

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: APRIL 22, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: APPLICANT: WALGREEN CO. - OWNER: VILLAGE/TORREY PINES PARTNERS, LP**

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-37603	Staff recommends APPROVAL.	N/A



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**** CONDITIONS ****

SUP-37603 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, 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. All beer and wine coolers shall remain in their original manufacturer's configuration of four- or six-packs.
6. 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 9,057 square-foot Retail Establishment at 6401 West Charleston Boulevard. The applicant requests a waiver for the proposed Accessory Package Liquor Off-Sale use because the subject site is located within 72 feet of the College of Southern Nevada. 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

- The waiver is not needed, as the college of Southern Nevada does not meet the Title 19 definition of “school.”
- 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 0.51 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>	
11/01/95	The City Council approved a request (Z-0068-95) for Zoning Reclassification at 6401 West Charleston Boulevard. Planning Commission recommended approval of the request.

<i>Most Recent Change of Ownership</i>	
07/29/96	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
08/14/96	A building permit (#96016645) was issued for a new building at 6401 West Charleston Boulevard. The license was completed on 11/25/96.
07/17/96	A building permit (#96014349) was issued for onsite improvement at 6401 West Charleston Boulevard. The license expired on 06/21/97.
12/13/96	A business license application (C05-01794) was issued for cigarette sales at 6401 West Charleston Boulevard. The license is still active.
12/13/96	A business license application (D11-00140) was issued for a drug store at 6401 West Charleston Boulevard. The license is still active.
07/18/08	A business license application (Q04-00078) was issued for a pharmacy firm at 6401 West Charleston Boulevard. The license is still active.

<i>Pre-Application Meeting</i>	
02/11/10	A pre-application meeting was held with the applicant where elements of submitting a Special Use Permit were discussed. Topics included: • The project meets the 400 foot distance separation. • The applicant must provide calculations on the 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.

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

<i>Field Check</i>	
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 is an unpermitted banner sign is installed on the building façade facing Charleston Boulevard. The violation has been referred to Code Enforcement.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.43

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<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	Commercial Center	S-C (Service Commercial)	C-1 (Limited Commercial)
North	Restaurant Establishment	S-C (Service Commercial)	C-1 (Limited Commercial)
South	Nursing Facility	S-C (Service Commercial)	C-1 (Limited Commercial)
East	School	PF (Public Facility)	C-V (Civic)
West	Retail Establishments.	S-C (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

<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
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

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

According to Title 17A, 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, Other than Listed (3,500 Square feet or More)	9,057 SF	1:175	49		67		Y
TOTAL SPACES REQUIRED			52		71		Y
TOTAL (With Handicapped)			49	3	67	4	Y

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ANALYSIS

The applicant is proposing an Accessory Package Liquor Off-Sale use as a part of a proposed Retail Establishment at 6401 West Charleston Boulevard. 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 applicant requests a waiver to allow a 72-foot distance separation from the property line of the subject site to a school, where 400 feet is required. However, per Title 19 a school is defined as “an institution that provides kindergarten through 12th grade education.” The College of Southern Nevada is an institution of higher learning and is not classified as a “school”; therefore, a waiver is not needed and staff recommends approval.

FINDINGS (SUP-37603)

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 Accessory Package Liquor Off-Sale use will be located within the existing retail Establishment and it is an accessory use, taking up 0.519 of the retail floor space. The proposed 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

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 Charleston Boulevard, a 100-foot Primary Arterial, and Torrey Pines Drive, an 80-foot Secondary Collector 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.

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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 minimum Special Use Permit requirements.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

8

NOTICES MAILED

547

APPROVALS

4

PROTESTS

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