



## **AGENDA MEMO**

**CITY COUNCIL MEETING OF: NOVEMBER 4, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-35731 - APPLICANT: LA LUPITA MEAT MARKET LLC -  
OWNER: LAKE MEAD PROMENADE LLC**

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### **\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to conditions.

#### **Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Beer/Wine/Cooler 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 beer and wine coolers shall remain in their original manufacturer's configuration of four- or six-packs.
6. The sale of single beers, malt beverages, or wine coolers of any size with alcohol by volume greater than 6% shall be prohibited. The sale of wines with an alcohol by volume of greater than 16% shall be prohibited.
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 Beer/Wine/Cooler Off-Sale Establishment within an existing 4,240 square-foot convenience store at 6430 West Lake Mead Boulevard, Suite #115. The Beer/Wine/Cooler Off-Sale use will be ancillary to the existing grocery store. The applicant is requesting a Waiver to allow a zero-foot separation distance from a church where 400 feet is required.

As this request does not meet all Title 19.04 requirements for a Beer/Wine/Cooler Off-Sale Establishment and cannot be conducted in a compatible and harmonious manner with the surrounding land uses, staff is recommending denial of this application. If the application is denied, the subject site will remain as a convenience store that cannot sell beer or wine on the premises.

**BACKGROUND INFORMATION**

| <i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</b></i> |                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11/02/94                                                                                     | The City Council approved a request for Reclassification of Zoning (Z-110-94). The Planning Commission recommended approval.                                                                                                                                                                                                                                                     |
| 07/14/97                                                                                     | The City Council approved a request for a Rezoning (Z-0041-97) on property located on the northwest corner of Lake Mead Boulevard and Torrey Pines Drive, from: U (Undeveloped) to: C-1 (Limited Commercial). The Planning Commission and Staff recommended approval.                                                                                                            |
| 11/19/03                                                                                     | The City Council approved a request for a Site Development Review (SDR-3062) for a proposed 19,100 square foot retail building and 3,600 square foot retail pad and a waiver to the parking lot landscaping requirements on 2.27 acres, 200 feet west of the intersection of Torrey Pines Drive and Lake Mead Boulevard. The Planning Commission and Staff recommended approval. |
| 11/19/03                                                                                     | The City Council approved a request to amend a portion of the Southwest Sector Future Land Use Plan of the General Plan from: M (Medium Density Residential) to: SC (Service Commercial) on 2.27 acres, 200 feet west of the intersection of Torrey Pines Drive and Lake Mead Boulevard.                                                                                         |
| 06/16/04                                                                                     | The City Council approved a request for a Variance (VAR-4193) to allow 117 parking spaces where 135 spaces are required for a proposed commercial development on 2.27 acres, 200 feet west of the intersection of Torrey Pines Drive and Lake Mead Boulevard. The Planning Commission approval and staff recommended denial. The Planning Commission recommended.                |

|                                                               |                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/10/05                                                      | The Planning and Development Department administratively approved a request for a Site Development Plan Review (SDR-6021) to add a drive-through for a commercial development on 2.8 acres along the north side of Lake Mead Boulevard, approximately 250 feet west of Torrey Pines Drive. |
| 12/01/06                                                      | A deed was recorded for change of ownership.                                                                                                                                                                                                                                               |
| 10/08/09                                                      | The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #22/ao).                                                                                                                                                                                                           |
| <b><i>Related Building Permits/Business Licenses</i></b>      |                                                                                                                                                                                                                                                                                            |
| 08/31/04                                                      | A building permit (#4019454) was issued for Shell Building A at 6430 West Lake Mead Boulevard, Suite 115. The permit expired on 12/03/05.                                                                                                                                                  |
| 08/31/04                                                      | A Building Permit (#4019456) was issued for on site hardscapes at 6430 West Lake Mead Boulevard, Suite 115. The permit expired on 03/05/05.                                                                                                                                                |
| 04/05/05                                                      | A building permit (#5002064) was issued for a tenant improvement at 6430 West Lake Mead Boulevard, Suite 115. The permit was completed on 08/02/05.                                                                                                                                        |
| 10/04/05                                                      | A business license (G05-01982) was issued for groceries and food products at 6430 West Lake Mead Boulevard, Suite 115. The business license is active.                                                                                                                                     |
| 12/14/05                                                      | A Building Permit (#5008758) was issued for a tenant improvement at 6430 West Lake Mead Boulevard, Suite 115. The permit was completed on 02/16/06.                                                                                                                                        |
| 10/18/05                                                      | A business license (W10-91622) was issued for a wire service at 6430 West Lake Mead Boulevard, Suite 115. The business license was marked out of business on 09/29/06.                                                                                                                     |
| 01/11/07                                                      | A business license (W10-00120) was issued for wire service at 6430 West Lake Mead Boulevard, Suite 115. The business license is active.                                                                                                                                                    |
| 01/11/07                                                      | A business license (T18-00723) was issued for telephone sales at 6430 West Lake Mead Boulevard, Suite 115. The business license was marked out of business on 02/25/09.                                                                                                                    |
| <b><i>Pre-Application Meeting</i></b>                         |                                                                                                                                                                                                                                                                                            |
| 07/02/09                                                      | A pre-application meeting was held where the submittal requirements for a Beer/Wine/Cooler Off-Sale Establishment Special Use Permit were discussed.                                                                                                                                       |
| <b><i>Neighborhood Meeting</i></b>                            |                                                                                                                                                                                                                                                                                            |
| A neighborhood meeting was not required for this application. |                                                                                                                                                                                                                                                                                            |
| <b><i>Field Check</i></b>                                     |                                                                                                                                                                                                                                                                                            |
| 09/03/09                                                      | During a routine field check staff observed a well maintained shopping center.                                                                                                                                                                                                             |

