



Legislation Text

File #: 18-395, **Version:** 1

TO: Mayor Collins and Town Council Members

FROM: Brian Dalke, Interim Town Manager
Dawn-Marie Buckland, Deputy Town Manager
Jeremy Knapp, Community Development Director

DATE: October 25th, 2018

DEPARTMENT: Community Development

AGENDA TITLE:

**Consideration of Major Special Use Permit Amendment - Statement of Direction (SUP-18-05).
7101 E Lincoln Drive - Smoke Tree Resort**

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. Attachment F is a more exhaustive list of pertinent General Plan policies for consideration in review of this application request.

RECOMMENDATION:

Approve the Major Special Use Permit Amendment Statement of Direction for Smoke Tree Resort.

UPDATED STATEMENT OF DIRECTION:

At the September 27th Town Council meeting staff presented the Amended Special Use Permit Request and Draft Statement of Direction (SOD) for the Smoke Tree Resort at 7101 East Lincoln Drive and discussion was had regarding the text of the SOD. On October 11th, a revised SOD was

presented to Town Council which incorporated comments from the prior meeting. Attachment I is a redlined revised version and Attachment J is a clean revised version of the draft SOD which incorporates edits in light of the previous two Town Council meetings. Additionally, Attachment D, Setback Exhibit, has been added to illustrate applicant proposed on site setbacks to different building heights as well as distances to adjacent structures off site, including the proposed medical office building to the east.

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. The application is attached as Attachment A, below. 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, as well as a draft SOD.

Town staff's initial review of SUP Amendments is to confirm completeness to a level satisfactory for SOD consideration. Additionally, staff reviews the material for initial comparison to the Town's Special Use Permit Guidelines and General Plan Policies to identify areas of conformance or deficiency as a baseline for SOD consideration. There are several aspects of the proposed project that do not meet the Town Special Use Permit Guidelines and/or may 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 October 25, 2018 Council meeting. Recommended action by the Planning Commission may occur as early as first quarter of 2019. Town Council discussion and action may occur as early as second quarter 2019. 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 September 27, 2018 and October 11, 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 October 25th meeting, then 90 days from the SOD approval is January 23rd, 2019 and is the lesser of the noted time periods. As such, the Planning Commission hearing on its regular schedule would need to occur on January 15th, 2019. 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. Possible suggested dates for the Planning Commission hearing are February 5th, 2019 or February 19th, 2019.

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. The initial presentation of this SOD was May 24, 2018. Subsequent to that meeting, the applicant requested the SOD be placed on hold. In September of 2018, the applicant request the application be reinitiated, as such the September 27th, 2018 Work Study Session is considered a first presentation and the SOD must be issued by November 11th, 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. 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

Attachment H is a bulleted list of points for consideration on the Smoke Tree Resort SOD.

Public Comments

Attachment L includes public comments received by staff in order or receipt.

ATTACHMENT(S):

- Attachment A - Application
- Attachment B - Vicinity Map & Related Maps
- Attachment C - Project Narrative and Site Plans (Application Booklet)
- Attachment D - Setback Exhibit
- Attachment E - SUP Guidelines
- Attachment F - General Plan Policies
- Attachment G - SUP History
- Attachment H - SOD Consideration Points
- Attachment I - Smoke Tree Draft SOD Redlined
- Attachment J - Smoke Tree Draft SOD Clean
- Attachment K - PowerPoint Presentation

Attachment L - Public Comments