

AGENDA



Thursday, May 27, 2010

**Public Hearings and Possible Actions
RECOMMENDATION FOR COUNCIL ACTION****Item No. 92**

Subject: Conduct a public hearing and consider an appeal of the Planning Commission's decision to approve a four-year site plan extension for Western Oaks Retail Center, located at 4625 W. William Cannon Drive (SPC-2007-0439C(XT2)).

For More Information: George Zapalac, 974-2725; Lynda Courtney, 974-2810; Sylvia Arzola, 974-6448.

Prior Council Action: May 13, 2010 - Council postponed the public hearing to May 27, 2010.

Interested party Mr. Andrew Hawkins, representing the Save Our Springs Alliance, is appealing the Planning Commission's decision to approve an extension to the Western Oaks Retail Center site plan, located at 4625 W. William Cannon Drive.

The Western Oaks Retail Center site plan dates back to a 1976 zoning case with an attached conceptual site plan. A series of Restrictive Covenants, Waterway Development Permits, and Conditional Use Permits have been submitted and approved for this project since that time. Previous permits allowed the site plan to continue with a combination of rules and requirements dating back to as early as 1977, the date of the original subdivision. However, impervious cover has been reduced from 60% shown on the original site plan to 44% on the current site plan, and protection has been provided for the previously unprotected Serendipity Cave. The overall site plan proposes six buildings with two office buildings, one fitness center, two restaurants, and one bank with drive-through facilities. Phase I and II infrastructure, parking, landscaping, the fitness center, and one restaurant are constructed. The office buildings, one restaurant, and the bank have not been constructed, although all drives, some parking, cleared pad sites, and infrastructure are in place. The current site plan, approved in 2007, is intended to complete the remaining buildings, and the applicant has requested a four-year extension in order to allow additional time to obtain all building permits.

The Planning Commission heard the extension case on January 26, 2010, closed the public hearing and postponed the case to February 9 in order to have better clarification on the chronology of the case. At the February 9th meeting, the Commission heard updates from the applicant and legal staff and then voted 6-2 to approve the four year extension of the site plan, extending its life until August 10, 2015.

On February 22nd, Mr. Hawkins appealed the Commission's action to the City Council. The appellant bases the appeal on the assertion that "the extension violates site plan expiration and extensions provisions of the LDC; project duration provisions of the LDC; and the Save Our Springs ordinance of the LDC."

Staff recommends denial of the appeal because the extension meets the criteria in Section 25-5-62 of the Land Development Code and is not subject to Project Duration or the Save Our Springs Ordinance.