



AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 1, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-29020 - APPLICANT: LEE'S DISCOUNT LIQUOR -
OWNER: SHADOW HILLS PLAZA, 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 Package Liquor Off-Sale Establishment use.
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 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.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. 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 Package Liquor Off-Sale Establishment to be located within the Shadow Hills Plaza at 10470 West Cheyenne Avenue, Suite #135. Located within Pad C, the proposed floor plan provides a total of 3,966 square feet.

The proposed site meets the Title 19 requirements for a Package Liquor Off-Sale Establishment and staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/07/00	The Planning Commission approved (final action) a request for a Tentative Map (TM-0058-00) for one-lot commercial subdivision on 15.17 acres on the northwest corner of Cheyenne Avenue and Shady Timber Street.
04/25/02	The Planning Commission approved (final action) a request for a Tentative Map (TM-0018-02) for a one-lot commercial subdivision on 15.88 acres adjacent to the northwest corner of Cheyenne Avenue and Shady Timber Street.
07/14/05	The Planning Commission approved (final action) a request for a Master Sign Plan (MSP-6910) for a proposed commercial development adjacent to the northwest corner of Cheyenne Avenue and Shady Timber Street.
04/19/06	The City Council approved a request for a Special Use Permit (SUP-11640) for a proposed Liquor Establishment (Tavern) on Pad E of an approved commercial development on 0.10 acres of an 11.64 acre site; and a request for a Site Development Plan Review (SDR-11639) for the proposed modification of parking, circulation, and Pads A, B, C, D, E, F, and H of an approved commercial development on 6.76 acres of an 11.64 acre site at the northwest corner of Cheyenne Avenue and Shady Timber Street. The Planning Commission recommended approval.
12/21/06	The Planning Commission approved (final action) a request for a Master Sign Plan (MSP-17815) for a 35-foot high freestanding sign within the Lone Mountain Master Plan at 10442 West Cheyenne Avenue.

09/05/07	The City Council approved a request for a Special Use Permit (SUP-22703) to allow a proposed Financial Institution, Specified with Waivers to allow a distance separation of approximately 60 feet from a residential use where 200 feet is required and to allow a distance separation of approximately 875 feet from another Financial Institution, Specified where 1,000 feet is the minimum required at 10490 West Cheyenne Avenue. The Planning Commission recommended approval.
06/04/08	The City Council approved a request for an Extension of Time (EOT-27820) of an approved Special Use Permit (SUP-11640) for a proposed Liquor Establishment (Tavern) at 10490 West Cheyenne Avenue.
08/28/08	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #37/ne).
Related Building Permits/Business Licenses	
10/07/04	A building permit (#4020455) was issued for a sign (tag #07873) at 10470 West Cheyenne Avenue. The permit expired on 04/09/05.
12/02/05	A building permit (#5008412) was issued for a sign (tag #08719) at 10470 West Cheyenne Avenue. The permit expired on 09/23/06.
09/29/06	A building permit (#6006161) was issued for on-site improvements at 10470 West Cheyenne Avenue. The permit expired on 03/31/07.
09/29/06	A building permit (#6006159) was issued for new shell buildings, Pads B, C, & D at 10470 West Cheyenne Avenue. The permit was renewed on 06/05/07 and finalized on 03/21/08.
09/26/06	A building permit (#6006160) was issued for a trash enclosure at 10470 West Cheyenne Avenue. The permit was renewed on 11/13/07.
10/24/06	A building permit (#6006604) was issued for plumbing work at 10470 West Cheyenne Avenue, Pads B, C, & D.
02/21/07	A building permit (#7000660) was issued for mechanical work at 10470 West Cheyenne Avenue.
06/06/07	A building permit (#7001855) was issued for electrical work at 10470 West Cheyenne Avenue.
10/16/07	A building permit (#7002898) was issued for metal awnings for Pad D at 10470 West Cheyenne Avenue.
10/16/07	A building permit (#7002899) was issued for metal awnings for Pad C at 10470 West Cheyenne Avenue.
01/10/08	A building permit (#96907) was issued for a tenant improvement for a certificate of occupancy at 10470 West Cheyenne Avenue, Suite #115.
01/22/08	A building permit (#106313) was issued for a tenant improvement for a certificate of occupancy at 10470 West Cheyenne Avenue, Suite #140.
02/05/08	A building permit (#102666) was issued for a tenant improvement for a certificate of occupancy at 10470 West Cheyenne Avenue, Suite #155.
02/21/08	A building permit (#7003476) was issued for a sign (tag #10333) at 10470 West Cheyenne Avenue, Suite #155.

