

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: MARCH 13, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-26626 - APPLICANT: DRAKE DEVELOPMENTS, LLC -****OWNER: NEVADA HERITAGE INVESTMENTS**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION: APPROVAL**, subject to:***Planning and Development***

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Beer/Wine/Cooler Off-Sale Establishment, including parking requirements.
2. 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.
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. 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 Beer/Wine/Cooler Off-sale at 7595 Vegas Drive. The proposed alcohol use will operate in conjunction with a General Retail (Grocery Store) use within an existing commercial building. The proposed use satisfies all Title 19.04 Special Use Permit requirements; therefore staff recommends approval of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/17/87	The City Council approved a request to Rezone (Z-94-87) from N-U (Non-Urban) zone to RPD14 (Residential Planned Development - 14 Units per Acre) as part of a larger request (Z94-87).
08/07/96	The City Council approved a request to Rezone (Z-66-96) from N-U (Non-Urban) zone under Resolution of Intent to R-PD14 (Residential Planned Development - 14 Units per Acre) to C-1 (Limited Commercial) zone. The proposed use was for an office complex and daycare center.
07/10/97	The Planning and Development Department administratively approved a Site Development Plan Review [Z-66-96(1)] for a proposed Retail Drug Store.
08/25/97	The City Council approved a Special Use Permit (U-0069-97) for an Off-Premise Sale Of Packaged Liquor in conjunction with a proposed drug store. The Planning Commission and staff recommended approval of this request.
<b><i>Related Building Permits/Business Licenses</i></b>	
07/22/98	A Building Permit (C-0285-97) was issued for the construction of a perimeter wall at 7595 Vegas Drive.
10/21/98	A Certificate of Occupancy (#299583) was issued for a new building at 7595 Vegas Drive.
11/20/98	Building Permits (#326517, #325791) for two electrical signs received final inspections (TAG #003287, #003255) at 7595 Vegas Drive.
12/02/98	Business Licenses (C05-01920, D11-00161) was issued for a Tobacco Retailer and a Drug Store at 7595 Vegas Drive.
10/02/00	A Business License (G01-1871) was issued for Restricted Gaming at 7595 Vegas Drive.
07/15/05	A Business License (L15-00097) was issued for Packaged Liquor at 7595 Vegas Drive.
02/15/08	A Building Permit (#108615) was issued for Tenant Improvements for Fresh and Easy. A Building Permit (#108616) was issued for off-site improvements at 7595 Vegas Drive.

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<b><i>Pre-Application Meeting</i></b>	
01/16/08	A pre-application meeting was held and the applicant was advised on the requirements for a submitting a Special Use Permit for a Beer/Wine/Cooler Off-sale establishment at 7595 Vegas Drive.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required, nor was one held.	

<b><i>Field Check</i></b>	
02/04/08	A field check was conducted and found that this building is currently vacant.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	1.76

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Vacant Commercial Building	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Residences	M (Medium Density Residential)	R-PD14 (Residential Planned Development 14 units an acre)
East	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
West	Retail Center, Storage	SC (Service Commercial)	C-1 (Limited Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	N/A
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District 200 Feet	X		Y*
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

\* The subject property is located within the North Las Vegas Airport Overlay District within the 200-foot height contour. As the existing building is 19-feet in height this site conforms to the requirements of this overlay district.

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08 Development Standards, the following apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	76,754 SF	Y
Min. Lot Width	100 Feet	200 Feet	Y
Min. Setbacks			
• Front	20 Feet	84 Feet	Y
• Side	10 Feet	48 Feet	Y
• Corner	15 Feet	72 Feet	Y
• Rear	20 Feet	89 Feet	Y
Max. Lot Coverage	50%	23%	Y
Building Height	N/A	29 Feet	Y
Trash Enclosure	Walled, screened	Screened	Y

*Pursuant to Title 19.12 the following landscape and open space standards apply:*

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Buffer and Parking: ROW Min. Trees	1 Tree/30 Linear Feet	38 Trees	25Trees	Y*
Parking Lot Trees	1 Tree/6 spaces	14	3 Trees	Y*
Adjacent to Residential Min. Trees	1 Tree / 20 Linear Feet	14 Trees	10 Trees	Y*
<b>TOTAL</b>		52 Trees	38 Trees	Y*

\* The current development does not comply with current Title 19 Standards for Landscaping. An approved Landscaping plan was administratively approved with the approval of a Site Development Plan Review [Z-66-96(1)] for a proposed Retail Drug Store; this facility complies with this landscape plan.

