



AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-35509 – APPLICANT: TOTAL WINE & MORE - OWNER:
BOCA FASHION VILLAGE, L.L.C.**

**** CONDITIONS ****

The Planning Commission (5-1/ke vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a 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 Package Liquor Off-Sale Establishment within an existing building at 730 South Rampart Boulevard. The applicant wishes to operate a specialty wine shop which will feature a variety of wines from a variety of regions. A majority of the floor space within the 26,691 square foot shop will be dedicated to the displaying and housing of wine in wooded wine racks, while the remainder of the store will feature sales of wine accessory merchandise, a small seating area, a wine bar, and demonstration counter. The shop will also offer half ounce tasting of wine to customers at no charge, which is permissible under the Package Liquor Off-Sale Establishment use with proper licensing.

The subject proposal meets all Title 19.04 standards for Package Liquor Off-Sale Establishment use, and is compatible with the surrounding area; therefore, staff recommends approval. If denied, the proposed use cannot locate at the proposed address.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
4/27/98	The City Council approved a request for a Rezoning (Z-0012-98) on property located on the southeast corner of Rampart Boulevard and Alta Drive, from: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] Under Resolution of Intent to C-1 (Limited Commercial) to: PD (Planned Development) proposed use: 248 room, five-story, non-gaming hotel, 650 seat amphitheater, 535,200 square foot retail, 57,600 square foot office, 125 unit condominium complex, a four-story parking garage, and a six-story parking garage, size: 47.4 acres. The Planning Commission recommended approval and Staff recommended denial.
04/18/01	The City Council approved a request for a Master Sign Plan Review [Z-0012-98(3)] for property located at the southeast corner of the intersection of Alta Drive and Rampart Boulevard (Boca Park, Phase III). The Planning Commission recommended approval.
12/23/04	A deed was recorded for change of ownership.
09/24/09	The Planning Commission voted 5-1/ke to recommend APPROVAL (PC Agenda Item #22/ao).

<i>Related Building Permits/Business Licenses</i>	
07/19/02	A building permit (#2013094) was issued for a tenant improvement for certificate of occupancy at 730 South Rampart Boulevard. The permit was completed on 01/13/03.
10/30/02	A business license (D16-00112) was issued for a department store at 730 South Rampart Boulevard. The license was marked out of business on 11/25/08.
<i>Pre-Application Meeting</i>	
07/22/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for a Package Liquor Off-Sale Establishment were discussed. Topics included: • The submittal of application materials, meeting dates, and deadlines were discussed at the pre-application meeting. • The Boca Park Phase III Development Plan, which calls out the allowed uses in the Boca Park Phase III Planned Development, also discussed.
<i>Neighborhood Meeting</i>	
09/21/09	A neighborhood meeting was held from 6:30 to 6:45 pm at the JW Marriot resort located at 221 North Rampart Boulevard Las Vegas, Nevada 89145. There were two attendees for the general public, and one staff member (Planning and Development). The applicant gave a brief presentation describing the history of the company and format of its stores. Two members of the public were in attendance; neither had any objections to the proposed operation or its location. (Note: Due to the remote location of the meeting room within the JW Marriott resort, the applicant delayed the start of the meeting by half an hour to allow adequate time for members of the public to arrive.)

<i>Field Check</i>	
08/20/09	Staff conducted a site visit of the subject location and noted it to be vacant. It is part of a larger commercial shopping center.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	6.04

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	PD (Planned Development)
North	Shopping Center	SC (Service Commercial)	PD (Planned Development)
South	Shopping Center	SC (Service Commercial)	PD (Planned Development)
East	Shopping Center	SC (Service Commercial)	PD (Planned Development)
West	Shopping Center	SC (Service Commercial)	PD (Planned Development)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
Boca Park Phase III	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
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	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	
Shopping Center	641,664 SF	1 Space / 250 SF GFA	2,531	36	2,603	36	Y
TOTAL			2,567		2,639		

ANALYSIS

The Boca Park Phase III Development Plan calls out the allowed uses in the PD (Planned Development) zone of Boca Park. The allowed uses are listed as "Retail", and it has been deemed that a Package Liquor Off-Sale use falls within this "retail" use, as similar uses have been established within the subject site.

The applicant states that the proposed business will feature a wide variety of wines from varying regions and offer half ounce tasting of wine at no charge to the customers, which is permissible with the proper Wine, Cordial and Liquor Tasting license. The plans indicate that there will be multiple wine storage racks and island display areas which will occupy a majority of the suite. In addition, the suite will feature a small seating area, a demonstration counter/bar, an office, and a single-person restroom.

Staff finds that the proposed use meets the minimum Title 19.04.010 and the Boca Park Phase III Development Plan standards for this use; therefore staff recommends approval of the request. If denied, proposed use would not be permitted in the proposed location.

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.”

As this is a predominately commercial area, the subject proposal will be harmonious and compatible with existing surrounding land uses and with future uses as projected by the General Plan.

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

The subject site contains a large shopping center, and is physically suitable for the type and intensity of land.

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 site is served by Rampart Boulevard, designated as a 100-foot Primary Arterial by the Master Plan of Streets and Highways. This thoroughfare is capable of accommodating the traffic flow created by the site and the 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 request will not compromise the public health, safety or welfare of the general public, as regular inspections are a part of the business licensing process and will not jeopardize the overall objectives of the General Plan.

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

The Package Liquor Off-Sale Establishment use meets all standard conditions that apply pursuant to Title 19.04.

PLANNING COMMISSION ACTION

The Planning Commission amended the conditions as shown to which the applicant agreed. There were additional protests submitted at the meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

ASSEMBLY DISTRICT 3

SENATE DISTRICT 8

NOTICES MAILED 1,343 by City Clerk

APPROVALS 1

PROTESTS 3