

MEMORANDUM

TO: Betty Baker, Chair and Members of the Zoning and Platting Commission

FROM: Dora Anguiano, Zoning and Platting Commission Coordinator
Neighborhood Planning and Zoning Department

DATE: April 30, 2004

SUBJECT: Zoning and Platting Commission Summary

Attached is a Zoning and Platting Commission summary, which will be forwarded to the City Council.

CASE # C14-04-0039

18. C14-04-0039 – OAK HILL (Jack Lieberman), By: Jim Bennett Consulting (Jim Bennett), 6705 US Hwy. 290 West. (Williamson Creek). **FROM GR TO CS-1. NOT RECOMMENDED. City Staff: Glenn Rhoades, 974-2775.**

SUMMARY

Glenn Rhoades, staff – “This is 43,644 square feet of space and 38% of it is being used for alcohol sales and if you add another site here, you’re looking at 41% of the property. Therefore, we do not recommend it; we feel that there’s sufficient CS-1 zoning here. If the applicant did decide to down zone the Goodwill site, we maybe able to recommend the proposed changed; however, at this time we cannot and the applicant is not agreeable to do so”.

Commissioner Baker – “You mean the applicant does not agree with staff?”

Mr. Rhoades – “It happens on occasion”.

Jim Bennett, applicant – “My client is trying to open up a 1400 square foot tavern in this commercial strip shopping center located at highway 290 and William Cannon Blvd.; a major thoroughfare. There is some CS-1 zoning on the property; a large part is being occupied by a Goodwill facility. There is a liquor store on this site, which is adjacent to this proposed 1400 square foot CS-1; and there’s a restaurant that has CS-1, for what reason, I’m not sure. We approached the owner about rolling back the CS-1 zoning for the Goodwill, the owner of the property was not agreeable to that. We were able to talk to the owner and tell him that perhaps we could rollback square foot per square foot....But nay! Your staff wanted all of it rolled back. So the owner of the property could not agree to that. It is only a 1400 square foot, his contract with the owner, prohibits any other CS uses during his 15-year contract on the property. None of the property is going to be used for CS-1 use, except for Mr. Sanchez’s property. I don’t believe you have anyone in opposition and we would request that relative to the parking, there is not sufficient parking to put in a bar where the Goodwill Store is, as well as a bar for this facility. There are two additional parking spaces after this proposed bar would go in. So there’s a parking problem should any other CS-1 use want to go in, other than retail. We would request that the commission look at this as being in a strip center, even if there’s existing CS-1”.

Commissioner Baker – “You’ve interchanged bar and liquor store. Is this going to be a 1400 square foot bar? Or 1400 square foot liquor store?”

Mr. Bennett – “Bar; on premise consumption”.

Commissioner Baker – “Very cozy. Mr. Rhoades what did you say about #'s”.

Mr. Rhoades – “Before I jump the gun, the liquor store that exist is a 1920 square feet. The Goodwill is 12,340 square feet.”.

Commissioner Baker – “And he’s asking for 1400 square feet”.

Commissioner Whaley – “The Goodwill is all CS-1?”

Mr. Rhoades – “It’s all CS-1”.

Mr. Bennett – “That’s about right and I believe it was done initially for a Walgreen’s at one time”.

FAVOR

No Speakers.

OPPOSITION

No Speakers.

Commissioner Martinez and Gohil moved to close the public hearing.

Commissioner Martinez – “I move to deny; so staff recommendation”.

Commissioner Pinnelli – “Second”.

Motion carried.

**COMMISSION ACTION:
MOTION:**

AYES:

ABSENT:

**MARTINEZ, PINNELLI
APPROVED STAFF’S
RECOMMENDATION TO DENY THE
ZONING REQUEST BY APPLICANT.
PINNELLI, GOHIL, MARTINEZ,
BAKER, DONISI, HAMMOND,
WHALEY.
JACKSON**

MOTION CARRIED WITH VOTE: 7-0.