



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: MARCH 13, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-26624 - APPLICANT: DRAKE DEVELOPMENT, LLC -**

**OWNER: WILLIAM A. AND LISA A. KAERCHER TRUST**

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

**STAFF RECOMMENDATION: 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. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**SUP-26624 - Staff Report Page One**  
**March 13, 2008 - Planning Commission Meeting**

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

**PROJECT DESCRIPTION**

The project is a request for a Special Use Permit for a proposed retail establishment with Beer/Wine/Cooler Off-Sale located on 1.65 acres at 10 Eastern Avenue. The project will comply with the special use conditions in accordance with Title 19.04. Staff recommendation is for approval.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
11/2/84	Approval of a request for Reclassification (Z-0084-84) of property generally located on the southwest corner of Eastern Avenue and 25th Street, FROM: R-4 (Apartment Residence), TO: C-2 (General Commercial).
07/10/97	Staff approved an Administrative Review (SD-0007-97) for a Site Development Plan Review on property located on the northeast corner of Fremont Street and Eastern Avenue for a 16,708 square foot drug store.
10/13/97	The City Council approved a request for a Special Use Permit (U-0063-97) - on property located on the northeast corner of Fremont Street and Eastern Avenue to allow the off-premise sale of packaged liquor in conjunction with a proposed drug store. Planning Commission recommended approval
<b><i>Related Building Permits/Business Licenses</i></b>	
09/25/90	Monitor Fire Communicator (Permit No. 98019407)
12/03/98	Trash Enclosure (Permit No. 980020254)
Business License	
02/25/99	Drugstore (D11-00166) Active
02/25/99	Package Liquor (L15-00098) Active
02/25/99	Retail Tobacco (C05-01933) Active
<b><i>Pre-Application Meeting</i></b>	
01/16/08	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.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this application, nor was one held.	
<b><i>Field Check</i></b>	
2/11/08	A visit to the project site revealed 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.

**SUP-26624 - Staff Report Page Two**  
**March 13, 2008 - Planning Commission Meeting**

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.65

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail	C (Commercial)	C-2 (General Commercial)
North	Undeveloped	MXU (Downtown Mixed Use)	R-PD13 (Residential Planned Development 13 DUA)
South	Fremont Street / Commercial	C (Commercial)	C-2 (General Commercial)
East	Undeveloped	MXU (Downtown Mixed Use)	R-PD13 (Residential Planned Development 13 DUA)
West	Eastern Avenue / Commercial	C (Commercial)	C-2 (General Commercial)

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

**Development Impact Notification Assessment**

The project is located within 500 feet of the City boundary with Clark County. Pursuant to Ordinance #5477, the proposed Special Use Permit request has been deemed a Project of Regional Significance, as it concerns property located within 500 feet of the city boundary with Clark County. A questionnaire describing the impacts of the project to the area was submitted to various regional agencies for review. As of 2/21/08, comments have been received from the City of Las Vegas Public Works and the Clark County School District with advisement of no impact on these services by the proposed use.

**SUP-26624 - Staff Report Page Three**  
**March 13, 2008 - Planning Commission Meeting**

<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 Store (3,500 square feet or more)	17,403 square feet	1 space/175 square feet	96	4	73	4	N*
<b>TOTAL (includes handicap)</b>			100		77		

\*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 request to allow Beer/Wine/Cooler Off-Sale at a proposed commercial (grocery store) establishment complies with the special use requirements for a Retail Establishment with Beer/Wine/Cooler Off-sale establishment. The square footage indicated on the submitted site plan for the liquor sales display will be less than two percent of the floor area for the proposed grocery store, as 292.5 square feet of floor display area will be dedicated to alcohol products.

A business license (L15-00098), to allow the sale of alcoholic beverages in original sealed or corked containers for consumption off the premises, was issued for the current business at this location on 02/25/1999 and is active at this time. This application for a Special Use Permit for the Beer/Wine/Cooler Off-Sale use is being requested because of the anticipated time lag between the closing of the current business and the projected opening date of the new business in November 2008, at which time a new license will be applied for. 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.

Hours of operation are between 7:00 a.m. to 11:00 p.m., seven days a week. The grocery store is open to the public from 8:00 a.m. to 10:00 p.m. One delivery by truck of all merchandise for the store occurs every morning just prior to 7:00 a.m. Once the delivery truck is unloaded the employees restock shelves and prepare for the 8:00 a.m. opening of the store.

**SUP-26624 - Staff Report Page Four**  
**March 13, 2008 - Planning Commission Meeting**

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). The existing 17,403 square foot retail site contains a total of 77 parking spaces. Current Title 19.04 parking standards for General Retail use requires one 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 (SUP)**

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 a Beer/Wine/Cooler Off-Sale use can be implemented at the project site in such a way as 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 Eastern Avenue and Fremont Street. 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 can be implemented without detrimental effects to human health and public safety.

**SUP-26624 - Staff Report Page Five**  
**March 13, 2008 - Planning Commission Meeting**

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

The project will meet all requirements of Title 19.04 for a Retail Establishment with a Beer/Wine/Cooler Off-Sale use.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 10

**ASSEMBLY DISTRICT** 11

**SENATE DISTRICT** 10

**NOTICES MAILED** 548

**APPROVALS** 2

**PROTESTS** 2