



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 5, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-29888 APPLICANT: ETHOS THREE ARCHITECTURE
OWNER: AAMAX ENTERPRISES, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Special Use Permit (SUP-13882) shall expire on September 6, 2009 unless another Extension of Time is approved by the Planning and Development Department.
2. Conformance to all conditions of approval of Special Use Permit (SUP-13882) and all other site related actions as required by the Planning and Development Department and Department of Public Works.
3. A Minor Amendment to the approved Special Use Permit (SUP-13882) shall be approved prior to the issuance of a business license for the Supper Club at a location yet to be determined.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time of an approved Special Use Permit (SUP-13882) for a proposed Supper Club and a Waiver of the 400-foot distance separation requirement from a church on 2.06 acres at 546 North Eastern Avenue.

The entitlement consisted of a 3,368 square-foot Supper Club that was originally anticipated to be located on the west side of Building A at 546 North Eastern Avenue. Since receiving approval, the applicant has leased out that portion of the building for other uses. The applicant is seeking to maintain the same scope of entitlements at a location yet to be determined on the subject site.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/18/02	The City Council approved a request for Rezoning (Z-0062-02) from R-E (Residence Estates) to C-1 (Limited Commercial) on 1.79 acres at 540 North Eastern Avenue. The Planning Commission recommended approval on 8/22/02.
09/18/02	The City Council approved a request for a Site Development Plan Review [Z-0062-02(1)] and a reduction of the perimeter landscaping requirements to allow a five-foot wide landscape planter on the north property line where an eight-foot wide landscape planter is required for a proposed 25,200 square-foot commercial center on 1.79 acres at 530 & 540 North Eastern Avenue.
03/07/04	The City Council approved a request for a Special Use Permit (SUP-3636) for a Liquor Establishment (Off-Premise Consumption) in conjunction with a proposed Grocery Store adjacent to the east side of Eastern Avenue, 150 feet north of Mesquite Avenue. The Planning Commission recommended approval on 2/12/04.
03/16/05	The City Council approved a request for a Reinstatement and Extension of Time (EOT-6043) for an approved Rezoning (Z-0062-02) from R-E (Residence Estates) to C-1 (Limited Commercial) on 1.79 acres at 540 North Eastern Avenue.

08/10/06	The Planning Commission accepted the applicants request to Withdraw with Prejudice a request for a Special Use Permit (SUP-13877) for an Auto Title Loan Establishment with waivers of the minimum size requirements and distance separation requirements from residential use and nine similar uses on 2.07 acres on the east side of Eastern Avenue, approximately 153 feet north of Mesquite Avenue.
09/06/06	The City Council approved a request for a Site Development Plan Review (SDR-13880) for a proposed 30,904 square-foot Retail Center and a waiver of the perimeter landscape requirements on 2.07 acres on the east side of Eastern Avenue, approximately 153 feet north of Mesquite Avenue. The Planning Commission recommended denial on 8/10/06.
09/06/06	The City Council approved a request for a Variance (VAR-13881) to allow 103 parking spaces where 167 spaces are required and to allow two loading zones where three area required in conjunction with a proposed 30,904 square-foot Retail Center on 2.07 acres on the east side of Eastern Avenue, approximately 153 feet north of Mesquite Avenue. The Planning Commission recommended denial on 8/10/06.
09/06/06	The City Council approved a request for a Special Use Permit (SUP-13882) for a proposed Supper Club and a Waiver of the 400-foot distance separation requirement from a church on 2.07 acres on the east side of Eastern Avenue, approximately 153 feet north of Mesquite Avenue. The Planning Commission recommended denial on 8/10/06.
09/06/06	The City Council approved a request for a Special Use Permit (SUP-13884) for a General BusinessRelated Gaming Establishment within a proposed restaurant on 2.07 acres on the east side of Eastern Avenue, approximately 153 feet north of Mesquite Avenue. The Planning Commission recommended denial on 8/10/06.
11/07/07	The City Council approved a request for a Review of Condition (ROC-24786) to remove Condition Number 2 of an approved Site Development Plan Review (SDR-13880), which stated that the perimeter wall shall be six feet solid block except the southwestern 50 feet which may be four-foot solid with two feet top wrought iron and replace with a condition requesting wrought iron fencing at 540 North Eastern Avenue.
08/15/08	The Planning Commission accepted the applicants request to Withdraw without Prejudice a request for a Special Use Permit (SUP-28613) for a 4,405 square-foot Indoor Swap Meet at 540 North Eastern Avenue, Suite 150.
08/20/08	The City Council approved a request for a Special Use Permit (SUP-28467) for a proposed Beer/Wine/Cooler Off-Sale Establishment within a proposed General Retail Store with a Waiver to allow a distance separation of 370 feet from a protected use, where 400 feet is required at 540 North Eastern Avenue, Suite 145. The Planning Commission recommended approval on 7/24/08.

