

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: November 21, 2011
	Agenda Item No. 53 Roll Call No. [_____] Communication No. <u>11-708</u> Submitted by: Phillip Delafield, Community Development Director

AGENDA HEADING:

Review of Board of Adjustment decision to approve a variance of the 75-foot separation requirement from a public park for sale of beer and wine as an accessory use to a gas station / convenience store located at 3733 Easton Boulevard.

SYNOPSIS:

On October 26, 2011 the Zoning Board of Adjustment voted 5-1 to approve a variance of the 75-foot separation requirement from a public park (Four Mile Community Center) for sale of beer and wine as an accessory use to a gas station / convenience store located at 3733 Easton Boulevard.

The Decision and Order of the Zoning Board of Adjustment’s action was executed under the signature of Chairman Bill Gray on November 2, 2011. Pursuant to Section 135-65 of the City Code, the City Council shall review the Board’s decision within 30 days after the decision is filed. After such review, the City Council may remand the decision to the Board for further study. If the City Council declines to remand the Board’s decision, that decision shall become final on the date of the City Council’s action (November 21, 2011). Staff recommends that the City Council not remand the Board’s decision.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

The applicant has requested to sell beer and wine only and must obtain approval of a license from the City Council through the City Clerk’s office. No sale of alcoholic liquors is proposed. The Gray’s Woods Neighborhood Association submitted a letter to the Board of Adjustment supporting the applicant’s request to sell beer and wine, but not liquor.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S):

Board: Board of Adjustment

Date: October 26, 2011

Resolution Number: ZON2011-00179

Action: Approval of a variance of the 75-foot separation requirement from a public park for sale of beer and wine as an accessory use to a gas station / convenience store located at 3733 Easton Boulevard.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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