

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: AUGUST 1, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ROC-22769 - APPLICANT: WINEAUX, INC. - OWNER: TVC 707, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

**Planning and Development**

1. Condition A shall be amended to read: The hours of operation shall not exceed 9 A.M. to 9 P.M daily.
2. Conformance to all other conditions of approval for Special Use Permit (SUP-15282) and all other site related actions.

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

**PROJECT DESCRIPTION**

This is a request for a Review of Condition to modify Added Condition "A" of an approved Special Use Permit (SUP-15282) which stated that the hours of operation shall not exceed Monday through Saturday 11 A.M. to 8 P.M. to read that the hours of operation shall not exceed Monday through Sunday 9 A.M. to 9 P.M. at 7220 West Azure Drive, Suite 120.

The increase in the number of hours that the subject establishment would be open, including an additional day, may be considered too significant based on previous City Council action. Currently the establishment is open 54 hours per week. With the proposed change that would increase to 84 hours per week. Due to the significant increase in hours the subject establishment is open that the requested change would result in, denial of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
10/04/06	The City Council approved a request for a Special Use Permit (SUP-15282) for Alcoholic Beverage Sales/Liquor Store at 7220 Azure Drive, Suite 120. The Planning Commission and staff recommended approval.
04/16/07	An annual inspection indicated that there was a problem with the exits. This violation is open as of 07/12/07.
06/20/07	An annual inspection indicated that a fire hazard warning was issued.
07/10/07	A follow up to the fire hazard inspection was conducted and an order to comply was issued.
<b><i>Related Building Permits/Business Licenses</i></b>	
02/06/07	Business Licenses were issued for the subject establishment. These licenses included a Retail Tobacco Dealer (C05-02501), a Specialty Food Sales (F11-00140), Package Liquor (L15-00134), and Wine/Beer/Cordial/Liqueur Tasting (L23-00005). These licenses are all currently active.
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting is not required, nor was one held.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	
<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	6.31

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Shopping Center	GC-TC (General Commercial Town Center)	TC (Town Center)
North	Storage	SX-TC (Suburban Mixed Use Town Center)	TC (Town Center)
South	Undeveloped	SX-TC (Suburban Mixed Use Town Center)	TC (Town Center)
East	Office  Single Family Residential	O (Office)  R (Rural Density Residential)	R-E (Residence Estates) under Resolution of Intent to P-R (Professional Office and Parking)  R-E (Residence Estates)
West	Undeveloped	SX-TC (Suburban Mixed Use Town Center)	TC (Town Center)

<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>			
T-C Town Center District	X		Y
<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>			
T-C Town Center District	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

**ANALYSIS**

The applicant is seeking to change the hours of operation for the subject establishment. Currently the hours of operation are limited from 11 A.M. to 8 P.M. Monday through Saturday. The applicant is requesting a change to a full seven day per week operation from 9 A.M. to 9 P.M. This is a significant increase and is not deemed appropriate. Currently the establishment is open 54 hours per week. With the proposed change that would increase to 84 hours per week. Due to the significant increase in hours the subject establishment is open that the requested change would result in, denial of this request is recommended. It is noted that staff has not discovered that this establishment has been the site of any complaints or problems.

**FINDINGS**

The increase in the number of hours that the subject establishment would be open, including an additional day, is considered too significant and is not deemed appropriate. Denial of this request is recommended.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** N/A

**ASSEMBLY DISTRICT** N/A

**SENATE DISTRICT** N/A

**NOTICES MAILED** 418

**APPROVALS** 0

**PROTESTS** 0