

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: APRIL 22, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: APPLICANT: WALGREEN CO. - OWNER: LAKEWEST LAS VEGAS PROPERTIES, LLC**

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-37605	Staff recommends APPROVAL, subject to conditions	

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**** CONDITIONS ****

SUP-37605 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. 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 in the floor plan date stamped on 03/08/10.
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 79 square-foot Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 15,048 square-foot Retail Establishment at 1101 South Las Vegas 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 compatible with surrounding land uses, which include two offices, a bank and a convenience store. For all of 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</i>	
11/13/51	The City Council approved C-2 (General Commercial) zoning for this site (Z-0002-51).
10/24/96	The Planning Commission approved a request for an Aesthetic Review (AR-0018-96) for a proposed 15,120 square-foot retail drug store at 1101 South Las Vegas Boulevard. Staff recommended approval.
03/11/08	A Code Enforcement case (#63153) was processed to ensure that the temporary and window signs be permitted. The case was closed by Code Enforcement on 01/22/10.
06/18/08	A Code Enforcement case (#66759) was processed to perform sign sweep for banners, window signs, debris, junk vehicle, trash, graffiti and zoning violations. The case was closed by Code Enforcement on 01/22/10.

<i>Most Recent Change of Ownership</i>	
12/18/06	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
03/19/97	A building permit (#97005528) was issued for a new retail building at 1101 South Las Vegas Boulevard. The project was completed on 08/18/97.
10/01/97	A business license (C05-01836) was issued for a Tobacco Dealer at 1101 South Las Vegas Boulevard. The license is still active.
10/01/97	A business license (D11-00147) was issued for a Drug Store at 1101 South Las Vegas Boulevard. The license is still active.
07/18/08	A business license (Q04-00079) was issued for a Pharmacy at 1101 South Las Vegas Boulevard. The license is still active.

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<i>Pre-Application Meeting</i>	
02/11/10	A pre-application meeting with 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. • A revision to the floor plan to indicate the retail floor space devoted for the sale of alcoholic beverages upon submittal. • The site does not have any churches, schools, child care facilities or city parks within the required 400-foot distance separation radius. • 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.

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

Field Check	
03/18/10	A temporary banner sign installed on the building façade facing Las Vegas Boulevard and an “A” frame sign found at the front entrance to the building were observed.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.50

<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	C (Commercial)	C-2 (General Retail)
North	Retail/Financial Institution, Specified	C (Commercial)	C-2 (General Retail)
South	Financial Institution, General	C (Commercial)	C-2 (General Retail)
East	Office	C (Commercial)	P-R (Professional Office and Parking)
West	Convenience Store/Service Station and Mini Storage	C (Commercial)	C-2 (General Retail)

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<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Downtown Centennial Plan	X		Y
John S. Park Historic Neighborhood	X		Y
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular		Handi-capped
General Retail	15,048 SF	1:175 SF	86		77		
TOTAL SPACES REQUIRED			86		77		
TOTAL (With Handicapped)			82	4	73	4	

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City. The analysis should take a number of factors into consideration when discussing parking availability, including pedestrian access, nearby parking structures, on-street parking, etc.

ANALYSIS

This is a request for a Special Use Permit for a 79 square-foot Accessory Package Liquor Off-Sale use within an existing 15,048 square-foot Retail Establishment at 1101 South Las Vegas 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 the use.

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The sale of alcoholic 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 is compatible with surrounding land uses, which include two offices, a bank and a convenience store; staff therefore recommends approval of this request.

FINDINGS

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 conducted in a manner 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 Charleston Boulevard and Las Vegas Boulevard, both a 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.

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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 Retail Establishment for the sale of alcoholic beverages.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

NOTICES MAILED 720

APPROVALS 3

PROTESTS 8