

Legislation Text

File #: 2016-0253, **Version:** 1

Appeal Request to 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.

Issue/Request:

Roberts Co Motor Mart, LLC requests the ability to proceed with a Special Use Permit application at 1302 SW Market Street for used automotive sales as an accessory use to their existing automotive detailing business. 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. This appeal request was received by the City on June 1, 2016.

Key Issues:

The site, 1302 SW Market 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 the Administrative Delay shall terminate by October 1, 2016, 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:

[Enter text here]

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.

Impact/Analysis:

If the Special Use Permit application is allowed to proceed and if ultimately said application is approved by the City Council at a future public hearing date, this would allow for the use of automotive sales at this location for a specified number of years. While the Special Use Permit process primarily focuses on the use of a property 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 development applications are requested which would alter 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:

[Enter text here]

Presenter: Brian Brooks, applicant and Christopher Hughey, Project Manager in the Development Center Department

Recommendation: [Staff recommends authorization to proceed with a SUP application]

Committee Recommendation: [Enter Committee Recommendation text Here]