



Environmental Planning Commission

Agenda Number: 7
Project Number: 1000897
Case #: 14EPC-40027
August 14, 2014

Supplemental Staff Report

(to be read with the original 6-12-14 report and the 7-10-14 Supplemental report)

Agent	Joshua Skarsgard
Applicant	Red Shamrock Investments LLC
Request	Site Development Plan for Building Permit
Legal Description	Tract B1-A Plat for Video Addition Tracts B1-A & B1-B
Location	On Eubank Blvd. SE, between Central Ave. and Southern Blvd.
Size	Approx. 11.5 acres (larger, existing site) Approx. 1.0 acre (smaller, proposed site)
Zoning	SU-2/EG-C (East Gateway Corridor Zone)

Staff Recommendation

CONTINUANCE of 14EPC-40027, v.5 of the site development plan for building permit, based on the Finding on Page 3.

Staff Planner
Catalina Lehner, AICP- Senior Planner

Summary of Analysis

This request was continued for 30 days from the July 10, 2014 hearing to allow time for the applicant to revise the proposed site development plan based on a list of conditions presented at that hearing. The associated request for major deviations to the regulatory requirements of the East Gateway Sector Development Plan (EGSDP) was approved.

Staff reviewed v.4 of the site development plan and found that 70 conditions of approval were needed to correct inconsistencies and clarify the submittal. V.5 of the site development plan was submitted. Staff reviewed it and found that approximately half the conditions were not incorporated.

Staff recommends a 30-day continuance so the agent can ensure that the conditions of approval are shown on the site development plan. Many are "clean-up" and fairly simple. Approving a site development plan with extensive conditions has been known to contribute to difficulties as a request moves forward.

In the alternative, Staff has prepared updated conditions to demonstrate what has been addressed and what has not. Alternate Findings for approval were discussed at the July 10, 2014 hearing and do not need to be revisited.



City Departments and other interested agencies reviewed this application from 3/31/14 to 4/11/14. Agency comments used in the preparation of this report begin on Page 24 of the original report.

I. OVERVIEW

Background & Chronology

This request was for multiple (six) deviations from the regulatory requirements of the East Gateway Sector Development Plan (EGSDP), and an associated site development plan for building permit. It was first heard on June 12, 2014. The Environmental Planning Commission (EPC) voted to continue the hearing for 30 days so Staff could keep working with the applicant to find a “meet in the middle” solution to improve the site layout, decrease the deviations, and come closer to meeting the Plan’s intents.

At the July 10, 2014 hearing, Staff presented this solution as “Exhibit 9 as revised”. It was closer to compliance and would have provided a functional, drive-thru restaurant. However, the applicant was not willing to consider a different site layout- mainly due to the stipulations of a restrictive private agreement. The EPC voted to approve the deviations request.

Continuance

The EPC voted to continue the site development plan for building permit request for 30 days at the July hearing. The findings were reviewed and discussed. The discussion regarding the recommended conditions, however, was not concluded.

The EPC gave specific direction to the applicant to return the following month with a “more complete” site development plan, as indicated by the following Finding:

“A continuance would be appropriate to allow the applicant to incorporate revisions to the site development plan and bring it back in a more complete state, as specified in the conditions associated with alternate findings A as designated at the hearing.”

This means that the recommended conditions of approval were to be incorporated into a revised and improved site development plan, Version 5 (v.5), to be presented at the August 14, 2014 hearing.

Request & Status Update

Staff review of v.1/v. 4 of the site development plan revealed that seventy (70) conditions of approval were needed (about 3 times the normal amount). In several instances, v.1/v. 4 contained internal inconsistencies, lacked clarity and did not provide standard information (see the site development plan for building permit checklist).

The conditions referred to herein were provided at the July 10, 2014 hearing and could easily have been used as a checklist. Incorporating them into a revised version of the site development plan would fulfill the direction to return with a “more complete” site development plan. However, approximately half of the recommended conditions were not addressed and/or incorporated.

II. SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (v.5)

- » Please refer to p. 13-17 of the original, June 12, 2014 Staff report (see attachment) for a discussion of Vehicle Access & Circulation, Setback & the Drive-thru Lane, Parking, Pedestrian & Bicycle, Transit Access, Walls/Fences, Lighting & Security, Landscaping, Outdoor Space, Grading & Drainage Plan, Utility Plan, Architecture and Signage.

Introduction

Section 14-16-3-11 of the Zoning Code states, "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." As such, Staff reviewed the proposed site development plan (v.5). In this case, deviations are associated with the site development plan for building permit. Much like the relationship between a request for SU-1 zoning and the required, associated site development plan, the deviations request is linked to, and dependent up, the associated site development plan for building permit.

Therefore, it's important that the deviations are accurately depicted in the site development plan for building permit. There are no major changes between v.1/v.4 of the site development plan for building permit, discussed at the July hearing, and the revised, proposed version (v.5) being considered now.

Content

Staff has carefully reviewed the revised, proposed site development plan look for incorporation of the recommended conditions presented at the July hearing. **Approximately half of the recommended conditions were not addressed and/or incorporated.**

The agent provided a response letter, which is common practice, to explain how the conditions were addressed. In many instances, the letter states that a given condition was met. However, Staff checked and found that many conditions were not met. There are a number of inconsistencies between the response letter and what's shown on the site development plan.

Some examples of a condition not being addressed include: the deviations table was not revised and remains convoluted; the motorcycle space was not moved to meet Zoning Code requirements; and one of the handicap spaces is in the middle of the parking lot. In other cases, standard COA details and explanatory notes are needed to demonstrate compliance, but were not provided.

III. CONCLUSION

The request is for the site development plan for building permit associated with the request for multiple deviations to the regulatory requirements of the EGSDP, for an approximately 1 acre site that is part of a larger, approximately 11.5 acre site located on the east side of Eubank Blvd.

The five deviations, which make the applicant's preferred site layout possible, were approved at the July 10, 2014 hearing. At that hearing, the EPC tasked the applicant with incorporating the 70 recommended conditions of approval into a revised site development plan (v.5)- a cleaned up version to be discussed at the August 14, 2014 hearing.

Staff carefully reviewed v.5 using the conditions presented at the July hearing and found that approximately half were not addressed and/or incorporated, despite what's stated in the response letter. It's important to ensure that the site development plan reflects the deviations accurately, and that information needed to create compliance and clarity is provided. Approving a site development plan with extensive conditions has been known to contribute to difficulties as the request moves forward. Staff recommends a 30-day continuance so the agent can ensure that the conditions of approval are shown on the site development plan.

FINDING – 14EPC-40027, August 14, 2014- Site Development Plan for Building Permit

1. A continuance to the September 11, 2014 hearing is appropriate to allow the applicant to incorporate revisions to the proposed site development plan and bring it back in a more complete state, as specified in the updated version of the “conditions associated with alternate findings A as designated at the July 10, 2014 hearing” discussed at the August hearing. (The updated version of the conditions is based on review of version 5 of the site development plan).
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Notice of Decision cc list:

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