03/11/08	A building permit (#8000012) was issued for a sign (tag #10373) at 10470 West Cheyenne Avenue, Suite #140.
03/20/08	A building permit (#110073) was issued for a tenant improvement for a certificate of occupancy at 10470 West Cheyenne Avenue, Suite #110.
04/17/08	A building permit (#8000094) was issued for a sign (tag #10449) at 10470 West Cheyenne Avenue, Suite #150.
04/18/08	A business license (#B05-03094-2-141302) was issued for a cosmetological establishment at 10470 West Cheyenne Avenue, Suite #140.
04/18/08	A business license (#B08-01272-2-141302) was issued for beauty/cosmetic sales at 10470 West Cheyenne Avenue, Suite #140.
04/22/08	A building permit (#8000111) was issued for a 42 square-foot sign (tag #763851) at 10470 West Cheyenne, Suite #115.
04/24/08	A business license (#I04-03535-D-141714) was issued for an insurance agent at 10470 West Cheyenne Avenue, Suite #115.
04/24/08	A business license (#R07-00814-4-141745) was issued for a restaurant seating under 45 at 10470 West Cheyenne Avenue, Suite #155.
06/17/08	A business license (#B20-00120-5-142764) was issued for a mail box center at 10470 West Cheyenne Avenue, Suite #150.
06/17/08	A business license (#M09-01473-E-142764) was issued for a business support service at 10470 West Cheyenne Avenue, Suite #150.
06/24/08	A business license (#K10-00320-0-141714) was issued for an insurance firm at 10470 West Cheyenne Avenue, Suite #115.
06/11/08	A business license (#I04-03547-E-142587) was issued for an insurance agent at 10470 West Cheyenne Avenue, Suite #115.
07/18/08	A business license application (#Q07-93035-1-140504) was received for a medical firm at 10470 West Cheyenne Avenue, Suite #120.
<i>Pre-Application Meeting</i>	
07/01/08	A pre-application meeting was held and the requirements for submitting a Special Use Permit (SUP) application for a Package Liquor Off-Sale Establishment use were discussed. The applicant was also informed of the timetable required for submitting this request.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
07/21/08	A routine field check was performed by staff where a newly constructed shopping center was observed. The subject sites (Suites #130 & #135) were vacant. Several non-permitted temporary banners were posted on the building.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	5.72

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	PCD (Planned Community Development)	PD (Planned Development) & U(PCD) [Undeveloped (Planned Community Development)]
North	Apartments	PCD (Planned Community Development)	PD (Planned Development) [LM (Lone Mountain) Special Land Use Designation]
South	Single-Family Residential	ML (Medium Low Density Residential)	P-C (Planned Community) [SUM (Summerlin) Special Land Use Designation]
East	Single-Family Residential	PCD (Planned Community Development)	PD (Planned Development) [LM (Lone Mountain) Special Land Use Designation]
West	I-215 / Vacant Land	ROW (Right-Of-Way)	PD (Planned Development) [LM (Lone Mountain) Special Land Use Designation]

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Lone Mountain Village Commercial	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
PD (Planned Development) District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

- **Lone Mountain Village Commercial**

The Village Commercial land use designation addresses parcels not to exceed 20 acres with a Floor Area Ratio (FAR) not to exceed 0.30 or 30 percent gross coverage. Allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons, and do not include more intense general commercial characteristics. Village Commercial is typically located on the periphery of residential neighborhoods and should be confined to the intersections of major arterials and major freeways.

