



AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 15, 2008
DEPARTMENT: EOT-29767 - EXTENSION OF TIME - SPECIAL USE PERMIT -
APPLICANT: JIT MANN - OWNER: AMAPOLA ORANGE, LLC

**** CONDITIONS ****

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

1. Conformance to the conditions for Special Use Permit (SUP-22251), and all other site related actions.
2. This Special Use Permit (SUP-22251) shall expire on 09/05/09 unless another Extension of Time is approved.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is the first request for a - Request for an Extension of Time of an approved Special Use Permit (SUP-22251) for a proposed Supper Club with a waiver to allow a 152-foot separation from a Child Care Facility where 400 feet is required at 2000 South Rainbow Boulevard, Suites 108 through 110.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/19/94	The City Council approved a request for the reclassification of property (Z-81-94) located on the east side of Rainbow Boulevard, between Oakey Boulevard and OBannon Drive, from N-U (Non-Urban) Zone to C-1 (Limited Commercial) Zone and C-2 (General Commercial) Zone for a 63,000 square-foot Retail Shopping Center and Equipment Rental Facility. NOTE: the C-2 (General Commercial) portion of the request was amended to C-1 (Limited Commercial).
8/08/96	The Planning Commission approved a request for Plot Plan and Building Elevation Review [Z-81-94(1)] for a proposed 42,800 square-foot one-story commercial shopping center on property located on the east side of Rainbow Boulevard, between Oakey Boulevard and OBannon Drive, N-U (Non-Urban) Zone under Resolution of Intent to C-1 (Limited Commercial).
1/22/98	The Planning Commission approved a Site Development Plan Review [Z-81-94(2)] on property located on Rainbow Boulevard between Oakey Boulevard and OBannon Drive for a proposed 20,700 square foot building in an existing retail center, C-1 (Limited Commercial) Zone.
3/26/98	The Planning Commission approved a Site Development Plan Review [Z-81-94(3)] for a proposed 13,242 square foot one-story retail and office building within the existing retail center, north of this proposal.
5/14/98	The Planning Commission approved a Site Development Plan Review [Z-81-94(4)] for a proposed 5,323 square foot bank within the existing retail center, north of this proposal.
11/5/98	The Planning Commission approved a Site Development Plan Review for a proposed [Z-81-94(5)] on property located on Rainbow Boulevard between Oakey Boulevard and OBannon Drive for a proposed 24,932 square-foot addition to an existing retail center.

09/05/07	The City Council approved a Request for Special Use Permit (SUP-22251) for a proposed Supper Club with a waiver to allow a 152 foot separation from a Child Care Facility where 400 feet is required at 2000 South Rainbow Boulevard, Suite 108-110. The Planning Commission recommended approval on 08/09/07 with staff recommending denial.
<i>Related Building Permits/Business Licenses</i>	
10/17/07	Building permit #100118 was submitted and has approval on all reviews for plans check for a 4,953 square-foot tenant improvement which will consolidate both suites to Suite 108. This permit has not been issued yet due to non-payment.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application request, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application request, nor was one held.	

<i>Field Check</i>	
09/12/08	A field check was carried out by staff with the following observations: • The proposed location, suites 108 and 110, appeared vacant. • There is a Child Care Facility directly across Rainbow Boulevard.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	3.56 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	R (Rural Density Residential)	R-E (Residence Estates)
West	Single Family Residential	SC (Service Commercial)/ ROW	C-1 (Limited Commercial)/ Right of Way

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

ANALYSIS

The entitlement for the proposed Supper Club (SUP-22251) was approved by the City Council on 09/05/07. The proposed Supper Club is to be located within two adjacent suites, 108 and 110, that will be consolidated into one suite. The proposed Supper Club is located in an existing Shopping Center on land zoned C-1 (Limited Commercial), in which food service uses are allowed. There have been no substantial changes in the surrounding land use since the approval of this Special Use Permit SUP-22251.

The applicant had submitted plans checks for review for the 4,953 square-foot tenant improvement that will consolidate the two suites approved for the Supper Club. However, despite receiving approvals for all related reviews, the building permits have not been issued due to nonpayment. The applicant is seeking an extension of time in order to complete the requirements for obtaining the Certificate of Occupancy. This will allow the applicant to submit for a business license, which is the process for exercising this entitlement.

FINDINGS

Staff recommends approval of this request with a one year extension of time which will expire on 09/05/09, unless another extension of time is approved.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT

N/A

SENATE DISTRICT

N/A

NOTICES MAILED

N/A

APPROVALS

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