*Pursuant to Title 19.10, the following parking standards apply:*

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail	17,217 SF	1/175	95	4	75	4	N*
<b>TOTAL</b>			99		79		N*

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\* 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. In accordance with Title 19.04 the proposed Retail Establishment with Beer/Wine/Cooler Off-sale use does not require additional parking over and beyond that of the primary use General Retail (Grocery Store).

## **ANALYSIS**

The proposed use is a request to provide Beer/Wine/Cooler Off-Sale within a proposed General Retail (Grocery Store) establishment. This use will be operated within a vacant 17,217 square foot retail structure located at the southeast corner of Vegas Drive and North Buffalo Drive. A total of 192.5 square feet of the sales floor area will be used for the sale of beer, wine or coolers. As there are no protected uses within the required 400-foot distance separation and this use meets the intent of the C-1 (Limited Commercial) zoning district, staff recommends approval of this request.

- **Zoning**

This project is located within the C-1 (Limited Commercial) zoning district. This district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 District is consistent with the SC (Service Commercial) and NS (Neighborhood Services) categories of the General Plan.

- **Use**

A Beer/Wine/Cooler Off-Sale is defined by Title 19 as an establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine or coolers to consumers only and not for resale, in original sealed or corked containers, for the consumption off the premises where the same are sold, and is operated in connection with a grocery store, convenience store or specialty merchandise store. Beer/Wine/Cooler Off-Sale can not be located within 400-feet of any church, synagogue, school, child care facility licensed for more than 12 children or City Park. The subject location does not have any of these protected uses within the required 400-foot distance separation.

A business license (L15-00097) for Packaged Liquor was issued for 7595 Vegas Drive and is still active at this time. This applicant has requested a Special Use Permit for Beer/Wine/Cooler Off-Sale, if this is approved the former license will expire due to inactivity and the applicant will be able to receive another more pertinent liquor license.

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The existing 17,217 square foot retail site contains a total of 79 parking spaces. Current Title 19.04 parking standards for General Retail use requires 1 parking space for every 175 square feet of floor area (99 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.

- **Minimum Special Use Permit Requirements:**

- \*1. Except as otherwise provided, no beer/wine/cooler off-sale establishment (hereinafter establishment) shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.
- \*2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term property line refers to property lines of fee interest parcels and does not include the property line of:
  - a. Any leasehold parcel; or
  - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.
- \*3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
  - a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
  - b. In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.

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4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
5. The minimum distance requirements in Requirement 1 do not apply to:
  - a. An establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or b. A proposed establishment having more than 50,000 square feet of retail floor space.
- \*6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.
7. The minimum distance requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of Section 19.040.050(A)(4), may be waived:
  - a. In accordance with the provisions of Section 19.040.050(A)(4) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;
  - b. In accordance with the applicable provisions of the Town Center Development Standards Manual for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan;
  - c. In connection with a proposed establishment having between 20,000 square feet and 50,000 square feet of retail floor space, if no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages; or
  - d. In connection with a retail establishment having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right-of-way with a width of at least 100 feet.

## **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 Beer/Wine/Cooler Off-Sale is a compatible use with neighboring retail, office, institutional, and residential uses.

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

The project will be established within an existing commercial building with associated surface parking.

- 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 subject site is accessed by North Buffalo Drive, a 100-foot Primary Arterial and Vegas Drive, an 80-foot Secondary Collector, which are sufficient to accommodate trips associated 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 not result in detrimental effects to the human health and public safety as the project must comply with Chapter 6.50 of the Municipal Code as well as Section 268.090 of the Nevada Revised Statutes which further governs the sale and distribution of alcoholic beverages.

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

The proposed use conforms with the Minimum Special Use Requirements for a Beer/Wine/Cooler Off-Sale.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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## **ASSEMBLY DISTRICT** 34

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<b><u>SENATE DISTRICT</u></b>	3
<b><u>NOTICES MAILED</u></b>	1,531
<b><u>APPROVALS</u></b>	2
<b><u>PROTESTS</u></b>	16