

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 5, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-23334 - APPLICANT/OWNER: RAGHID B. KOSA

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit (SUP-13847) shall be required, except as amended herein.
2. No further review of Special Use Permit (SUP-13847) shall be required.
3. Construction of a trash enclosure in conformance to Title 19 standards shall be completed within 90 days of approval of this application.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Required Six Month Review of an approved Special Use Permit (SUP-13847) for a package liquor off-sale establishment at 1600 North Jones Boulevard.

The subject business is deemed appropriate. The business is in conformance to licensing requirements. A condition of approval has been added to address the site related trash enclosure issue. Approval of this request is recommended with no further review of the Special Use Permit (SUP-13847) required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/03/85	The City Council approved a Rezoning (Z-0092-84) from R-1 (Single Family Residential) to C-1 (Limited Commercial) for the subject property. The Planning Commission recommended approval.
05/10/99	The City Council approved a Special Use Permit (U-0024-99) for the off-premise sale of beer and wine in conjunction with a proposed convenience store. The Planning Commission recommended approval and the staff recommended denial.
07/05/00	The City Council approved a Required One Year Review [U-0024-99(1)] on an approved Special Use Permit which allowed off-premise beer and wine sales in conjunction with a proposed convenience store. The Planning Commission recommended approval and the staff recommended denial.
10/16/02	The City Council approved a Required One Year Review [(U-0024-99(2))] on an approved Special Use Permit which allowed off-premise beer and wine sales in conjunction with a proposed convenience store. The Planning Commission recommended approval and the staff recommended denial.
09/07/05	The City Council approved a request for Site Development Plan Review for a proposed 1,500 square-foot restaurant/bakery addition and a waiver of the perimeter and parking landscaping and buffering requirements adjacent to the northeast corner of Jones Boulevard and Vegas Drive. The Planning Commission and staff recommended approval.
01/18/06	The City Council approved a Special Use Permit (SUP-9616) for a proposed Financial Institution, Specified and for waivers from the 200-foot distance separation requirement from a residential use and from the 1,000-foot separation requirement from another Financial Institution, Specified.
08/16/06	The City Council approved a request for a Special Use Permit for a Package Liquor Off-Sale Establishment at 1600 North Jones Boulevard. The Planning Commission and staff recommended approval.

08/17/07	The Planning and Development Department conducted a site inspection and photographs were taken. It was noted that the trash enclosure remains in the same condition as shown in 2006. A condition of approval has been added to this application to ensure this process is expedited.
<i>Related Building Permits/Business Licenses</i>	
09/06/06	The City Council approved a temporary business license (L15-00135) for Package Liquor Sales on the subject property.
12/13/06	A routine inspection found violations that were corrected during the inspection.
02/13/07	The City Council approved a permanent business license (L15-00135) for Package Liquor Sales on the subject property.
05/15/07	Code Enforcement was required as Alcohol was being displayed on 47.64% of the floor space where the display area is limited to 30%.
05/25/07	The Business was inspected and found to be in compliance with requirements.
08/16/07	An inspection was conducted and the business was found to be in compliance will all requirements from Special Use Permit (SUP-13847).
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is nor required, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.63

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Shops	SC (Service Commercial)	C-1 (Limited Commercial)
North	Multi-Family Residential	ML (Medium Low Density Residential)	R-PD10 (Residential Planned Development 10 Units per Acre)
South	Retail Shops	SC (Service Commercial)	C-1 (Limited Commercial)
East	Multi-Family Residential	ML (Medium Low Density Residential)	R-PD10 (Residential Planned Development 10 Units per Acre)
West	Retail Shops	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 (140-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 has corrected the issues on the site related to the business license requirements. Specifically, these included the display area covering a total of 47.64% of the floor space where the display area is limited to 30% and an additional issue, not specifically detailed, that was corrected during the initial inspection. A site inspection conducted on 08/16/07 found compliance with business license requirements.

There is an outstanding issue related to condition number seven from Special Use Permit (SUP-13847). This condition required the construction of a trash enclosure to Title 19 standards. At this time a trash enclosure has not been constructed; however, the applicant does have a pending Site Development Plan Review that would also include an addition to the building and that affects the trash enclosure. A condition of approval on this application shall require construction of this trash enclosure to be completed in six months.

With the exception of the trash enclosure the site is in compliance with requirements. Therefore, approval of this request is recommended. No further review shall be required for Special Use Permit (SUP-13847).

FINDINGS

The subject business is deemed appropriate. The business is in conformance to licensing requirements. A condition of approval has been added to address the site related trash enclosure issue. Approval of this request is recommended with no further review of the Special Use Permit (SUP-13847) required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 451

APPROVALS 0

PROTESTS 0