

Appeal of Approved Elm Tree Station Parcel Map Waiver and Certificate of Compliance

874 N Wright Rd

August 11, 2022

Michael Wixon
Contract Planner
Planning and Economic Development

What is a Parcel Map Waiver?

- An optional method of subdividing land where a Parcel Map would otherwise be required.
- Can be used when a determination made that the proposed division of land meets all City requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and that sufficient record and survey data are available to determine the location of the parcels.
- A certificate of compliance is required whenever the parcel map requirement is waived.

How is a Parcel Map Waiver Processed?

- Public Notice Hearing
- Subdivision Committee Action
- Conditions of Approval and Document Filing (if approved)



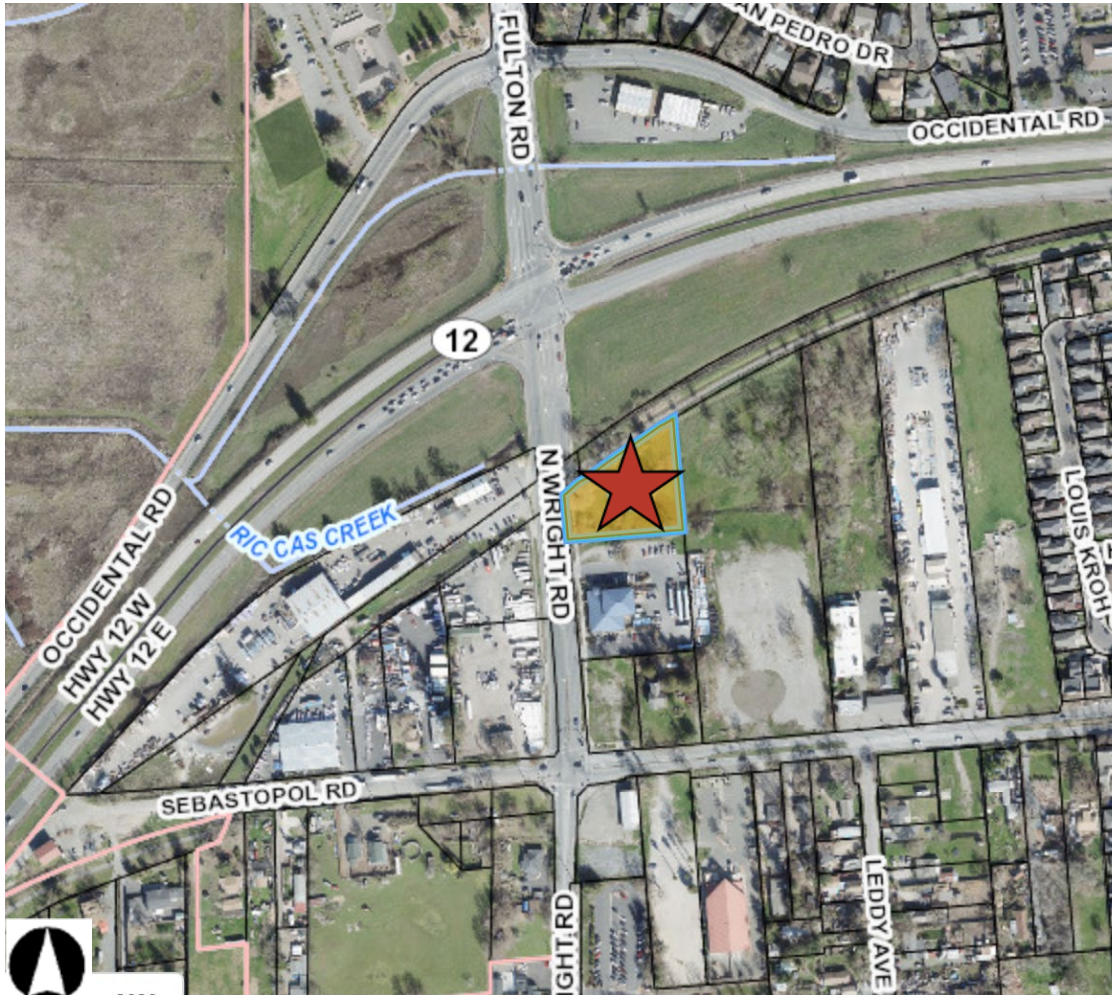
Project Description

Appeal of Parcel Map Waiver

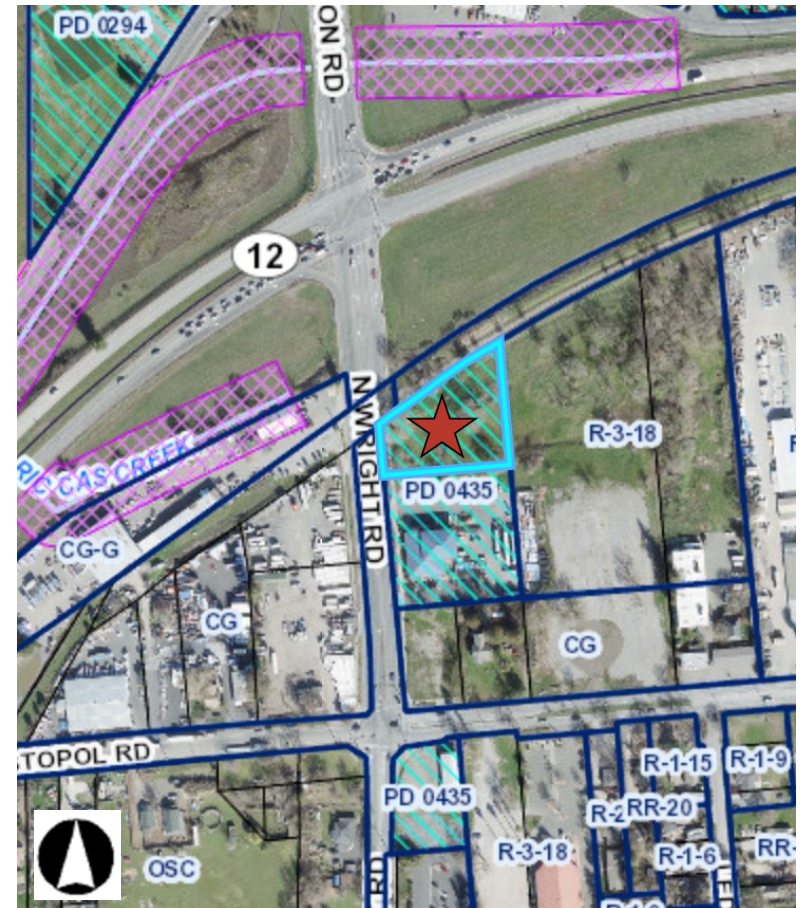
- December 12, 2019, the Subdivision Committee approved the Parcel Map Waiver and Certificate of Compliance for Elm Tree Station
- December 16, 2019, Mr. Woody Hastings filed an appeal of the Subdivision Committee action to approve the Parcel Map Waiver and Certificate of Compliance.