|                                              |      |
|----------------------------------------------|------|
| <b><i>Details of Application Request</i></b> |      |
| <b><i>Site Area</i></b>                      |      |
| Gross Acres                                  | 2.23 |

| Surrounding Property | Existing Land Use                                           | Planned Land Use                                           | Existing Zoning                                                                                  |
|----------------------|-------------------------------------------------------------|------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Subject Property     | Shopping Center                                             | SC (Service Commercial)                                    | C-1 (Limited Commercial)                                                                         |
| North                | Apartments                                                  | M (Medium Density Residential)                             | R-3 (Medium Density Residential)                                                                 |
| South                | Single Family Residential / Las Vegas Valley Water District | ML (Medium Low Density Residential) / PF (Public Facility) | R-CL Single Family Compact-Lot / U(Undeveloped) [PF(Public Facilities) General Plan Designation] |
| East                 | Convenience Store                                           | SC (Service Commercial)                                    | C-1 (Limited Commercial)                                                                         |
| West                 | Shopping Center                                             | SC (Service Commercial)                                    | C-1 (Limited Commercial)                                                                         |

| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---------------------------------------------------|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          |            | X         | N/A               |
| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| <b>Special Purpose and Overlay Districts</b>      | X          |           | Y                 |
| A-O Airport Overlay District                      | X          |           | Y                 |
| <b>Trails</b>                                     | X          |           | Y                 |
| <b>Rural Preservation Overlay District</b>        |            | X         | N/A               |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | 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 |            |
| Existing Commercial Center | 22,725 SF                           |               | 125     | 5            | 125      | 5            | Y*         |
| SubTotal                   |                                     |               | 130     |              | 130      |              |            |
| TOTAL (including handicap) | 22,725 SF                           |               | 130     |              | 130      |              |            |

\*The proposed use has no additional parking requirement beyond the principle use.

| Waivers                                                                                                                                                 |           |                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------------------|
| Requirement                                                                                                                                             | Request   | Staff Recommendation |
| A 400-foot distance separation from of any <b>church, synagogue</b> , school, and child care facility licensed for more than 12 children, or City Park. | Zero Feet | Denial               |

## ANALYSIS

This request is for a Special Use Permit for a proposed Beer/Wine/Cooler Off-Sale Establishment within an existing convenience store at 6430 West Lake Mead Boulevard, Suite #115. The beer and wine will be sold in a 128 square-foot cooler located at the rear of the 4,240 square-foot convenience store. The area used for the storage and sale of alcohol is less than 2% of the gross floor area as depicted on the floor plan. The hours of operation for the convenience store are Monday through Saturday, 9 a.m. to 6 p.m., with the store closed on Sundays.

The proposed location is part of an established shopping center at the northwest corner of Lake Mead Boulevard and Torrey Pines Drive, which supplies the required amount of parking for this site. This shopping center is able to accommodate a variety of uses such as professional offices, personal services, restaurants, and retail stores.

As part of this request, the applicant is asking for a Waiver of the 400-foot distance separation requirement because the convenience store is located approximately 160 feet away from a protected use (a church). Although, the addition of a Beer/Wine/Cooler Off-Sale Establishment use is ancillary to the existing convenience store, it cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses. Therefore, staff recommends denial.

## 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 Beer/Wine/Cooler Off-Sale Establishment is within an existing Convenience Store at 6430 West Lake Mead Boulevard, Suite #115. The addition of a Beer/Wine/Cooler Off-Sale Establishment use within this area is not compatible with the existing and future land uses as specified by the General Plan, as it does not meet minimum separation distance from a church.

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

The subject site is physically suitable for the type and intensity of land use proposed; however, it does not meet the minimum separation distance required from a church.

**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.”**

Site access is provided from Lake Mead Boulevard, a 100-foot Primary Arterial, and Torrey Pines Drive, an 80-foot Secondary Collector as designated in the Master Plan of Streets and Highways. These streets provide adequate access to and from the subject property.

**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.”**

It will not compromise the public health, safety, and welfare or overall objectives of the General Plan.

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

The proposed Beer/Wine/Cooler Off-Sale use does not meet all of the applicable conditions per Title 19.04.

**PLANNING COMMISSION ACTION**

The Planning Commission considered the following two conditions:

- Maximum 2% of the floor area for alcohol sales.
- Hours of operation shall be 9:00 am to 6:00 pm

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 37

**SENATE DISTRICT** 3

**NOTICES MAILED** 977 by City Clerk

**APPROVALS** 0

**PROTESTS** 0