



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 1, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: SPECIALTY TRUST

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
EOT-38453	Staff recommends APPROVAL, subject to conditions:	None
EOT-38454	Staff recommends APPROVAL, subject to conditions:	None

** CONDITIONS **

EOT-38453 CONDITIONS

Planning and Development

1. The Special Use Permit (SUP-27047) shall expire on June 4, 2012 unless another Extension of Time is approved by the City Council.
2. Conformance to all the conditions of approval of the Special Use Permit (SUP-27047) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

EOT-39454 CONDITIONS

Planning and Development

1. The Special Use Permit (SUP-27046) shall expire on June 4, 2012 unless another Extension of Time is approved by the City Council.
2. Conformance to all the conditions of approval of the Special Use Permit (SUP-27046) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The property is undeveloped land located at the northwest corner of Deer Springs Way and Durango Drive with previous approval for two Special Use Permits (SUP-27046 and SUP-27047) for a proposed Tavern and Restaurant with a drive-through. The first phase of the development (Walgreens Pharmacy) is complete with the on-site utilities, parking, and driveways for the second phase already completed. The developer is aggressively working to attract commercial tenants to proceed forward with the proposed tavern and restaurant, but due to the economic slowdown, it has been difficult to secure a tenant. The applicant is requesting an Extension of Time to secure a tenant to continue forward with the proposed projects. Staff finds no objection to the request and is recommending approval. If denied, the Special Use Permits (SUP-27046 and SUP-27047) would be allowed to expire.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/17/01	The City Council approved a Petition for Annexation of approximately 629.808 acres located west of El Capitan Way and east of Grand Canyon Drive between Grand Teton Drive and Rome Boulevard. The annexation became effective on 01/26/01.
04/03/02	The City Council approved a request to amend a portion of the Town Center Master Plan from ML-TC (Medium Low- Town Center) to SX-TC (Suburban Mixed Use) on 5.04 acres located adjacent to the west side of El Capitan Way approximately 660 feet south of Elkhorn Road. The Planning Commission recommended denial on 02/28/02.
05/01/02	The City Council approved a request for a Development Agreement on approximately 15 acres to establish a set of development standards for an area with the Urban Center Mixed Use (UC-TC) Town Center zoning district. The Planning Commission recommended approval on 03/28/02.
11/06/02	The City Council approved a Petition to Vacate U.S. patent reservations (VAC-0065-02) generally located west of El Capitan Way, approximately 660 feet north of Deer Springs Way. The Planning Commission recommended approval on 09/26/02.
03/19/03	The City Council approved a request for Rezoning (ZON-1620) from U (Undeveloped) Zone [UC-TC (Urban Center Mixed-Use-Town Center) General Plan Designation] to T-C (Town Center) on 6.14 acres adjacent to the northwest corner of Durango Drive and Deer Springs Way. The Planning Commission recommended approval on 02/13/03.

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06/04/08	The City Council approved a request for a Major Modification of the Town Center Land Use Plan from UC-TC (Urban Center Mixed Use-Town Center) to GC-TC (General Commercial- Town Center) Special Land Use designation on 5.1 acres at the northwest corner of Durango Drive and Deer Springs Drive. The Planning Commission recommended approval on 05/08/08.
	The City Council approved a related request for a Special Use Permit (SUP-27046) for a proposed 5,376 square-foot Liquor Establishment-Tavern.
	The City Council approved a related request for a Special Use Permit (SUP-27047) for a proposed 3,200 square-foot Restaurant with drive through.
	The City Council approved a related request for a Special Use Permit (SUP-27049) for a proposed Beer/Wine/Cooler Off-Sale Establishment in conjunction with a Convenience Store.
	The City Council approved a related request for a Site Development Plan Review (SDR-27051) for a 41,741 square-foot retail and office development with waivers to allow an eight foot landscape buffer where a 15 foot buffer is required on Durango Drive, a 15-foot setback where a 20-foot setback is required for a gas station and Town Center landscape finger requirements within parking areas.
01/22/09	The Planning Commission approved a request for a Tentative Map (TMP-32529) for a one-lot commercial subdivision on 5.1 acres at the northwest corner of Deer Springs Way and Durango Drive.
03/18/09	The City Council approved a request for a Petition to Vacate U.S. Government Patent Easements (VAC-32645) generally located adjacent to the northwest corner of Deer Springs Way and Durango Drive. The Planning Commission recommended approval on 02/12/09.
05/13/09	The Planning and Development Department approved a request for a Final Map Technical Review (FMP-34480) for a one-lot commercial subdivision on 5.01 acres at the northwest corner of Deer Springs Way and Durango Drive. An action letter was forwarded to the applicant on 06/09/09. The recordation number is 2010071901714 on 06/10.
11/06/09	The Planning and Development Department approved a request for a Minor Amendment to a previously approved Site Development Plan Review (SDR-27501) for a 45,895 square-foot retail and office development where 41,741 square feet was previously approved on 5.01 acres at the northwest corner of Deer Springs Way and Durango Drive.

Related Building Permits/Business Licenses

No building permits or business licenses have been issued for the proposed Tavern or Restaurant with drive through.

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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

08/06/10	Staff conducted a field check of the subject site with the following observations: • The area was clean and free of debris • The landscaping areas were being properly maintained
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Details of Application Request

Site Area

Gross Acres	3.62 acres
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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	Undeveloped Land- Proposed Tavern and Restaurant with Drive-Through	TC (Town Center)	[GC-TC (General Commercial- Town Center) Special Land Use designation]
North	Condominiums	TC (Town Center)	[UC-TC (Urban Center Mixed Use- Town Center) Special Use Land Use designation]
South	Undeveloped Land	TC (Town Center)	[UC-TC (Urban Center Mixed Use- Town Center) Special Use Land Use designation]
East	Hospital	TC (Town Center)	[UC-TC (Urban Center Mixed Use- Town Center) Special Use Land Use designation]
West	Undeveloped Land	TC (Town Center)	[UC-TC (Urban Center Mixed Use- Town Center) Special Use Land Use designation]
	Single Family Dwellings	TC (Town Center)	[ML-TC (Medium Low Density Residential- Town Center) Special Use Land designation]

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<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Town Center Master Plan	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
T-C (Town Center) District	X		Y
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 first request for an Extension of Time of previously approved Special Use Permits (SUP-27046 and SUP-27047) for a proposed tavern and restaurant with drive-through located at the northwest corner of Deer Springs Way and Durango Drive. Phase one (Walgreen Pharmacy) of the project is complete, in addition to the on-site utilities, parking, and driveways for the second phase. Staff conducted a field check of the subject site on 8/6/10 and found the property to be clean and free of trash/debris with the landscaping areas being properly maintained.

Title 19.18.060 (P) deems a Special Use Permit exercised upon the issuance of a building permit for the new construction.

FINDINGS

The Special Use Permits (SUP-27046 and SUP-27047) have not met Title 19.18.060 requirements to exercise the entitlement as building permits for the new construction of the tavern and/or restaurant have not been issued. Due to the economic slowdown in the Las Vegas area, the applicant has experienced difficulty locating commercial tenants to proceed forward with the proposed tavern and restaurant and is therefore requesting an Extension of Time. Staff finds no objection to the request and is recommending approval with a two-year time limit. Conformance to the conditions of approval of the Special Use Permits (SUP-27046 and SUP-27047) shall be required.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0