



AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 15, 2008
DEPARTMENT: RQR-29776 - REQUIRED REVIEW - PUBLIC HEARING -
APPLICANT/OWNER: SIMON FAMILY TRUST

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

1. Conformance to all Conditions of Approval for Variance (V-0014-01).

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Required Five Year Review of an approved Variance (V-0014-00) to allow 40 parking spaces where 49 are required for an existing retail center and convenience store located on the southwest corner of Buffalo Drive and Vegas Drive.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/17/96	The City Council approved a rezoning (Z-0021-96) from N-U (Non-Urban) to C-1 (Limited Commercial) on the subject property.
06/08/98	The City Council approved a Site Development Plan Review [Z-0021-96(2)] for a convenience store and retail shops on the subject property.
06/21/00	The City Council approved a Variance (V-0014-00) to allow 40 parking spaces where 49 are required.
09/19/01	The City Council approved a Required Review [V-0014-00(1)] of an approved Variance (V-0014-00) to allow 40 parking spaces where 49 are required. The Planning Commission recommended approval on 08/09/01.
09/04/02	The City Council granted the appeal of a denial for a Special Use Permit (U-0093-02) for a 63-foot tall Wireless Communication Monopole, Non-Stealth on property located at 1571 North Buffalo Drive. The Planning Commission recommended denial of this request on 08/15/02.
<i>Related Building Permits/Business Licenses</i>	
05/11/00	Business licenses #C05-02020 (Tobacco Dealer, Retail), #C15-00253 (Convenience Store), #G01-92137 (Restricted Gaming), and #P35-00125 (Pay phone) issued at 1571 N. Buffalo Drive.
06/28/00	Business license #B05-02764 issued for a Nail Salon at 1591 North Buffalo, Suite 140.
09/29/00	Business license #R05-00285 issued for a Restaurant at 1591 North Buffalo, Suite 150.
02/26/01	Business license #Q07-00237 (Chiropractor) and #M12-01285 (Massage Therapist) issued 1591 North Buffalo, Suite 120.
10/27/05	Business license #M12-01285 issued for Massage Therapist (ancillary to Chiropractor service) at 1591 North Buffalo, Suite 120.
11/15/06	Business license #P05-00412 issued for a Pet Store at 1591 North Buffalo, Suite 110.
07/02/08	

	Business license #L10-92136 issued for Beer/Wine/ Cooler Off-Sale in affiliation with a convenience store at 1571 N. Buffalo Drive.
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<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: <ul style="list-style-type: none"> • All business suites appeared occupied. • There was parking available on both the northwest and southeast portions of the provided parking lot. • There was no on-street parking observed near the subject property.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.19 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convenience Store/Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family Dwellings	ML (Medium Low Density Residential)	P-C (Planned Community)
South	Mini Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
East	Drug Store	SC (Service Commercial)	C-1 (Limited Commercial)
West	Condominiums	M (Medium Density Residential)	R-PD14 (Residential Planned Development 14 Units per Acre)

<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

Since the initial approval of this Variance V-0014-00, the applicant has developed and leased this property out for a Convenience Store, a Restaurant, and some General Retail Establishments with no issues reported regarding a parking availability. The retail development was completed in 2000, shortly after the Variance was initially approved by the City Council, thus exercising the Site Development Plan Review Z-0021-96(2) and the Variance V-0014-00.

Conditions of Approval Variance V-0014-00:

1. This Variance shall be reviewed by a Hearings Officer in one (1) year to determine its on-going appropriateness.
2. City Code requirements and design standards of all City Departments which are not affected by the approval of this Variance must be satisfied.
3. All development must be in conformance with the plot plan and elevations.

Conditions of Approval of Required One Year Review V-0014-00(1):

1. This Variance shall be reviewed by the City Council in five years to determine its ongoing appropriateness.
2. Conformance to all applicable conditions of approval for Variance (V-0014-00).

FINDINGS

This five year review was imposed to ensure that the reduction of on-site parking spaces has not created detrimental conditions to both the property and the surrounding area. There have been no complaints filed with Code Enforcement since the development of this site. A field check carried out by staff on 09/12/08 found that the provided number of on site parking spaces appears to accommodate the business without creating parking overflow onto neighboring areas. Therefore, staff recommends approval of this Variance (V-0014-00) with no further review required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 985

APPROVALS 0

PROTESTS 0