

**AGENDA MEMO****CITY COUNCIL MEETING DATE: MARCH 3, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-36940 - APPLICANT: BOTTEGA NORA - OWNER:
RAMPART COMMONS, LLC**

**** CONDITIONS ****

Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends 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 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.

SUP-36940 - Staff Report Page One
March 3, 2010 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Package Liquor Off-Sale Establishment within a vacant 1,700 square-foot tenant space in an existing commercial shopping center located at 1037 Rampart Boulevard. The proposed use meets all Title 19.04 standards for a Package Liquor Off-Sale Establishment, and can be conducted in a manner that is harmonious and compatible with existing surrounding land uses; therefore, staff recommends approval. If this request is denied, the proposed use will not be permitted at this location.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
04/04/90	The City Council approved a request for Reclassification (Z-17-90) of a property located on the east side of Hualapai Way, west of Durango Drive between the south boundary of Angel Park and Sahara Avenue, From: N-U (Non-Urban) (under Resolution of Intent to R-1, R-2, R-3, R-PD7, R-PD8, R-MHP, P-R, C-1, C-2 and C-V), TO: R-3 (Limited Multiple Residence) R-PD7 (Residential Planned Development), and C-1 (Limited Commercial).
01/04/95	The City Council approved a request for Zoning Reclassification (Z-0146-94). The Planning Commission recommended approval of the request.
02/09/98	The City Council approved a request for a Rezoning (Z-134-97) on a property located on the north side of Charleston Boulevard, between Rampart Boulevard and Hualapai Way, From: U (Undeveloped) Zone, [M (Medium Density Residential) General Plan Designation], under Resolution of Intent to R-3 (Medium Density Residential) To: R-PD10 (Residential Planned Development - 10 Units Per Acre), proposed use: 205 lot Single Family Residential Development. The Planning Commission recommended approval of the request.
10/12/98	The City Council approved a request for a Special Use Permit (U-102-98) on property located on the north side of Charleston Boulevard, west of Rampart Boulevard for a Supper Club. The Planning Commission recommended approval of the request.
10/12/98	The City Council approved a request for a Site Development Plan Review [Z-17-90 (26)] for a property located on the northwest corner of Rampart Boulevard and Charleston Boulevard for a proposed 93,316 square-foot commercial shopping center. The Planning Commission and staff recommended approval of the request.

SUP-36940 - Staff Report Page Two
March 3, 2010 - City Council Meeting

01/11/01	The Planning Commission accepted the applicant's request to withdraw without prejudice a request for a Special Use Permit (U-0190-00) for a proposed 4,300 square foot Tavern on the northwest corner of Charleston Boulevard and Rampart Boulevard
01/17/01	The City Council approved a Site Development Plan Review [Z-0017-90(34)] for a 75,650 square-foot commercial center on the northwest corner of Charleston Boulevard and Rampart Boulevard. The Planning Commission and staff recommended approval of the request.
02/13/01	A deed was recorded for change of ownership.
07/25/02	The Planning Commission accepted the applicant's request to withdraw without prejudice a request for a Special Use Permit (U-0080-02) for an Off-Premise Liquor Establishment located at 1051 South Rampart Boulevard Suite, #1025.
04/06/05	The City Council approved a Site Development Plan Review (SDR-5946) for a 737 square-foot expansion to an existing Shopping Center and a Special Use Permit (SUP-5947) for a Liquor Establishment (On and Off-Premise Sale of Beer and Wine) on 8.28 acres at 1031 South Rampart Boulevard. The Planning Commission and staff recommended approval of the requests.
04/06/05	The City Council approved a request for a Special Use Permit (SDR-5947) for a proposed Liquor Establishment (On and Off-Premise Sale of Beer and Wine) at 1031 South Rampart Boulevard. Planning Commission and staff recommended approval of the request.
09/16/09	The City Council approved a Special Use Permit (SUP-35521) request for a Major Amendment to an approved Special Use Permit (SUP-5947) for a 1,103 square-foot addition to an existing Liquor Establishment (On and Off-Premise Sale of Beer and Wine) at 1031 South Rampart Boulevard. The Planning Commission and staff recommended approval of the request.
01/28/10	The Planning Commission (6-0 vote) to recommend APPROVAL (PC Agenda Item #38/ao).
<i>Related Building Permits/Business Licenses</i>	
08/16/02	A building permit (#2014949) was issued for a tenant improvement certificate of completion at 1037 South Rampart Boulevard. The permit was completed on 10/21/02.
10/30/02	A building permit (#2019546) was issued for a tenant improvement build-out at 1037 South Rampart Boulevard. The permit was completed on 11/14/02.
02/08/05	A Business License (#S07-00424) was issued for sports clothing shoe store at 1037 South Rampart Boulevard. The license was marked out of business on 06/03/09.

SUP-36940 - Staff Report Page Three
March 3, 2010 - City Council Meeting

<i>Pre-Application Meeting</i>	
12/03/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for Package Liquor were discussed topics included: • The minimum Special Use Permit Code Requirements. • The application materials and documents. • The meeting dates and deadlines. • No Waivers are required as a part of the request.

<i>Neighborhood Meeting</i>
A neighborhood meeting was not required, nor was one held.

<i>Field Check</i>
12/22/09 A field check was carried out by staff. The subject site contained a vacant tenant space in a commercial center.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	8.28

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	L.V.V.W.D. Pump Station	PF (Public Facilities)	C-V (Civic)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single-Family Dwellings	M (Medium Density Residential)	R-PD10 (Residential Planned Development – 10 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		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

SUP-36940 - Staff Report Page Four
March 3, 2010 - City Council Meeting

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	76,748 S.F.	1:250	307		418	12	Y
Package Liquor Off-Sale Establishment	1,700 S.F.	1:175	10				
SUBTOTAL			309	8	430		
TOTAL	78,448 S.F.		317		430		Y

ANALYSIS

This is a request for a Special Use Permit is to allow a Package Liquor Off-Sale Establishment use at an existing 1,700 square-foot vacant tenant space located at 1037 Rampart Boulevard.

According to Title 19, a "Package Liquor Off-Sale Establishment" is defined as "an establishment, other than a retail establishment with package liquor off-sale, whose license to sell alcoholic beverages authorizes their sales 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-premise wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liquor tasting license for that location."

The applicant states that the proposed business will feature a wide variety of wines, cured meats, cheeses and specialty items such as stemware and wine accessories. The plans indicate that there will be multiple wine storage racks, a single-person restroom, and a lobby area which will display books, glassware, and offer bread to patrons. The hours of operation will be 9:00 a.m. to 6:00 p.m., Monday through Sunday.

The proposed use meets the minimum Title 19.04.010 use requirements and can be conducted in a manner that is compatible with surround land uses; therefore, staff recommends approval of the request. If denied, the proposed use would not be permitted at the location.

SUP-36940 - Staff Report Page Five
March 3, 2010 - City Council Meeting

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 is located within a large commercial area that 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 site is accessed by Rampart Boulevard and Charleston Boulevard. Both are designated as a 100-foot Primary Arterials by the Master Plan of Streets and Highways. These thoroughfares are 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 conditions that apply pursuant to Title 19.04.

SUP-36940 - Staff Report Page Six
March 3, 2010 - City Council Meeting

PLANNING COMMISSION ACTION

The applicant agreed to all conditions at the Planning Commission meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

8

NOTICES MAILED

435 (By City Clerk)

APPROVALS

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PROTESTS

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