

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: AUGUST 23, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ABEYANCE - SUP-22538 - APPLICANT: DRAKE REAL ESTATE SERVICES - OWNER: STUART APOLLO**

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

**STAFF RECOMMENDATION:**      **APPROVAL**, subject to:

***Planning and Development***

1. Conformance to the conditions for Site Development Plan Review (SDR-22540) and Variance (VAR-23019) if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. 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.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. 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.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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

**PROJECT DESCRIPTION**

The project is a request for a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-sale located on the north side of Vegas Drive approximately 275 feet east of Rainbow Boulevard. The request is associated with companion Site Development Plan Review (SDR-22540) and Special Use Permit (SUP-22538).

The project will be operated in a proposed general retail establishment and will conform to Title 19.04 Special Use Permit regulations. Staff recommendation is approval.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
08/07/91	The City Council approved C-1 (Limited Commercial) zoning for the site. (Z-57-91). The Planning Commission and staff recommended approval.
08/21/91	The City Council approved Special Use Permit (U-150-91) to allow a tavern in conjunction with a proposed restaurant and the sale of beer and wine in conjunction with a proposed convenience store. The Board of Zoning Adjustment and Planning staff recommended approval.
09/02/92	The City Council approved a one year Extension of Time (Z-57-91). The Planning Commission and staff recommended approval.
09/16/92	The City Council approved an Extension of Time (Z-57-91). The Planning Commission and staff recommended approval.
05/19/93	The City Council approved a Plot Plan and Building Elevation Review (Z-57-91) for a proposed restaurant/lounge and three fast food kitchens with common eating area on property located on the northeast corner of Vegas Drive and Rainbow Boulevard. The Planning Commission and staff recommended approval.
08/18/93	The City Council approved a one year Extension of Time of (Z-57-91). The Planning Commission and staff recommended approval.
10/21/93	The City Council approved an Extension of Time of (Z-57-91). The Planning Commission and staff recommended approval.
07/06/94	The City Council approved a second Extension of Time of (Z-57-91). The Planning Commission and staff recommended approval.
07/26/07	The Planning Commission voted to hold a Site Development Review (SDR-22540) request in Abeyance to allow the applicant to address Las Vegas Valley Water District adjacency issues.
<b><i>Related Building Permits/Business Licenses</i></b>	

NA	
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<b><i>Pre-Application Meeting</i></b>	
05/31/07	A Pre-Application Meeting was held with the applicant where Planning staff discussed the site plan relative to landscaping, parking and circulation, off-site public facilities, and residential adjacency issues.
<b><i>Neighborhood Meeting</i></b>	
NA	

<b><i>Field Check</i></b>	
06/21/07	A site visit was conducted and the project parcel is a flat area partially developed with paved surface parking and associated landscaping. A Las Vegas Valley Water District Pump station is located northeast of the subject parcel and single family residential to the east. Undeveloped residential land lies directly north as well as south across Vegas Drive, and existing commercial structures are situated to the west of the property.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	2.09 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Partially Landscaped Parking lot and Undeveloped vacant dirt lot	SC (Service Commercial)	C-1 (Limited Commercial)
North	Undeveloped residential lot and vacant undeveloped dirt lot, and Las Vegas Valley Water District Pumping Station	ML (Medium Low Density Residential) and PF (Public Facilities)	U(ML): Undeveloped (Medium Low Residential) and CV (Civic)
South	Vegas Drive Right-of-Way (ROW)	ROW, M (Medium Density Residential), and SC (Service Commercial)	R-E (Residence Estates)
East	Single-family Residential	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development 8 units per acre)
West	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	NA
<b>Trails</b>		X	NA
<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

**ANALYSIS**

The project is located within the SC (Service Commercial) land use designation with a base zone of C-1 (Limited Commercial) consistent with the General Plan land use. The proposed alcohol use is subject to the distance separation requirements of Title 19.04 which prohibits the use from operating 400 feet within religious facilities, child care centers, city parks, and schools. The project parcel conforms to the distance separation requirement and as such complies with the underlying General Plan as well as C-1 (Limited Commercial) Zone.

At the request of the applicant and concurrence by planning staff regarding recent changes in alcohol packaging that involves the use of screw capped bottles, the Special Use Permit will allow for the sale of product containing this feature.

**FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

- 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 accessory alcohol use will operate within a proposed General Retail establishment and will be located directly adjacent to existing commercial and residential uses, Las Vegas Valley Water District pump station facility, and an undeveloped residential parcel. The use can be implemented to complement surrounding land uses.

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

The project use will be an accessory service within a proposed retail site development to be considered concurrently with this request. The project area is capable of accommodating the proposed project.

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- 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.**

Street operations and capacity as well as site access on Vegas Drive will be available to accommodate trips generated by the project.

- 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 project will be subject to inspection and as such will not adversely affect human health and public safety.

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

The proposed use adequately addresses all special use permit requirements.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 37

**SENATE DISTRICT** 3

**NOTICES MAILED** 719 [Mailed with VAR-23019 & SDR-22540]

**APPROVALS** 0

**PROTESTS** 27