

## AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ROC-24786 - APPLICANT/OWNER: AAMAX ENTERPRISES  
LLC

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

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

#### **Planning and Development**

1. The southern boundary of the site, as described from west to east, include the western-most 100 feet be three-foot high wrought iron, followed by approximately 381 feet of six-foot high wrought iron, an 89-foot section of six-foot high decorative block wall consisting of 20% contrasting material, and a six-foot section of six-foot tall wrought iron as depicted on the site plan date stamped 09/25/07.
2. Conformance to all other Conditions of Approval for Site Development Plan Review (SDR-13880) and all other related actions as required by the Planning and Development Department and Department of Public Works.

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

**PROJECT DESCRIPTION**

This is a request for a Review of Condition to remove Condition Number 2 of an approved Site Development Plan Review (SDR-13880) which stated that the perimeter wall shall be six feet solid block except the southwestern 50 feet which may be four foot solid with two feet top wrought iron and replace with a condition requesting wrought iron fencing at 540 North Eastern Avenue.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/18/02	The City Council approved a request for a Rezoning (Z-0062-02) from R-E (Residence Estates) to C-1 (Limited Commercial) a Site Development Plan Review [Z-0062-02(1)] and a Reduction of the Perimeter Landscaping Requirements to allow a five foot wide landscape planter on the north property line where an eight foot wide landscape planter is required for a proposed 25,200 square foot commercial center on 1.79 acres at 530 and 540 North Eastern Avenue. The Planning Commission and staff recommended approval of the rezoning. Staff recommended denial of the Site Development Plan Review.
03/16/05	The City Council approved a request for a Reinstatement and Extension of Time (EOT-6043) for an approved Rezoning (Z-0062-02) from R-E (Residence Estates) to C-1 (Limited Commercial) on 1.79 acres at 540 North Eastern Avenue.
09/06/06	The City Council approved a Site Development Plan Review (SDR-13880) for a proposed 30,904 square-foot retail center and a waiver of the perimeter landscape standard, a Variance (VAR-13881) to allow 103 parking spaces where 167 spaces are required and to allow two loading zones where three are required in conjunction with a proposed 30,904 square-foot retail center, a Variance (VAR-14355) to allow a 20-foot residential adjacency setback where 70.75 feet is required for a proposed 30,904 square-foot retail center, a Special Use Permit (SUP-13882) for a proposed supper club and a waiver of the 400-foot distance separation requirement from a church, a Special Use Permit (SUP-13884) for a general business-related gaming establishment within a proposed restaurant on 2.07 acres on the east side of Eastern Avenue, approximately 153 feet north of Mesquite Avenue. The Planning Commission and staff recommended denial.
03/16/07	The Rezoning (Z-0062-02) from R-E (Residence Estates) to C-1 (Limited Commercial) expired.

<b><i>Related Building Permits/Business Licenses</i></b>	
05/17/07	A building permit (#7001644) was issued for building B on the subject property.
<b><i>Pre-Application Meeting</i></b>	
09/04/07	A pre-application meeting was held. Submittal requirements were discussed. It was noted that a detailed description of the changes requested would be required.
<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	2.05

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shops	SC (Service Commercial)	C-1 (Limited Commercial)
	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Undeveloped	M (Medium Density Residential)	R-3 (Medium Density Residential)
	Single Family Residential		
West	Shops	SC (Service Commercial)	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>		X	N/A
<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>		X	N/A
<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 requesting to remove Condition Number 2 from Site Development Plan Review (SDR-13880). This condition required that the perimeter wall shall be six feet solid block except the southwestern 50 feet which may be four foot solid with two feet top wrought iron. The applicant is now requesting that a larger portion of the southern boundary be wrought iron rather than block wall.

Specifically the applicant is requesting the following: That along the southern boundary as described from west to east that the western most 100 feet be three-foot high wrought iron, followed by approximately 381 feet of six-foot high wrought iron, an 89-foot section of six-foot high decorative block wall consisting of 20% contrasting material, and a six-foot section of six-foot tall wrought iron as depicted on the site plan date stamped 09/25/07.

The southern boundary of the site abuts an alley. On the south side of the alley there is a combination of uses. Adjacent to Eastern Avenue is a commercial site. The remainder of the boundary is with multi-family residential uses. There is not a wall along this section of the alley separating the residential use from the proposed commercial site. The proposed wrought iron would not appropriately buffer the site from the adjacent residential use. The approved block wall would provide a visual separation as well as sound reduction from the proposed commercial site. Denial of this request is recommended.

It is also noted that the Rezoning on the subject property (Z-0062-02) has expired; therefore, the Zoning on the subject property is now R-E (Residence Estates). The applicant has been issued a building permit for construction on the subject property; however, that permit was issued on 05/17/07. The Rezoning expired on 03/16/07, two months prior to the issuance of the building permit.

## **FINDINGS**

The use of wrought iron in lieu of a block wall along the southern boundary of this site would not provide and adequate buffer between the project site and the adjacent residential uses. Denial of this request is recommended.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT**      N/A

**SENATE DISTRICT**      N/A

**NOTICES MAILED**      468

**APPROVALS**      0

**PROTESTS**      0