

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: MARCH 25, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-37377- APPLICANT: WALGREEN CO. - OWNER: THREE Bs, INC.**

**** CONDITIONS ****

Staff recommends 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 47 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 47 square-foot Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 14,715 square-foot Retail Establishment at 8633 West Charleston 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 reason 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>	
02/04/87	The City Council approved a request for a Rezoning (Z-0102-86) from N-U (Non Urban) to C-1 (Limited Commercial) and R-1 (Single Family Residential) of approximately 68 acres located adjacent to the south side of Charleston Boulevard, between Durango Drive and Merialdo Lane. The Planning Commission and staff recommended approval.
<i>Related Building Permits/Business Licenses</i>	
06/12/98	A building permit (#98012413) was issued for a Retail Establishment at 8633 West Charleston Boulevard. The project was completed on 11/6/98.
10/5/99	A business license (C05-01918) was issued for a Tobacco Dealer at 8633 West Charleston Boulevard. The license is still active.
10/5/99	A business license (D11-00159) was issued for a Drug Store at 8633 West Charleston Boulevard. The license is still active.
10/5/99	A business license (Q04-00077) was issued for a Pharmacy at 8633 West Charleston 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.

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<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
2/18/10	A banner sign was observed at the front entrance to 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	1.50

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
East	Power Substation	U (Undeveloped)	PF (Public Facility)
	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
	LVWWD water pump station	P-R (Professional Office and Parking)	PF (Public Facility)

<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

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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	162,185	1:250 SF	636	13	856	18	
TOTAL			649		874		Y

ANALYSIS

This is a request for a Special Use Permit for a 47 square-foot Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 14,715 square-foot Retail Establishment at 8633 West Charleston 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 this use.

The sale of alcoholic beverages is ancillary to the retail use, and 47 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 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.

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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 Charleston Boulevard and Durango 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.

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 47 square feet of the floor space within the existing Retail Establishment for the sale of alcoholic beverages.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

14

NOTICES MAILED

1,095

APPROVALS

6

PROTESTS

5