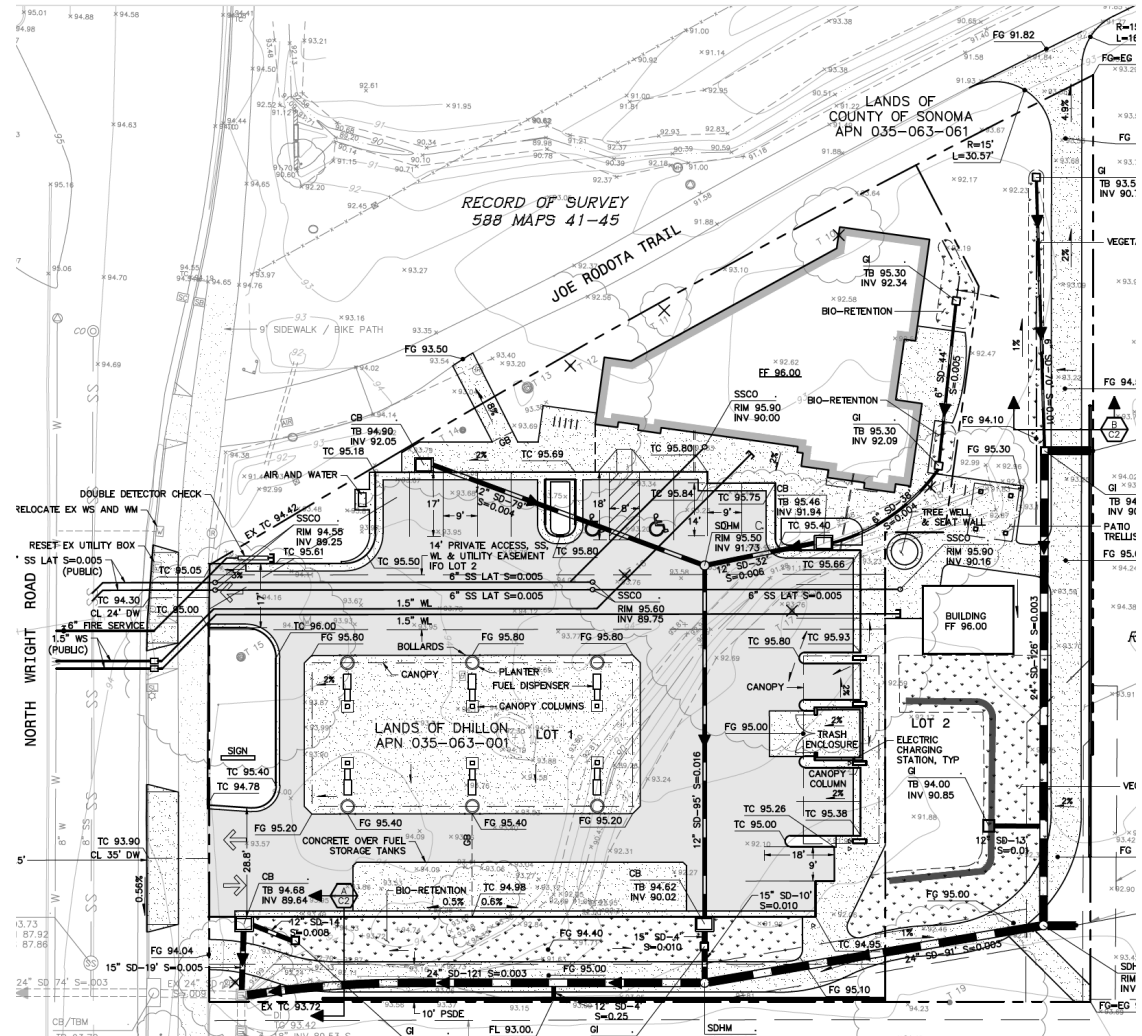
- Parcel Map Waiver and Certificate of Compliance will subdivide a 0.98 acre site into two parcels which would facilitate the development of Elm Tree Station.
- Parcel 1 is proposed at 31,143 square-feet and would enable the development of a future gasoline and electric charge fueling station and a neighborhood market with an 806-square-foot, one-bedroom apartment above. Parcel 2 is proposed at 11,600 square-feet and would facilitate the development of a small, 432-square-foot retail building and park amenities, including a patio/trellis area, benches, picnic area and bike path.

Project Location 874 N Wright Rd



General Plan and Zoning





Project History Summary

- On July 12, 2007, the Planning Commission reviewed a Conditional Use Permit for the construction of a service station with a car wash, neighborhood market and a drive-through restaurant on the subject site. The proposal also included a Zoning Code Text Amendment that would have amended the Code to allow such uses to be adjacent to each other, with the approval of a Conditional Use Permit. The Planning Commission did not support the Zoning Code Text Amendment and the resulting project. The Planning Commission continued the item to July 26, 2007, to prepare resolutions denying the applications with prejudice.

Project History Summary Continued...

- On July 26, 2007, the Planning Commission adopted resolutions denying, with prejudice, the Conditional Use Permit and Zoning Code Text Amendment. Pursuant to Zoning Code Section 20-54.080(C), by denying the application with prejudice, no further application for the denied request could be filed for the ensuing 12 months.

