

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2007****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-23593 - APPLICANT: DRAKE REAL ESTATE SERVICES -****OWNER: PECOS PARTNERS LLC**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Retail Establishment with Accessory Package Liquor Off-sale use, including parking requirements.
2. Conformance to the conditions for Site Development Plan Review (SDR-23581), Variance (VAR-23588), and Variance (VAR-23585) if approved.
3. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-23581), Variance (VAR-23588), and Variance (VAR-23585) shall be required.
4. 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.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. The sale of individual containers of any size of beer, wine coolers or screw cap wine 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.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. 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 proposed Retail Establishment with Accessory Package Liquor Off-sale at the south side of Owens Avenue, approximately 295 feet west of Pecos Road.

The use will operate within a proposed commercial/retail development [Site Development Plan Review (SDR-23581), Variance (VAR-23588), and Variance (VAR-23585)], that will not meet Title 19.08 Residential Adjacency Standards and Title 19.04 use requirements. Staff recommendation is denial.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
03/22/61	The Board of City Commissioners approved a rezoning (Z-0007-61) of this site to C-1 (Limited Commercial).
04/19/00	The City Council approved a Variance (V-0101-99) for the east portion of this parcel to allow one building to have a 20 foot side yard setback where residential adjacency standards require a minimum 69 foot side yard setback, and to allow another building to have a 20 foot rear yard setback where residential adjacency standards require a minimum 60 foot rear yard setback.
04/19/00	The City Council approved a Special Use Permit (U-0151-99) to allow the off-premise sale of packaged liquor in conjunction with the Sav-On drug store located in the east portion of this parcel.
04/19/00	The City Council approved a Site Development Plan Review [Z-0007-61 (1)] for a proposed 29,647 square foot retail shopping center. The existing Sav-On drug store was the only structure constructed under this approval.
<b><i>Related Building Permits/Business Licenses</i></b>	
NA	
<b><i>Pre-Application Meeting</i></b>	
06/27/07	A Pre-Application meeting was held where Planning Staff advised the applicant of the zoning and application requests required for a Site Development and associated deviations from residential adjacency and parking.
<b><i>Neighborhood Meeting</i></b>	
NA	

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<i>Field Check</i>	
08/06/07	A site visit was performed and the subject parcel is a partially developed lot with an existing utility island with boxes and paved driveway. Existing landscaping is along the perimeter of the entire parcel includes palm trees.

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped dirt lot with utility boxes	SC: Service Commercial	C-1: Limited Commercial
North	Clark County Single family residential	Clark County Residential	Clark County - Residential
South	Single family residential	L: Low Density Residential	R-1: Single family residential
East	Commercial	SC: Service Commercial	C-1: Limited Commercial
West	Single family residential	L: Low Density Residential	R-1: Single family residential

<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 site is located at the southern boundary of the City of North Las Vegas jurisdiction. In accordance with Ordinance No. 5477 and Assembly Bill 493, any Special Use Permit request that involves property within 500 feet of the boundary of an adjacent municipal corporation or unincorporated area is determined to be a Project of Regional Significance and a therefore requires the preparation of a DINA (Development Impact Notice and Assessment). The City of North Las Vegas was notified and responded with no comments on the proposed liquor use.

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The project is subject to Title 19.04 Special Use Requirements for a Retail Establishment with Accessory Package Liquor Off-sale. The proposed liquor use will operate within a proposed retail development that will be considered concurrently with this request. The development does not meet the RAS requirements and as such is considered incompatible with neighboring residential development.

## **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 associated Site Development Plan Review (SDR-23581) is subject to Title 19.08 Residential Adjacency Standards (RAS) and is considered uncomplimentary with neighboring residential uses located south of the project site. Additionally the proposed deviations from RAS and parking standards are considered unacceptable as the design could be revised to allow conformance Title 19.08 and Title 19.04 regulations.

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

The 2.57 acre site is capable of accommodating the proposed development yet the applicant has chosen a design that maintains a significant area as undeveloped which could allow for conformance to RAS and parking requirements.

- 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.**

Existing streets and roads are able to accommodate vehicular trips the will be generated with the proposed use.

- 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 will be subject to regular inspection and monitoring by external agencies.

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

The use will meet all conditions of Title 19.04.

<b><u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u></b>	5
<b><u>ASSEMBLY DISTRICT</u></b>	28
<b><u>SENATE DISTRICT</u></b>	2
<b><u>NOTICES MAILED</u></b>	965 (Mailed with SDR-23581)
<b><u>APPROVALS</u></b>	1
<b><u>PROTESTS</u></b>	2