



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: DURANGO MARKET - OWNER: MNLK, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-38909	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-38909 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Package Liquor Off-Sale Establishment 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. 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.

Staff Report Page One
August 26, 2010 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Package Liquor Off-Sale Establishment within an existing 2,326 square-foot retail establishment building at 6955 North Durango Drive, Suite #1114. No Waivers are needed as a part of this request. The proposed use meets all Title 19.04 standards for a Package Liquor Off-Sale Establishment, and can be conducted in a manner that is harmonious and compatible with existing surrounding land uses; therefore, staff recommends approval. If this request is denied, the proposed use will not be permitted at this location.

ISSUES

- The Package Liquor Off-Sale Establishment use is permitted within the UC-TC (Urban Center Mixed Use – Town Center) Special Land Use district only in conjunction with the approval of a Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/26/01	An Annexation [A-0003-99(A)] was processed; the annexation area consists of approximately 629.808 acres of land, located west of El Capitan Way and east of Grand Canyon Drive between Grand Teton Drive and Rome Boulevard.
04/03/02	The City Council approved a request for a Rezoning (Z-0099-01) from U (Undeveloped) [TC (Town Center) General Plan Designation] to T-C (Town Center) Zone on 15.16 acres located adjacent to the west side of El Capitan Way approximately 660 feet south of Elkhorn Road. The Planning Commission and staff recommended approval on 02/28/02.
05/01/02	The City Council approved a request for a Site Development Plan Review [Z-0099-01(1)] for a proposed 274-unit multi-family residential development and 16,000 square feet of commercial floor space on 15.16 acres located adjacent to the west side of El Capitan Way, approximately 660 feet south of Elkhorn Road. The Planning Commission and staff recommended approval on 03/28/02.
05/01/02	The City Council approved a related Development Agreement (DA-0001-02) for this development. The Planning Commission and staff recommended approval on 03/28/02.

Staff Report Page Two
August 26, 2010 - Planning Commission Meeting

05/19/04	The City Council approved a request for a Development Agreement (DIR-4432) for a condominium conversion for a 284-unit development including 10 retail units on 15.2 acres adjacent to the southwest corner of Durango Drive and Dorrell Lane.
06/02/04	The City Council approved the Development Agreement (Bill No. 2004-42) with El Capitan Associates, Limited Liability Company.
06/10/04	The Planning Commission approved a Tentative Map (TMP-3991) for a 284-lot condominium development including 10 retail units. Staff recommended approval.
12/01/04	The City Council approved a request for a Special Use Permit (SUP-5230) for Beer and Wine Sales, Off-Premise located at 6955 North Durango Drive, Suites #1113 and #1114. The Planning Commission and staff recommended approval.
12/01/04	The City Council approved a request for a Special Use Permit (SUP-5231) for package liquor sales located at 6955 North Durango Drive Suites #1115 and #1116. The Planning Commission and staff recommended approval.
09/04/07	The Centennial Hills Architecture Review Committee denied a request for a Major Modification (ARC-24065) to an approved Master Sign Plan (CHAR-0017-04) and Waiver to allow exposed neon window signs at 6955 North Durango Drive Units #1113 and #1114.
11/19/09	A Code Enforcement case (#84190) was processed for neon signs in windows and temporary signage. Code Enforcement closed the case on 02/10/10.
05/27/10	The Planning Commission, at the request of the applicant, held in abeyance a request for a Special Use Permit (SUP-37739) for a Package Liquor Off-Sale use within an existing 2,326 square-foot retail establishment at 6955 North Durango Drive, Suite #1114.
06/24/10	The Planning Commission, at the request of the applicant, struck a request for a Special Use Permit (SUP-37739) for a Package Liquor Off-Sale use within an existing 2,326 square-foot retail establishment at 6955 North Durango Drive, Suite #1114.

<i>Most Recent Change of Ownership</i>	
06/04/08	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
02/25/03	A Building Permit (#3003715) was issued for a retail shell building at 6955 North Durango, Suite #1114. The project was completed 12/15/04.
05/10/05	A Building Permit (#5003055) was issued for a tenant improvement build out at 6955 North Durango, Suite #1114. The project was completed 10/07/05.

