

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

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-37580	Staff recommends DENIAL, if approved subject to conditions:	N/A



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**** CONDITIONS ****

SUP-37580 CONDITIONS

Planning and Development

- 1.All on-site storage containers shall be removed from the premise.
- 2.Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Retail Establishment with Accessory Package Liquor Off-Sale use.
- 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 48 square-foot Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 8,997 square-foot square-foot Retail Establishment at 8500 West Cheyenne Avenue. 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 denial. If this request is denied, no alcohol may be sold on the premises without approval of another Special Use Permit.

ISSUES

- The storage containers located on site currently occupy required parking spaces a condition of approval will require their removal from the property.
- There are no Waivers requested for the proposed Accessory Package Liquor Off-Sale use.
- The proposed Accessory Package Liquor Off-Sale use is appropriate, as it will be regulated by the City and local agencies.
- 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 .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>	
07/19/95	The City Council approved a request for a Zoning Reclassification (Z-0037-95) at 8500 West Cheyenne Avenue. The Planning Commission recommended approval of the request.
09/12/96	The Planning Commission approved a request for a Plot Plan and Building Elevation Review [Z-0037-95(5)] on a property located at the northwest corner of Cheyenne Avenue and Durango Drive for a proposed 13,905 square foot drug store.

<i>Most Recent Change of Ownership</i>	
08/19/97	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
09/30/97	A business license application (C05-01835) was issued for cigarette sales at 8500 West Cheyenne Avenue. The license is still active.
09/30/97	A business license application (D11-00146) was issued for a drug store at 8500 West Cheyenne Avenue. The license is still active.
05/30/07	A business license application (C14-00514) was issued for a clinic at 8500 West Cheyenne Avenue. The license was marked out of business on 01/30/08.
07/18/08	A business license application (Q04-00080) was issued for pharmacy at 8500 West Cheyenne Avenue. 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 is to 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. • The property owner is listed as Walgreen Company on Clark County Assessor's web page.

<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 are two storage containers located north and east of the subject site. One of the containers is taking up available parking spaces. • There are two unpermitted banner signs is installed on the building façade facing Cheyenne Avenue. The violation has been referred to Code Enforcement.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.47

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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	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
North	Water Resource Center	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)
South	Single-Family Dwellings	Single Family (Sun City Summerlin)	P-C (Planned Community)
East	Commercial Development	SC (Service Commercial)	C-1 (Limited Commercial)
West	Nevada Power	PF (Public Facility)	C-V (Civic)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Centennial Hills Sector Plan	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Interlocal Agreement	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 Title 19.10, the following parking standards apply:

(Additional to Table 1412, the following parking standards apply.)

<i> Parking Requirement </i>							
<i> Use </i>	<i> Gross Floor Area or Number of Units </i>	<i> Required </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)	8,997 SF	1:175	48		66		Y
TOTAL SPACES REQUIRED			51		70		Y
TOTAL (With Handicapped)			48	3	66	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 8500 West Cheyenne Avenue. 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. There are no Waivers requested as a part of the subject Special Use Permit application. However, during a routine field check, staff discovered that two storage containers are being stored on the subject site. One the containers located north of the site is occupying parking spaces which are intended for the store patrons. Staff cannot support this application because the of the placement storage containers on the subject site. Staff therefore recommends denial.

FINDINGS (SUP-37580)

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. The proposed use is not harmonious and compatible with the uses in the existing site and with the commercial uses on adjacent properties as the storage containers take up required parking.

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. However, storage containers take up required parking.

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 Cheyenne Avenue and Durango Drive, both 100-foot Primary Arterials 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.

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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 minimum Special Use Permit requirements. However, the subject site has storage containers stored on site. One of the storage containers is occupying several parking spaces.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 819

APPROVALS 1

PROTESTS 4