

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 5, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-29450 - APPLICANT: WAL-MART STORES INC -
OWNER: WRI CHARLESTON COMMONS, LLC

**** 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 19.04.010 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. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. 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 Packaged Liquor Off-Sale Establishment to be located within an existing retail establishment within the Charleston Commons Shopping Center at 210 North Nellis Boulevard. The existing retail establishment is 129,515 square feet with 126 square feet being dedicated to packaged liquor, or approximately 0.0010 percent of the total floor sales area.

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

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/19/03	The City Council approved a Site Development Plan Review (SDR-1568) for a proposed 6,545 square-foot metal canopy addition at 201 North Nellis Boulevard. The Planning Commission recommended approval.
08/22/08	The mylar for a parcel map (PMP-27672) was released for recordation for 28.36 acres adjacent to the west side of Charleston Boulevard, approximately 300 feet south of Stewart Avenue.
10/09/08	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #36/ne).
<i>Related Building Permits/Business Licenses</i>	
04/18/90	A building permit (#90064910) was issued for a shell building at 201 North Nellis Boulevard. The permit was finaled on 10/24/90.
11/09/90	A business license (#D16-00028) was issued for a department store at 201 North Nellis Boulevard.
11/09/90	A business license (#C05-01498) was issued for a tobacco dealer at 201 North Nellis Boulevard.
02/14/91	A business license (#C08-01383) was issued for a coin amusement machine at 201 North Nellis Boulevard. The business license was marked out on 08/22/08.
04/10/96	A building permit (#96007091) was issued for the retail expansion of the garden shop at 201 North Nellis Boulevard. The permit was finaled on 07/13/96.
05/02/96	A building permit (#96008723) was issued for the garden shop expansion at 201 North Nellis Boulevard. The permit expired on 02/08/97.
06/11/96	A building permit (#96011581) was issued for a remodel at 201 North Nellis Boulevard. The permit was finaled on 08/07/96.

10/23/97	A business license (#P06-00116) was issued for photo supplies and repairs at 201 North Nellis Boulevard. The business license was marked out on 05/03/07.
10/23/97	A business license (#P20-00637) was issued for a photography business at 201 North Nellis Boulevard. The business license was marked out on 05/03/07.
03/04/02	A business license (#A23-01932) was issued for a bookkeeper at 201 North Nellis Boulevard.
07/12/02	A building permit (#2012516) was issued for a wall sign (tag #006183) at 201 North Nellis Boulevard. The permit expired on 03/29/03.
08/01/02	A building permit (#2013859) was issued for a tenant improvement for a certificate of occupancy at 201 North Nellis Boulevard. The permit was finaled on 10/04/02.
10/30/02	A business license (#R09-01173) was issued for a restaurant seating 45 or more at 201 North Nellis Boulevard.
04/30/03	A business license (#T24-00411) was issued for a temporary merchant at 201 North Nellis Boulevard. The business license was marked out on 05/16/07.
07/02/03	A building permit (#3013745) was issued for a canopy structure over garden area at 201 North Nellis Boulevard. The permit was finaled on 09/26/03.
02/14/05	A business license (#C22-00022) was issued for a check cashing service at 201 North Nellis Boulevard.
09/11/07	A business license (#V02-01722) was issued for a vending machine at 201 North Nellis Boulevard.
01/08/08	A business license (#Q04-00036) was issued for a pharmacy at 201 North Nellis Boulevard.
06/16/08	A business license (#P35-00879) was issued for an outdoor pay phone per location at 201 North Nellis Boulevard.
08/05/08	A business license (#W10-00175) was issued for a wire service at 201 North Nellis Boulevard.
07/21/03	A building permit (#3015438) was issued for a tenant improvement remodel at 201 North Nellis Boulevard. The permit expired on 05/29/04.
07/18/05	A building permit (#5004906) was issued for the remodel of the freezers and loading docks at 210 North Nellis Boulevard. The permit was finaled on 09/30/05.
03/06/07	A building permit (#7000786) was issued for a tenant improvement remodel of the bathrooms at 201 North Nellis Boulevard. The permit was finaled on 05/25/07.
<i>Pre-Application Meeting</i>	
05/15/08	A pre-application meeting was held where the submittal requirements for a Special Use Permit for a Package Liquor Off-Sale use were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

Field Check	
09/02/08	Staff performed a routine field check. Staff was not able to locate the property address posted on the building.

Details of Application Request	
Site Area	
Net Acres	10.51

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Restaurants/Gas Station/Convenience Store/ Grocery Store/Vehicle Rental/Tavern/Retail	CG [Commercial General (Clark County)]	C-2 [General Commercial (Clark County)]
West	Las Vegas Wash & Single-Family Residence	L (Low Density Residential) & PF (Public Facilities)	R-1 (Single Family Residential)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	N/A
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

Multi-Use Transportation Trail

Directly to the west of the proposed site is the Las Vegas Wash Drainage Channel. This drainage channel is designated PF (Public Facilities) with a Multi-Use Transportation Trail planned for the site. The Multi-Use Transportation Trail is intended to be used and shared by bicyclists and persons on other non-motorized vehicles, and for pedestrians.

Project Of Regional Significance

Pursuant to Ordinance #5477, the proposed Special Use Permit request has been deemed a Project of Regional Significance, as it concerns property located within 500 feet of the City boundary with Clark County. A questionnaire describing the impacts of the project to the area was submitted to various regional agencies for review. No comments have been received as of 09/10/08.

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
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center (Package Liquor Off-Sale)	129,515 s.f.	1:250	508	11	677	13	Y
SubTotal			508	11	677	13	
TOTAL (including handicap)			519		690		

ANALYSIS

This is a request for a Special Use Permit for a Package Liquor Off-Sale Establishment to be located within an existing retail establishment within the Charleston Commons Shopping Center at 201 North Nellis Boulevard. The proposed floor plan demonstrates a total of 126 square feet being dedicated to liquor sales within the 129,515 square-foot retail establishment. The proposed 126 square feet encompasses the area around register 15 located at the front of the retail establishment. The floor plan demonstrates a gate entry to prevent entry by minors to the designated liquor sales area, and a half gondola to replace the current full one.

- **Zoning**

The subject site is currently designated SC (Service Commercial), within the Southeast Sector of the Las Vegas 2020 Master Plan. The site is currently zoned C-1 (Limited Commercial). A Package Liquor Off-Sale Establishment is allowed within the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

- **Use**

Title 19.04 defines a Package Liquor Off-Sale Establishment as 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 Special Use Permit requirements of a Package Liquor Off-Sale Establishment. Staff finds that public health, safety, and welfare will not be compromised and recommends approval.

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 proposed use is compatible with the General Plan land use designation of SC (Service Commercial) 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, as it is an accessory use to the established shopping center.

- 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 retail establishment located within an existing shopping center in a C-1 (Limited Commercial) zone. 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 Nellis Boulevard, a 100-foot Primary Arterial as defined by the Master Plan of Streets and Highways. Nellis Boulevard is adequate in size 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.

PLANNING COMMISSION ACTION

Additional protest letters were submitted at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 2

ASSEMBLY DISTRICT 14

SENATE DISTRICT 10

NOTICES MAILED 858 by City Clerk

APPROVALS 2

PROTESTS 4