

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**CITY COUNCIL MEETING OF: NOVEMBER 7, 2007**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

Consent  Discussion

**SUBJECT:**  
VARIANCE

VAR-23108 - PUBLIC HEARING - APPLICANT: DRAKE REAL ESTATE SERVICES - OWNER: CAPITAL ARM/DURANGO LLC - Request for a Variance To ALLOW A 20-FOOT RESIDENTIAL ADJACENCY SETBACK WHERE 87 FEET IS THE MINIMUM REQUIRED FOR A PROPOSED 14,028 SQUARE-FOOT GENERAL RETAIL STORE on 3.21 acres adjacent to the west side of El Capitan Way, approximately 260 feet north of Durango Drive (APN 125-17-611-001), T-1C (Town Center) Zone [SC-T-C Service Commercial - Town Center Special Land Use Designation], Ward 6 (Ross). The Planning Commission (4-2 vote) and staff recommend DENIAL

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.

11

Planning Commission Mtg.

4

City Council Meeting

47

City Council Meeting

3

**RECOMMENDATION:**

The Planning Commission (4-2 vote) and staff recommend DENIAL.

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Protest postcards
6. Submitted after final agenda protest/support postcards for Items 145-147
7. Backup referenced from the 10-11-07 Planning Commission Meeting Item 22

Motion made by STEVEN D. ROSS to Approve subject to conditions

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1  
RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-OSCAR B. GOODMAN)

**Minutes:**

Before MAYOR PRO TEM REESE declared the Public Hearing open for Items 145-149, he recognized the Boy Scouts Troop 99 from Our Lady of Las Vegas Catholic Church. NICHOLAS BURELL stated the Boy Scouts will be getting their merit badges.

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LENI SKAAR, 3753 Howard Hughes Parkway, appeared on behalf of the applicant, Fresh and Easy, and pointed out that residents on the north side had concerns about delivery truck noise. The applicant is dedicated to being neighborhood-friendly. Each store has a budget donation for good causes within their neighborhood. The construction of the building is environment-friendly with energy efficient windows, as well as construction materials and mechanical equipment inside the building. The only thing on the roof would be the skylight that reduces noise and allows less light during the day.

MS. SKAAR further outlined that the project will have high efficiency cooling systems; the loading docks are designed to reduce noise, and there will be a policy for zero tolerance for trucks that are left idling. There will be daily deliveries, since there are perishable items versus pre-packaged items. Residents expressed concern with Sunday deliveries as it is the busiest day of the week, it is imperative to allow deliveries on this day.

MS. SKAAR indicated that the site plan was redesigned based on concerns from the Planning Commission regarding the buildings closeness to the residents and was reoriented and moved it further away. Although the variance for the residential adjacency is still needed, they are now 50 feet away from those residences. The residents asked for a 10-foot solid block wall to be built next to the existing wall. The site was redesigned eliminating excess landscaping to make room for parking space in order to meet the Code. Therefore, the parking variance is no longer required.

COUNCILMAN ROSS felt that she had come to a good position with this project. MS. SKAAR concluded by asking to withdraw without prejudice Item 145. Regarding Item 147, she requested an additional condition prohibiting the sale of distilled liquor. On Item 149, she asked for an additional condition for a decorative eight-foot tall screening wall matching the one east of this site, to be completed along the length of the northern property line prior to the issuance of a permanent certificate of occupancy.

TEDDY RUSSELL, Las Vegas Resident, expressed his support of the proposed store. Patience, due diligence and flexibility are important.

COUNCILMAN ROSS stated that this parcel has been challenging for many years and the residents have been patient; protecting the residents to the north is very important. He understood the reason for Sunday deliveries but emphasized the protection of the quality of life for the adjacent residents. He asked for a commitment from the applicant that Sunday deliveries will begin at 9:00 a.m. with a review in six months. He anticipates that this product will be good for the neighborhood. He wants the applicant to be successful and would like to see the same product in other areas of Ward 6. MS. SKAAR agreed to the Councilman's request about Sunday deliveries and review.

MARGO WHEELER, Director of Planning and Development Department, read into the record additional conditions for Item 147 and amended conditions for Item 149. MS. SKAAR agreed to all added and amended conditions.

MAYOR PRO TEM REESE declared the Public Hearing closed.