

Legislation Text

File #: 2016-0761, **Version:** 1

Appeal Request to Resolution No. 16-05 and Resolution 16-19 for the suspension and delay of the acceptance and processing of development applications and applications for building permit in an area generally bounded by Pine Tree Plaza, 50 Highway, ADESA Property, Jefferson Street, Persels (West of M-291), 16th Street (East of M-291), the Union Pacific Railroad right-of-way, and South M-291 Highway.

Issue/Request:

Reece Commercial Real Estate on behalf of the property owner Basra Property, LLC requests the ability to proceed with a Minor Plat application at 616 SW Jefferson Street for the adjustment of a lot line so that it no longer runs through the existing convenience store with gas pumps. Per Section 2 of Resolution No. 16-05 the applicant must file an appeal request with the City Clerk to be heard by the City Council at the next regularly scheduled meeting.

Key Issues:

The site, 616 SW Jefferson Street, is located within an area designated for Administrative Delay by Resolution No. 16-05 by the City Council on March 31, 2016. This resolution states in summary all development and building permit applications shall be suspended or delayed until a revised land use and master development plan is completed for the area. Further Resolution No. 16-19 extended the time period of the Administrative Delay to terminate by January 6, 2017, unless the City Council, by motion approved by a majority vote of the Councilmembers present at a duly not noticed meeting, extends the date of this administrative delay.

Proposed City Council Motion:

I move to authorize staff to review the Minor Plat application entitled "Basra Station" in accordance with the provisions and procedures set forth in the City's Unified Development Ordinance.

Background:

March 31, 2016 - The City Council adopted Resolution No. 16-05 for the suspension and delay the acceptance and processing of development applications and applications for building permit in an area generally bounded by Pine Tree Plaza, 50 Highway, ADESA Property, Jefferson Street, Persels (West of M-291), 16th Street (East of M-291), the Union Pacific Railroad right-of-way, and South M-291 Highway.

September 15, 2016 - The City Council adopted Resolution No. 16-19 to extend the time period for the administrative delay to January 6, 2017.

Impact/Analysis:

If the Minor Plat application is allowed to proceed by the City Council, staff will begin the administrative review process. The intent of this application is to adjust a lot line that currently runs through the existing building and gas station canopy. This would correct a lot line discrepancy and provide for well-defined lot for future development to the south. The Minor Plat application would only allow for this lot line adjustment and does not permit any new structures or changes in zoning classification. While the Minor Plat process

primarily focuses on the subdivision of property and would not negatively affect any right-of-way or utility easements, it is classified as a development application which is generally outlined in the above referenced administrative delay. Specifically, this application would not encompass a "development application or building permit application which authorizes the construction of a new buildings or expansion of existing buildings" as stated in Section 1.A of Resolution No. 15-06, because no building permits or other physical structures are requested which would alter, remove, or add to the existing building.

In considering this appeal request Section 2.C of Resolution No. 16-05 states "The City Council shall consider the following in determining whether applications, with respect to which an appeal has property been filed, if approved, will undermine the spirit and intent of the pending landuse an master development plan: 1. the City's interest in protecting the public's health, safety, and general welfare; b. the adverse effect upon the future vision of the redevelopment area being considered; c. the City's interest in avoiding the creation of conflicts with the future redevelopment plan; the extent to which the proposed use, if applicable, will negatively affect the continuity of the redevelopment plan; e. the economic impact and hardship of the delay upon the owner."

Timeline:

Start: ____

Finish: ____

Other Information/Unique Characteristics:

Presenter: Christopher Hughey, Project Manager in the Development Services Department

Recommendation: Staff recommends authorization to proceed with the Minor Plat application as shown.

Committee Recommendation: