



AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 4, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-27505 APPLICANT/OWNER: STEWART & NELLIS PARTNERS, LLC

**** 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 19.04.010 for Beer/Wine/Cooler Off-Sale establishment use, including parking requirements.
2. Conformance to the conditions for Rezoning (Z-0015-98) and Site Development Plan Review (SDR-17717).
3. This approval shall be void two years from the date of final approval, unless a business license has been issued for the Beer/Wine/Cooler Off-Sale use on the site. 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, 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.
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 application is a request for a Special Use Permit for a proposed Beer/Wine/Cooler Off-Sale establishment within an approved General Retail Store at 317 North Nellis Boulevard. The proposed alcohol use will operate in conjunction within an approved 16,206 square-foot General Retail Store within a commercial shopping center. This commercial shopping center is currently under construction and is continuing through the development process. 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>	
11/06/97	The Planning Commission voted to hold a request for Rezoning (Z-0096-97) from R-E (Residence Estates) to C-1 (Limited Commercial) in abeyance indefinitely. Staff recommended approval of this request.
05/11/98	The City Council approved a Rezoning and Site Development Plan Review (Z-0015-98) from R-E (Residence Estates) to C-1 (Limited Commercial) for a proposed 77,946 square-foot retail center and a 12,275 square-foot minor automotive repair facility. The Planning Commission and staff recommended approval of this request.
03/21/01	The City Council approved a Site Development Plan Review [Z001598(1)] for a proposed 55,250 square-foot grocery store, a 14,490 square-foot drug store and a 6,000 square-foot restaurant on the northwest corner of Stewart Avenue and Nellis Boulevard. The Planning Commission and staff recommended approval of this request.
03/21/01	The City Council approved the request for a Special Use Permit (U-0002-01) for the sale of package liquor for off-premise consumption in conjunction with a proposed 55,250 square-foot grocery store. The Planning Commission and staff recommended approval of this request.
01/17/07	The City Council approved a Site Development Plan Review (SDR-17717) for an 84,245 square-foot shopping center on property adjacent to the northwest corner of Nellis Boulevard and Stewart Avenue. The Planning Commission and staff recommended approval of this request.
05/08/08	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #10/ed).
<i>Related Building Permits/Business Licenses</i>	
06/13/00	On an adjacent parcel, business licenses (#L10-00047 and #C15-00054) were issued for Beer/Wine/Cooler Off-Sale and a Convenience Store at 301 North Nellis Boulevard.

12/18/07	A building permit (#7003327) was issued for shell building B at 317 North Nellis Boulevard. This application is currently on hold, awaiting an inspection approval by the Building Department.
12/18/07	A building permit (#7003332) was issued for a shell building on Pad B at 325 North Nellis Boulevard. This application is currently on hold, awaiting an inspection approval by the Building Department.
12/18/07	A building permit (#7003335) was issued for a shell building on Pad A at 305 North Nellis Boulevard. This application is currently on hold, awaiting an inspection approval by the Building Department.
12/18/07	A building permit (#7003330) was issued for a shell building for Shop A at 309 North Nellis Boulevard. This application is currently on hold, awaiting an inspection approval by the Building Department.
12/18/07	A building permit (#7003324) was issued for shell building C at 313 North Nellis Boulevard. This application is currently on hold, awaiting an inspection approval by the Building Department.
<i>Pre-Application Meeting</i>	
02/14/08	A pre-application meeting was held 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.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held for this request.	
<i>Field Check</i>	
04/03/08	A field check was conducted and found that this subject location is currently under construction. Currently, none of the buildings on this parcel have received their final inspections or have received a certificate of occupancy.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	7.60

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial - Development Under Construction	GC (General Commercial)	C-1 (Limited Commercial)
North	Mini-Storage Facility	GC (General Commercial)	C-2 (General Commercial)
South	Commercial Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Commercial Center	CG (Commercial General Clark County)	C-1 (Limited Commercial) & C-2 (General Commercial Clark County)

West	Single Family Homes, Las Vegas Wash	L (Low Density Residential) and PF (Public Facilities)	R-1 (Single Family Residential)
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<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	N/A
Project of Regional Significance	X		Yes*

* This request has been deemed a Project of Regional Significance due to this request being located 500 feet from a city boundary.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	84,245 sq ft	1:250 sq ft	337	8	364	12	
TOTAL			345		376		Y
Loading Spaces			4		4		Y*

* The originally approved Site Development Plan Review (SDR-17717) required an additional two loading zone spaces as a condition of approval. The approved site plan dated 12/04/07 reflects this addition.

ANALYSIS

The proposed use is a request to provide a Beer/Wine/Cooler Off-Sale establishment within an approved General Retail Store at 317 North Nellis Boulevard. The subject site is within an approved 84,245 square-foot commercial shopping center and the use will operate within a 16,206 square-foot portion of the site, which is currently under construction. This shopping center contains a total of 376 parking spaces, where Title 19.04 requires a total of 345 spaces.

This facility is more than adequate to satisfy the parking requirements for the proposed use. Within the proposed location, 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. The General Plan Designation for site is GC (General Commercial) which allows Service Commercial uses.

- **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 establishment 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-feet distance separation, therefore the use is in compliance with Title 19.04.

- **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.
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 C-1 (Limited Commercial) zoning district is complimentary to the General Plan designation of SC (Service Commercial). The subject site has a General Plan Designation of GC (General Commercial) which allows Service Commercial uses. The proposed Beer/Wine/Cooler Off-Sale establishment will be ancillary to a General Retail Store and is compatible with neighboring commercial and residential uses.

- 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 a commercial shopping center that has adequate parking and facilities for the proposed use; therefore the site is physically suitable for the type and intensity of land use proposed.

- 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 Nellis Boulevard, a 100-foot Primary Arterial and Stewart Avenue, a 100-foot Primary Arterial, which are 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.

PLANNING COMMISSION ACTION

The Planning Commission amended condition #5 as shown.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 2

ASSEMBLY DISTRICT 14

SENATE DISTRICT 2

NOTICES MAILED 546 by City Clerk

APPROVALS 1

PROTESTS 3