



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council

From: Ted Shekell, Planning Director
Walter Denton, City Administrator

Date: November 19, 2007

Subject: Ordinance No. _____: An Ordinance Amending Ordinance 3408,
(Planned Development known as "Market Basket") – **First Reading**

List of committees that have reviewed: The Community Development Committee reviewed and unanimously recommended to approve the Zoning Amendment on this development at its November 12, 2007 meeting.

Background:

The applicant, Jason Stevens for GEM Properties, requests an amendment to the Planned Use Ordinance No. 3408 for Market Basket at 1700 East Highway 50. The Planned Use Ordinance No. 3408 was passed on January 17, 2005. Since then, the applicant has determined that he is not willing or able to complete the site construction as approved by the City. The applicant is requesting an amendment to obtain relief from several site improvements that were approved as part of the Planned Use ordinance and final site plan approvals. The property is zoned B-2(P) Planned General Commercial District.

At their meeting on November 12, 2007, the Community Development Committee voted to approve this project on 1st Reading. It should also be noted that the City has renewed the Irrevocable Letter of Credit in the amount of \$40,000.00 which covers the construction of the improvements to the site. The new expiration is **January 4, 2008**.

Legal Considerations, if any: None

Budget Impact: none

Staff Recommendation: Approval of Planned Use Amendment with the conditions listed below:

1. The concrete apron of the access driveway off of Arbor Parkway must be constructed up to the right-of-way line.
2. An asphalt driveway must be constructed on the Gerardi site to provide access to require parking spaces.

3. Provide 4 employee parking spaces on the Gerardi site. These spaces must be a minimum of 20 feet from the property line.
4. All outdoor hardscape storage must be completely concealed from view from Corporate Crossing and Arbor Parkway by a fence at least 6 ft. in height. This applies to both the Market Basket site and Gerardi Landscaping site.
5. Storage is limited to those areas screened from exterior view.
6. Landscaping shall be installed at 10 ft. intervals along the exterior side of the fence surrounding the storage areas.
7. All temporary structures currently on site must be maintained in good repair. Any future structures, temporary or permanent, will require a building permit.
8. All light standards must be located within landscaped islands, with the exception of the light standard that is proposed to be located within the expanded storage area.
9. The triangular area on the west side of the customer parking field must be striped to discourage use as a parking space. This area was created as a result of incorrect installation of the concrete curbing surrounding the customer parking field.
10. Waive the concrete curbing requirement along the access driveway and separating the customer parking from the storage area. The access driveway will be required to have curbing on both sides as part of Phase II construction.
11. Approve the change in the sidewalk configuration and fencing on the north portion of the site.
12. Provide an easement plat that shows a public access easement along the portion of the sidewalk along Highway 50 that is on private property.
13. The 6 ft tall screening fence on both the Market Basket and Gerardi site shall be of the same material as the existing screening fence.
14. Upon termination of the lease with Gerardi Landscaping, the access driveway must be constructed to connect with the existing Market Basket site to serve as a secondary access as shown on the site plan.
15. Seasonal displays outside of the approved display areas identified in this Planned Use Amendment will require a Special Event Permit.
16. All site improvements must be completed by January 4, 2008 or at a later date as determined by the Planning Director. The Irrevocable Letter of Credit may need to be renewed to a later date as determined by the Planning Director.