

**AGENDA MEMO**

CITY COUNCIL MEETING DATE: APRIL 21, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: WALGREEN CO. - OWNER: A D S C, LLC

**** CONDITIONS ****

The Planning Commission (7-0 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 Retail Establishment with Accessory Package Liquor Off-Sale 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. The sale of alcoholic beverages is ancillary to the retail use and in which no more than 48 square feet of the retail floor space is devoted to the display or merchandising of alcoholic beverages as shown in the floor plan date stamped on 02/9/10.
6. All beer and wine coolers shall remain in their original manufacturer's configuration of four- or six-packs.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
April 21, 2010 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a 48 square-foot Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 15,120 square-foot Retail Establishment at 451 South Decatur Boulevard. This location does not have any churches, schools, child care facilities or city parks within the required 400-foot distance separation radius. The proposed use will not add parking beyond that which is required for the principal use on the site. No more than 10 percent of the retail floor space is devoted to beer and wine sales. This site location is well suited for this use. For all of these reasons, staff recommends approval. If this request is denied, no alcohol may be sold on the premises without approval of another Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
12/15/65	The City Council approved a Rezoning (Z-0080-65) from C-1 (Limited Commercial) to C-2 (General Commercial) on this site. The Planning Commission and staff both recommended approval.
10/24/91	The Board of Zoning Adjustment approved a Special Use Permit (U-0244-91) to allow an automobile rental agency on property located at 461 South Decatur Boulevard. Staff recommended approval.
05/27/97	The City Council accepted the withdrawal of the request for a Special Use Permit (U-0011-97) on property located at 421 South Decatur Boulevard for a 40-foot high, 14-foot x 48-foot Off-Premise Sign. The Board of Zoning Adjustment and staff both recommended approval.
09/22/97	The City Council approved a Special Use Permit (U-0072-97) on property located at 431 South Decatur Boulevard for a Jewelry Store (Class III). The Planning Commission and Staff both recommended approval.
09/10/98	The Planning Commission approved a Site Development Plan Review [Z-0080-65(1)] for a proposed 4,500 square foot fast-food restaurant on this site. Staff recommended approval.
06/10/99	The Planning Commission approved a Review of Condition [Z-0080-65(2)] to delete the requirements for a right-turn lane, an access drive and redesign of a parking lot. Staff recommended approval.
05/16/01	The City Council approved a Site Development Plan Review [Z-0080-65(3)] for a 48,116 square foot commercial center. The Planning Commission recommended approval. Staff recommended denial.

Staff Report Page Two
April 21, 2010 - City Council Meeting

05/16/01	The City Council approved a Variance (V-0018-01) application to allow a mini-storage building to be set back 71 feet from a residential property line where the Residential Adjacency Standards requires a setback of 99 feet. The Planning Commission recommended approval. Staff recommended denial.
05/16/01	The City Council unanimously approved a request for a Variance (V-0020-01) to allow 190 parking spaces where 230 spaces were the minimum required on the northeast corner of Decatur Boulevard and Alta Drive. Planning Commission recommended approval, whereas staff recommended denial.
06/18/03	The City Council approved a Master Sign Plan (MSP-2240) for a 15,070 square foot Retail store at 451 South Decatur Boulevard. The Planning Commission recommended approval. Staff recommended denial.
12/15/04	The City Council approved a Required Review (RQR-5372) of an approved Variance (V-0020-01), which allowed 190 parking spaces where 230 parking spaces were the minimum required. The Planning Commission recommended approval whereas staff recommended denial.
05/02/07	The City Council approved an appeal (DIR-20734) of the Planning and Development Department interpretation of Title 19.16 regarding the discontinuation of a nonconforming tavern use located at 465 South Decatur Boulevard. The Planning Commission and staff recommended approval.
03/25/10	The Planning Commission (7-0 vote) recommended APPROVAL (PC Agenda Item #6/rg).
<i>Related Building Permits/Business Licenses</i>	
02/12/03	A building permit (#03003470) was issued for a Retail Establishment at 451 South Decatur Boulevard. The project was completed on 08/15/03.
08/12/03	A business license (C05-02274) was issued for a Tobacco Dealer at 451 South Decatur Boulevard. The license is still active.
08/12/03	A business license (D11-00206) was issued for a Drug Store at 451 South Decatur Boulevard. The license is still active.
07/18/08	A business license (Q04-00083) was issued for a Pharmacy at 451 South Decatur Boulevard. The license is still active.
<i>Pre-Application Meeting</i>	
01/27/10	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale were discussed. The topics included: • The submittal of application materials, meeting dates, and deadlines were discussed. • Need to indicate retail floor space devoted for the sale of alcoholic beverages.

Staff Report Page Three
April 21, 2010 - City Council Meeting

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
02/18/10	A temporary sign banner is placed on the building façade and two “A” frame signs at the entrance of the building without a permit per Title 19.14 of the sign ordinance.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.42

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-2 (General Commercial)
North	Auto Center	SC (Service Commercial)	C-2 (General Commercial)
South	Restaurant	SC (Service Commercial)	C-1 (General Commercial)
	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single Family Residential	L (Low Density Residential)	C-2 (General Commercial)
West	Vacant Motor Vehicle Sales	GC (General Commercial)	C-2 (General Commercial)

<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			
A-O Airport Overlay District (175 feet)	X		Y
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

Staff Report Page Four
April 21, 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	32,506 SF	1:250 SF	130		162		Y
Mini Storage Facility	21,010 SF	1:50 Storage Units, Plus 5	14		14		Y
TOTAL SPACES REQUIRED			144		176		
TOTAL (With handicapped)			139	5	170	6	Y

ANALYSIS

This is a request for a Special Use Permit for a 48 square-foot Accessory Package Liquor Off-Sale use within an existing 15,120 square-foot Retail Establishment at 451 South Decatur Boulevard. This site location does not have any churches, schools, child care facilities or city parks within the required 400-foot distance separation radius. No additional parking beyond that which is required for the principal use on the site is required as a result of the addition of the use.

The sale of alcoholic beverages is ancillary to the retail use, and 48 square feet of the retail floor space is devoted to the display or merchandising of alcoholic beverages. The proposed use meets minimum requirements of Title 19.04; staff therefore recommends approval of this request.

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 Retail Establishment with Accessory Package Liquor Off-Sale use will be located within the existing General Retail building and it is an accessory use. The proposed use can be harmonious and compatible with the uses in the existing site and with the commercial uses on adjacent properties.

Staff Report Page Five
April 21, 2010 - City Council Meeting

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 the proposed use. There is no additional parking requirement for a Retail Establishment with Accessory Package Liquor Off-Sale use other than that which is required for the principal use on site.

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 Decatur Boulevard, a 100-foot Primary Arterial and Alta Drive, an 80-foot Secondary Arterial as designated in the Master Plan of Streets and Highways. These streets are of sufficient size to accommodate the needs of the proposed Accessory Package Liquor Off-Sale 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 the proposed Special Use Permit will not compromise the public health, safety and general welfare, as the use will be subject to regular inspections for business licensing.

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

The proposed use will be located within an existing Retail Establishment and complies with the minimum Special Use Permit requirements. The use will devote 48 square-feet of the floor space within the existing Retail Establishment for the sale of alcoholic beverages.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 590 (By City Clerk)

APPROVALS 6

PROTESTS 6