



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 19, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: WALGREEN CO. - OWNER: A & M LAKE MEAD, LLC

** STAFF RECOMMENDATION(S) **

The Planning Commission (5-0 vote) and Staff recommend APPROVAL, subject to conditions:

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-37566	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-37566 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Retail Establishment with Accessory Package Liquor Off-Sale use.
2. All signage shall comply with Title 19.14 and the Sun City Summerlin Development Standard.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
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 79 square-foot Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 13,905 square-foot Retail Establishment at 9420 West Lake Mead Boulevard. The proposed use will not require any 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 existing establishment meets the minimum Special Use Requirements; therefore, staff recommends approval. If this request is denied, no alcohol may be sold on the premises without approval of another Special Use Permit.

ISSUES

- There are no Waivers requested for the proposed Accessory Package Liquor Off-Sale use.
- Accessory Package Liquor Off-Sale is ancillary to the sale of groceries, and is limited to no more than 10 percent of the retail floor space. The applicant is dedicating 0.53 percent of the retail floor space to the sale of alcohol.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/18/89	The City Council approved a request (Z-0044-87) for the Revised Summerlin Development Standards for a property south of Cheyenne Avenue, west of Buffalo Drive. Planning Commission recommended approval of the request.
11/05/86	The City Council approved a request for an Annexation (A-0020-86) of a property located on the south side of Cheyenne Avenue, west of Buffalo Drive. Planning Commission and staff recommended approval of the request.
02/10/99	The City Referral Group approved a request for a Site Development Review (SC-0001-99) for a 32,000 square foot retail center at 9420 West Lake Mead Boulevard.
11/14/08	A Code Enforcement case (71866) was processed for graffiti on a monument sign located at 9420 West Lake Mead Boulevard. Code Enforcement closed the case on 01/22/10.
04/22/10	The Planning Commission (5-0 vote) recommended APPROVAL (PC Agenda Item #8/ao).

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<i>Most Recent Change of Ownership</i>	
05/23/07	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
04/08/97	A building permit (#97006950) was issued for a new building at 9420 West Lake Mead Boulevard. The project was completed on 09/25/97.
04/08/97	A building permit (#97006951) was issued for onsite improvements at 9420 West Lake Mead Boulevard. The license expired on 04/04/98.
04/23/97	A building permit (#97008235) was issued for a new building at 9420 West Lake Mead Boulevard. The license expired on 04/04/98.
08/12/97	A building permit (#97006950) was issued for a new retail building at 9420 West Lake Mead Boulevard. The project was completed on 10/31/97.
09/23/97	A business license application (C05-01841) was issued for cigarette sales at 9420 West Lake Mead Boulevard. The license is still active.
09/23/97	A business license application (D11-00148) was issued for a drug store at 9420 West Lake Mead Boulevard. The license is still active.
07/18/08	A business license application (Q04-00081) was issued for a pharmacy firm at 9420 West Lake Mead Boulevard. The license is still active.

<i>Pre-Application Meeting</i>	
02/22/10	A pre-application meeting was held with the applicant where elements of submitting a Special Use Permit were discussed. Topics included: • The applicant is to provide calculations on floor plan to indicate, that the Accessory Package Liquor Off-Sale will occupy no more than 10% of the retail floor space. • No additional Parking is required beyond that which is required for the principal use(s) on the site. • The project meets 400 foot distance separation, from any church, synagogue, school, child care facility licensed for more than 12 children, or City Park.

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

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Field Check	
03/18/10	A site inspection was conducted by staff with the following observations: • The site was noted as a well maintained commercial development. • There are two unpermitted banner signs installed on the east and south building façade. The violation has been referred to Code Enforcement.

Details of Application Request	
Site Area	
Net Acres	1.39

Surrounding Property	Existing Land Use Per Title 19.04	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Commercial Center	C (Commercial)	P-C (Planned Community)
North	Commercial Center	C (Commercial)	P-C (Planned Community)
South	Single Family Residential	SF3 (Single Family Detached)	P-C (Planned Community)
East	Commercial Center	C (Commercial)	P-C (Planned Community)
West	Commercial Center	C (Commercial)	P-C (Planned Community)

Master Plan Areas	Yes	No	Compliance
Master Plan Area			
Sun City Summerlin	Y		Y
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts			
P-C (Planned Community) District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

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DEVELOPMENT STANDARDS

<i>Parking Requirement - Downtown</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Base Parking Requirement</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail Store, Other than Listed (3,500 Square feet or More)	9,057 SF	1:175 SF	49		68		Y
TOTAL SPACES REQUIRED			52		71		Y
TOTAL (With Handicapped)			49	3	68	3	Y

ANALYSIS

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 79 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 (SUP-37566)

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 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.

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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 Lake Mead Boulevard, a 100-foot Primary Arterial as designated in the Master Plan of Street 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 79 square feet of the retail floor space within the existing Retail Establishment for the sale of alcoholic beverages.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

967 (By City Clerk)

APPROVALS

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PROTESTS

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