02/25/03	A Building Permit (#3003715) was issued for a retail shell building at 6955 North Durango, Suite #1114. The project was completed 12/15/04.
05/10/05	A Building Permit (#5003055) was issued for a tenant improvement build out at 6955 North Durango, Suite #1114. The project was completed 10/07/05.

Staff Report Page Three
August 26, 2010 - Planning Commission Meeting

10/17/05	A Business License application (C05-02484) was issued for retail tobacco sales at 6955 North Durango, Suite #1114. The license is still active.
10/17/05	A Business License application (C15-00347) was issued for a convenience store at 6955 North Durango, Suite #1114. The license is still active.
10/17/05	A Business License application (C20-02269) was issued for a convenience hall gaming tax at 6955 North Durango, Suite #1114. The license is still active.
10/17/05	A Business License application (C22-98228) was issued for check cashing at 6955 North Durango, Suite #1114. The license was marked out of business on 02/22/08.
10/17/05	A Business License application (G01-02270) was issued for restricted gaming at 6955 North Durango, Suite #1114. The license is still active.
10/17/05	A Business License application (L10-00263) was issued for beer/wine/cooler off-sale at 6955 North Durango, Suite #1114. The license is still active.

Pre-Application Meeting

03/11/10	A pre-application meeting was held and the submittal requirements of a Special Use Permit application were discussed. There are no Waivers required for this application as no protected uses are located within 400 feet of the subject site.
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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.

Field Check

04/22/10	A site inspection was conducted by staff. The subject property was noted as a well maintained commercial building.
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Details of Application Request

Site Area

Net Acres	0.05
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Staff Report Page Four
August 26, 2010 - Planning Commission Meeting

<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	Mixed Use	UC-TC (Urban Center Mixed Use)	T-C (Town Center)
North	Single-Family Residential and Commercial	M-TC (Medium Density Residential) UC-TC (Urban Center Mixed Use)	T-C (Town Center)
South	Undeveloped	UC-TC (Urban Center Mixed Use) and GC-TC (General Commercial)	T-C (Town Center)
East	Hospital	UC-TC (Urban Center Mixed Use)	T-C (Town Center)
West	Single-Family Residential Development	ML-TC (Medium Low Density Residential)	T-C (Town Center)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Town Center Master Plan	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
T-C (Town Center) District	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

Staff Report Page Five
August 26, 2010 - Planning Commission Meeting

Pursuant to Title 19.10, 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	
Multi-Family Residential	One Bedroom Units (104)	1.25/Unit	130				
	Two Bedroom Units (138)	1.75/Unit	242				
	Three Bedroom Units (32)	2/Unit	64				
	Plus 1 Space / 6 Units for Guests		46				
Retail	16,000 SF	1/250	64				
TOTAL SPACES REQUIRED			546		599		*
TOTAL (With Handicapped)			543	3	593	6	*

**Parking per approved Site Development Plan Review [Z-0099-01(1)].*

ANALYSIS

The applicant is proposing to add a Package Liquor Off-Sale use to be operated in conjunction with an existing retail establishment. 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 increase the parking requirement for the subject site. This request meets all minimum Special Use Permit Requirements and can be conducted in a manner that is compatible and harmonious with the surrounding uses; therefore, staff is recommending approval of this application.

FINDINGS (SUP-38909)

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.**

Staff Report Page Six
August 26, 2010 - Planning Commission Meeting

The proposed Package Liquor Off-Sale Establishment will be operated in conjunction with an existing retail establishment, which is adjacent to similar uses. The addition of a Package Liquor Off-Sale Establishment use within this area is compatible with the existing and future land uses as specified by the General Plan.

2.The subject site is physically suitable for the type and intensity of land use proposed.

The subject site is currently operated as a Convenience Store, and is physically suitable to accommodate the proposed 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 Durango Drive, a 120-foot Parkway Arterial as designated in the Town Center Development Standards Manual. This street is of sufficient size to accommodate the needs of the proposed 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.

The proposed Special Use Permit request will not be inconsistent with or compromise the public health, safety, and welfare or overall objectives of the General Plan.

5.The use meets all of the applicable conditions per Title 19.04.

The proposed Package Liquor Off-Sale use meets all of the applicable conditions per Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

26

NOTICES MAILED 1,197

APPROVALS 2

PROTESTS 4