



AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 21, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-35835 EXTENSION OF TIME SPECIAL USE PERMIT

APPLICANT: FRESH & EASY NEIGHBORHOOD MARKET - OWNER: PECOS PARTNERS, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Special Use Permit (SUP-23593) shall expire on October 17, 2011 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval of the Special Use Permit (SUP-23593) 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 has a previously approved Special Use Permit (SUP-23593) for a retail establishment with accessory packaged liquor off-sale located at 3489 East Owens Avenue. The retail establishment (Fresh & Easy) is built with a certificate of occupancy awarded 01/22/09. The applicant has applied for business licenses for the grocery store and beer/wine/cooler off-sale establishment, but delayed the issuance of the licenses due a comprehensive study conducted by Fresh & Easy to determine the proper mix of products offered and arrangement of the display cases. The results of the study required each location to retrofit the interior design to accommodate the installation of the additional equipment and products, thereby delaying the opening of the establishment and requiring an extension of time for the Special Use Permit (SUP-23593). Staff is recommending approval of this request with a two-year time limit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/09/61	The Board of City Commissioners approved a request for Rezoning (Z-0007-61) of this site to C-1 (Limited Commercial).
04/19/00	The City Council approved a request for a Special Use Permit (U-0150-99) for the sale of gasoline and the off-premise sale of beer and wine in conjunction with a proposed Convenience Store on property located on the southwest corner of Owens Avenue and Pecos Road. The Planning Commission recommended approval on 03/09/00.
	The City Council approved a related request for a Special Use Permit (U-0151-99) to allow the off-premise sale of packaged liquor in conjunction with a proposed drug store.
	The City Council approved a related request for a Site Development Plan Review [Z-0007-61(1)] for a proposed 29,647 square-foot retail shopping center.
	The City Council approved a related request for a Variance (V-0101-99) to allow a 20-foot side and rear yard setback where residential adjacency standards require a 60-foot side and rear setback.
11/16/00	The Planning Commission approved a request for a Tentative Map (TM-0052-00) for one lot at the southwest corner of the intersection of Owens Avenue and Pecos Road.

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/11/01	The Planning and Development Department approved a request for a Final Map (FM-0012-01) for one lot at the southwest corner of the intersection of Owens Avenue and Pecos Road.
06/21/06	The City Council approved a request for a Site Development Plan Review (SDR-10497) for a proposed 29,800 square-foot commercial development and waivers of the parking lot and foundation landscaping requirements on 3.02 acres approximately 300 feet west of Pecos Road on Owens Avenue. The Planning Commission recommended approval on 05/25/06.
	The City Council approved a related request for a Variance (VAR-13249) to allow a proposed 20-foot tall building 40 feet from the rear (south) property line where 60 feet is the minimum setback required; to allow a second proposed 20-foot tall building 26 feet from the rear (south) property line where 60 feet is the minimum setback required; and to allow a third proposed 20-foot tall building 10 feet from the side (west) property line where 60 feet is the minimum setback required.
10/17/07	The City Council approved a request for a Site Development Plan Review (SDR-23581) for a proposed 14,028 square-foot General Retail Store with waivers of perimeter landscape standards to allow a zero foot landscape buffer where eight feet is required along the east property line on 2.57 acres adjacent to the south side of Owens Avenue, approximately 295 feet west of Pecos Road. The Planning Commission recommended approval on 09/13/07.
	The City Council approved a related request for a Variance (VAR-23585) to allow a 50-foot residential adjacency setback where 73 feet is the minimum required.
	The City Council approved a related request for a Variance (VAR-23588) to allow 71 parking spaces where 81 spaces are the minimum required.
	The City Council approved a related request for a Special Use Permit (SUP-23593) for a proposed retail establishment with accessory packaged liquor off-sale.
02/07/08	A Code Enforcement case (62145) was processed for graffiti on inside gate at 3489 East Owens Avenue. Code Enforcement closed the case on 03/28/08.
03/19/08	The City Council approved a request for a Site Development Plan Review (SDR-25991) for a proposed 7,250 square-foot general retail development on 2.57 acres on the south side of Owens Avenue, approximately 245 feet west of Pecos Road. The Planning Commission recommended approval on 01/24/08.
	The City Council approved a related request for a Variance (VAR-25988) to allow a residential adjacency setback of 58.5 feet where 66 feet is required.
04/22/08	A Code Enforcement case (64861) was processed for graffiti at 3489 East Owens Avenue. Code Enforcement closed the case on 06/19/08.

06/18/09	A Code Enforcement case (79207) was processed for a mobile car wash conducting business in the Fresh & Easy parking lot at 3489 East Owens Avenue. Code Enforcement closed the case on 07/01/09.
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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>

07/20/09	A Code Enforcement case (80033) was processed for graffiti on the building at 3489 East Owens Avenue. Code Enforcement closed the case on 07/23/09.
09/12/09	A Code Enforcement case (81772) was processed for vending and car-washing conducting business in the parking lot at 3489 East Owens Avenue. The case is still open.

<i>Related Building Permits/Business Licenses</i>
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07/15/08	Business licenses G05-92952 for a Grocery store and L10-92953 for Beer/Wine/Cooler Off-Sale Establishment at 3489 East Owens Avenue were filed for, but not issued.
05/21/08	Numerous building permits were issued for the proposed development at 3489 East Owens Avenue, including permit #102897 for the Certificate of Occupancy issued 01/22/09.

<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>
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<i>Site Area</i>

Gross Acres	2.57
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single-Family Residences	North Las Vegas	North Las Vegas
South	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
East	Pharmacy	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
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 first request for an Extension of Time of a previously approved Special Use Permit (SUP-23593) for a retail store with accessory packaged liquor off-sale establishment. The applicant was issued numerous building permits for 3489 East Owens Avenue, including permit #102897 for a retail establishment, which received a Certificate of Occupancy on 01/22/09. Additionally, the applicant has applied for business licenses for the approved use, but as of yet the licenses have not been issued. Code Enforcement has processed five (5) separate cases for the site with three pertaining to graffiti and two for vendors and/or car washing businesses operating in the parking lot with all cases closed with the exception of the last one processed on 09/12/09 for unauthorized vendors conducting business at the site.

FINDINGS

Though the applicant received a certificate of occupancy for the subject site, the opening of the business has been delayed to allow additional time for the interior to be reconfigured to accommodate the optimum mix of products and space, requiring an extension of time to complete the project. Staff recommends approval of the extension of time with a two-year time limit. Conformance to the conditions of approval of the Special Use Permit (SUP-23593) 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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