

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT  
PLANNING COMMISSION MEETING OF: OCTOBER 25, 2007**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

Consent  Discussion

**SUBJECT:**

**ABEYANCE - SUP-24243 - SPECIAL USE PERMIT - PUBLIC HEARING -**

**APPLICANT: GONZALEZ AUSTIN LOWEREY HOLDING, LLC** - Request for a Special Use Permit TO ALLOW FOR BEER WINE/COOLER OFF-SALE AT A PROPOSED GENERAL RETAIL STORE WITH A WAIVER TO ALLOW A DISTANCE SEPARATION FROM A CITY PARK OF APPROXIMATELY 150 FEET WHERE 400 FEET IS REQUIRED at the southeast corner of Charleston Boulevard and Maryland Parkway (APN 162-02-110-014), C-2 (General Commercial Zone, Ward 3 (Reese))

**IF APPROVED, P.C.: 11/21/07**

**IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)**

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.

0

Planning Commission Mtg.

2

City Council Meeting

0

City Council Meeting

0

**RECOMMENDATION:  
DENIAL**

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photo
5. Justification Letter
6. Protest/support postcards
7. Submitted after final agenda Special Map

Motion made by GLENN TROWBRIDGE to Approve subject to conditions and adding the following condition as read for the record:

A. One-year review before the Planning Commission

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 2

GLENN TROWBRIDGE, DAVID STEINMAN, STEVEN EVANS, RICHARD TRUESDELL, SAM DUNNAM; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-LEO DAVENPORT, BYRON GOYNES)



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Minutes:

COMMISSIONER TRUESDELL declared the Public Hearing open.

DOUG RANKIN, Planning and Development Department, noted the special map indicating similar uses in the area and stated the requested wine cooler use is not compatible or harmonious with the park in this area. He recommended denial.

ALEJANDRO MALDONADO, 977 Harbor Cove Drive, explained that because the project will be a grocery store that would also sell beer and wine, the waiver request is needed because the project does not meet the distance separation requirements. He noted the neighboring convenience store currently sells wine and beer.

SEAN GELDEZ, 1300 Franklin Avenue, appeared in opposition to the request to sell alcohol and noted existing issues in the neighborhood. He displayed several photographs of the subject site and emphasized the importance and potential of the adjacent Huntridge Theatre.

MR. MALDONADO assured the Commissioners that his firm would improve and enhance the area and he stated that the convenience store should not be allowed to monopolize alcohol sales.

COMMISSIONER TROWBRIDGE observed that Huntridge Theatre has not prospered despite substantial money invested in the park preservation and noted another liquor license would not increase the saturation in the area. He stated that the area needs a grocery store and expressed his support for the request.

COMMISSIONER EVANS concurred with COMMISSIONER TROWBRIDGE and requested a one-year review be added to ensure this request does not negatively impact the area. He strongly encouraged the applicant to properly run and maintain his business.

MR. RANKIN informed the Commissioners that the applicant would be required to follow the City's signage regulations which would address the aesthetic concerns that had been raised.

MR. MALDONADO assured the Commissioners that the improvements would be attractive and all signs would be in compliance with the City's standards.

COMMISSIONER TRUESDELL concurred with COMMISSIONERS EVANS and TROWBRIDGE and expressed his hope that this decision would not lead the area's development in the wrong direction.

COMMISSIONER DUNNAM requested that the one-year review come before the Planning Commission and MR. MALDONADO agreed to all conditions.

COMMISSIONER TRUESDELL declared the Public Hearing closed.