



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 15, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-33667 EXTENSION OF TIME SPECIAL USE PERMIT

APPLICANT/OWNER: METRO SKYPOINTE, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Special Use Permit (SUP-18927) shall expire on March 7, 2011 unless another Extension of Time is approved by the City Council.
2. Conformance to all conditions of approval of Special Use Permit (SUP-18927) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is the first request for an Extension of Time of an approved Special Use Permit (SUP-18927) for a Restaurant with Service Bar at the northeast corner of Sky Pointe Drive and North Cimarron Road.

It is noted that there is one (1) related Extension of Time (EOT-33666) that will be heard concurrently with this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/23/97	The Planning Commission approved a request for a Petition to Annex [A-0024-96(A)] property generally located on the southeast corner of Deer Springs Way and Rancho Drive, containing approximately 34.07 acres.
09/09/98	The City Council approved a request for Rezoning (Z-0036-98) from U (Undeveloped) Zone [TC (Town Center) General Plan Designation] to PD (Planning Development) for a proposed 69,500 square-foot commercial retail complex and a 352 unit multi-family residential development on property located on the south side of Deer Springs Way, west of Conough Lane. The Planning Commission recommended denial on 07/23/98.
12/07/98	The City Council approved a request for a Rezoning (Z-0076-98) from U (Undeveloped), R-E (Residence Estates), R-PD7 (Residential Planned Development- 7 Units per Acre), R-PD11 (Residential Planned Development- 11 Units per Acre), R-PD13 (Residential Planned Development- 13 Units per Acre), R-PD18 (Residential Planned Development- 18 Units per Acre), R-CL (Single-Family Compact Lot), C-1 (Limited Commercial), C-2 (General Commercial), C-V (Civic), and P-D (Planned Development) to T-C (Town Center) on 1,468 acres on property located within the area designated Town Center on the Northwest Amendment to the General Plan. The Planning Commission recommended approval on 11/05/98.
07/24/03	The Planning Commission approved a request for a Site Development Plan Review (SDR-2563) for a proposed 5,400 square-foot Retail Building (Auto Zone) on 2.46 acres adjacent to the northeast corner of Sky Pointe Drive and North Cimarron Road.

12/15/04	A Code Enforcement case (24521) was processed for an illegal mobile sign at the northeast corner of Cimarron Road and Sky Point Drive. The case was closed on 12/15/04.
03/07/07	The City Council approved a request for a Site Development Plan Review (SDR-18926) for a 9,831 square-foot Restaurant and Retail Building on 1.73 acres at the northeast corner of Sky Pointe Drive and North Cimarron Road. The Planning Commission recommended approval on 02/08/07.
03/07/07	The City Council approved a request for a Special Use Permit (SUP-18927) for a Restaurant with Service Bar at the northeast corner of Sky Point Drive and North Cimarron Road. The Planning Commission recommended approval on 02/08/07.
10/18/07	A Code Enforcement case (58993) was processed for landscape maintenance not being accomplished since early summer at the northeast corner of Cimarron Road and Sky Point Drive. The case was closed on 11/21/07.
<i>Related Building Permits/Business Licenses</i>	
02/17/09	Civil Improvement Plans (33472) were processed for improvements for a Metro Pizza business establishment at the southeast corner of Deer Springs Way and Cimarron Road. The review is still in progress.
03/04/09	A building permit (133923) was issued to re-route a circuit from existing pole lights to existing monument sign at 6715 N. Cimarron Road. The permit is still active.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.72

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped-proposed Restaurant and Retail Building	TC (Town Center)	SX- TC (Suburban Mixed Use- Town Center)
North	Single Family Residences	TC (Town Center)	SX- TC (Suburban Mixed Use- Town Center)
South	US-95 Freeway	ROW (Right-of-Way)	ROW (Right-of-Way)

East	University	TC (Town Center)	SX- TC (Suburban Mixed Use- Town Center)
West	US-95 Freeway	ROW (Right-of-Way)	ROW (Right-of-Way)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
T-C Town Center District	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
T-C (Town Center) District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first request for an Extension of Time for the proposed development. Since the approval of Special Use Permit (SUP-18927), the applicant submitted Civil Improvement Plans (33472) for a proposed Pizza establishment, and was issued a permit to transfer power from a light pole to monument sign on the proposed site: no other permits, plans check, or maps have been received and/or issued, nor are there any buildings yet on site. In accordance with Title 19.18.060, a Special Use Permit is exercised upon the approval of a business license for the activity, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.

FINDINGS

The applicant is requesting an extension of time in order to meet Title 19.18.060 requirements to exercise the Special Use Permit. Staff recommends approval of this request with a two-year time limit. Conformance to the conditions of approval of Special Use Permit (SUP-18927) shall be required.

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
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<u>ASSEMBLY DISTRICT</u>	N/A
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<u>SENATE DISTRICT</u>	N/A
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<u>NOTICES MAILED</u>	N/A
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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