



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-35441 EXTENSION OF TIME SPECIAL USE PERMIT -

APPLICANT/OWNER: CENTENNIAL GATEWAY, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Special Use Permit (SUP-2215) shall expire on August 6, 2011 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval of Special Use Permit (SUP-2215) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is part of a 397,244 square-foot commercial development bordered by Centennial Center Boulevard to the southwest, Buffalo Drive to the east, and Ann Road to the north. The structure is built with a certificate of completion issued and an address assigned off 5643 Centennial Center Boulevard. The applicant is requesting an extension of time of a previously approved Special Use Permit (SUP-2215) for a Supper Club, as they have been unable to locate a tenant/operator to lease the space due to the current state of the economy. Staff recommends approval with a two-year time limit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/06/03	The City Council approved a request for a Petition to Vacate (VAC-2204) a roadway easement on Buffalo Drive, north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Petition to Vacate (VAC-2205) portions of Centennial Center Boulevard, north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Petition to Vacate (VAC-2206) a portion of Desert Breeze Avenue between Buffalo Drive and Centennial Center Boulevard. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Site Development Plan Review (SDR-2208) for a proposed 397,244 square-foot commercial development and waivers of the Town Center Development Standards are requested to eliminate the landscaping within the Ann Road median, to allow the hardscapes areas within the amenity zone every 600 feet along Centennial Center Boulevard where 105 feet is the maximum permitted, to allow parking adjacent to the right-of-way to allow 50 percent screening of the mechanical installations along Centennial Center Boulevard where 100 percent is required, to allow less than 60 percent of the building to be built-to-line, and to allow doorways to be more than every 50 feet along a building façade that fronts a street or plaza area on 36.5 acres adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard. The Planning Commission recommended approval on 06/12/03.

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2209) for Outdoor Sales in conjunction with a commercial development adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2211) for a Restaurant with drive through adjacent to the west side of Centennial Center Boulevard, approximately 500 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2212) for a Restaurant with drive through adjacent to the east side of Centennial Center Boulevard, approximately 300 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2214) for a Supper Club adjacent to the east side of Centennial Center Boulevard, approximately 880 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2215) for a Supper Club adjacent to the east side of Centennial Center Boulevard, approximately 860 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 775 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2217) for a Supper Club adjacent to the northeast corner of Ann Road and Centennial Center Road. The Planning Commission recommended approval on 06/12/03.
09/22/04	The Planning and Development Department administratively approved a request for an Extension of Time (EOT-4945) of a previously approved Vacation (VAC-2206) to vacate a portion of Desert Breeze Avenue between Buffalo Drive and Centennial Center Boulevard.
10/15/04	A Code Enforcement case (22890) was processed for weeds along right-of-way on vacant lot at the northeast corner of Ann Road and Buffalo Drive. Code Enforcement closed the case on 10/19/04.
12/13/04	A Code Enforcement case (24447) was processed after Parking Enforcement located an out-of-state tractor-trailer parked on a dirt lot east of Buffalo Drive. Code Enforcement closed the case on 02/07/05.
03/16/05	The Planning and Development Department approved a request for a Final Map Technical Review (FMP-6053) for Centennial Gateway (A Commercial Subdivision). The map was recorded on 05/10/05 CLV Drawing #107v4179.

