



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: DECEMBER 5, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: EOT-25019 - APPLICANT/ OWNER: AZRA COMMERCIAL CENTER, LLC**

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*THIS ITEM WAS HELD IN ABEYANCE FROM THE NOVEMBER 21, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.*

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

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. This Special Use Permit (SUP-6932) will expire on October 05, 2008 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Special Use Permit (SUP-6932) 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 an Extension of Time of an approved Special Use Permit (SUP-6932) for a proposed tavern and a waiver of the 1,500-foot separation requirement from a similar use at 4440 East Washington Avenue, Suite #116.

It is noted that a related Extension of Time (EOT-25020) will be heard concurrently with this item.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
11/02/94	The City Council approved a Rezoning [Z-0105-94] from R-E (Residence Estates) and R-1 (Single Family Residential) to R-CL (Single Family Compact-Lot) on the subject site as part of a larger request. The Planning Commission and staff recommended approval.
10/03/95	The City Council approved a Rezoning [Z-0065-95] from R-E (Residence Estates) under Resolution of Intent to R-CL (Single Family Compact-Lot) to C-1 (Limited Commercial) on the subject site as part of a larger request. The Planning Commission and staff recommended approval.
09/08/97	The City Council approved a Rezoning [Z-0075-97] from R-E (Residence Estates) to C-1 (Limited Commercial) on the subject site. The Planning Commission and staff recommended approval.
04/09/98	The Planning Commission approved a Site Development Plan Review [Z-0075-97(10 and Z-0105-97(1) for a 123,182 square foot shopping center on the subject site. Staff recommended approval.
05/11/98	The City Council approved a Special Use Permit [U-0019-98] for a Minor Auto Repair use on the subject site. The Planning Commission and staff recommended approval.
12/01/99	The City Council approved a Special Use Permit [U-0108-99] for Liquor OffPremise Sales in connection with a proposed supermarket. The application was amended to beer and wine sales only. The Planning Commission and staff recommended approval.
12/15/99	The City Council approved a Special Use Permit [U-0114-99] for an Assisted Living Facility on parcels to the east of the subject site, a Special Use Permit [U0015-99] for a Car Wash on the subject site and a Site Development Plan Review [Z-0075-97(2)] for a commercial center. The Planning Commission and staff recommended approval of all items.

05/15/02	The City Council approved a Special Use Permit [U-0017-02] for Beer/Wine OffPremise Sales on the subject site. This application replaced the approval of U0108-99, as it was never exercised. The Planning Commission and staff recommended approval.
10/05/05 *	The City Council approved a Variance [VAR-8344] to allow 60 parking spaces where 210 are required and a Special Use Permit [SUP-6932] for a proposed tavern and a waiver of the 1,500 foot separation requirement from a similar use at 4440 East Washington Avenue, Suite #116 (APN 140-29-212-003). The Planning Commission recommended approval. Staff recommended denial.
02/07/07	The City Council approved two Extensions of Time (EOT-18740 and EOT-18741) for a (SUP-6932) proposed tavern and a waiver of the 1,500 foot separation requirement from a similar use and a Variance (VAR-8344) that allowed 60 parking spaces where 210 spaces are required at 4440 East Washington Avenue, Suite #116. Staff recommends approval.

***Related Building Permits/Business Licenses***

12/11/01	A license for a grocery store (El Toro Supermarket) was issued at 4440 East Washington Avenue, Suite #116. The store went out of business on 04/18/03.
06/05/02	A license for the off-premise sale of beer, wine and wine coolers was issued for a grocery store (El Toro Supermarket) at 4440 East Washington Avenue, Suite #116. The store went out of business on 04/18/03.
07/03/02	A license for restricted gaming at a grocery store (El Toro Supermarket) was issued at 4440 East Washington Avenue, Suite #116. The store went out of business on 04/18/03.
05/15/06	A restricted gaming license [G01-95660] was applied for at 4440 East Washington Avenue, Suite #116, but was never finalized by the City.

***Pre-Application Meeting***

A pre-application meeting is not required, nor was one held.

***Neighborhood Meeting***

A neighborhood meeting is not required, nor was one held.

***Details of Application Request***

***Site Area***

Net Acres	2.37
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<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Drainage Channel	PF (Public Facilities)	Drainage Channel
South	Service Station	SC (Service Commercial)	C-1 (Limited Commercial)
	Single Family Residential	M (Medium Density Residential)	R-PD15 (Residential Planned Development 15 Units per Acre)

East	Undeveloped	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<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**

This is the second extension of time request for the subject Special Use Permit (SUP-6932). The first extension was for one year. In the time since the first extension was granted the applicant has not shown any progress on the proposed project in the form of new applications, permits, or licenses. A one year extension of time is considered appropriate. Approval of this request is recommended with a one year time limit. Conditions of approval have been added.

**FINDINGS**

A one year extension of time is considered appropriate. Approval of this request is recommended with a one year time limit. Conditions of approval have been added.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**            N/A

**ASSEMBLY DISTRICT**            N/A

**SENATE DISTRICT**            N/A

**NOTICES MAILED**            N/A

**APPROVALS**            0

**PROTESTS**            0