



## Staff Report

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**File #:** 22-198

**Version:** 1

**Date:** 5/9/2022

**Item #:** 3.3 f.

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**TO:** Mayor and City Council

**THROUGH:** Kristin Retherford, Interim City Manager

**FROM:** Norman Wright, Community Development Director

### **SUBJECT:**

Adoption of Final Order No. 2022-9-CU-SPR-ADJ-DAP-DR21-05 following the City Council's vote to affirm the decision of the Hearings Officer denying Conditional Use Permit, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. CU-SPR-ADJ-DAP-DR21-05 for property located at the 4900 Block of State Street - 97301.

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): East Lancaster Neighborhood Association (ELNA)

Result Area(s): Welcoming and Livable Community

### **SUMMARY:**

On April 25, 2022, the City Council held a public hearing and received public testimony. The public hearing was closed, and the City Council conducted deliberations and voted to affirm the Hearings Officer's decision denying Conditional Use Permit, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. CU-SPR-ADJ-DAP-DR21-05.

### **ISSUE:**

Shall the City Council adopt the Final Order to affirm the Hearings Officer's decision denying Conditional Use Permit, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. CU-SPR-ADJ-DAP-DR21-05?

### **RECOMMENDATION:**

Adopt the Final Order to affirm the Hearings Officer's decision denying Conditional Use Permit, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. CU-SPR-ADJ-DAP-DR21-05.

## **FACTS AND FINDINGS:**

1. On September 22, 2021, a Conditional Use Permit, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review consolidated application was submitted for property located at the 4900 Block of State Street (Attachment 1). After receiving additional information, the collective application was deemed complete for processing on December 1, 2021.
2. A public hearing was conducted on December 22, 2021. The Hearings Officer continued the public hearing to January 26, 2022 to allow for additional findings and testimony to be submitted.
3. Prior to the continued hearing, the applicant submitted an updated site plan and updated written response which were included in the supplemental staff report dated January 26, 2022. On January 26, 2022, the Hearings Officer conducted the continued hearing, closed the public hearing, and left the record open for additional written comments and final argument by the applicant.
4. On February 9, 2022, an open record memo, including staff rebuttal testimony in response to the updated plans and findings provided by the applicant was provided to the Hearings Officer. The applicant provided final argument on February 16, 2022.
5. On March 9, 2022, the Hearings Officer issued a decision denying the collective application.
6. On March 15, 2022, a timely Notice of Appeal was filed by the applicant. At the March 28, 2022 regularly scheduled meeting, the City Council voted to initiate review of the appeal filed by the applicant.
7. The 120-day State mandated deadline for final decision has been extended by the applicant to May 26, 2022.
8. On April 25, 2022, the City Council held a public hearing, received public testimony, and then closed the hearing. The City Council conducted deliberations and voted to affirm the Hearings Officer's decision denying Conditional Use Permit, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. CU-SPR-ADJ-DAP-DR21-05.

Aaron Panko  
Planner III

### **Attachments:**

1. Vicinity Map
2. Final Order
3. Exhibit 1

4. Exhibit 2