09/07/05	The City Council approved a request to Petition to Vacate (VAC-7235) a drainage easement adjacent to the northeast corner of Ann Road and Centennial Center Boulevard. The Planning Commission recommended approval on 07/28/05.
<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/07/05	The City Council approved a request for an Extension of Time (EOT-8267) of a previously approved Special Use Permit (SUP-2209) for Outdoor Sales in conjunction with a proposed commercial development adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8269) of a previously approved Special Use Permit (SUP-2211) for a Restaurant with drive through adjacent to the east side of Centennial Center Boulevard, approximately 700 feet north of Ann Road.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8271) of a previously approved Special Use Permit (SUP-2214) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 660 feet north of Ann Road.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8272) of a previously approved Special Use Permit (SUP-2215) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 860 feet north of Ann Road.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8273) of a previously approved Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 600 feet north of Ann Road.
09/07/05	The City Council approved a request for a Minor Amendment (SDR-8695) to a previously approved Site Development Plan Review (SDR-2208) for a proposed 397,244 square-foot commercial development on 36.5 acres adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard.
09/05/06	The Town Center Architectural Review Committee approved a request for an amendment (ARC-16122) to an approved Master Sign Plan (CHARC-0009-03) for a proposed 397,244 square-foot expansion of a commercial center on 36.5 acres adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard.
09/19/07	The City Council approved a request for an Extension of Time (EOT-23584) of a previously approved Special Use Permit (SUP-2214) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 660 feet north of Ann Road.

09/19/07	The City Council approved a request for an Extension of Time (EOT-23587) of a previously approved Special Use Permit (SUP-2215) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 860 feet north of Ann Road.
09/19/07	The City Council approved a request for an Extension of Time (EOT-23589) of a previously approved Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 600 feet north of Ann Road.

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/18/08	The City Council approved a request for a Special Use Permit (SUP-27693) for a proposed Beer/Wine/Cooler Off-Sale Establishment within a previously approved 13,969 square-foot General Retail Establishment Grocery Store at the northeast corner of Ann Road and Buffalo Drive. The Planning Commission recommended approval on 05/22/08.
02/04/09	The City Council approved a request for a Special Use Permit (SUP-32016) for Beer/Wine/Cooler On-Sale Establishment within a proposed restaurant at 5643 Centennial Center Boulevard, Suite 130. The Planning Commission recommended approval on 01/08/09.
04/13/09	A Code Enforcement case (76697) was processed for illegal signage for a 24-hour fitness center at 5651 Centennial Center Boulevard. Code Enforcement closed the case on 04/29/09.
04/29/09	A Code Enforcement case (77616) was processed for illegal signage and banners at 5705 Centennial Center Boulevard. Code Enforcement closed the case on 05/06/09.
05/06/09	The City Council approved a request for a Special Use Permit (SUP-33491) for a Secondhand Dealer at 5765 Centennial Center Boulevard, Suite 160. The Planning Commission recommended approval on 04/09/09.
<i>Related Building Permits/Business Licenses</i>	
03/27/08	A building permit (107108) was issued for building D and finalized on 10/17/08. A certificate of completion was issued on 10/08/08.
Numerous building permits have been issued and/or finalized 5643 Centennial Center Boulevard.	
<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	36.5

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Development	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial- Town Center) Special Land Use designation]
North	Commercial Development	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial- Town Center) Special Land Use designation]
South	Condominiums	ML (Medium-Low Density Residential)	R-PD5 (Residential Planned Development- 5 Units per Acre)
	Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD5 Residential Planned Development- 5 Units per Acre)
East	Restaurants and Retail Establishments	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial- Town Center) Special Land Use designation]

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Centennial Hills Sector Plan	X		Y
T-C Town Center District	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
T-C (Town Center) District	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 third request for an extension of time of a previously approved Special Use Permit (SUP-2215) for a supper club within a 397,244 square-foot commercial development bordered by Centennial Center Boulevard to the southwest, Buffalo Drive to the east, and Ann Road to the north. The structure is built with a certificate of completion issued on 10/08/08 and an addressed assigned off 5643 Centennial Center Boulevard. Due to the current state of the economy, the applicant is requesting an extension of time to secure a tenant/operator for the proposed use.

FINDINGS

According to Title 19.18.060, though the building is completed, the applicant has been unable to secure a tenant/operator for the supper club; therefore, the use has not yet been exercised. Staff is recommending approval of the Extension of Time with a two-year time limit. Conformance to the conditions of approval of the Special Use Permit (SUP-2215) shall be required.

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
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<u>ASSEMBLY DISTRICT</u>	N/A
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<u>SENATE DISTRICT</u>	N/A
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<u>NOTICES MAILED</u>	N/A
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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