

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JULY 29, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: APPLICANT: WALGREEN CO. - OWNER: SHADOW MOUNTAIN MARKETPLACE, LLC**

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-38276	Staff recommends APPROVAL, subject to conditions:	

**** CONDITIONS ****

SUP-38276 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 may not exceed more than 81 square feet of the retail floor space for the display and merchandising of alcoholic beverages as reflected on the floor plan date stamped May 13, 2010.

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- 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 application is a request for a Special Use Permit to allow an 81 square-foot Accessory Package Liquor Off-Sale use within an existing 14,820 square-foot Retail Establishment located at 6495 North Decatur Boulevard. This location is more than 400 feet from any church, school, child care facilities or city parks and thus no waivers are required. The proposed use is less than 10% of the total retail floor space of the establishment and will not add additional parking space requirements. The Accessory Package Liquor Off-Sale use can be conducted in a harmonious and compatible manner within the existing retail establishment and with the adjacent commercial uses. Staff recommends approval. If denied, the sale of packaged liquor at this location will not be allowed and cannot be licensed.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
08/25/1997	The City Council approved a General Plan Amendment (GPA-0027-97) to change the land use from DR (Desert Rural Density Residential) to SC (Service Commercial) and a Rezoning (ZON-0062-97) from R-E (Residence Estates) to C-1 (Limited Commercial) at the northwest corner of Centennial Parkway and Decatur Boulevard. Planning Commission recommended approval on 07/24/1997.
11/03/2004	The City Council approved a Site Development Review (SDR-5050) for a 365,700 square foot shopping center at the northwest corner of Centennial Parkway and Decatur Boulevard. Planning Commission recommended approval.
03/05/2008	The City Council approved a Special Use Permit (SUP-25983) for Package Liquor Off-Sale Establishment at 6485 N. Decatur Boulevard, Suite #140 in Shadow Mountain Marketplace. Planning Commission recommended approval.

<i>Most Recent Change of Ownership</i>	
01/14/2005	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
04/08/2008	A Certificate of Occupancy was issued against plan check C-0455-06 for a 14,755 square foot Retail/Drug Store located at 6495 North Decatur Boulevard.
04/22/2008	A business license was issued for a pharmacy (Q04-00046) a drug store (D11-00224) and for tobacco sales (C05-02604) at 6495 North Decatur Boulevard.

<i>Pre-Application Meeting</i>	
03/30/2010	Staff met with the representative and reviewed the submittal requirements for a Special Use Permit. It was determined that no waivers were required for this proposal.

<i>Neighborhood Meeting</i>	
07/20/2010	Start: 6:00pm End: 6:30pm Public: 1 Applicant: 3 Staff: 2 (1 Ward 6 Liaison, 1 P&D) One member of the public attended the meeting, and had no concerns about the proposed application.

<i>Field Check</i>	
06/24/2010	Staff conducted a field check and found this to be a clean, well maintained shopping center.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	21.02

<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	Vacant Undeveloped	PF (Public Facilities), M (Medium Density Residential) & ML (Medium Low Density Residential)	C-V (Civic) & R-E (Residence Estate)

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South	Right-of-Way (215)	Right-of-Way (CC 215)	Right-of-Way (CC 215)
East	NLV	NLV	NLV
West	Single Family Residential	ML (Medium Low Density Residential)	R-1 (Single Family Residential) and R-E (Residence Estates)

Master Plan Areas	Yes	No	Compliance
Master Plan Area		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		Y
Project of Regional Significance	X		Y

Pursuant to Title 19.10, the following parking standards apply:

Pursuant to Rule 19.16, 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	365,700 Sq. Ft.	1 space per 250 Sq. Ft.	1,463		1,992		Y
TOTAL SPACES REQUIRED			1,463		1,992		Y
TOTAL (With Handicapped)			1438	25	1944	48	Y

ANALYSIS

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 will be required for this use. The sale of alcoholic beverages is ancillary to the retail use and is devoted to less than 10% of the gross retail floor area. 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.

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FINDINGS (SUP-38276)

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 use 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.

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 Decatur Boulevard, a 100-foot Primary Arterial as designated in the Master Plan of Streets and Highways. This street is sufficient in size to accommodate the needs of the proposed 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 less than 10% of the gross floor space within the existing General Retail Store for the sale of alcoholic beverages and meets all distance separation requirements.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

NOTICES MAILED 747

APPROVALS 0

PROTESTS 1