



## **AGENDA MEMO**

**CITY COUNCIL MEETING OF: DECEMBER 2, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-35891 - APPLICANT: LEE'S DISCOUNT LIQUOR -**

**OWNER: THOMSON SUMMERLIN HOLDINGS, LLC**

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

The Planning Commission (7-0 vote) and staff recommend DENIAL.

#### **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 beer and wine coolers shall remain in their original manufacturer's configuration of four- or six-packs.
6. 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 780 South Rampart Boulevard. The applicant wishes to operate a liquor shop which will feature a variety of wines from a variety of regions. A majority of the floor space within the 10,565 square-foot shop will be dedicated to the display of wine in wooded wine racks, while the remainder of the store will feature sales of wine accessory merchandise, a large beer cooler area, and display shelves for specialty wines and liquor. Currently, the site consists of a vacant building within a large commercial center.

The addition of the proposed use will contribute to an oversaturation of the use within the Boca Park development; therefore, staff recommends denial. If denied, the proposed use cannot locate at the proposed address.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc and Property Sales</i></b> |                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/27/98                                                                                    | 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). The Planning Commission recommended approval and Staff recommended denial. |
| 02/22/99                                                                                    | The City Council approved a request for a Special Use Permit (U-0170-98) on property located on the east side of Rampart Boulevard, approximately 1,120 feet north of Charleston Boulevard for packaged liquor sales in conjunction with a proposed 15,980 square foot drug store. 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.                                                                                                                                   |
| 04/13/06                                                                                    | A deed was recorded for change of ownership.                                                                                                                                                                                                                                                                                                                                                  |
| 11/05/09                                                                                    | The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #23/ao).                                                                                                                                                                                                                                                                                                                |
| <b><i>Related Building Permits/Business Licenses</i></b>                                    |                                                                                                                                                                                                                                                                                                                                                                                               |
| 02/07/01                                                                                    | A building permit (#1001981) was issued for a new furniture store at 780 South Rampart Boulevard. The permit completed on 06/08/01.                                                                                                                                                                                                                                                           |
| 02/07/01                                                                                    | A building permit (#1001980) was issued for on sites at 780 South Rampart Boulevard. The permit expired on 08/11/01.                                                                                                                                                                                                                                                                          |

|          |                                                                                                                                                         |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/20/01 | A building permit (#1002643) was issued for a new furniture store at 780 South Rampart Boulevard. The permit completed on 06/08/01.                     |
| 02/13/01 | A building permit (#1002300) was issued for a new building at 780 South Rampart Boulevard. The permit was completed on 06/05/01.                        |
| 06/05/01 | A business license (F86-00010) was issued for a bank at 790 South Rampart Boulevard. The business license is still active.                              |
| 06/20/01 | A business license (F07-01693) was issued for a new furniture store at 780 South Rampart Boulevard. The business license was in active.                 |
| 11/01/00 | A business license (D11-00184) was issued for a drug store at 800 South Rampart Boulevard. The business license was marked out of business on 01/28/09. |
| 11/01/00 | A business license (L15-00107) was issued for package liquor at 800 South Rampart Boulevard. The business license was marked not listed on 01/28/09.    |
| 10/30/03 | A building permit (#3023245) was issued for an addition to storage at 780 South Rampart Boulevard. The permit completed on 03/25/04.                    |

#### ***Pre-Application Meeting***

|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08/21/09 | <p>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:</p> <ul style="list-style-type: none"> <li>• The submittal of application materials, meeting dates, and deadlines were discussed at the pre-application meeting.</li> <li>• The Boca Park Phase III Development Plan, which calls out the allowed uses in the Boca Park Phase III Planned Development, was also discussed.</li> </ul> |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

#### ***Neighborhood Meeting***

A neighborhood meeting was neither required nor held for this application request.

#### ***Field Check***

|          |                                                                                                                                    |
|----------|------------------------------------------------------------------------------------------------------------------------------------|
| 09/17/09 | Staff conducted a site visit of the subject location and noted it to be vacant. It is part of a larger commercial shopping center. |
|----------|------------------------------------------------------------------------------------------------------------------------------------|

#### ***Details of Application Request***

##### ***Site Area***

|             |     |
|-------------|-----|
| Gross Acres | .84 |
|-------------|-----|

| <b>Surrounding Property</b> | <b>Existing Land Use</b> | <b>Planned Land Use</b> | <b>Existing Zoning</b>   |
|-----------------------------|--------------------------|-------------------------|--------------------------|
| 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> |
|---------------------------------------------------|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          | X          |           | Y                 |
| Boca Park Phase III                               | X          |           | Y                 |
| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| <b>Special Purpose and Overlay Districts</b>      |            | X         | N/A               |
| <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 |            |
| Shopping Center     | 641,664 SF                          | 1 Space / 250 SF GFA | 2,531   | 36           | 2,603    | 36           |            |
| TOTAL               | 641,664 SF                          |                      | 2,567   |              | 2,639    |              |            |

| <b>Off-Sale Liquor Uses Within a 1,500-Foot Radius</b> |                       |                      |                                                       |                            |
|--------------------------------------------------------|-----------------------|----------------------|-------------------------------------------------------|----------------------------|
| <b>Location</b>                                        | <b>License Number</b> | <b>Still Active?</b> | <b>Current Use</b>                                    | <b>Separation Distance</b> |
| 730 S Rampart Boulevard Suite #16                      | License is Pending    | Pending              | Total Wines & More (Package Liquor Off-Sale)          | 700 Feet                   |
| 820 S Rampart Boulevard                                | L15-00105             | Yes (as of 08/14/00) | Vons (Package Liquor Off-Sale)                        | 393 Feet                   |
| 891 S Rampart Boulevard                                | L16-00251             | Yes (as of 05/13/97) | Emerald at Queensridge (Liquor Establishment, Tavern) | 705 Feet                   |
| 8820 W Charleston Boulevard Suite #105                 | L16-00031             | Yes (as of 01/01/51) | Three Angry Wives Pub (Liquor Establishment, Tavern)  | 1450 Feet                  |

|                |           |                         |                                                                             |          |
|----------------|-----------|-------------------------|-----------------------------------------------------------------------------|----------|
| 1031 S Rampart | L11-00004 | Yes (as of<br>04/28/06) | Nora's Wine Bar & Osteria<br>Dining (Beer/ Wine/<br>Cooler On and Off-Sale) | 905 Feet |
|----------------|-----------|-------------------------|-----------------------------------------------------------------------------|----------|

## 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 sell package liquor for off-site consumption. The plans indicate that there will be multiple racks and display areas for liquor and wine. In addition, the suite will feature a large beer cooler, as well as a wine cellar area for tasting events.

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; however, there is an oversaturation of off-sale liquor uses within a 1,500-foot radius, including two Package Liquor Off-Sale Establishments, two Liquor Establishment, Taverns and an On and Off Sale Beer/Wine/Cooler Establishment; therefore staff recommends denial of the request. If denied, the 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."**

The subject proposal will not be harmonious and compatible with existing surrounding land uses and with future uses as projected by the General Plan because of the oversaturation of the use within the notification area.

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

The subject site is within a large shopping center, and is therefore physically suitable for the type and intensity of land use. However, approval of the request would contribute to oversaturation of the use in the immediate area.

**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.

**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.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

9

**NOTICES MAILED**

1350 by City Clerk

**APPROVALS**

35

**PROTESTS**

14