



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JULY 29, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: WALGREEN CO. - OWNER: L V 2 N W, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-38340	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-38340 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. 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 79 square feet of the retail floor space for the display and merchandising of alcoholic beverages as reflected on the floor plan date stamped May 25, 2010.
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.

Staff Report Page One
July 29, 2010 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit to allow a 79 square-foot Accessory Package Liquor Off-Sale use within an existing 15,120 square-foot Retail Establishment located at 6001 West Cheyenne Avenue. 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 proposed 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, packaged liquor cannot be sold on the premises and the General Retail Establishment will remain.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/04/87	The City Council approved a rezoning (Z-0092-86) from N-U (Non Urban) to R-RPD10 (Residential Planned Development – 10 Units Per Acre), C-1 (Limited Commercial), and R-CL (Residential Compact Lot) zones at the southwest corner of Jones Boulevard and Cheyenne Avenue. Planning Commission recommended denial. The Resolution of Intent expired on 02/04/1988.
09/18/96	The City Council approved a rezoning (Z-0032-95) from N-U (Non Urban) to C-1 (Limited Commercial) at the southwest corner of Jones Boulevard and Cheyenne Avenue.
03/26/98	The Planning Commission approved a request for a Site Development Plan Review [Z-0032-95(3)] on property located on the southwest corner of Cheyenne avenue and Jones boulevard for proposed 15,120 square foot drug store.

<i>Most Recent Change of Ownership</i>	
03/29/99	A deed was recorded for a change in ownership.

Staff Report Page Two
July 29, 2010 - Planning Commission Meeting

<i>Related Building Permits/Business Licenses</i>	
02/23/99	A Certificate of Occupancy was issued against plan check C-0049-98 for a 15,732 square foot retail building.
10/05/99	Business licenses for a drug store (D11-00164) with tobacco sales (C05-01930) were issued at 6001 West Cheyenne Boulevard.
12/02/02	A business license was issued for a pay phone (P35-00028) at this location.
07/18/08	A business license was issued for a pharmacy (Q04-00082) at this location.
04/08/10	A business license was issued for a DVD rental kiosk (V02-01915) at this location.

<i>Pre-Application Meeting</i>	
04/27/10	Staff met with the representative and reviewed the requirements for a Special Use Permit for the proposed Accessory Package Liquor Off-Sale use and determined that no waivers would be required for the proposal.

<i>Neighborhood Meeting</i>	
No neighborhood meeting was required nor was one held.	

<i>Field Check</i>	
06/24/10	Staff conducted a field check of the site and found it to be a clean, well maintained retail drug store.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.62

<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	SC (Service Commercial)	C-1 (Limited Commercial)
North	Auto Repair	SC (Service Commercial)	C-1 (Limited Commercial)
South	General Retail	SC (Service Commercial)	C-1 (Limited Commercial)
East	General Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	Assisted Living Facility	SC (Service Commercial)	C-1 (Limited Commercial)

Staff Report Page Three
July 29, 2010 - Planning Commission Meeting

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		N	
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District – 70 foot	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Las Vegas Redevelopment Plan Area		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

In addition to Table 15.16, 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	
General Retail, less than 25,000 sq. ft.	15,120 sq. ft.	1 per 175 sq. ft.	86		69		N
TOTAL SPACES			87		69		N
TOTAL (With Handicapped)			83	4	65	4	N
Loading Spaces	15,120 sq. ft.	2 for 10,000 to 29,999 sq. ft.	2		1		N

ANALYSIS

This is a request for a Special Use Permit for a 79 square-foot Accessory Package Liquor Off-Sale use within an existing 15,120 square-foot General Retail Store. This site location does not have any churches, schools, child care facilities or city parks within the required 400-foot distance separation radius. The subject site is parking impaired and 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.

Staff Report Page Four
July 29, 2010 - Planning Commission Meeting

FINDINGS (SUP-38340)

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 Cheyenne Avenue, a 100-foot Primary Arterial and Jones Boulevard, an 80-foot Secondary Collector as designated in the Master Plan of Streets and Highways. These streets are 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.

Staff Report Page Five
July 29, 2010 - Planning Commission Meeting

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

NOTICES MAILED 439

APPROVALS 4

PROTESTS 4