



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 4, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: EOT-33054 EXTENSION OF TIME VARIANCE APPLICANT:
LASCAL CORPORATION DBA TACO BELL - OWNER: MARIA FERRA TRUSTEE**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Variance (VAR-17998) shall expire on January 17, 2011 unless another Extension of Time is approved by the City Council.
2. Conformance to all conditions of approval of Variance (VAR-17998) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time of an approved Variance (VAR-17998) to allow 15 parking spaces where 23 spaces are required for a proposed restaurant with drive-through on 0.52 acres at 4717 West Charleston Boulevard.

It is noted that there is one (1) related Extension of Time (EOT-33055) that will be heard concurrently with this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/24/61	The Board of City Commissioners denied a request for Rezoning (Z-0019-61) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) of property generally located at the southeast corner of Charleston Boulevard and Decatur Boulevard. The Planning Commission recommended denial on 05/23/61.
09/27/61	The Board of City Commissioners denied a request for Rezoning (Z-0046-61) from R-E (Residence Estates) to R-4 (High Density Residential) of property generally located on the south side of Bonanza Road between Dike Lane and Tonopah Drive. The Planning Commission recommended denial on 09/14/61.
09/27/61	The Board of City Commissioners approved a request for Rezoning (Z-0048-61) from R-E (Residence Estates) to C-1 (Limited Commercial) of property generally located on the south side of West Charleston Boulevard, east of Decatur Boulevard. The Planning Commission recommended approval on 09/26/61.
06/21/00	The City Council approved a request for a Site Development Plan Review [Z-0075-62(16) and Z-0048-61(6)] for a proposed 564,476 square-foot commercial center (to include a Wal-Mart) on 53.81 acres on the southeast corner of Charleston Boulevard and Decatur Boulevard. The Planning Commission recommended approval on 05/11/00.
10/04/00	The City Council approved a request for a Site Development Plan Review [Z-0075-62(17)] for a proposed 571,410 square-foot commercial center, which will include a Home Depot and a Wal-Mart Super Center on the south side of Charleston Boulevard, east of Decatur Boulevard. The Planning Commission recommended approval on 09/14/00.

01/17/07	The City Council approved a request for a Variance (VAR-17998) to allow 15 parking spaces where 23 spaces are required for a proposed restaurant with drive-through on 0.52 acres at 4717 West Charleston Boulevard. The Planning Commission recommended approval on 12/21/06.
01/17/07	The City Council approved a request for a Site Development Plan Review (SDR-17999) for a proposed 2,227 square-foot restaurant with drive-through and a waiver to allow a zero-foot landscape buffer along interior lot lines where 8 feet is required and a 5-foot landscape buffer where 15 feet is required along public right-of-way on 0.52 acres at 4717 West Charleston Boulevard. The Planning Commission recommended approval on 12/21/06.
<i>Related Building Permits/Business Licenses</i>	
06/05/97	A business license (R09-00214) was issued for a restaurant (seating 45 or more) at 4717 West Charleston Boulevard. The license is still active.
12/02/02	A business license (P35-00011) was issued for a pay phone at 4717 West Charleston Boulevard. The license is still active.
No building permits have been issued for the new application.	
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.52

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Proposed Restaurant with Drive-Through	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
West	Financial Institution, Specified	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		Y
A-O (Airport Overlay) District (175 feet)	X		Y
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 request for an Extension of Time for the proposed development. In the time since the original approval of the Variance (VAR-17998), the applicant has not made any progress on the project in the form of the issuance and/or finalization of building permits. Title 19.18.070 deems a Variance exercised when a business license is issued to conduct the activity, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.

FINDINGS

Construction for the proposed use has not yet begun; therefore, the applicant has not met the requirements to exercise the entitlement of the Variance as outlined in Title 19.18.070. The applicant is requesting a two-year extension of time due to the Decatur Boulevard street rehabilitation project, since the new site layout and circulation is integrated into the street improvements. Staff recommends approval of this request with a two-year time limit. Conformance to the conditions of approval of Variance (VAR-17998) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0