- **PD (Planned Development) District**

The PD (Planned Development) District is intended to be a flexible district which may be applied to individual properties, larger planning areas or areas with multiple properties for redevelopment, economic development and cultural enrichment. The PD (Planned Development) District may be used for office, retail, entertainment or commercial uses or for mixed-use developments where commercial and residential uses are combined. The PD (Planned Development) District is further intended to buffer small infill tracts and adjacent uses, encourage the conservation of open space, promote creative siting arrangements, preserve prominent natural features, provide for the efficient development of large tracts for multiple uses, and provide for development which enhances neighborhood areas. The minimum size of tract eligible for PD (Planned Development) designation is 5 acres.

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 (Package Liquor Off-Sale Establishment)	81,493 sq. ft.	1:250	326	8	443	9	Y
TOTAL			334		452		
Loading Spaces	19,097 sq. ft.	10,000 sq. ft. to 29,999 sq. ft.	2		2		Y

ANALYSIS

This is a request for a Special Use Permit for a Package Liquor Off-Sale Establishment to be located within the Shadow Hills Plaza at 10470 West Cheyenne, Suites #135. Located within Pad C, the proposed floor plan provides a total of 3,966 square feet. The floor plan demonstrates an 819 square-foot backroom, with the remaining 3,147 square feet being provided for retail space. The entry way for Suite #130 is to be eliminated, with the entry way of Suite #135 to be used as the primary access way. Once the tenant improvement is complete, the address will be 10470 West Cheyenne Avenue, Suite #135. There are also two doorways provided for in the rear of the Suite for employee and emergency access. The floor plan also demonstrates a walk-in cooler area, two cash register counter areas, and a ceiling mounted television monitor for security. The elevations demonstrate an existing approved retail shell building. The proposed signage demonstrated in the elevations is not part of this approval, and will be addressed at time of permitting.

- **Zoning**

The subject site is currently designated PCD (Planned Community Development), within the northwest sector of the Las Vegas 2020 Master Plan. The site is currently zoned U(PCD) [Undeveloped (Planned Community Development)] under Resolution of Intent for PD (Planned Development) [V-C (Village Commercial) Lone Mountain Land Use Designation]. A Package Liquor Off-Sale Establishment is allowed within the V-C (Village Commercial) Lone Mountain Land Use Designation with the approval of a Special Use Permit.

- **Use**

An establishment, other than a retail establishment with package liquor off-sale, whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold. This use includes an establishment that provides on-premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license for that location.

- **Conditions**

Pursuant to Title 19.04 the Minimum Special Use Requirements for a Package Liquor, Off-Sale Establishment are:

1. Except as otherwise provided, no package liquor 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. 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. The minimum distance requirements in Requirement 1 do not apply to:
 - a. An establishment which has a non-restricted 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.
5. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

The proposed use meets the minimum requirements of a Package Liquor Off-Sale Establishment. Staff finds that public health, safety, and welfare are not compromised and 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 the General Plan land use designation of U (Undeveloped) Zone [PCD (Planned Community Development) General Plan designation] under Resolution of Intent to PD (Planned Development) [V-C (Village Commercial) Lone Mountain Land Use designation] and would be located within an existing shopping center. The proposed use can be conducted in a manner that is harmonious and compatible with the surrounding uses.

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

The proposed Package Liquor Off-Sale Establishment will be located within an existing shopping center in a U (Undeveloped) Zone [PCD (Planned Community Development) General Plan designation] under Resolution of Intent to PD (Planned Development) [V-C (Village Commercial) Lone Mountain Land Use designation]. This 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 served by Cheyenne Avenue, a 100-foot Primary Arterial as defined by the Master Plan of Streets and Highways. The site is also served by Shady Timber Court, a 60-foot Collector Street. Both are of adequate capacity to serve 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.**

This site will be subject to inspections by the Planning & Development Department and subject to inspections by the City of Las Vegas Finance and Business Services for business licensing requirements and will not endanger the public health or general welfare, nor will it compromise the overall objectives of the General Plan.

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

The proposed Package Liquor Off-Sale Establishment meets all the minimum Special Use Permit requirements stated by Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7

ASSEMBLY DISTRICT 4

SENATE DISTRICT 9

NOTICES MAILED 1,047 by City Clerk

APPROVALS 7

PROTESTS 28