



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 11, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-21656 - APPLICANT: DRAKE REAL ESTATE SERVICES -
OWNER: BOAS-LAS VEGAS, LLC**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. Approval of this Special Use Permit does not constitute approval of a liquor license.
3. The sale of individual containers of any size of beer or wine coolers is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The project is a request for a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-sale on 1.72 acres located at 4810 West Ann Road. The project conforms to Title 19.04 Special Use conditions. Staff recommendation is approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/12/68	The Clark County Regional Planning Council adopted a Coordinated General Plan for the Las Vegas Valley. On this plan, the subject properties were designated as Rural.
05/26/77	The Clark County Regional Planning Council adopted a Regional Comprehensive Plan. On this plan, the subject properties were designated for Rural Density Residential land uses with a maximum density of 0.5 dwelling units per acre.
08/07/85	The Las Vegas City Council adopted the Community Profiles of the City of Las Vegas General Plan. On this plan, the subject properties were designated for Low Density Residential land uses with a maximum density of six (6) dwelling units per acre.
03/12/92	The Las Vegas City Council adopted the Northwest Sector map of the City of Las Vegas General Plan. On this plan, the subject properties were designated for Low Density Residential Land Uses, with a maximum density of 6.70 dwelling units per acre.
12/18/96	The Las Vegas City Council adopts the Northwest General Plan Amendment to the City of Las Vegas General Plan. Within this plan, the subject properties are designated for Rural Density Residential land uses (maximum density of 3.5 dwelling units per acre).
08/18/99	The Las Vegas City Council approves GPA-23-99, which amends the density range for the Low Density Residential land use category to allow a maximum of 5.5 dwelling units per acre, Medium Low Density Residential to allow up to 8 dwelling units per acre and Medium Density Residential up to 25 dwelling units per acre.
06/14/07	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #10/ja).
<i>Related Building Permits/Business Licenses</i>	
12/15/06	Existing Liquor License (L15-00123-4-001021) deemed Inactive for the existing retail establishment located at 4810 West Ann Road.
<i>Pre-Application Meeting</i>	
3/12/06	A Pre-Application Meeting was held where Planning staff advised the applicant of the Special Use Permit application requirements and Title 19.18 regulations pertaining to the proposed liquor use and associated licensing guidelines.

<i>Neighborhood Meeting</i>	
05/23/07	A Neighborhood Meeting was held and was attended by four members of the public along with the developer, a representative of Council District 6, and a staff representative from the Planning and Development Department. Concerns were raised from citizens interested in the hours of operation, redelivery times, and the potential for 24 hour operations.
<i>Field Check</i>	
Not performed	A review of City Geographic Information System (GIS) aerial photographs indicates the project site is a developed parcel containing a commercial structure with associated parking. The applicant has stated the project involves the proposed reuse of an existing retail building.

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

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial	SC: Service Commercial	C-1: Limited Commercial
North	Residential	ML: Medium Low Density Residential	R-CL: Single family Residential Compact Lots
South	Residential	ML: Medium Low Density Residential	R-PD8: Residential Planned Development 8 du/acre
East	Commercial	Clark County Jurisdiction Retail/Commercial	Clark County Jurisdiction Retail/Commercial
West	Residential	ML: Medium Low Density Residential	R-CL: Single family Residential Compact Lots

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Centennial Hills	X		Y
Special Purpose and Overlay Districts			
A-O Airport Overlay District (200 feet)	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment	X		Y
Project of Regional Significance		X	NA

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail Store (3,500 square feet or more)	17,075 square feet	1 space/ 175 square feet	98	4	86	4	N*
TOTAL			98		86		

*The proposed use will be located within an existing retail building site with associated surface parking and no expansion of the existing facility is proposed. The project location is considered parking impaired pursuant to Title 19.10.

ANALYSIS

The proposed project is to allow liquor retail sales at a proposed commercial (grocery store) establishment. The square footage for the liquor sales shelf section will be less than 10 percent of the floor area for the proposed grocery store as 525 square feet of floor display area will be dedicated to alcohol products.

A liquor license is issued for the project location which became inactive on 12/15/06. Pursuant to Title 19.18.060 - Special Use Permit Requirements [P.4 (a)] a Special Use Permit shall be void without further action if the Special Use Permit was issued for alcoholic beverage use and such use ceases for one hundred and eighty days or more. The expiration date of this license is June 15, 2007. The Special Use Permit is required as the applicant is tentatively scheduling the commencement of store operations in February 2008.

The project site is located 500 feet of the City boundary with Clark County. In accordance with Ordinance No. 5477, a Development Impact Notice and Assessment was prepared and is available for review at the Planning and Development Department offices.

In accordance with Title 19.04 the proposed Retail Establishment with Accessory Package Liquor Off-sale use does not require additional parking over and beyond that of the primary use General Retail (Grocery Store). The existing 17,075 square foot retail site contains a total of 86 parking spaces. Current Title 19.04 parking standards for General Retail use requires 1 parking space for every 175 square feet of floor area (98 spaces required). No new development or expansion is proposed for the existing commercial building. The project site is considered parking impaired pursuant to Title 19.10.010 Section C.

FINDINGS

The following findings must be made for a Special Use Permit:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed Retail Establishment with Accessory Package Liquor Off-sale use can be implemented at the project site to complement surrounding residential and commercial uses.

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

The project site is developed with an existing commercial building with associated parking. The proposed use will operate on a site that is considered parking impaired under Title 19.10.010 Section C.

- 3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

The project site currently has vehicular access along Ann Road and North Decatur Boulevard. Street facilities are adequate in this area.

- 4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

The proposed use is subject to regulations set forth by the City of Las Vegas and the State of Nevada. The project conforms to the minimum use requirements for alcohol beverage sales contained in Title 19.04, and in addition must conform with Section 6.50 of the Municipal Code as well Section 268.090 of the Nevada Revised Statutes which further governs the operation of liquor sales operations.

- 5. The use meets all of the applicable conditions per Title 19.04.**

The proposed use meets all conditions set forth under Title 19.04.

PLANNING COMMISSION ACTION

Condition #3 was amended as shown.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 2

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 414 by City Clerk

APPROVALS 6

PROTESTS 3