

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: JULY 20, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: FRESH & EASY NEIGHBORHOOD MARKET -  
OWNER: FACCHINO LABARBERA SAHARA, LLC

---

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

| <i>CASE<br/>NUMBER</i> | <i>RECOMMENDATION</i>                             | <i>REQUIRED FOR<br/>APPROVAL</i> |
|------------------------|---------------------------------------------------|----------------------------------|
| <b>EOT-42005</b>       | Staff recommends APPROVAL, subject to conditions: | None                             |

**\*\* CONDITIONS \*\***

---

**EOT-42005 CONDITIONS**

---

**Planning**

- 1.This Special Use Permit (SUP-27506) shall expire on June 4, 2013 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 Department of Planning and department of Public Works.

**Staff Report Page One**  
**July 20, 2011 - City Council Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The subject site is currently occupied by a 17,307 square-foot retail establishment with previous approval for a Special Use Permit (SUP-27506) for beer/wine/cooler off-sale at 4580 West Sahara Avenue. Plan Check #26601 was processed for a retail store with all city departments approving the plans. Numerous building permits have been issued and finalized for the establishment. A business license (L10-00316) was approved on 04/21/11, but marked inactive on the same day as the business was not yet ready to open. The applicant is requesting an extension of time as the property was recently sold to a new owner. Staff is recommending approval of this request.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i></b> |                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 at 4680 West Sahara Avenue, Ste 150. The Planning Commission recommended approval.                                       |
| 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 at 4680 West Sahara Avenue, Ste 150. Staff recommended approval. |
| 07/21/10                                                                 | The City Council approved a request for an Extension of Time (EOT-38422) 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 at 4680 West Sahara Avenue, Ste 150. Staff recommended approval. |

| <b><i>Most Recent Change of Ownership</i></b> |                                                |
|-----------------------------------------------|------------------------------------------------|
| 10/18/10                                      | A deed was recorded for a change in ownership. |

**Staff Report Page Two**  
**July 20, 2011 - City Council Meeting**

| <b><i>Related Building Permits/Business Licenses</i></b>                                                        |                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/20/08                                                                                                        | Plan Check #26601 was processed for tenant improvements for a retail establishment and certificate of occupancy. The plans have been approved by all city departments.       |
| 04/21/11                                                                                                        | A Business license (L10-00316) was approved and deemed inactive for beer/wine/cooler off-sale at 4580 West Sahara Avenue, Ste 150 as the business was not yet ready to open. |
| Numerous building permits have been issued and finalized for a retail establishment at 4580 West Sahara Avenue. |                                                                                                                                                                              |

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

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

| <b><i>Details of Application Request</i></b> |      |
|----------------------------------------------|------|
| <b><i>Site Area</i></b>                      |      |
| Gross Acres                                  | 6.15 |

| <b><i>Surrounding Property</i></b> | <b><i>Existing Land Use Per Title 19.12</i></b> | <b><i>Planned or Special Land Use Designation</i></b> | <b><i>Existing Zoning District</i></b> |
|------------------------------------|-------------------------------------------------|-------------------------------------------------------|----------------------------------------|
| Subject Property                   | Grocery Store                                   | SC (Service Commercial)                               | C-1 (Limited Commercial)               |
| North                              | Multi-Family Residences                         | M (Medium Density Residential)                        | R-3 (Medium Density Residential)       |
| South                              | Retail Establishments, Restaurants, Offices     | SC (Service Commercial)                               | C-1 (Limited Commercial)               |
| East                               | Retail Establishments                           | SC (Service Commercial)                               | C-1 (Limited Commercial)               |
| West                               | Shopping Center                                 | SC (Service Commercial)                               | C-1 (Limited Commercial)               |

**Staff Report Page Three**  
**July 20, 2011 - City Council Meeting**

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

## ANALYSIS

This is the third request for an Extension of Time 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 at 4580 West Sahara Avenue. Plan Check #26601 was processed for a retail store on 06/20/08 with all city departments approving the plans. Numerous building permits have been issued and finalized for the grocery store. A business license (L10-00316) was approved on 04/21/11, but marked inactive on the same day as the business was not yet ready to open.

Title 19.16.110 of the Unified Development Code deems a Special Use Permit exercised upon the issuance of a business license for the use.

## FINDINGS

The Special Use Permit (SUP-27506) has not met the requirements as outlined in Title 19.16.110 as a business license has not been issued (marked out as not ready to open). The applicant is requesting an Extension of Time as the property was recently sold and additional time is required for the new owner to move forward with the proposed use. Staff is recommending approval with a two-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