



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: SEPTEMBER 3, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: Y-OPCO, LLC - OWNER: EM-50 UAV SLBCO, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ROC-55186	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** CONDITIONS ****

ROC-55186 CONDITIONS

Planning

1. Condition #C of Special Use Permit (SUP-23111) shall be deleted.
2. Condition #D of Special Use Permit (SUP-23111) shall be deleted.
3. Condition #5 of Special Use Permit (SUP-23111) shall be deleted.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
September 3, 2014 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Review of Condition to delete to delete condition #C of a previously approved Special Use Permit (SUP-23111) which states, “delivery hours shall be 7:00 a.m. to 9:00 p.m., Monday through Saturday and Sunday from 9:00 a.m. to 6:00 p.m.”; condition #D which states, “store hours shall be limited to 6:00 a.m. to 11:00 p.m.”; and condition #5 which prohibits the sale of individual containers of any size beer or wine cooler. All such products shall remain in their original configurations. Further no repackaging of containers into groups smaller than the original shipping container size shall be permitted at 7752 North El Capitan Way. If denied the delivery hours would remain from 7:00 a.m. to 9:00 p.m., Monday through Saturday and Sunday from 9:00 a.m. to 6:00 p.m., the hours of operation would remain from 6:00 a.m. to 11:00 p.m. and the sale of individual containers of any size of beer or wine cooler would be prohibited.

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, which included the subject site. 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.

Staff Report Page Two
September 3, 2014 - City Council Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
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.
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 on 3.21 acres adjacent to the west side of El Capitan Way, approximately 260 feet north of Durango Drive.
	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 on property located on the northwest corner of Durango Drive and El Capitan Way.
	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 on 3.21 acres adjacent to the east side of El Capitan Way, approximately 260 feet north of Durango Drive.
11/30/10	The City Council approved a Required Review (RQR-39774) of an approved Special Use Permit (SUP-23111) that allowed a Retail Establishment with Accessory Package Liquor Off-Sale at 7752 North El Capitan Way. Staff recommended approval.
11/14/11	A code enforcement case (107658) was processed for an unpermitted sidewalk and banner at 7752 North El Capitan Way. The case was resolved on 12/19/11.
02/26/13	A code enforcement case (125343) was processed for an unpermitted banner at 7752 North El Capitan Way. The case was resolved on 03/07/13.

<i>Most Recent Change of Ownership</i>	
11/27/13	A deed was recorded for a change in ownership.

Staff Report Page Three
September 3, 2014 - City Council Meeting

<i>Related Building Permits/Business Licenses</i>	
06/30/08	A building permit (108886) was issued for a Certificate of Occupancy of a 14,028 square-foot new retail building at 7752 North El Capitan Way. The permit was finalized on 02/03/09.
07/17/08	A building permit (120206) was issued for grading at 7752 North El Capitan Way. The permit was finalized on 01/02/09.
04/20/09	A business license (G60-00067) was issued for a Grocery Store at 7752 North El Capitan Way. The license is still active.
04/20/19	A business license (L10-00292) was issued for Beer/Wine/Cooler Off-Sale at 7752 North El Capitan Way. The license was marked out of business on 11/25/13.
06/02/09	A building permit (139006) was issued for a Tenant Improvement at 7752 North El Capitan Way. The permit was finalized on 09/22/09.
08/04/11	A building permit (191900) was issued for a Tenant Improvement at 7752 North El Capitan Way. The permit was finalized on 09/08/11.
07/18/12	A business license enforcement case (117235) was processed for an employee list not current at 7752 North El Capitan Way. The case was resolved on 08/02/12.
11/25/13	A temporary business license (L10-98782) was issued for Beer/Wine/Cooler Off-Sale at 7752 North El Capitan Way. The license is still active.

<i>Pre-Application Meeting</i>	
07/09/14	A pre-application meeting was held with the applicant's representative and the submittal requirements for a Review of Condition to delete conditions #C, D and 5 of Special Use Permit (SUP-23111).

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

<i>Field Check</i>	
07/24/14	Staff conducted a field check of the subject site and found the area surrounding the business clean and neat in appearance with no discrepancies noted.

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

Staff Report Page Four
September 3, 2014 - City Council Meeting

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	General Retail Store, Other than Listed	T-C (Town Center)	SC-TC [(Service Commercial-Town Center) Special Land Use designation]
North	Single Family, Detached	PCD (Planned Community Development)	R-CL (Single-Family Compact-Lot)
South	Undeveloped Land	T-C (Town Center)	GC-TC [(General Commercial- Town Center) Special Land Use designation]
East	General Retail Store, Other than Listed/Restaurants	T-C (Town Center)	SC-TC [(Service Commercial-Town Center) Special Land Use designation]
West	Undeveloped Land, Restaurant	T-C (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

ANALYSIS

The applicant is requesting a Review of Condition of a previously approved Special Use Permit (SUP-23111) to delete condition #C that limited the hours of delivery from 7:00 a.m. to 9:00 p.m., Monday through Saturday and Sunday from 9:00 a.m. to 6:00 p.m., condition #D which limits the hours of operation from 6:00 a.m. to 11:00 p.m., and condition #5 that prohibits the

Staff Report Page Five
September 3, 2014 - City Council Meeting

individual sales of any size of beer or wine cooler at 7752 North El Capitan Way. The applicant has stated in their justification letter that they operate the majority of their stores located in southern Nevada 24-hours per day, 7-days per week and similar to the hours of operation the majority of its stores located in southern Nevada sells individual containers of beer and wine coolers, with the exception of some stores in the City of Las Vegas. The proposed removal of the hours of operation restriction, delivery hours restriction and the ability to sell individual containers of beer or wine coolers would allow the applicant a uniform marketing presence in the local community.

City Council specifically placed conditions on the Retail Establishment with Accessory Package Liquor Off-Sale use in 2007, establishing the hours of delivery, the hours of operation from 6:00 a.m. to 11:00 p.m. The applicant requested and received approval for the sales of individual containers of screw cap wine.

FINDINGS

The subject General Retail Store, Other than Listed with Accessory Package Liquor Off-Sale use was approved in 2007 and the appropriate business licenses have been issued. The proposed removal of these conditions is not appropriate as conditioned by the Las Vegas City Council's approval of Special Use Permit (SUP-23111) and the applicant agreed to the conditions of approval at the November 07, 2007 City Council meeting. The removal of these conditions could have a negative effect on the area surrounding the subject site, a Single Family Residential subdivision abutting the subject property directly to the north. Therefore, staff recommends denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

53

NOTICES MAILED

781 (By Planning)

APPROVALS

0

PROTESTS

0