



AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-35224 - APPLICANT: HOUSE OF VINO - OWNER:
TETON DURANGO 2008, LLC**

**** CONDITIONS ****

The Planning Commission (4-1/bg-1/rt vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. The hours of operation shall be from 5:00 am to 10:00 pm Sunday through Thursday, and 5:00 am to 12:00 am Friday and Saturday.
2. The floor area used for alcohol sales shall be limited to a maximum of 8.5% of the total floor area.
3. There shall be a review at a Public Hearing by the Planning Commission one year after issuance of a business license.
4. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Retail Establishment with Accessory Package Liquor Off-Sale use.
5. 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.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. 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.
8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
9. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining item or devices shall be displayed upon the subject property or in the parking lot of the subject property without the appropriate permits.
10. 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 Retail Establishment with Accessory Package Liquor Off-Sale within a proposed 2,510 square-foot Convenience Store located at 8053 North Durango Drive. The applicant has proposed to establish a Convenience Store which will feature and display liquors, beers and wines that cannot be found in standard Convenience Stores, in addition to other household items and pre-packaged foods.

ISSUES

- The proposed use complies with all Title 19 Zoning Code requirements and can be conducted in a manner that is harmonious and compatible with the existing and future surrounding land uses; therefore, staff is recommending approval of this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
02/05/03	The City Council approved a request for Annexation (A-0038-02) to annex undeveloped property located in various parts of the city under the provisions of NRS 268.597 No. 1(b), containing approximately 495 acres. The Planning Commission recommended approval of the request.
01/24/06	A Code Enforcement case (#37811) was processed for a large dump truck repeatedly parking on the vacant lot.
04/05/06	The City Council approved a Site Development Plan Review (SDR-10071) for a proposed 13,722 square-foot commercial development on 2.12 acres at the southwest corner of Ackerman Avenue and Durango Drive. The Planning Commission recommended approval of the request.
05/10/07	The Planning Commission denied a request for a Special Use Permit (SUP-20814) for a proposed Auto Title Loan with a Waiver to allow no distance separation from a residential property where 200 feet is required and a Waiver to allow a 1,288 square-foot establishment where 1,500 is the minimum square footage required on property located on the southwest corner of Durango Drive and Ackerman Avenue.
09/10/09	The Planning Commission voted 4-1/bg-1/rt to recommend APPROVAL (PC Agenda Item #17/jb).
<i>Related Building Permits/Business Licenses</i>	
10/11/07	A building permit (#99632) was issued for an engineered design flood wall rear only at 8053 North Durango Drive. The permit has not received a final inspection.
03/30/09	A building permit (#7002791) was issued for a retail shell building certificate of completion at 8053 North Durango Drive. The permit has not received a final inspection.

<i>Pre-Application Meeting</i>	
07/15/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit were discussed. Topics included: • Title 19 minimum Special Use Permit requirements for a Retail Establishment with Accessory Package Liquor Off-Sale • On-site parking requirements • Application materials and documents • Meeting dates and deadlines
<i>Neighborhood Meeting</i>	
08/12/09	A neighborhood meeting was held at 6:00pm at the YMCA located at 6601 N. Buffalo Dr. Nine members for the applicant attended the meeting, along with one staff member from the Ward 6 City Council office, one member of the Planning and Development staff, and 37 members of the public. Topics discussed included: • Suburban residential area • Additional alcohol • Additional gaming with loitering • New business model, no existing operation • 24/7 hrs • Vagrancy, tagging / outside security • Need appropriate lighting • Delivery hours • Ensure large numbers of students off buses are monitored in store
09/08/09	A neighborhood meeting was held from 6:00 to 6:30 pm at the YMCA located at 6601 N. Buffalo Dr. There were nine attendees for the general public, and two staff members (one member of Planning and Development and one member of the Council Staff). Concerns raised included: • Too much alcohol in the area • Too close to schools • Increase in crime • Increase in traffic • Opposed to Gaming and Liquor
<i>Field Check</i>	
08/06/09	During a routine site inspection performed by staff, the subject property was noted as a well maintained retail development.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.93

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Development	PCD (Planned Community Development)	C-1 (Limited Commercial)
North	Single-Family Residences	PCD (Planned Community Development)	R-PD6 (Residential Planned Development – 6 Units per Acre)
South	Retail Development	PCD (Planned Community Development)	C-1 (Limited Commercial)
East	Single-Family Residences	PCD (Planned Community Development)	R-PD6 (Residential Planned Development – 6 Units per Acre)
West	Single-Family Residences	PCD (Planned Community Development)	R-PD7 (Residential Planned Development – 7 Units per Acre)

<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

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	
Convenience Store	2,510 sq. ft.	1:175	14		82	4	Y
Commercial Recreation/ Amusement (Indoor)	2,800 sq. ft.	1:200	14				

Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Restaurant, 2,000 S.F. or more (with drive-through)	2,513 sq. ft.	1:100	25		82	4	Y
General Retail (Less than 25,000 sq. ft.)	5,752 sq. ft.	1:175	33				
SubTotal	13575 sq. ft.		82	4	82	4	
TOTAL	13575 sq. ft.		86		86		Y

ANALYSIS

This request is for a Special Use Permit for a proposed 2,510 square-foot Convenience Store with Accessory Package Liquor Off-Sale within an existing General Retail Development at 8053 North Durango Drive. A Retail Establishment with Accessory Package Liquor Off-Sale is defined in Title 19.04 as a retail establishment:

1. 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; and
2. In which the sale of alcoholic beverages is ancillary to the retail use, and in which no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages.

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.

The applicant has indicated that the proposed Convenience Store will sell produce, dairy, dry groceries, packaged goods with 8.5% of its gross floor space dedicated to the sale of package liquor. The hours of operation will be 5:00am – 12:00am seven days a week. Staff is recommending approval of this application, as the proposed use will be ancillary to the Convenience Store and can be conducted in a manner that is harmonious and compatible with the existing and future surrounding land uses

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 PCD (Planned Community Development) General Plan land use designation and can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses.

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

The proposed Convenience Store with Accessory Package Liquor Off-Sale use will be located in an existing retail development, which is physically suitable for the type and intensity of the 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.”

Access to the site is via a driveway from Durango Drive, which is classified as a 100-foot wide Primary Arterial according to the Master Plan of Streets and Highways, and is adequate to facilitate the traffic generated by 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.”

Approval of this special use permit will not compromise public health, safety, or welfare as the proposed Convenience Store with Accessory Package Liquor Off-Sale use will be subject to regular inspections.

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

The proposed Convenience Store with Accessory Package Liquor Off-Sale use complies with the conditions per Title 19.04.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 1 through 3 to which the applicant agreed. There were three speakers in opposition to the project.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 955 by City Clerk

APPROVALS 6

PROTESTS 6