



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: FRESH & EASY NEIGHBORHOOD MARKET -

OWNER: FACCHINO LABARBERA SAHARA, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
EOT-38422	Staff recommends APPROVAL, subject to conditions:	None

** CONDITIONS **

EOT-38422 CONDITIONS

Planning and Development

1. This Special Use Permit (SUP-27506) shall expire on June 4, 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-27506) and all other site related actions as required by the Planning and Development Department and the Department of Public Works.

Staff Report Page One
July 21, 2010 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The proposed grocery store with beer/wine/cooler off-sale (SUP-27504) located at 4580 West Sahara Avenue is not open for business as of yet, but anticipates opening in March 2011. The applicant received a Certificate of Occupancy on 2/12/09, and applied for their business licenses with the licenses in 'pending' status as the store is not ready to open. The area surrounding the store is clean and free of debris with all landscaped areas being well maintained. The applicant is requesting an additional one-year extension of time so they may allow stores to open throughout the Las Vegas area based on the potential economic return at each specific location. Staff has no objection to this request and is recommending approval. If the request is denied, the Special Use Permit (SUP-27504) will be allowed to expire.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/24/08	The Planning and Development Department approved a request for an Administrative Site Development Plan Review (SDR-25837) for proposed modifications to an existing shopping center on 6.15 acres at 4580 West Sahara Avenue.
06/04/08	The City Council approved a request for a Special Use Permit (SUP-27506) for a proposed Beer/Wine/Cooler Off-Sale Establishment within an approved 17,307 square-foot Grocery Store located at 4580 West Sahara Avenue, Ste 150. The Planning Commission recommended approval on 05/08/08.
06/17/09	The City Council approved a request for an Extension of Time (EOT-34161) of a previously approved Special Use Permit (SUP-27506) for a proposed Beer/Wine/Cooler Off-Sale Establishment within an approved 17,307 square-foot Grocery Store located at 4580 West Sahara Avenue, Ste 150.

<i>Related Building Permits/Business Licenses</i>	
04/13/10	Business licenses C05-02589 (Tobacco Sales), D11-00227 (Drug Store), and Q04-00037 (Pharmacist) were cancelled due to the store going out of business at 4580 West Sahara Avenue, Ste 110.
07/15/08	Business licenses (G05-92944 and L10-92945) were filed for a Grocery Store and for Beer/Wine/Cooler Off-Sale Establishment at 4580 West Sahara Avenue, Ste 150. The licenses are in 'pending' status as of 12/10/09 as the business is not ready to open until March 2011.
07/21/08	A building permit (106991) was issued for tenant improvements at 4580 West Sahara Avenue, Suite 150. The permit was finalized on 02/17/09 with a Certificate of Occupancy issued on 02/12/09.

Staff Report Page Two
July 21, 2010 - City Council Meeting

Pre-Application Meeting

A pre-application meeting was not required nor was one held.

Neighborhood Meeting

A neighborhood meeting was not required nor was one held.

Field Check

06/09/10	Staff conducted a field check of the subject site with the following observations: • The store is not open for business as of yet. • The area surrounding the building was clean and free of debris with landscaped areas being well maintained.
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Details of Application Request

Site Area

Gross Acres	6.13
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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Retail Establishments, Tavern, Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
North	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential and Apartments)
South	Commercial Establishments	SC (Service Commercial)	C-1 (Limited Commercial)
East	Restaurant and Vacant Building	SC (Service Commercial)	C-1 (Limited Commercial)
West	Commercial Establishments	SC (Service Commercial)	C-1 (Limited Commercial)

Staff Report Page Three
July 21, 2010 - City Council Meeting

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</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
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the second request for an Extension of Time of a previously approved Special Use Permit (SUP-27506) for a Grocery Store with Beer/Wine/Cooler Off-Sale (SUP-27506). Building permit #106991 was issued on 07/21/08 for tenant improvements with a certificate of occupancy awarded on 2/12/09. The appropriate business licenses have been applied for, but not yet issued as the business does not anticipate opening until March 2011. Staff conducted a field check of the subject site and found the area surrounding the business neat and clean in appearance with the landscaped areas being properly maintained. There has been new development in the surrounding areas that include a Secondhand Dealer and Beer/Wine/Cooler On-Sale Establishment within an existing restaurant to the west and another Secondhand Dealer to the south.

FINDINGS

The Special Use Permit (SUP-27506) has not met Title 19.18.060 requirements to exercise the entitlement as a business license is required to conduct the activity and has not been issued. The applicant is requesting an additional one-year extension of time to allow their stores to open based on the potential economic return at each location. Staff has no objection to this request and is recommending approval with a one-year time limit. Conformance to the conditions of approval of the Special Use Permit (SUP-27506) shall be required.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0