

February 15, 2019

Daniel Sexton, AICP
Senior Planner
Land Use Review Division
Planning and Community Development

RE: Initial Review Letter – Request for a Major Development Plan Amendment and Zone change for the BSK Subdivision Filing No. 1 Project
File Nos.: CPC ZC 18-00178 and CPC DP 99-00215-A5MJ18

Dear Mr. Sexton,

This letter is in response to the neighborhood meeting held on February 5, 2019, and two rounds of neighborhood comment received before and after the meeting. Concerns that arose through the neighborhood comments and the neighborhood meeting included:

- The Conditions of Record were established in 1999 and should not be allowed to change.
- Increased traffic and cut through traffic
- Hours of Operation

The concerns expressed related specifically to the proposed liquor store use. The request is to allow liquor sales, convenience food sales, and general food sales. The request is revised to remove the request to allow Automotive and equipment sales and service. This use will remain as a prohibited use. The applicant has agreed to add Convenience food sales with fuel sales (gas stations) and methadone clinics to the list of prohibited uses.

Conditions of Record

We appreciate the neighborhoods position that the Conditions of Record were established in 1999 and the negotiation they went through. In the decades since those negotiations took place the commercial character of the North Academy Boulevard corridor has intensified. The City itself has also expanded over the past 20 years and has gone through two comprehensive plan updates. These updates establish the corridor as a commercial center and developing corridor. The 2001 Comprehensive Plan established the corridor as a new developing corridor. While the new PlanCOS (2019) comprehensive plan does not have a land use designation component; however, it does identify the area as an Activity Center and a City Priority Corridor. The Comprehensive Plan provides a vision and guidance for the development of the City. There is a process for a zone change to reevaluate the uses and conditions based on the current context and the current comprehensive plan. This project has followed that process and evaluated the request based on the relevant review criteria and we consider the proposed additional uses as appropriate uses in a developing commercial center/corridor.

Traffic

A liquor store would not generate greater traffic than most other allowed commercial use in the PBC Zone.

Hours of Operation

A concern arose in the submitted comments regarding increased hours of operation for the liquor store. This information is incorrect and no change is proposed to the hours of operation for any portion of the site. The following Condition of Record is unchanged and will be adhered to. A neighbor did comment that trash pick-up is occurring at 3:00 am. The property owner is looking into this to remedy the situation if necessary.

4. THE HOURS OF OPERATION FOR LOTS 2, 3, AND 4 ARE FROM 7:00 AM TO 10:00 PM. ALL STORES MAY BE OPEN TO 12:00 MIDNIGHT ON AN OCCASIONAL SPECIAL EVENT BASIS, HOWEVER NOT MORE THAN A TOTAL OF 12 DAYS PER YEAR. THE HOURS OF USE FOR NON-ATTENDED, SELF-SERVICE, OR AUTOMATED SERVICE OPERATIONS SHALL NOT BE RESTRICTED, IE: ATMS, DROP-OFF BOXES, RENTAL RETURN. THE HOURS OF OPERATION FOR LOT 1 ARE FROM 7:00 AM TO 10:00 PM FOR GENERAL RETAIL USES EXCEPT FOR RETAIL REPRODUCTION COMPANIES, IE: KINKO'S AND/OR LIKE KIND OPERATIONS, WHICH SHALL NE ALLOWED TO OPERATE 24 HOURS EACH DAY.

5. NO TRUCK DELIVERIES, UNLOADING OR TRASH COLLECTION WILL OCCUR BETWEEN THE HOURS OF 9:00 PM AND 7:00 AM.

Sincerely,
N.E.S. Inc.