

**AGENDA MEMO****CITY COUNCIL MEETING DATE: APRIL 21, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: APPLICANT: WALGREEN CO. - OWNER: TATSUMI
INTERNAT'L LV CO. LTD**

**** 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.

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**** 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 7599 West Lake Mead Boulevard. A waiver to allow a 115-foot distance separation from a City Park where 400 feet is required. The proposed use will not require additional 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 alcoholic beverage sales. This site location is well suited for this use, and the waiver request can be supported, since the use is located within a large shopping center on property separated from the park by a 100-foot right-of-way. For 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>	
02/07/96	The City Council approved a request for a Zoning Reclassification (Z-107-95) of property located on the southeast corner of Buffalo Drive and Lake Mead Boulevard from N-U (Non-Urban) (under Resolution of Intent to C-1 and R-E) and C-1 (Limited Commercial) to C-1 (Limited Commercial) zoning for a proposed use of a 41,624 Square Foot Commercial Shopping Center, Two 24,000 Square Foot Two-Story Medical Office Buildings and Two-Story Mini-Storage Facility. Planning Commission recommended approval of the request.
03/25/10	The Planning Commission (7-0 vote) recommended APPROVAL (PC Agenda Item #8/rg).
<i>Related Building Permits/Business Licenses</i>	
01/14/97	A building permit (#97000973) was issued for a Retail Establishment at 7599 West Lake Mead Boulevard. The project was completed on 8/7/97.
08/08/97	A business license (C05-01827) was issued for a Tobacco Dealer at 7599 West Lake Mead Boulevard. The license is still active.
08/08/97	A business license (D11-00145) was issued for a Drug Store at 7599 West Lake Mead Boulevard. The license is still active.
08/08/97	A business license (Q07-01492) was issued for a Pharmacy at 7599 West Lake Mead Boulevard. The license is still active.
12/28/06	A building permit (#06007495) was issued for a Tenant Improvement at 7599 West Lake Mead Boulevard. The project was completed on 4/14/07.

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<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. • Waiver required for distance separation from a City Parking is within 400 feet from the proposed use.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
02/18/10	A field inspection was conducted by staff. The subject property was noted as a well maintained commercial center.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.56

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single Family Residential	ML (Medium Low Density Residential)	R-CL (Single-Family Compact Lot)
	Condominium	M (Medium Density Residential)	R-PD15 (Residential Planned Development – 15 Units per Acre)
East	Commercial Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residential	M (Medium Density Residential)	P-C (Planned Community)

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<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 (200 Feet)	X		Y
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:

In addition to Rule 19.16, the following parking standards apply.

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	102,987 SF	1:250 SF	403	9	510	11	Y
TOTAL (including handicap)			412		521		Y

Waivers		
Requirement	Request	Staff Recommendation
A 400-foot distance separation from of any church, synagogue, school, and child care facility licensed for more than 12 children, or City Park.	115-Foot	Approval

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. No additional parking beyond that which is required for the principal use on the site is required as a result of the addition of this use.

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The applicant requests a waiver to allow a 115-foot distance separation from the property line of the subject property to a City Park, where 400 feet is required. Staff can support the waiver request as the sale of alcoholic beverages is ancillary to the use, and 48 only square feet of the retail floor space is devoted to the display or merchandising of alcoholic beverages. The proposed use is located within a large shopping center and is separated from the park by Lake Mead Boulevard, a 100-foot right-of-way. The proposed use can be conducted in a manner that is harmonious and compatible with surrounding land uses; 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 Accessory Package Liquor Off-Sale use will be located within the existing Retail Establishment 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.

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 the 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 Lake Mead Boulevard and Buffalo Drive, both 100-foot Primary Arterials 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.

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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 minimum Special Use Permit requirements with the exception of the minimum distance separation from a City Park. A waiver of 400-foot distance separation requirement to allow the use within 115 feet of a City Park is requested. The existing Retail Establishment is separated by a right-of-way with a width of at least 100 feet from the City Park. The proposed use will devote 48 square feet of the floor space within the existing Retail Establishment for the sale of alcoholic beverages.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

NOTICES MAILED 1,317 (By City Clerk)

APPROVALS 3

PROTESTS 11