

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Michael Quint, Senior Planner

**FROM:** Abra R. Nusser, Planner

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Esterly, Schneider & Associates, Inc., AIA, on Behalf of O'Reilly Automotive, Inc., to Extend the Approval for an Existing Specific Use Permit for an Indoor Automotive Parts Sales Building (O'Reilly Auto Parts), Approximately 0.78 Acres, Located on the West Side of Custer Road and Approximately 900 Feet North of Virginia Parkway.

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the July 19, 2011 meeting.

---

**STAFF RECOMMENDATION:** Staff recommends approval of the proposed specific use permit extension.

**APPLICATION SUBMITTAL DATE:** June 13, 2011 (Original Application)

**ITEM SUMMARY:** The applicant is requesting an extension of the approval for an existing specific use permit for an indoor automotive parts sales building (O'Reilly Auto Parts) on approximately 0.78 acres, located on the west side of Custer Road and approximately 900 feet north of Virginia Parkway.

**DISCUSSION:** The governing planned development districts stipulate that indoor automotive parts sales is permitted with the approval of a specific use permit, but the use is not allowed by right on the subject property. A specific use permit was approved for the proposed use on the subject property in November of 2010 (Ordinance No. 2010-11-048).

Section 146-41 (Specific Use Permits) of the Zoning Ordinance states the following regarding the expiration of specific use permits:

“A building permit shall be applied for and secured within six months from the time of granting the specific use permit; provided, however, that the city council may authorize an extension of this time upon recommendation by the Planning and Zoning Commission, except in the case of a private street development, which shall have no limit regarding the application and securing of a building

permit. A specific use permit shall expire six months after its approval or extension date if no building permits have been issued for the site, or if a building permit has been issued but has subsequently lapsed.”

The applicant did not secure a building permit within six months of the approval of the specific use permit and must therefore reapply to extend the approval of the existing specific use permit. Staff is comfortable with the extension since the applicant’s request is the same as it was when it was previously approved in November of 2010 by the City Council. Staff recommends approval of the proposed specific use permit extension.

**ATTACHMENTS:**

- Location Map and Aerial Exhibit
- Letter of Intent
- Approved Specific Use Permit Ordinance No. 2010-11-048
- Previous Planning and Zoning Commission Staff Report (10-082SUP/SP)
- PowerPoint Presentation