



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 6, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-28128 REQUIRED REVIEW PUBLIC HEARING -
APPLICANT: DENNIS HANCOCK - OWNER: ZYGMUNT AMARETTI

**** CONDITIONS ****

The Planning Commission (6-1/sd vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit (SUP-2203) and Required Review (RQR-6122).
2. The Special Use Permit shall be reviewed in one year/final at which time the City Council may require cessation of the use. The applicant shall be responsible for the notification costs of the review. Failure to pay the City for these costs may result in cessation of the use.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This required Two-Year Review is for an approved Special Use Permit (SUP-2203) which allowed an Auto Repair Garage, Major with Waivers to allow major repair and service work outside of an enclosed building, to allow outdoor hoists, and to not screen disabled or wrecked vehicles from surrounding properties and adjoining streets at 2101 Fremont Street.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/20/03	The City Council approved a Special Use Permit (SUP-2203) to allow an Auto Repair Garage, Major and waivers to allow major repair and service work outside of a enclosed building, to allow outdoor hoists, and to not screen disabled or wrecked vehicles from surrounding properties and adjoining streets on this site subject to a One-Year Review. The Planning Commission recommended approval on 07/24/03. Staff recommendation was for denial.
10/20/04	The City Council approved a Required One-Year Review (RQR-4669) for Special Use Permit (SUP-2203) which allowed an Auto Repair Garage, Major and waivers to allow major repair and service work outside of a enclosed building, to allow outdoor hoists, and to not screen disabled or wrecked vehicles from surrounding properties and adjoining streets on this site subject to a Three-Month Review. The Planning Commission recommended approval on 08/26/04. Staff recommended denial.
04/20/05	The City Council approved a Required Three Month Review (RQR-6122) of an approved Special Use Permit (SUP-2203) which allowed an Auto Repair Garage, Major and waivers to allow major repair and service work outside of an enclosed building, to allow outdoor hoists, and to not screen disabled or wrecked vehicles from surrounding properties and adjoining streets. The Planning Commission and staff recommended denial on 03/24/05.
06/07/06	The City Council approved a Required Review (RQR-12283) of an approved Special Use Permit (SUP-2203) which allowed an Auto Repair Garage, Major and waivers to allow major repair and service work outside of an enclosed building, to allow outdoor hoists, and to not screen disabled or wrecked vehicles from surrounding properties and adjoining streets. The Planning Commission recommended approval on 04/27/06. Staff recommended denial.
06/26/08	The Planning Commission voted 6-1/sd to recommend APPROVAL (PC Agenda Item #16/mh).

Related Building Permits/Business Licenses	
04/20/04	Business license # G03-02309 was issued for a Garage, Major Auto Repair located at 2101 East Fremont Street. This business license has remained active to date.
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.	

Field Check	
05/23/08	<p>Staff carried out a field check on 05/23/08 and made the following observations:</p> <ul style="list-style-type: none"> • No repair work was occurring on vehicles located outside of the rear screened area. • There were only two lifts located just outside of the garage bays. • There was no razor wire located on the surrounding fences • The rear fences were outfitted to provide adequate screening from the public right-of-way.

Details of Application Request	
Site Area	
Net Acres	0.70 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Repair Garage, Major	MXU (Mixed Use)	C-2 (General Commercial)
North	Apartments	MXU (Mixed Use)	R-4 (High Density Residential)
South	Commercial Retail	MXU (Mixed Use)	C-2 (General Commercial)
East	Apartments	MXU (Mixed Use)	R-4 (High Density Residential)
West	Commercial Retail	MXU (Mixed Use)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

Redevelopment Plan Area

The subject site was added to the Downtown Redevelopment Area on 05/17/06 as part of Expansion Area A. It has an LI/R (Industrial) land use designation within the Redevelopment Area. No special standards apply to the subject off-premise sign as a result of its inclusion in the Redevelopment Area.

ANALYSIS

This is the fourth required review since the initial approval on 08/20/03 for the Special Use Permit (SUP-2203). Since that time, the applicant has made progress in meeting the conditions of approval placed by the initial entitlement request and a required review that had additional conditions. Below are the Conditions of Approval particular to Special Use Permit (SUP-2203):

1. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. Add slats to the existing chain link fence along the west side of the property or provide some other acceptable screening material so that the disabled or wrecked vehicles are screened from the adjacent street.

Conditions of Approval particular to Required Review (RQR-6122) of Special Use Permit (SUP-2203):

1. No razor wire shall be allowed at any time. Horizontal security wires permissible subject to administrative site plan approval.
2. No disabled cars shall be parked on the outside of the screened yard.

FINDINGS

Staff has confirmed compliance with all conditions of approval for the approved Special Use Permit (SUP-2203) and the additional conditions placed by the subsequent Required Review (RQR-6122) during a field check on 05/23/08. The disabled cars are located at the rear of the garage within the screened area, the chain link fence is outfitted with screening material, and there is no barbed or razor wire along the rear property fence. The Special Use Permit was exercised on 04/20/04 with the issuance of business license #G03-02309. Staff finds that the applicant has met the conditions of approval for the Special Use Permit (SUP-2203) and the subsequent reviews; therefore, staff recommends final approval of this review.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 11

SENATE DISTRICT 10

NOTICES MAILED 207 by City Clerk

APPROVALS 1

PROTESTS 5