



AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 15, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-29227 - APPLICANT/OWNER: D.I. PROPERTIES INC.

** CONDITIONS **

The Planning Commission (7-0 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 Packaged Liquor Off-Sale use, including parking requirements.
2. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-3371) and Site Development Plan Review (SDR-3372) shall be required, 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 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 is a request for a Special Use Permit to allow a Retail Establishment with Accessory Packaged Liquor Off-Sale within a newly developed 5,000 square-foot General Retail Store at 3020 East Bonanza Road. The establishment is located within a 50,000 square-foot Shopping Center. The applicant indicates that the proposed packaged liquor will be stored in an area approximately 30 square feet in size, which equates to only six percent of the retail floor space, therefore meets the 10 percent requirement depicted in the use definition. Staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/07/04	The City Council approved a request for a Site Development Plan Review (SDR-3275) for a proposed animal shelter and veterinary complex on 9.5 acres adjacent to the southwest corner of Harris Avenue and Mojave Road. The Planning Commission recommended approval on 12/04/03.
02/04/04	The City Council approved a request to amend a portion of the Southeast Sector Plan of the General Plan (GPA-3370) from PF (Public Facilities) to SC (Service Commercial) on 4.76 acres adjacent to the northwest corner of Bonanza Road and Mojave Road. The Planning Commission recommended approval on 01/08/04.
02/04/04	The City Council approved a request for Rezoning (ZON-3371) from C-V (Civic) to C-1 (Limited Commercial) on 4.76 acres adjacent to the northwest corner of Bonanza Road and Mojave Road. The Planning Commission recommended approval on 01/08/04.
02/04/04	The City Council approved a request for a Site Development Plan Review (SDR-3372) and Waivers to allow a 10-foot rear yard setback where 20 feet is the minimum setback required; two loading zones where three are required; and a 10-foot wide loading zone where 15 feet is required for a proposed 43,349 square-foot Retail Center and 8,995 square-foot Auto Service building on 4.76 acres adjacent to the northwest corner of Bonanza Road and Mojave Road. The Planning Commission recommended approval on 01/08/04.
02/26/04	Staff approved a request for the review of a two-lot parcel map (PMP-3634), which was recorded on 03/08/04.
10/18/06	The City Council approved a request for an Extension of Time (EOT-16475) of an approved Rezoning (ZON-3371) from C-V (Civic) to C-1 (Limited Commercial) on 4.76 acres adjacent to the northwest corner of Bonanza Road and Mojave Road.

05/21/08	The City Council approved a request for a Special Use Permit (SUP-27256) for a proposed Financial Institution, Specified and a Waiver to allow a zero-foot residential separation where 200 feet is required at 3060 East Bonanza Road. The Planning Commission recommended denial on 04/24/08.
07/16/08	The City Council approved a request for a Major Amendment to an approved Site Development Plan Review (SDR-27920) for a proposed 3,264 square-foot restaurant with drive through on 4.76 acres at 3040 East Bonanza Road. The Planning Commission recommended approval on 06/12/08.
09/11/08	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #9/ds).
<i>Related Building Permits/Business Licenses</i>	
02/13/07	A building permit (#7000573) was issued and later renewed for a retail shell for Building D.
05/22/07	A building permit (#90159) was issued for a temporary power pole.
06/21/07	A building permit (#7002026) was issued and later renewed for plumbing for shell Building D.
06/29/07	A building permit (#7002109) was issued for electric for shell Building D.
02/22/08	A building permit (#103466) was issued for a fire sprinkler system for Building D.
01/09/08	A building permit (#7003382) was issued for five trash enclosures. The Planning and Development Department approved the plans on 01/09/08.
03/18/08	Plans C-0027-05 for the Retail Building D at Bonanza Road and Mojave was approved by the Planning and Development Department on 03/18/08.
07/03/08	A building permit (#119281) was issued for a fire alarm system for Building D.
07/03/08	A building permit (#119283) was issued for a central station monitoring system for the fire alarm system (#119281).
<i>Pre-Application Meeting</i>	
05/28/08	A pre-application meeting was conducted to discuss Title 19 and Special Use Permit application requirements with the applicant.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
08/08/08	A field check was conducted at the site. The proposed retail establishment did not appear to be in operation as of yet, nor did any other business.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	4.69

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping center	SC (Service Commercial)	C-1 (Limited Commercial)

North	Fire Training Center	PF (Public Facilities)	C-V (Civic)
	Animal Shelter	PF (Public Facilities)	C-V (Civic)
South	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	City of Las Vegas Maintenance and Storage Yards	PF (Public Facilities)	C-V (Civic)
West	Multi-family (Housing Authority)	M (Medium Density Residential)	R-3 (Medium Density Residential)

<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	N/A

ANALYSIS

- **Zoning/Use**

The proposed project is located within the Southeast Sector/Revitalization Area and is located on a parcel with a General Plan designation of SC (Service Commercial). A Packaged Liquor Off-Sale Establishment 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.

Title 19.04 Land Use Table, Minimum Special Use Permit requirements restrict the location of a Retail Establishment with Accessory Packaged Liquor Off-Sale, through a distance separation limit, which precludes such use from locating on property within 400 feet of any church, synagogue, school, childcare facility (licensed for more than 12 children), or a city park. The subject use will be operated within a newly developed shopping center beyond a 400-foot radius of the aforementioned protected uses. Staff recommends approval.

- **Minimum Special Use Permit Requirements**

- *1. Except as otherwise provided, no retail establishment with accessory package liquor off-sale (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 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.
- *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; or
 - c. 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.

* Conditions denoted with an asterisk cannot be waived.

Staff finds that the proposed use meets the minimum Title 19.04.010 standards for this use. The use is to be operated in connection with a retail establishment having 5,000 square feet of retail floor space, with a 30 square-foot area devoted to the display or merchandising of alcoholic beverages. This equates to only six percent of the retail floor space dedicated to alcoholic merchandising, which is below the 10 percent maximum allowed.

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 consistent with the General Plan designation of SC (Service Commercial). The proposed Accessory Packaged Liquor Off-Sale Establishment within a General Retail Store is a compatible use with the shopping center and with neighboring commercial and residential uses. Therefore, the proposed use is compatible and harmonious with the existing land use and with future surrounding land uses.

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

The subject site is located within a 50,000 square-foot shopping center. The addition of Accessory Packaged Liquor Off-Sale to a retail establishment within this location will not increase the existing intensity of the land use, and therefore, is physically suitable for the type and intensity of the proposed land 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 accessible from Bonanza Road and Mojave Road, both 100-foot Primary Arterials as shown within the Master Plan of Streets and Highways. These roadways are more than adequate to carry any added traffic generated from this 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 use is acceptable within a property designated SC (Service Commercial) under the Las Vegas 2020 Master Plan. Public health, safety, and welfare are not compromised by this proposal, as the use requires frequent inspection and rigorous standards enforced by the State of Nevada and the City of Las Vegas.

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

The use complied with all applicable Title 19- Minimum Special Use Permit Requirements.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 28

SENATE DISTRICT 2

NOTICES MAILED 193 by City Clerk

APPROVALS 6

PROTESTS 0