<i>Related Building Permits/Business Licenses</i>	
07/02/07	A building permit (93092) was issued for water distribution at 546 North Eastern Avenue. The permit was finalized on 01/08/08.
07/20/07	A building permit (94304) was issued for fire line-riser stub at 546 North Eastern Avenue. The permit was finalized on 01/08/08.
08/23/07	A building permit (96466) was issued for a trash enclosure at 546 North Eastern Avenue. The permit was not finalized.
09/20/07	A building permit (95969) was issued for a sprinkler system, Building A at 546 North Eastern Avenue. The permit was finalized on 12/27/07.
10/15/07	A building permit (99909) was issued for a fire alarm system for Building A at 546 North Eastern Avenue. The permit was finalized on 12/27/07.
11/28/07	A building permit was issued for central station monitoring at 546 North Eastern Avenue. The permit was finalized on 01/08/08.
12/20/07	A business license (B20-01385) was issued for Business Support Services at 546 North Eastern Avenue, Suite 140. The license is still active.
01/17/08	A business license (C07-03798) was issued for a Clothing Store at 546 North Eastern Avenue, Suite 130. The license is still active.
01/17/08	A business license (G04-06689) was issued for Gifts and Novelties at 546 North Eastern Avenue, Suite 135. The license is still active.
01/17/08	A business license (C07-03793) was issued for a Clothing Store at 546 North Eastern Avenue, Suite 160. The license is still active.
01/23/08	A business license (C07-03799) was issued for a Clothing Store at 546 North Eastern Avenue, Suite 150. The license is still active.
03/18/08	A business license (A23-02275) was issued for Bookkeeping Services at 546 North Eastern Avenue, Suite 140. The license is still active.
05/07/08	A business license (P27-00513) was issued for Personal Services at 546 North Eastern Avenue, Suite 140. The license is still active.
05/07/08	A business license (B20-01452) was issued for Business Support Services at 546 North Eastern Avenue, Suite 140. The license is still active.
06/04/08	A business license (I04-03545) was issued for an Insurance Adjustor at 546 North Eastern Avenue, Suite 140. The license is still active.
06/04/08	A business license (K10-00312) was issued for an Insurance Firm at 546 North Eastern Avenue, Suite 140. The license is still active.
06/19/08	A business license (T18-00788) was issued for Miscellaneous Telephone Sales and Service at 546 North Eastern Avenue, Suite 120.
09/23/08	A building permit (124001) was issued for Tenant Improvements for a Retail Establishment at 546 North Eastern Avenue, Suite 110. The permit is still open.
09/24/08	A building permit (124778) was issued for plumbing at 546 North Eastern Avenue, Suite 110. The permit was finalized on 09/24/08.

09/24/08	A building permit (124777) was issued for plumbing for a Fast Food Restaurant at 546 North Eastern Avenue. The permit was finalized on 09/24/08.
10/01/08	A building permit (125390) was issued for mechanical work at 546 North Eastern Avenue, Suite 110. The permit was finalized on 10/01/08.
10/02/08	A building permit (125438) was issued for electrical work at 546 North Eastern Avenue, Suite 110. The permit is still active.
10/06/08	A business license (S07-00514) was issued for Shoe Sales at 546 North Eastern Avenue, Suite 110. The license is still active.

Pre-Application Meeting

A pre-application meeting is not required for this type of application, nor was one held.

Neighborhood Meeting

A neighborhood meeting is not required for this type of application, nor was one held.

Details of Application Request

Site Area

Gross Acres	2.06
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Establishments	SC (Service Commercial)	R-E (Residence Estates) with a Resolution of Intent to C-1 (Limited Commercial)
North	Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)
South	Pawn Shop	SC (Service Commercial)	C-1 (Limited Commercial)
	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)

<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

This is the first extension of time request for the proposed use. In the time since the original approval, the applicant has leased out the space previously designated for the Supper Club for other uses. The majority of the buildings suites have businesses with valid licenses. The applicant is seeking to maintain the same scope of entitlements at a location on the subject site still to be determined. The Supper Club may relocate in a vacant unit within the same building in the same or lesser square-footage.

FINDINGS

The proposed location of the Supper Club is currently being leased for a different type of use. The applicant anticipates relocating the Supper Club on the subject site depending on availability of space and the demand for the specific use. Approval of this request is recommended with a one-year time limit. Conformance to the conditions of approval of Special Use Permit (SUP-13882) shall be required

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0