



AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 15, 2008
DEPARTMENT: EOT-29764 - EXTENSION OF TIME - SPECIAL USE PERMIT -
APPLICANT/OWNER: CS4015, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL, subject to:**

1. Conformance to the conditions for Special Use Permit (U-0082-02), and all other site related actions.
2. This Special Use Permit (U-0082-02) shall expire on 09/05/09 unless another Extension of Time is approved.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is the second request for an Extension of Time of an approved Special Use Permit (U-0082-02) to allow gasoline sales in conjunction with a proposed convenience store adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway.

Two other related Extensions of Time (EOT-29763 and EOT-29765), which cover the entitlements for a 3,500 square foot Tavern and a Packaged Liquor Off-Sale use in conjunction with a convenience store, will be heard concurrently with this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/14/99	The City Council approved a Rezoning (Z-0024-99) to PD (Planned Development) on adjacent properties as part of a larger request. The Planning Commission and staff recommended approval.
11/01/00	The City Council approved a Rezoning (Z-0067-99) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation to PD (Planned Development) on the subject site as part of a larger request. The Planning Commission and staff recommended denial.
09/18/02	The City Council approved a Major Modification [Z-0024-99(44)] to the Lone Mountain West Master Development Plan to add approximately five acres to the Plan and to designate the northern half as Village Commercial and the southern half as Medium-Low Density Residential; a Special Use Permit (U-0081-02) to allow a Packaged Liquor Off-Sale use; a Special Use Permit (U-0082-02) for proposed Gasoline Sales; a Special Use Permit (U-0083-02) for a proposed Tavern, and a Site Development Plan Review [Z-0067-99(2)] for the Tavern and convenience store on the subject site. Planning Commission and staff recommended approval.
10/06/04	The City Council approved three related cases. Extension of Time (EOT-5064) of an approved Special Use Permit (U-0081-02) to allow a Packaged Liquor Off-Sale use in conjunction with a Convenience Store; Extension of Time (EOT-5066) of Special Use Permit (U-0082-02) for Gasoline Sales in conjunction with a Convenience Store; and an Extension of Time (EOT-5070) of Site Development Plan Review [Z-0067-99(2)] for a Convenience Store with Gasoline Pumps and a Tavern.

09/20/06	The City Council approved an Extension of Time (EOT-15961) of an approved Special Use Permit (U-0083-02) that allows a Tavern, an Extension of Time (EOT-15962) of an approved Special Use Permit (U-0082-02) to allow gasoline sales, and an Extension of Time (EOT-15963) of an approved Special Use Permit (U-0081-02) to allow a Packaged Liquor Off-Sale Establishment in conjunction with a proposed convenience store adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway
09/05/07	The City Council approved a Site Development Review (SDR-21992) for a 9,663 square-foot Commercial Shopping Center with a 3,500 square-foot Tavern and 3,000 square-foot General Retail Store with Waivers of the Lone Mountain Landscape Standards, Variance (VAR-22100) to allow a 27.2 foot high retail building to be 20 feet from a residential property where 81.6 feet are required, and on 2.00 acres adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. Planning Commission recommended approval with staff recommending denial on 06/28/07.
04/02/08	The City Council approved a Petition to vacate (VAC-26442) a 20-foot wide public drainage easement at 10591 West Lone Mountain Road. The Planning Commission recommended approval on 02/28/08.
06/26/08	A request for a Reversionary Map (PMP-27288) was accepted by staff and released for recordation to consolidate two parcels (APNs 137-01-101-023 and 024) to acreage located the southwest corner of Alexander Road and Cliff Shadows Parkway. This map has not yet recorded.
Related Building Permits/Business Licenses	
There have been no building permits or business licenses issued for this location to date.	
Pre-Application Meeting	
A pre-application meeting is not required for this type of application request, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this type of application request, nor was one held.	

Field Check	
09/12/08	A field check was carried out by staff with the following observations: <ul style="list-style-type: none"> • The property is currently flanked on the south and west property lines by single family residences that were all constructed within the past two years. • The existing property is currently undeveloped, graded, and has some minor stock-piling located at the southwest corner of the property.

Details of Application Request	
Site Area	
Gross Acres	2.00 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	VC (Village Commercial)	PD (Planned Development)
North	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]
South	Single Family Residential	ML (Medium-Low Density Residential)	PD (Planned Development)
East	Apartments	MLA (Medium-Low Density Attached Residential)	R-PD12 (Residential Planned Development 12 Units per Acre)
West	Single Family Residential	ML (Medium-Low Density Residential)	PD (Planned Development)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Lone Mountain West	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		
PD (Planned Development) 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 for the approved Special Use Permit (U-0082-02) to allow gasoline sales within the Lone Mountain West master Plan Area. The applicant indicates that the extension of time is needed due to previous delays in the dedication of B.L.M. land and the opening of the Lone Mountain Road exit onto beltway. With the submittal and processing of the recent reversionary map (PMP-27288) the applicant is now ready to proceed with submitting civil plans and plans checks.

This Special Use Permit (U-0082-02) was originally approved with a Site Development Plan Review [Z-0067-99(2)] which has since been replaced with Site Development Plan Review (SDR-21992). There have been two extensions of time for this entitlement, but no changes in the

surrounding land use have occurred since the original approval.

Conditions of Approval for Special Use Permit U-0082-02:

1. Conformance to the Conditions of Approval for Site Development Plan Review [Z006799(2)].
2. If this Special Use Permit is not exercised within two years after the approval, this Special Use Permit shall be void unless an Extension of Time has been granted.
3. All City Code requirements and all City departments design standards shall be met.

FINDINGS

Staff recommends approval of this Special Use Permit (U-0082-02) with a one year extension of time that will expire on 09/05/09. This date has been selected to coincide with the same date of expiration for the Site Development Plan Review (SDR-21992) and Variance (VAR-22100), which recently replaced the previous Site Development Plan Review [Z-0067-99(2)] entitlement.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0