be *compatible with adjacent properties and neighborhoods*;

CITY COUNCIL
BO THOMAS PACKING HOUSE
20 JUNE 2002
PAGE 6

(5) the development does not conform to the general plans for the physical development of the City.

List of Conditions

1. Must Be Satisfied Prior to Issuance of Special Use Permit:

None.

2. May Be Attached to Special Use Permit and Satisfied Prior to Issuance of a Zoning Compliance Permit:

- (1) No development activities shall take place on the site prior to approval of final plans for the project which shall comply with approved preliminary plans, the conditions agreed to on the record of this proceeding and applicable provisions of the Zoning Ordinance.
- (2) Final plans for the project must include the following:
 - (A) A lighting plan for the project demonstrating that lighting will be installed in accordance with Section 6-17-4 of the Zoning Ordinance;
 - (B) A stormwater management plan meeting the requirements of Section 6-21 of the Zoning Ordinance [the applicant is advised that failure to meet stormwater requirements will mean that the project can not be developed pursuant to the preliminary site plan approval];
 - (C) A landscape plan indicating compliance with Article XV, Buffering, Screening, and Landscaping;
 - (D) A letter from the State Erosion and Sedimentation Control Office indicating plans have been filed and approved.
 - (E) A site plan meeting the development standards requirement for CMU District as contained in Section 5-20 of the Zoning ordinance.
 - (F) The dedication of a greenway easement along Wash Creek, at which time the easement segment is needed to connect to an adjoining segment either to the north or south of the development parcel.
- (3) The applicant shall comply with all relevant provisions of the Flood Damage Prevention Ordinance including obtaining a no-rise certificate
