



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 15, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-34761 EXTENSION OF TIME SPECIAL USE PERMIT

APPLICANT: JPL ENGINEERING - OWNER: CAROLINES COURT LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Special Use Permit (SUP-20499) shall expire on July 11, 2010 unless another Extension of Time is approved by the City Council.
2. Conformance to all conditions of approval of Special Use Permit (SUP-20499) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is currently undeveloped with a previously approved Special Use Permit (SUP-20499) for a Restaurant with drive-through at the northwest corner of El Capitan Way and Durango Drive. Since the original approval of the Special Use Permit (SUP-20499), several building permits have been issued and plan checks submitted for the proposed development. The applicant is requesting an extension of time to continue with the development of the project. Staff is recommending approval.

It is noted that there are three (3) related Extension of Times (EOT-34757, EOT-34759, and EOT-34762) that will be heard concurrently with this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/07/98	The City Council approved a request for Rezoning (Z-0076-98) of 1,468 acres on property located within the area designated Town Center on the Northwest Amendment to the General Plan from U, R-E, R-PD7, R-PD11, R-PD13, R-PD18, R-CL, C-1, C-2, C-V, and PD to T-C (Town Center). The Planning Commission recommended approval on 11/05/98.
07/11/07	The City Council approved a request for a Site Development Plan Review (SDR-20496) for a proposed 269,860 square-foot commercial center and waivers to deviate from Town Center Design Standards to allow a six-foot wide landscape buffer on the south property line where eight feet is required and to allow zero feet of perimeter landscape buffer adjacent to the Multi-Use Transportation Trail along the north and west property lines where 15 feet is required on 23.62 acres at the northwest corner of El Capitan Way and Durango Drive. The Planning Commission recommended approval on 06/14/07.
07/11/07	The City Council approved a request for a Special Use Permit (SUP-20497) for a Building and Landscape Material/Lumber Yard at the northwest corner of El Capitan Way and Durango Drive. The Planning Commission recommended approval on 06/14/07.

07/11/07	The City Council approved a request for a Special Use Permit (SUP-20498) for Outdoor Storage, Accessory at the northwest corner of El Capitan Way and Durango Drive. The Planning Commission recommended approval on 06/14/07.
07/11/07	The City Council approved a request for a Special Use Permit (SUP-20499) for a Restaurant with drive-through at the northwest corner of El Capitan Way and Durango Drive. The Planning Commission recommended approval on 06/14/09.
07/22/08	A Code Enforcement case (67991) was processed for graffiti on a building on the northwest side on Ford Road and Durango Drive. Code Enforcement closed on the case on 07/25/08.
04/23/09	The Planning Commission approved a request for a Waiver (WVR-33758) of Town Center Development Standards to allow no amenity zone along a 233-foot portion of Durango Drive where a 2.5-foot amenity zone is required adjacent to the northwest corner of Durango Drive and El Capitan Way.
06/25/09	The Planning Commission approved a request for a Master Sign Plan (MSP-34174) for a commercial development with waivers of the Town Center Sign Standards to allow an 80-foot pylon sign where 53 feet is permitted, three monument signs along El Capitan Way street frontage where two are permitted, and to allow wall signs to face an existing residential development that is located outside the limits of the Centennial Hills Town Center where such is not permitted on 23.62 acres at the northwest corner of El Capitan Way and Durango Drive.

Related Building Permits/Business Licenses

No business licenses have been issued for the subject property.

Two (2) Plan Checks (25179 and 27890) were submitted for the retail shell buildings and a restaurant on the subject property, in addition to several building permits for the commercial development, though construction has not yet begun.

Pre-Application Meeting

A pre-application meeting is not required for this type of application, nor was one held.

Neighborhood Meeting

A neighborhood meeting is not required for this type of application, nor was one held.

Details of Application Request

Site Area

Gross Acres	23.62
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped Land- Proposed Commercial Center	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial- Town Center) Special Land Use designation]
North	Single-Family Residences	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial- Town Center) Special Land Use designation]
South	Undeveloped Land	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial- Town Center) Special Land Use designation]
	(U.S. 95 Freeway)	Right-of-Way	Right-of-Way
East	Retail Establishments	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial- Town Center) Special Land Use designation]
West	(U.S. 95 Freeway)	Right-of-Way	Right-of-Way

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
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			
T-C (Town Center) District	X		Y
Trails	X		Y
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 a previously approved Special Use Permit (SUP-20499) for a Restaurant with a drive through at the northwest corner of El Capitan Way and Durango Drive. In the time since the original approval of the Special Use Permit (SUP-20499), the applicant has been issued several building permits and submitted two Plan Checks for the retail shell buildings and a restaurant, though construction has not yet begun.

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 Special Use Permit (SUP-20499) has not met the requirements outlined in Title 19.18.060 to exercise the entitlement. Though plans have been submitted and building permits issued, construction of the project has not yet begun. The applicant is requesting an extension of time to continue with the development of the project. Staff is recommending approval with a one-year time limit. Conformance to the conditions of approval of Special Use Permit (SUP-20499) 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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