



Legislation Text

File #: 18-217, **Version:** 1

TO: Mayor Collins and Town Council Members

FROM: Kevin Burke, Town Manager
Dawn-Marie Buckland, Deputy Town Manager
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DATE: May 24, 2018

DEPARTMENT: Community Development

AGENDA TITLE:

**Discussion of Major Special Use Permit Amendment - Statement of Direction (SUP-18-05).
7101 E Lincoln Drive - SmokeTree Resort - 1st Review**

Town Value(s):

- ☒ Primarily one-acre, residential community
- ☐ Limited government
- ☐ Creating a sense of community
- ☐ Partnerships with existing schools and resorts to enhance recreational opportunities
- ☒ Improving aesthetics/creating a brand
- ☐ Preserving natural open space

Several General Plan policies apply related to the request for redevelopment of the Smoke Tree Resort property. Primary policies that apply include the policies of Goal LU 2.1.2, Special Use Permit Property Revitalization, and several of the policies of Goal DA 2.2.1, Development Area Policy. The site is located in the East Lincoln Development Area that encourages moderate intensity, mixed-use, and context appropriate resort development that includes reasonable separation between incompatible uses and adjacent residential areas and effective buffering of unwanted noise, light, traffic and other adverse impacts. Also, the General Plan encourages upgrading existing structures and properties to improve their physical condition to acceptable Town standards. Attached is a more exhaustive list of pertinent General Plan policies for consideration in review of this application request.

REQUEST:

The new property owner of the Smoke Tree Resort is seeking redevelopment of the property via a major amendment to the site's existing Special Use Permit - Resort zoning. A first formal step in this application process is issuance of a Council Statement of Direction (SOD) to the Planning Commission.

Based on Council direction to hold two study sessions before taking action on the SOD, the first work

session report includes the applicant's submittal and covers information about the SOD process, provides history of the subject property, and lists points for Council consideration in the SOD. There are several aspects of the proposed project that do not meet the Town Special Use Permit Guidelines and/or may be in conflict with several policies of the Town's General Plan. The proposed density, height, building setbacks, and depth of the perimeter landscape buffers are of particular concern. Some of the application submittal items are not fully complete but are substantially complete to provide the nature of the proposed redevelopment.

The applicant's proposed redevelopment of this resort property will be a complete demolition of all existing structures. The proposed resort site includes the following uses:

- 150 traditional hotel guest room keys for transient occupancy owned by the resort owner. Presently, the resort has only 23 of its 32 guest rooms in use.
- 30 resort residential units at approximately 1,250 square feet with lock-off feature and available for transient occupancy through the resort.
- Restaurant and bar/lounge in a similar location to the prior on-site restaurant.
- Accessory uses such as a fresh food market, café/eatery, micro-brewery, speakeasy, pop-up retail, coffee shop, florist, sandwicheria, bakery, and epicurean retail and sundries.
- Indoor and outdoor space for events, including a resort pavilion for banquets/meetings and pool areas.

Attached to this report is the submittal from the applicant. The applicant is seeking Town Council SOD for the June 14, 2018 Council meeting to allow the Planning Commission to discuss their application request during summer 2018. Citizen Review Meeting(s) and action will not be scheduled in July or August. Recommended action by the Planning Commission may occur as early as fall 2018. Town Council discussion and action may occur as early as fall/winter 2018. Timing on the application will depend on several factors. These factors include Council SOD, Planning Commission direction, public input, and the applicant in providing the necessary information for the Town to take action on their application request. Council work sessions of May 24, 2018 and May 31, 2018 are scheduled to allow Council time to identify pertinent items for, or not for, discussion by the Planning Commission. The full merits and details of the application request will be vetted through many Planning Commission and Town Council meetings over several months.

BACKGROUND:

History and Conditions

Use of the property for guest services began prior to its annexation into the Town in 1961. At annexation, the property operated as a resort and restaurant in much the same configuration as it presently exists. The original Special Use Permit (SUP) was issued on March 13, 1969. There is limited information on past approvals and stipulations for this property. Historically, the property has not had many building permits issued or amendments to its Special Use Permit zoning. The latest activity included renovations to the restaurant in 2007 that never opened. Attached is a SUP History of the property.

SOD - Covered Items

Per Section 2-5-1.C of the Town Code, a SOD may address, but is not limited to, addressing the following items:

- Anticipated time frame for completion;
- When and if drafts should be referred back to Mayor and Council;

- Expectations for public participation;
- Process for new policy considerations; and,
- Policy preferences, undesired outcomes, or areas where no further review is necessary.

Per Section 1102.3.B.4 of the Zoning Ordinance, regarding Special Use Permits, a SOD may address, but is not limited to the following items:

- Uses
- Lot coverage/density
- Massing/Scale
- Perimeter setbacks
- Maximum heights
- View Corridors
- Circulation
- Known issues, if any (for intermediate amendments this may include issues outside of the geographic area)

SOD - Provisions

A SOD is not a final decision of the Town Council and shall create no vested right to the approval of a Special Use Permit, nor shall any applicant for a Special Use Permit be entitled to rely upon the matters addressed in the Statement of Direction being the same as those that may be part of an approved Special Use Permit.

At any time during the review process, the Planning Commission may, by a favorable vote of the majority, request clarification and/or expansion of the Statement of Direction based upon matters not considered by the Town Council.

Timing

Section 2.5.2.D of the Town Code provides time limits for the Planning Commission to hear, approve or disapprove, and forward the Special Use Permit to the Council within the time period specified by the Council in its SOD or in the absence of a specified time period, the time period shall be the lesser of 90 days from the approval of the SOD or 150 days from the filing of the application for the Special Use Permit. If Council is expected to take action on the SOD at the June 14th meeting, then 90 days from the SOD approval is September 12, 2018 and is the lessor of the noted time periods. As such, the Planning Commission hearing on its regular schedule would need to occur on September 4, 2018. Staff would suggest the SOD specify the hearing date for Planning Commission recommendation to Council since some of the submittals provided by the applicant require additional information. Also, extending the Planning Commission hearing for recommendation will move the required Citizen Review meeting into mid-September when residents should be back in Town. Possible suggested dates for the Planning Commission hearing are October 2, 2018 or October 16, 2018.

Section 1102.3.C.3.c of the Zoning Ordinance requires the Town Council to issue a SOD within 45 days from the date of staff presentation. If this presentation is the work session of May 24th, then the SOD must be issued by July 8, 2018.

Major Special Use Permit Application Process

A first step in the application process is for the applicant to file the pre-application material. The applicant filed this on April 3, 2018. Staff provided comments back to the applicant on April 12, 2018. Staff comments are similar to the concerns noted with the formal application.

The formal application was filed on May 4, 2018. Attached is a flow chart from the Article XI of the Zoning Ordinance that summaries the process steps. Following Town Code/Zoning Ordinance/Town Policy procedures, noticing to persons within 1,500 feet of the site occurs for the Citizen Review Meeting held prior to the Planning Commission recommended action, for the Planning Commission recommended action, and for the Town Council action.

Items for Consideration in Smoke Tree Resort SOD

Attached is a preliminary bulleted list of points for consideration on the Smoke Tree Resort SOD and copies of some prior SODs.

ATTACHMENT(S):

1. Application
2. Vicinity Map & Related Maps
3. General Plan Policies
4. SUP History
5. SUP Flow Chart
6. Prior SODs
7. SOD Consideration Points
8. Presentation
9. Project Narrative & Site Data (booklet)