



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: RQR-17296 - APPLICANT/OWNER: WAL-MART REAL ESTATE BUSINESS TRUST**

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### **\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

#### **Planning and Development**

1. Conformance to all conditions of approval of Required Review (RQR-11641) and all other subsequent related actions as required by the Planning and Development Department and the Department of Public Works.
2. All City Code requirements and design standards of all City departments must be satisfied.

**\*\* STAFF REPORT \*\***

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/07/88	The City Council approved a Rezoning (Z-0108-88) to C-1 (Limited Commercial) on this site part of a larger request.
10/06/02	The City Council approved a Site Development Plan Review [Z-0108-88(15)] for a proposed 39,910 square foot neighborhood market and a Special Use Permit (U-0071-02) for Package Liquor Sales on the subject property. The Planning Commission and staff recommended approval on 09/12/02.
09/23/04	The Planning Commission approved a request for a Master Sign Plan (MSP-5003) for a 39,910 square foot Wal-Mart Neighborhood Market on the subject property. Staff recommended approval of the request.
01/05/05	The City Council approved an Extension of Time (EOT-5743) of the approved Special Use Permit (U-0071-02) for Package Liquor Sales in conjunction with the neighborhood market. Staff recommended approval of the request.
03/16/05	The City Council approved a Site Development Plan Review (SDR-5896) for a proposed 12,360 square-foot Commercial Development and Waivers of Foundation Landscaping and the 20-foot perimeter landscaping requirement on 1.76 acres adjacent to the northeast corner of Craig Road and Jones Boulevard. The Planning Commission and staff recommended approval on 02/10/05.
06/15/05	The City Council approved a Special Use Permit (SUP-6417) for a Financial Institution, Specified and Waivers of the 1,000-foot minimum distance separation from a similar use, 200-foot minimum distance separation from a residential use, and the hours of operation within the neighborhood market. A condition of approval allowed the use to operate 24-hours a day. The Planning Commission recommended approval on 05/12/05. Staff recommended denial of the request.
04/19/06	The City Council approved a Required One Year Review (RQR-11641) of an approved Site Development Plan Review [Z-0108-88(15)] that allowed delivery hours between 5:30 A.M. and 8:00 P.M. seven days a week in conjunction with a 39,910 square foot retail development at 5850 West Craig Road. Staff recommended denial of the request.
<b><i>Related Building Permits/Business Licenses</i></b>	
01/25/05	A temporary Certificate of Occupancy was issued for the neighborhood market. A business license for the market was also issued.
03/11/05	A Certificate of Occupancy was issued for the neighborhood market after the final inspection was completed.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	6.77

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family Dwellings	ML (Medium Low Density Residential)	R-PD5 (Residential Planned Development 5 Units per Acre)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single Family Dwellings	ML (Medium Low Density Residential)	R-PD5 (Residential Planned Development 5 Units per Acre)
West	Retail Building	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		<b>X</b>	
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		<b>X</b>	
<b>Trails</b>		<b>X</b>	
<b>Rural Preservation Overlay District</b>		<b>X</b>	
<b>Development Impact Notification Assessment</b>		<b>X</b>	
<b>Project of Regional Significance</b>		<b>X</b>	

## **PROJECT DESCRIPTION**

This is a Required Six Month Review of an approved Site Development Plan Review [Z-0108-88(15)] that allowed delivery hours between 7:00 A.M. to 8:00 P.M. Monday through Saturday with no Sunday deliveries in conjunction with a 39,910 square foot retail development at 5850 West Craig Road.

## **ANALYSIS**

This is the second Required Review on the subject Wal-Mart site. The original Site Development Plan Review [Z-0108-88(15)] was approved by the City Council on 10/16/02. Condition of approval number three allowed delivery hours between 5:30 a.m. and 8:00 p.m., 7 days a week. The condition also required that a Review of Condition be heard one year after the issuance of a Certificate of Occupancy.

A second Required Review (RQR-11641) was approved by the City Council on 04/19/06. The City Council amended the condition for the delivery hours to be limited from 7 a.m. to 8 p.m., from Monday through Saturday with no Sunday deliveries. The condition also required an additional Review of Condition within six months of the amended delivery hours.

The applicant has indicated that they are in compliance with the conditions of approval from Required Review (RQR-11641). Code Enforcement has also indicated that there are no pending

cases and no complaints since the hours have been changed. Therefore, staff supports the Required Review with no further reviews.

**Previous conditions of approval from Required Review (RQR-11641).**

- 1. Delivery hours shall be reviewed in six months.**
- 2. The applicant shall work with the Fire Department to install bollards to block access to the fire lane.**
- 3. On-site truck signage shall be submitted for review and approval by the Planning and Development Department.**
- 4. Delivery hours as stated in Condition Number 3 of Z-0108-88(15) shall be limited to 7 a.m. to 8 p.m. Monday through Saturday with no Sunday deliveries.**
- 5. Conformance to all applicable conditions of approval of Z-0108-88(15).**

**FINDINGS**

The delivery hours imposed by the City Council have been adhered to. The applicant has also complied with the previous conditions of approval from Required Review (RQR-11641). Code Enforcement has also indicated that there have been no complaints since the last Required Review. Therefore, staff is recommending approval of the subject case with no further reviews.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

**ASSEMBLY DISTRICT**

**SENATE DISTRICT**

**NOTICES MAILED**

**APPROVALS**                      0

**PROTESTS**                        0