Project History Summary Continued...

- On October 4, 2012, the applicant submitted Conditional Use Permit (CUP12-082), Design Review (DR12-066) and Tentative Map (TM12-002) applications for the project.
- On October 24, 2013, the Planning Commission approved three Resolutions for the IS/MND, Conditional Use Permit (CUP12-082), and a Tentative Parcel Map (MIN12-002).
- On December 19, 2013, the Design Review Board approved Preliminary Design Review for the project (DR12-066).

Project History Summary Continued...

- On March 20, 2014, the Design Review Board approved Final Design Review (DR12-066) for the project.
- On June 1, 2018, the applicant filed a Parcel Map Waiver and Certificate of Compliance application (CC18-004) in response to the determination that the Tentative Map had expired. A minor subdivision for a property can be allowed through Parcel Map Waiver and Certificate of Compliance pursuant to City Code Section 19-16.030.

Project History Summary Continued...

- On November 14, 2019, the Certificate of Compliance and Parcel Map Waiver Application (CC18-004) was deemed complete.
- On December 12, 2019, the Subdivision Committee approved the Parcel Map Waiver and Certificate of Compliance.
- On December 16, 2019, Woody Hastings filed an appeal of the Subdivision Committee approval.

Project History Summary Continued...

- On December 17, 2021, applications for a Conditional Use Permit (CUP21-100) and Design Review (DR21-069) were filed for Elm Tree Station (PRJ21-033). The applications have been deemed complete by the Department and will be processed following the Planning Commission's action on this appeal.

- *“It is my/our contention that the Subdivision Committee did not adequately take into account significant changes that have occurred since this project was last before a decision-making body.”*

- 1) Lack of public hearing records from earlier project files being provided before acting on the current Certificate of Compliance project;
- 2) An error of parcel size and location in the staff report;
- 3) A claim rejecting the adopted High Fire Severity Map used by the Fire Department and City because the previous Tubbs Nun Fire crossed over Highway 12 to the south;
- 4) A claim that the previously adopted environmental document was outdated and should be rejected and a new document prepared because it did not address Greenhouse Gas Emissions or wetlands and trees on-site; and
- 5) A claim the applicant had not completed all of the conditions of approval, particularly a Municipal Separate Storm Sewer System and Urban Stormwater Mitigation Plan following the City's Low Impact Development Guidelines.

Parcel Map Waiver – Code Language

SRMC §19-16.030 Waiver of parcel map. Notwithstanding other requirements of this title, a parcel map shall not be required for any of the following actions (Ref.: [Government Code](#) Section 66428):

(C) When the Subdivision Committee, Planning Commission or City Council determines that the proposed division of land meets all City requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and that sufficient record and survey data are available to determine the location of the parcels. A certificate of compliance shall be required whenever the parcel map requirement is waived by the Subdivision Committee, Planning Commission or City Council. Any dedication that is needed for public purposes shall be made by separate instrument as a condition of waiver of the parcel map and prior to issuance of a certificate of compliance, building permit or other grant of approval;

- On October 24, 2013, the Planning Commission approved a resolution for the IS/MND for the entire Elm Tree Station Project.
- On December 12, 2019, the Subdivision Committee considered the approved ISMND document and did not determine substantial changes had occurred to the project or in the area. The Subdivision Committee determined the previous ISMND was adequate.

- The Planning Commission may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal (Zoning Code §20-62.030.F).
- Planning Commission Options – Uphold, Modify or Deny the Appeal
- Impacts to Other Elm Tree Station Permits in Process

- The Subdivision Committee adopted the necessary findings to approve the Parcel Map Waiver and Certificate of Compliance at the December 12, 2019, following the public hearing.
- No significant changes have occurred.
- The Subdivision Committee and the Planning and Economic Development Department recommends that the Planning Commission uphold the approval and deny the appeal.

Michael Wixon
Contract Planner
Planning and Economic Development
MWixon@srcity.org
(707) 543-3200

