



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MAY 21, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-27313 - APPLICANT: 95 PACIFIC SUPERMARKET -**  
**OWNER: D & W, INC**

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### **\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Retail Establishment with Accessory Package Liquor Off-Sale use.
2. Conformance to the conditions for Rezoning (ZON-Z-0014-63) if approved.
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.

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

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a Retail Establishment with Accessory Packaged Liquor Off-Sale in conjunction with a proposed grocery store in an existing building at 232 North Jones Boulevard. 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> |                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1966                                                                      | Rezoning Z-0014-62                                                                                                                                                                                                  |
| 1990                                                                      | U-0250-90                                                                                                                                                                                                           |
| 1992                                                                      | U-0208-92                                                                                                                                                                                                           |
| 08/24/93                                                                  | The Board of Zoning Adjustment approved a Variance (V-0087-93) to allow an automated car wash where such use is not allowed.                                                                                        |
| 01/17/01                                                                  | The City Council approved a request for a Special Use Permit (U-0153-00) for a 60 foot high wireless communication monopole on 17.01 acres at 232 North Jones Boulevard. The Planning Commission recommended denial |
| 04/24/08                                                                  | <a href="#">The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #54/lhm).</a>                                                                                                                   |
| <b><i>Related Building Permits/Business Licenses</i></b>                  |                                                                                                                                                                                                                     |
| 10/20/92                                                                  | Add floor drains/remodel - Permit 92161750                                                                                                                                                                          |
| 10/25/97                                                                  | Electrical remodel Permit 96019893 (Expired)                                                                                                                                                                        |
| 10/25/97                                                                  | Interior remodel Permit 96019424 (Expired)                                                                                                                                                                          |
| 04/02/97                                                                  | Interior remodel (52777 s.f.) - Permit 96019203                                                                                                                                                                     |
| 08/07/01                                                                  | Monopole w/ equipment 60 - Permit 1008632                                                                                                                                                                           |
| 11/17/07                                                                  | Demo Interior non structural - Permit 7001667                                                                                                                                                                       |
| 11/15/07                                                                  | Tenant Improvement for C of O Permit 7003003 (Void 11/15/07)                                                                                                                                                        |
| 02/11/08                                                                  | Replaces permit #07002972 - 7003452                                                                                                                                                                                 |
| 04/13/89                                                                  | Business license #R09-00841 issued for Restaurant.<br>NOTE: Although the establishment is closed this license is still active                                                                                       |

|                                              |                                                                                                                                                                        |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/01/90                                     | Business license #L09-00062 issued for Beer/Wine/Cooler on-sale in relation with R09-00841.<br>NOTE: Although the establishment is closed this license is still active |
| 01/01/51                                     | Business License #L15-00036 issued for package - Active                                                                                                                |
| 02/01/96                                     | Business License #F10-00004 Nutrition store                                                                                                                            |
| 10/18/07                                     | Business License #C03-00066 - Carnival                                                                                                                                 |
| <b><i>Pre-Application Meeting</i></b>        |                                                                                                                                                                        |
| 02/29/08                                     | Applicant was advised of the type of application needed and documents for submittal.                                                                                   |
| <b><i>Neighborhood Meeting</i></b>           |                                                                                                                                                                        |
| A meeting is not required, nor was one held. |                                                                                                                                                                        |

| <b><i>Field Check</i></b> |                                                                                                                                                                   |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3/19/08                   | The proposed location is currently vacant, with the main entry boarded up. Graffiti was observed in the northeast corner of the commercial center along the wall. |

| <b><i>Details of Application Request</i></b> |       |
|----------------------------------------------|-------|
| <b><i>Site Area</i></b>                      |       |
| Net Acres                                    | 12.83 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b> | <b>Planned Land Use</b>       | <b>Existing Zoning</b>                         |
|-----------------------------|--------------------------|-------------------------------|------------------------------------------------|
| Subject Property            | Shopping Center          | SC (Service Commercial)       | C-1 (Limited Commercial)                       |
| North                       | Condominiums             | M(Medium Density Residential) | R-PD13 (Residential Planned 13 Units Per Acre) |
| South                       | U.S. 95 ROW              | U.S. 95 ROW                   | U.S. 95 ROW                                    |
| East                        | Office                   | M(Medium Density Residential) | R-4(High Density Residential)                  |
| West                        | Retail Building          | L (Low Density Residential)   | R-1 (Single Family Residential)                |

| <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                |                          |
| <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>                                     |                   |                  | NA                       |
| <b>Rural Preservation Overlay District</b>        |                   |                  | NA                       |
| <b>Development Impact Notification Assessment</b> |                   |                  | NA                       |
| <b>Project of Regional Significance</b>           |                   |                  | NA                       |

**\*A-O (Airport Overlay) District**

The maximum 25-foot peak height of the existing building is well-under the 200-foot height restriction mandated by the A-O (Airport Overlay) District and will have no significant impact on this Special District.

**ANALYSIS**

The proposed project is located within the Southwest Sector Plan and is located on a parcel with a general plan designation of SC (Service Commercial). A Retail Establishment with Accessory Package Liquor Off-sale is a permitted use within the C-1 (Limited Commercial) land use designation via a Special Use Permit and compliance to the stated minimum requirements of Title 19.04.

This is a request for a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale in a proposed 62,806 square-foot grocery store. The subject site is within an older commercial center located adjacent to the north side of highway U.S. 95 with access from Jones Boulevard. Although there are a few small businesses operating in the shopping center, the subject building has been vacant for approximately five years. Originally occupied by grocery store, the building will once again house a grocery store and will be a welcome addition to the surrounding community. It is the applicants intention to upgrade the existing building by remodeling the interior. The location of the alcohol storage and cooler is in the northwest corner of the store and consists of approximately 345 square feet of the overall 62,806 square feet.

Title 19.04 Land Use Table, Special Use Permit requirements restricts the location of a Retail Establishment with Accessory Package Liquor Off-Sale, through a distance separation limit which precludes such use from locating on property within 400 feet of any church, synagogue, school, child care facility (licensed for more than 12 children), or city park. The subject use will be operated within an existing vacant building located beyond a 400 foot radius of the aforementioned protected uses. Staff recommends approval.

**FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

- 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 use is compatible with existing surrounding commercial uses.

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

The site is capable of accommodating the proposed use as the project location is an existing developed commercial area with existing 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.**

Automobile access to the project location is adequate along Jones Boulevard, a major collector street on the Master Plan of Streets and Highways.

**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 inspections by local and state regulatory agencies and will therefore not result in detrimental effects to human health and public safety.

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

The proposed use conforms with all applicable Title 19.04 Minimum Special Use Permit Requirements.

**PLANNING COMMISSION ACTION**

The applicant agreed to all conditions.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 34

**SENATE DISTRICT** 3

**NOTICES MAILED** 1,174 by City Clerk

**APPROVALS** 15

**PROTESTS** 3