

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: MARCH 13, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-26625 - APPLICANT: DRAKE DEVELOPMENTS, LLC -****OWNER: NEVADA HERITAGE INVESTMENTS**

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

1. Conformance to the conditions for Rezoning (Z-0087-97) and Special Use Permit U-0088-97) if approved.
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. 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. Maintain landscaping as approved in Special Use Permit (U-0088-97).
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 proposed retail establishment with Beer/Wine/Cooler Off-Sale on 1.78 acres located at 6100 Vegas Drive. 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>	
12/15/97	The City Council approved a request for a rezoning (Z-87-97) on property located on the northwest corner of Vegas Drive and Jones Boulevard, from R-E (Residence Estates) and R-1 (Single Family Residential) zones, to C-1 (Limited Commercial), proposed use: 16708 square foot drugstore. The Planning Commission recommended approval.
12/15/97	The City Council approved a request for a Special Use Permit (U-0088-97) on property located on the northwest corner of Vegas drive and Jones Boulevard for packaged liquor sales in conjunction with a proposed 16,708 square foot drugstore, R-E (Residence Estates) zone, Proposed C-1(Limited Commercial).
<b><i>Related Building Permits/Business Licenses</i></b>	
04/14/89	Sign (Permit 89017656)
11/19/98	Temporary Power Pole (Permit 98022641)
04/20/99	Low Voltage Conduit (Permit 99005720)
04/19/99	New Building (Permit 99007042)
05/06/99	Wall Sign Free Standing (Permit 99004912)
05/06/99	New Store (Permit 98023734)
05/11/99	New Building/Special Inspection (Permit 98022595)
11/04/99	Block Wall 547 @ 8 (Permit 99006193)
Business Licenses	
06/02/99 Active	Retail Tobacco / Business License C05-01960
06/14/99 Expired	Drug Store / Business License D11-00168
06/14/99 Active	Liquor / Business License L15-00100
01/18/07 Active	Pay Phone / Business License P35-00785
<b><i>Pre-Application Meeting</i></b>	
01/16/08	Advised of applications requirements to apply for a Special Use Permit.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required nor was one held.	

LHM

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<b>Field Check</b>	
02/11/08	A site visit found 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.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.78

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail	SC(Service Commercial)	C-1 (Service Commercial)
North	Apartments	ML(Medium Low Density Residential)	R-PD10(Residential-Planned Development - 10 DUA)
South	Retail	SC(Service Commercial)	C-1 (Service Commercial)
East	Retail	SC(Service Commercial)	C-1 (Service Commercial)
West	Apartments	M (Medium Density Residential)	R-3(Medium Density Residential)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>	X		
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District (140)	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

**DEVELOPMENT STANDARDS**

*Please note the applicable code section here (Title 19.12)*

<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 (1 Tree/6 spaces)	14 Trees	7 Trees	N
Adjacent to Residential Min. Trees	1 Tree / 20 Linear Feet	14 Trees	22 Trees	Y
<b>TOTAL</b>		28 Trees	29 Trees	N

Seven trees are missing from the landscaping along Vegas Drive and Jones Boulevard right-of-way.

*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 Store (3,500 square feet or more)	17,372 square feet	1 space/175 square feet	96	4	69	3	N*
<b>TOTAL (includes handicap)</b>			100		72		

\*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 proposal is to allow a Beer/Wine/Cooler Off-Sale use at a proposed commercial (grocery store) establishment. The square footage for the liquor sales shelf section will be less than 5 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.

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A business license (L15-00100), 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 06/14/1999, and is active at this time. Once the existing business closes the license will expire as per 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. This application for a Special Use Permit for the Beer/Wine/Cooler Off-Sale use is being requested as the applicant is tentatively scheduling the commencement of store operations in December 2008. A new license will be applied for at that time.

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 17,372 square foot retail site contains a total of 72 parking spaces. Current Title 19.04 parking standards for General Retail use requires 1 parking space for every 175 square feet of floor area (100 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 Beer/Wine/Cooler Off-Sale Establishment 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 Jones Boulevard and Vegas Drive. Street facilities are adequate in this area.

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- 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.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED                      12**

**ASSEMBLY DISTRICT                      6**

**SENATE DISTRICT                      3**

**NOTICES MAILED                      922**

**APPROVALS                      8**

**PROTESTS                      10**