



City of Las Vegas

Agenda Item No.: 136.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF NOVEMBER 5, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT: UP-2945 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: WAL-MART STORES, INC. - OWNER: IMRICH CORPORATION COMMONS, LLC - Request for a Special Use Permit FOR 129,515 SQUARE FOOT RETAIL ESTABLISHMENT WITH ACCESSORY PACKAGE LAYOUT OFF-SALE 4420 North Nellis Boulevard (APN 140-32-701-003), C-1 (Limited Commercial Zone), Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcard
7. Submitted after Final Agenda Protest Packet by Martin Dean Dupalo and Protest/Support Postcards
8. Backup Referenced from the 10-09-2008 Planning Commission Meeting Item 36

Motion made by GARY REESE to Deny

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:
MAYOR GOODMAN declared the Public Hearing open.

ATTORNEY PAUL LARSEN, 300 South Fourth Street, representing the applicant, concurred with the conditions and explained the application, noting the existing merchandise would be rearranged to accommodate expansion of the grocery section and liquor accessory.

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COUNCILMAN REESE noted that MARTIN DEAN DUPALO, 209 Oakford Street, had put together and submitted a very informative packet regarding neighborhood liquor establishments and their negative impact.

MR. DUPALO stated that there is an oversaturation of liquor establishments in this neighborhood. How many are too many? COUNCILMAN REESE replied that some locations are in the County and some in the City. There is a saturation, but as far as a set amount, two and three are sufficient.

DAN GERSTEN, 229 Oakford Street, said he is a 28-year resident in his neighborhood and objected to this application, stating that the subject Wal-Mart is not designed for selling liquor. He stated that he and his wife have been victims of drunk drivers. His wife's car was destroyed by a drunk driver who crashed into it in front of his home. He expressed concern about the negative impact more alcohol may have on the children in the area, especially seeing liquor paraphernalia on the streets.

STEVE WATKINS, 205 Oakford Street, agreed with the previous speaker that there are too many liquor stores in the vicinity. The subject Wal-Mart has not been a good neighbor and has brought problems to the neighborhood, such as noise and people jumping into backyards trying to run away after stealing from Wal-Mart.

ATTORNEY LARSEN remarked that the issues raised were a matter of policy. He suggested this matter be tabled if the Council would like to address how many liquor licenses are appropriate in a neighborhood. Otherwise, he requested this application be treated like any other retail establishment requesting to sell alcohol.

COUNCILMAN REESE defended the Council's right to decide whether or not one more liquor license is too much for an area. He then stated that he feels bad that many neighborhoods are becoming saturated with liquor outlets, causing the loss of their integrity. To him, Wal-Mart wanted to add liquor sales in order to make more money.

ATTORNEY LARSEN offered to withdraw the application without prejudice; however, COUNCILMAN REESE would not accept withdrawal unless it was with prejudice. He could not support this application, as it would set a precedent for other nearby department stores.

MAYOR GOODMAN declared the Public Hearing closed.