



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JULY 2, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: RQR-28314 - REQUIRED REVIEW - PUBLIC HEARING -**  
**APPLICANT/OWNER: GERVASIA ENTERPRISE LIVING 1993 TRUST**

---

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

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

**Planning and Development**

1. Conformance to the conditions of approval for Special Use Permit (SUP-17308) and all other site related actions.

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

**PROJECT DESCRIPTION**

This application is a required six-month review of an approved Review of Condition (ROC-24755) that removed Condition Number 5 of an approved Special Use Permit (SUP-17308). The original condition stated that the sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted. With the removal of this condition the establishment located at 6595 Smoke Ranch Road, Suite #140 may sell individual containers of beer, coolers, or wine.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
02/19/03	The City Council approved a Site Development Plan Review (SDR-1385) for a proposed 10,000 square foot retail building; a waiver to allow a 15 foot front setback where 20 feet is required and a 15-foot rear yard setback where 20 feet is required; a waiver to allow no landscaping between the parking area and the building; a waiver of the requirement to have all parking in the rear or sides of the lot, and a waiver to allow 10 feet of landscaping along smoke ranch road where 15 feet is required on two acres adjacent to the south side Smoke Ranch Road, between Avery Drive and Steinke Lane. The Planning Commission had no recommendation. Staff recommended denial.
05/07/03	The City Council approved a request for a Variance (VAR-1763) allowing 45 parking spaces where 61 parking spaces are the minimum required on 2 acres adjacent to the south side Smoke Ranch Road between Avery Drive and Steinke Lane. The Planning Commission and staff recommended approval.
12/20/06	The City Council approved a Special Use Permit (SUP-17308) for the operation of a Beer/Wine/Cooler Off-sale establishment in an existing commercial tenant office structure located at 6595 Smoke Ranch Road, Suites #140, #145, and #150. The Planning Commission and staff recommended approval.
11/07/07	The City Council approved a the request for a Review of Condition (ROC-24755) that removed Condition Number 5 of an approved Special Use Permit (SUP-17308) which stated that the sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted at 6595 Smoke Ranch Road, Suites #140, #145, and #150.

<b>Related Building Permits/Business Licenses</b>	
12/28/06	The applicant was issued business license #C15-00355 for a Convenience Store at 6595 Smoke Ranch Road, Suite #140.
12/29/06	A final inspection on building permit #06-004664 was completed for tenant improvement that combined suites #140, #145, and #150 into Suite #140. This permit was reviewed under plan check #L-3337-06.
12/29/06	The applicant was issued business license #L10-00267 for Beer/Wine/Cooler Off-Sale at 6595 Smoke Ranch Road, Suite #140.
<b>Pre-Application Meeting</b>	
A pre-application meeting is not required, nor was on held.	
<b>Neighborhood Meeting</b>	
A neighborhood meeting is not required, nor was on held.	

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.61 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family Residential	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot) R-PD10 (Residential Planned Development 10 units per Acre)
South	Single Family Residential	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
East	Day Care (Vacant)	SC (Service Commercial)	C-1 (Limited Commercial)
West	Offices	PF (Public Facilities)	C-V (Civic)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	N/A
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District (140-Foot)	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 City Council approved the Review of Condition (ROC-24755) on 11/07/07, which removed condition number five of the approved Special Use Permit (SUP-17308) subject to a six-month review. This condition change allowed the sale of individual containers of any size of beer, wine coolers or screw cap wine where previously prohibited. Since the approved Review of Condition (ROC-24755), the applicant has operated the retail establishment with the Beer/Wine/Cooler Off-Sale use without any complaints filed by Business Licensing or Code Enforcement discernible impact on the surrounding residential neighborhood.

## **FINDINGS**

The removal of Condition Number Five from Special Use Permit (SUP-17308) related to the sale of single packages of beer/wine/coolers has not adversely impacted the surrounding residential neighborhood in the past six months. Since the initial approval of Special Use Permit (SUP-17308) there have been no Code Enforcement citations recorded at this property. Therefore, staff is recommending approval of this Required Review with no additional review required.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      N/A

**ASSEMBLY DISTRICT**                      N/A

**SENATE DISTRICT**                      N/A

**NOTICES MAILED**                      1,092

**APPROVALS**                      0

**PROTESTS**                      0