



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: AUGUST 6, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: EOT-28662 - EXTENSION OF TIME - VARIANCE - APPLICANT/**  
**OWNER: AZRA COMMERCIAL CENTER, LLC**

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

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

**Planning and Development**

1. This Variance (VAR-8344) will expire on 10/05/09 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Variance (VAR-8344) and all other related actions as required by the Planning and Development Department and Department of Public Works.

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

**PROJECT DESCRIPTION**

This is the applicants third request for an Extension of Time of an approved Variance (VAR-8344) to allow 60 parking spaces where 210 are required for a proposed Tavern to be located on 2.37 acres at 4440 East Washington Avenue.

It is noted that a related Extension of Time (EOT-28663) for an associated Special Use Permit (SUP-6932) will be heard concurrently with this item.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |   |
|---|---|
| 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. |

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| 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. 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.       |
| 12/05/07   | The City Council approved two Extensions of Time (EOT-25019 and EOT-25020) 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.       |
| <b><i>Related Building Permits/Business Licenses</i></b>     |  |
| 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 issued by the City.  |
| <b><i>Pre-Application Meeting</i></b>                        |  |
| A pre-application meeting is not required, nor was one held. |  |
| <b><i>Neighborhood Meeting</i></b>                           |  |
| A neighborhood meeting is not required, nor was one held.    |  |

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| <b><i>Details of Application Request</i></b> |            |
| <b><i>Site Area</i></b>                      |            |
| Net Acres                                    | 2.37 acres |

| <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/<br>Single Family Residential | SC (Service Commercial)/<br>M (Medium Density Residential) | C-1 (Limited Commercial)/<br>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)  |

| <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**

This is the third extension of time request for the subject Variance (VAR-8344) that allowed 60 parking spaces where 210 spaces are required for an associated Tavern proposal approved by Special Use Permit (SUP-6932). The previous two extensions of time for the Variance (VAR-8344) were approved for one year each. In the time since the initial approval the applicant has not shown any progress on the proposed project in the form of building permits for tenant improvements or business licenses for the Tavern entitlement. The applicant states that they are in the process of finding a new lease-holder to finalize the Variance by means of exercising the Special Use Permit (SUP-6932) and will need the extension in order to keep the entitlements while this process is being completed.

**FINDINGS**

The requested extension of time of Variance (VAR-8344) is considered appropriate and is recommended with a one-year time limit, which will expire on 10/05/09, unless another Extension of Time is granted by the City Council.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** N/A

**ASSEMBLY DISTRICT** N/A

**SENATE DISTRICT** N/A

**NOTICES MAILED** N/A

**APPROVALS** 0

**PROTESTS** 0