

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 1, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ROC-22800 - APPLICANT: DRAKE REAL ESTATE SERVICES
- OWNER: OUTPAR, LLC**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. The sale of individual containers of any size of beer or wine coolers is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer.
2. Conformance to all other conditions of approval for Special Use Permit (SUP-20505) and all other site related actions shall be required.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Review of Condition to remove the portion of Condition Number Five of an approved Special Use Permit (SUP-20505) which stated that the sale of screw cap wine is prohibited on the west side of Jones Boulevard, approximately 275 feet south of Cheyenne Avenue.

The request to remove a portion of the condition related to the sale of screw cap wine is deemed appropriate. The condition in the new format will not result in a greater effect on the neighborhood than originally approved. Approval of this request is recommended.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|---|--|
| 06/06/07 | The City Council approved a request for a Special Use Permit (SUP-20505) for an Retail Establishment with Accessory Package Liquor off-sale located on the west side of Jones Boulevard approximately 275 feet south of Cheyenne Avenue. The Planning Commission and staff recommended approval. |
| <i>Related Building Permits/Business Licenses</i> | |
| There are no permits or licenses related to this request. | |
| <i>Pre-Application Meeting</i> | |
| 06/11/07 | A pre-application meeting was held. Submittal requirements were discussed. |
| <i>Neighborhood Meeting</i> | |
| A neighborhood meeting is not required, nor was one held. | |

| <i>Details of Application Request</i> | |
|--|------|
| <i>Site Area</i> | |
| Net Acres | 2.12 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|---------------------------|-----------------------------|---------------------------------|
| Subject Property | Undeveloped | SC (Service Commercial) | U (Undeveloped) |
| North | Retail Establishment | SC (Service Commercial) | C-1 (Limited Commercial) |
| South | Single Family Residential | L (Low Density Residential) | R-1 (Single Family Residential) |

| | | | |
|------|-----------------|--------------------------------|--|
| East | Undeveloped | M (Medium Density Residential) | U (Undeveloped) under Resolution of Intent to R-PD25 (Residential Planned Development 25 Units per Acre) |
| West | Assisted Living | SC (Service Commercial) | C-1 (Limited Commercial) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| Special Area Plan | | X | N/A |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | | |
| A-O Airport Overlay District (70-foot) | X | | Y |
| Trails | | X | N/A |
| Rural Preservation Overlay District | | X | N/A |
| Development Impact Notification Assessment | | X | N/A |
| Project of Regional Significance | | X | N/A |

ANALYSIS

The applicant is requesting to remove a portion of the condition related to the sale of screw cap wine. There has been a precedent established for the use of the condition in the revised form the applicant is requesting for establishments similar to the subject business through the approvals of Special Use Permits (SUP-21500 and SUP-21656). The applicant has provided an extensive list of wines available in screw cap only form that they wish to sell.

The condition in the new format will not result in a greater effect on the neighborhood than originally approved as the change merely permits the applicant to market a larger wine list. The applicant shall be required to remain in compliance with all other conditions of approval for Special Use Permit (SUP-20505) and all other site related actions. Approval of this request is recommended.

The original condition read:

The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.

The new condition shall read:

The sale of individual containers of any size of beer or wine coolers is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer.

FINDINGS

The request to remove a portion of the condition related to the sale of screw cap wine is deemed appropriate. The condition in the new format will not result in a greater effect on the neighborhood than originally approved. Approval of this request is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 441

APPROVALS 0

PROTESTS 0