



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: WALGREEN CO. – OWNER: F. QUENTIN BROWN

** STAFF RECOMMENDATION(S) **

The Planning Commission (5-2 vote) recommends DENIAL. Staff Recommends APPROVAL, subject to conditions:

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-38240	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-38240 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 two years from the date of final approval, unless a business license has been issued to conduct the activity. 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 79 square feet of the retail floor space is devoted to the display or merchandising of alcoholic beverages as shown on the floor plan date stamped 05/10/10.
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
July 21, 2010 - City Council Meeting

**** 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 General Retail Store at 6101 West Lake Mead 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. The proposed use can be conducted in a manner that is harmonious and compatible with the uses in the existing site and with the commercial uses on adjacent properties. For all of these reasons, staff recommends approval. If this request is denied, no alcoholic beverages may be sold on the premise without approval of another Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/20/85	The City Council approved a request for Reclassification of property (Z-0096-84) generally located on the southwest corner of Lake Mead Boulevard and Jones Boulevard, from R-E (Residence Estates), to C-1 (Limited Commercial). The Planning Commission and staff recommended approval.
06/18/86	The City Council approved a Reinstatement and Extension of Time [Z-0096-84(2)] on the property located on the southwest corner of Lake Mead Boulevard and Jones Boulevard. The Planning Commission and staff recommended approval. The Extension of Time expired on May 27, 1987.
06/03/87	The City Council approved a Reinstatement and Extension of Time [Z-0096-84(3)] on the property located on the southwest corner of Lake Mead Boulevard and Jones Boulevard. The Planning Commission and staff recommended approval. The second Extension of Time expired on May 27, 1988.
04/20/88	The City Council approved a third Extension of Time [Z-0096-84(4)], on the property located on the southwest corner of Lake Mead Boulevard and Jones Boulevard. The Planning Commission and staff recommended approval. The third Extension of Time expired on May 27, 1989.
07/14/88	The City Council approved a Plot Plan and Building Elevation Review [Z-0096-84(5)] for mini-storage units on property located on the southwest corner of Lake Mead Boulevard and Jones Boulevard. The Planning and Development staff recommended approval.

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

05/23/89	The applicant withdrew a request for Extension of Time [Z-0096-84(6)], due to the fact that a Certificate of Occupancy was issued for a mini-storage facility on the southerly portion of the overall site on property located on the southwest corner of Lake Mead Boulevard and Jones Boulevard.
07/02/90	The City Council approved a Reinstatement and Extension of Time [Z-0096-84(7)] on property located on the southwest corner of Lake Mead Boulevard and Jones Boulevard. The Planning Commission and staff recommended approval. The fourth Extension of Time expired on May 27, 1991
08/07/91	The City Council approved a Reinstatement and Extension of Time [Z-0096-84(8)] on property located on the southwest corner of Lake Mead Boulevard and Jones Boulevard. The Planning Commission and staff recommended approval. The fifth Extension of Time expired on August 7, 1992.
02/03/93	The City Council approved a Reinstatement and Extension of Time [Z-0096-84(9)] on property located on the southwest corner of Lake Mead Boulevard and Jones Boulevard. The Planning Commission and staff recommended approval. The sixth Extension of Time expired on February 3, 1994.
02/07/94	The City Council approved an Extension of Time [Z-0096-84(10)] on property located on the southwest corner of Lake Mead Boulevard and Jones Boulevard. The Planning Commission and staff recommended approval. The seventh Extension of Time expired on February 3, 1995.
01/13/95	The City Council approved an Extension of Time [Z-0096-84(11)] on property located on the southwest corner of Lake Mead Boulevard and Jones Boulevard. The Planning Commission and staff recommended approval. The Eight Extension of Time expired on February 3, 1996.
10/25/95	The Planning Commission approved a request for a Plot Plan and Building Elevation Review [Z-0096-84(12)] for a proposed drug store on property located on the southwest corner of Lake Mead and Jones Boulevard. The Planning and Development staff recommended approval.
06/24/10	The Planning Commission (5-2 vote/rt,gf) recommended DENIAL (PC Agenda Item #14/rg).

Most Recent Change of Ownership

03/03/98	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

04/16/96	A building permit (#96393463) was issued for a General Retail Store at 6101 West Lake Mead Boulevard. The project was completed on 08/20/96.
08/22/96	A business license (D11-00138) was issued for a Drug Store at 6101 West Lake Mead Boulevard. The license is currently active.
09/12/96	A business license (C05-01774) was issued for a Tobacco Dealer at 6101 West Lake Mead Boulevard. The license is currently active.
07/18/08	A business license (Q04-00076) was issued for a Pharmacy at 6101 West Lake Mead Boulevard. The license is currently active.

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

<i>Pre-Application Meeting</i>	
04/13/10	A pre-application meeting 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. • The site does not have any churches, school, child care facilities or city parks within the required 400-foot distance separation radius. • The maximum area devoted for the sale of alcoholic beverages shall be no more than 10 percent of the retail floor area.

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

<i>Field Check</i>
05/20/10 An "A" frame sign was observed at the front entrance to the building.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.36

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	General Retail Store	SC (Service Commercial)	C-1 (Limited Commercial)
North	Commercial Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Grocery Store	SC (Service Commercial)	C-1 (Limited Commercial)
	Office		
East	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Grocery Store	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A

Staff Report Page Four
July 21, 2010 - City Council Meeting

<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	X		Y
Trails	X		Y
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

DEVELOPMENT STANDARDS

Pursuant to Plot Plan and Building Elevation Review [Z-0096-84(12)], 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	
General Retail Store	13,905 SF	1/500 SF	28		74		
TOTAL SPACES REQUIRED			28		74		
TOTAL (With Handicapped)			26	2	70	4	*

**The subject site is parking impaired, per Title 19.10.010. The proposed use does not increase the number spaces required at the site.*

ANALYSIS

This is a request for a Special Use Permit for a 79 square-foot Accessory Package Liquor Off-Sale use within an existing 13,905 square-foot General Retail Store. 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 and can be conducted in a manner that is harmonious and compatible with the surrounding uses; staff therefore recommends approval of this request.

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

FINDINGS (SUP-38240)

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 Store. The proposed use can be conducted in a manner that is 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 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 and Jones Boulevard, an 80-foot Secondary Collector as designated in the Master Plan of Streets and Highways. These streets are of sufficient size to accommodate the needs of the proposed Retail Establishment with 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 floor space within the existing General Retail Store for the sale of alcoholic beverages and meets distance separation requirements.

Staff Report Page Six
July 21, 2010 - City Council Meeting

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

NOTICES MAILED 532 (By City Clerk)

APPROVALS 3

PROTESTS 5