

**AGENDA MEMO****CITY COUNCIL MEETING DATE: NOVEMBER 3, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: APPLICANT/OWNER: FRESH & EASY NEIGHBORHOOD MARKET**

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
RQR-39774	Staff recommends APPROVAL.	None

Staff Report Page One
November 3, 2010 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site has a retail establishment with previous approval for a Special Use Permit (SUP-23111) for accessory packaged liquor off-sale at 7752 North El Capitan Way. A business license for the use was issued on 04/20/09 and since that time, has not experienced any Code Enforcement violations or negative police activity.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/07/98	The City Council approved a request for a Rezoning (Z-0076-98) from U, R-E, R-PD7, R-PD11, R-PD13, R-PD18, R-CL, C-1, C-2, C-V, and PD to T-C (Town Center) on 1,468 acres on property located within the area designated Town Center. The Planning Commission and staff recommended approval.
05/17/00	The City Council approved a request for a Site Development Plan Review [Z-0076-98(14)] for a proposed 208,211 square-foot shopping center on the northwest corner of Farm Road and Tule Springs Road. The Planning Commission and staff recommended approval.
01/22/04	The Planning Commission approved a request for a Tentative Map (TMP-3272) for a two lot commercial subdivision on 4.91 acres adjacent to the northeast corner of El Capitan Way and Durango Drive. Staff recommended approval.
01/13/05	The Planning and Development Department approved a request for a Final Map Technical Review (FMP-4252) for a two lot commercial subdivision on 4.91 acres adjacent to the northeast corner of El Capitan Way and Durango Drive. The map was recorded on 01/13/05, CLV Drawing #107V4021.
08/01/07	The City Council approved a request for a Special Use Permit (SUP-21913) for a retail establishment with accessory packaged liquor off-sale on the north side of Durango Drive, approximately 350 feet north of El Capitan Way. The Planning Commission and staff recommended approval.
11/06/07	The Town Center Architectural Design Committee approved a request for a Major Modification to an approved Master Sign Plan (ARC-25285) at 7785 North Durango Drive.

Staff Report Page Two
November 3, 2010 - City Council Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/07/07	The City Council approved a request for a Variance (VAR-23108) 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. The Planning Commission and staff recommended denial.
	The City Council approved a related request for a Special Use Permit (SUP-23111) for a retail establishment with accessory packaged liquor off-sale.
	The City Council approved a related request for a Special Use Permit (SUP-24162) for a gaming establishment (restricted) in conjunction with a proposed convenience store (without fuel pumps) and a waiver of the Town Center Development Standards to allow a zero foot distance separation from single family detached dwellings where 330 feet is required.
	The City Council approved a related request for a Site Development Plan Review (SDR-23107) for a proposed 14,028 square-foot general retail store and a waiver of perimeter landscape standards to allow a zero foot landscape buffer where 8 feet is required along the east property line.

<i>Related Building Permits/Business Licenses</i>	
02/03/09	A building permit (108886) was issued on 06/30/08 for a new retail building at 7752 North El Capitan Way. The permit was finalized on 02/03/09 with a Certificate of Occupancy issued on 01/29/09.
04/20/09	Business licenses L10-00292 and G05-01998 were issued for Beer/Wine/Cooler Off-Sale Establishment and a Grocery Store at 7752 North El Capitan Way. The licenses are still active.

<i>Pre-Application Meeting</i>	
A pre-application meeting was not required, nor was one held.	

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
10/07/10	Staff conducted a field check of the subject site with the following observations: • The area surrounding the building was free of trash/debris • The landscaping areas were being properly maintained

Staff Report Page Three
November 3, 2010 - City Council Meeting

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.72

<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 Establishment	TC (Town Center)	SC-TC [(Service Commercial-Town Center) Special Land Use designation]
North	Single Family Residences	TC (Town Center)	MLA-TC [Medium Low Attached Density Residential-Town Center) Special Land Use designation]
South	Undeveloped Land-Proposed Offices, Retail, Restaurant	TC (Town Center)	GC-TC [(General Commercial- Town Center) Special Land Use designation]
East	Retail Establishments, Restaurants	TC (Town Center)	SC-TC [(Service Commercial-Town Center) Special Land Use designation]
West	Undeveloped Land and a Restaurant	TC (Town Center)	SC-TC [(Service Commercial-Town Center) Special Land Use designation]

<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

Staff Report Page Four
November 3, 2010 - City Council Meeting

ANALYSIS

This is the first Required Review for the retail establishment with accessory packaged liquor off-sale at 7752 North El Capitan Way. Since the issuance of a business license on 04/20/09, the subject site has not experienced any Code Enforcement violation or negative police activity. Staff conducted a field check of the site and found the area free of trash/debris with the landscaping areas being properly maintained.

FINDINGS

The retail establishment with accessory packaged liquor is located within the Town Center community development district. The property and surrounding is being properly maintained. Businesses and/or residents in the area have filed no complaints regarding the use at the subject site. Staff recommends approval of this request with no further reviews.

NEIGHBORHOOD ASSOCIATIONS 36

NOTICES MAILED 720 (By Planning)

APPROVALS 0

PROTESTS 0