

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: MAY 8, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-27506 APPLICANT/OWNER: FACCHINO LABERBERA SAHARA, LLC**

**** 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 use, including parking requirements.
2. Conformance to the conditions for Rezoning (Z-0057-87) and Site Development Plan Review (SDR-25837).
3. 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.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. 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.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
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

This application is a request for a Special Use Permit for a proposed Beer/Wine/Cooler Off-Sale Establishment within an existing General Retail Store (Grocery Store) at 4580 West Sahara Avenue. The proposed alcohol use will operate in conjunction within a 17,307 square-foot General Retail Store (Grocery Store) within an existing 75,773 square-foot commercial shopping center. The proposed use satisfies all Title 19.04 Special Use Permit requirements; therefore staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/14/61	The Board of Commissioners approved a Rezoning (Z-0039-61) on the site from RE (Ranch Estates) to R-1 (Single Family Residential). The Planning Commission recommended approval of this request.
05/09/73	The Board of Commissioners approved a Rezoning (Z-0009-73) on the site from R-1 (Single Family Residential) to R-3 (Medium Density Residential).
08/05/87	The City Council approved a Rezoning (Z-0057-87) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) for this site as part of a larger overall request.
10/27/94	The Planning Commission approved plot plan and building elevation review [(Z-0057-87(3)] for a commercial center.
01/24/08	The Planning Department administratively approved a Site Development Plan Review (SDR-25837) for proposed exterior modifications to an existing shopping center at 4580 West Sahara Avenue. Staff recommended approval of this request.
<i>Related Building Permits/Business Licenses</i>	
04/10/95	A building permit (#95372959) was issued for a building shell at 4580 West Sahara Avenue. This building received its final on 07/28/95.
08/10/07	A building permit (#7002494) was issued for a Tenant Improvement (Walgreens) at 4580 West Sahara, suite #110.
11/28/07	A building permit (#7003223) was issued for a three-faced Electric Sign at 4580 West Sahara (Walgreens).
01/17/08	Business licenses (#C05-02589, Q04-00037) were issued for Tobacco Sales and Pharmacy at 4580 West Sahara (Walgreens). These licenses are currently on hold pending tax information.
01/30/08	Building applications (#106991 and #106992) were submitted for a Tenant Improvement (Fresh and Easy) and for on site improvements.

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03/12/08	A building application (#763456) was submitted for a Free-Standing sign at 4580 West Sahara Avenue (Walgreens).
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Pre-Application Meeting

02/14/08	A pre-application meeting was held with the applicant to discuss the requirements for submitting a Special Use Permit for Beer/Wine/Cooler Off-Sale. The applicant was informed that this request is a project of Regional Significance.
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Neighborhood Meeting

A neighborhood meeting is not required, nor was one held for this request.

Field Check

04/03/08	A field check was conducted and found that this subject location is currently vacant of any business at 4580 West Sahara Avenue. The exterior modifications done by the former tenant still dominate these elevations.
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Details of Application Request

Site Area

Gross Acres	6.15
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Indian Hills Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Bar and Retail Shops	SC (Service Commercial)	C-1 (Limited Commercial)
East	Entrance for Indian Hills Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Commercial Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

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

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* Pursuant to 1999 Statutes of Nevada, Chapter 481, (Chapter 481), a person who proposes to develop a project of significant impact is generally required to submit an impact statement to the local zoning authority before specified actions can be taken regarding the project. The impact statement to be required by the City is identified as a Development Impact Notice and Assessment (DINA), and requires the information described in Chapter 481. The required

information includes information regarding vehicle trips, student enrollment, sewage generation, water demand, storm water runoff, distance from public safety facilities, existing and planned capacities of service required for the project, and other anticipated effects of the project. This project has been deemed a project of regional significance due to this request being a Special Use Permit within 500 feet of a City boundary with Clark County or North Las Vegas. This requires the submittal of a Development Impact Notice and Assessment Questionnaire.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	75,773 SF	1:250	304	8	375	8	
TOTAL	75,773 SF		312		383		Y
Loading Spaces			3		3		Y

ANALYSIS

The proposed use is a request to provide a Beer/Wine/Cooler Off-Sale Establishment within a General Retail Store (Grocery) at 4580 West Sahara Boulevard. This use will operate within a 17,307 square-foot portion of a commercial shopping center. 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 feet distance separation and this use meets the intent of the C-1 (Limited Commercial) zoning district and, 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

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secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) District is consistent with the SC (Service Commercial) and NS (Neighborhood Services) categories of the General Plan. The subject site is consistent with the C-1 (Limited Commercial) zoning district and the SC (Service Commercial) General Plan designation.

- **Use**

A Beer/Wine/Cooler Off-Sale Establishment 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.

The subject site is located within an approved 75,773 square-foot commercial shopping center. This shopping center contains a total of 383 parking spaces, where Title 19.04 requires a total of 312 spaces. This facility is more than adequate to satisfy the parking requirements for the proposed use.

- **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:

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- 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.
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

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- 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 C-1 (Limited Commercial) zoning district is complimentary to the General Plan designation of SC (Service Commercial). The proposed Beer/Wine/Cooler Off-Sale Establishment within a General Retail Store (Grocery) is a compatible use with neighboring commercial and residential uses. This proposed Beer/Wine/Cooler Off-Sale Establishment is an accessory to a proposed General Retail Store (Grocery Store).

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

This Beer/Wine/Cooler Off-Sale Establishment will be established within an existing commercial shopping center that has adequate parking and facilities for the proposed use. As this Beer/Wine/Cooler is an accessory use to a proposed General Retail Store (Grocery Store), the impact will not exceed that of the primary use.

- 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 West Sahara Boulevard, a 100-foot Primary Arterial, which is sufficient to accommodate the amount of vehicular 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 Establishment use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 42

SENATE DISTRICT 11

NOTICES MAILED 555

APPROVALS 0

PROTESTS 4