



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: APPLICANT: CARDENAS MARKETS, INC. - OWNER:
LAMANZA, LLC**

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-38860	Staff recommends APPROVAL, subject to conditions:	SDR-38861

SUP-38860 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Accessory Package Liquor Off-Sale Establishment use.
2. Conformance to the Conditions of Approval of Site Development Plan Review (SDR-38861), except as amended herein.
3. 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.
4. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.

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7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All beer and wine coolers shall remain in their original manufacturer's configuration of four- or six-packs.
9. 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 request is for a Special Use Permit to allow an Accessory Package Liquor Off-Sale use within a proposed Grocery Store at 4700 Meadows Lane. Staff recommends approval of this request, with conditions as the use will be operated in conjunction with a Grocery Store and is compatible with adjacent land uses. If denied, the applicant may proceed with the Grocery Store use but may not sell alcoholic beverages.

ISSUES

- Per Title 19.04, the Accessory Package Liquor Off-Sale Use is permissible in the C-1 (Limited Commercial) zoning district with an approved Special Use Permit.
- An associated Minor Site Development Review (SDR-38861) to remodel an existing 77,637 square-foot General Retail Establishment (department store) into a Grocery Store has been administratively approved.
- The display and merchandising area permitted for the Accessory Package Liquor Off-Sale use is limited to 5,570 square feet (10% of the 55,706 square-foot retail portion of the 66,964 square-foot Grocery Store). Per the submitted plans, the area dedicated to alcohol sales is 500 square feet.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/23/1974	The City Council denied the request to Rezone (Z-0102-73) 100 acres from R-1 (Single-Family Residential) and C-V (Civic) to C-1 (Limited Commercial) for a Regional Shopping Mall. The Planning Commission recommended approval.
02/05/1975	The Board of City Commissioners adopted Ordinance No. 1014 to Rezone (Z-0102-73) 100 acres from R-1 (Single-Family Residential) and C-V (Civic) to C-1 (Limited Commercial) for a Regional Shopping Mall as required by the District Court and affirmed by the Supreme Court of Nevada.
12/28/1977	The Board of City Commissioners approved a Plot Plan Review (Z-0102-73) for property located at the northeast corner of Decatur Boulevard and Meadows Lane. The City Planning Commission recommended approval on 12/08/1977.

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<i>Related Building Permits/Business Licenses</i>	
1978	Building Permits were issued against Plan Check C-0142-78 for a new Retail Building located at 4700 Meadows Lane.
05/10/79	A Business License (#D16-00004) was issued for a Department Store at 4700 Meadows Lane. This license expired and was marked out of business 01/13/2009.
04/28/10	A Building Permit (#161092) was issued for a Non-Work Certificate of Occupancy for 4700 Meadows Lane. A final inspection was completed on 04/28/2010.
04/30/10	A Business License (#G11-00022) was issued for a Mega Store (Department Store) at 4700 Meadows Lane. The license remains active but there were no signs of operation during the field check.
08/16/10	A Building Permit (#170105) was issued over the counter for interior demolition work to a 76,637 square-foot retail building. This permit has not received a final inspection.

<i>Most Recent Change of Ownership</i>	
08/11/2010	A deed was recorded for a change in ownership.

<i>Pre-Application Meeting</i>	
07/13/2010	A pre-application meeting was held with staff to discuss the required process for converting a vacant 70,000 Retail into a Grocery Store with Accessory Liquor Off-Sale. Staff briefed the applicant on the submittal requirements for the Minor Site Development Plan Review, to cover the renovation of the existing structure, and the requirements for a Special Use Permit, to cover the required Special Use Permit for the Accessory Liquor Off-Sale use.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of request nor was one held.	

<i>Field Check</i>	
08/19/10	Staff conducted a field inspection of the subject site. • There are no businesses currently operating at this location. • The site is currently free of graffiti but has dead vegetation located within some landscape planters. • The rear loading dock has an accumulation of trash but is in good physical condition.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	6.8

<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	Right of Way (US-95)	Right of Way (US-95)	Right of Way (US-95)
South	Restaurant	GC (General Commercial)	C-2 (General Commercial)
	Minor Auto Repair	GC (General Commercial)	C-2 (General Commercial)
	Landscape buffer	SC (Service Commercial)	C-1 (Limited Commercial)
East	General Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	Gas Station/General Retail	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	NA
<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 – 140 Feet	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

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Approved Z-0102-73(1)		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Grocery Store	66,926 SF	1:250	268				Y
General Retail	9,711 SF	1:175	56				Y
TOTAL SPACES REQUIRED			320		406		Y
TOTAL (With Handicapped)			324	4	413	9	Y

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ANALYSIS

The subject site of the proposed use maintains the SC (Service Commercial) land use designation and is located within the C-1 (Limited Commercial) zoning district. The proposed Retail Establishment with Accessory Package Liquor Off-Sale use is permissible only with an approved Special Use Permit.

Regarding the physical impact of the proposed Special Use Permit, only the internal layout of the Grocery Store would be affected. Site access and overall parking count remain unchanged; however, the applicant has updated the existing handicapped parking spaces to meet the current City of Las Vegas Title 19.10.010(G) Handicapped Parking Requirements by providing five additional Handicapped spaces with the required five-foot access to each space.

Per Title 19.04, the description of the Retail Establishment with Accessory Package Liquor Off-Sale use limits the amount of area devoted to the display and merchandising of alcoholic beverages to 10 percent of the retail floor space. The applicant has received approval for an Amendment (SDR-38861) to convert the existing 77,637 square-foot General Retail Establishment (department store) into a 66,926 square foot Grocery Store with 9,711 square-feet of General Retail space sectioned into five leasable suites on the west side of the building. Based upon the Amended floor plan (SDR-38861), the Grocery Store maintains 55,706 square feet of retail area, of which the applicant would be allowed to utilize up to 5,570 square feet of floor space for the display and merchandizing of alcoholic beverages. The applicant has requested 500 square feet of area which constitutes approximately 1% of the retail area. Staff recommends approval of this request, with conditions.

FINDINGS (SUP-38860)

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 adjacent properties, consisting of Shopping Centers to the east and west, the US-95 Expressway to the north, and a Single Family Residential neighborhood separated by a thirty-foot wide landscape buffer with 6-foot high screen wall, are all compatible with the addition of a Grocery Store use where neighborhood.

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

The subject site has been approved (SDR-38861) to convert the thirty-two year old department store into a 66,926 square foot grocery store with 9,711 square feet of leasable commercial suites. The applicant is providing additional landscaping and features that support and encourage pedestrian use and will be providing a needed Grocery Store for the nearby residential neighborhoods.

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.

Access to the subject site is provided from Decatur Boulevard, a 100-foot Primary Arterial, and Meadows Lane, a 70-foot Local Street, as defined by the Master Plan of Streets and Highways and Meadows Lane. Adequate site access to the adjacent roadways and internal site circulation remain unchanged since the originally approved Plot Plan Review (Z-0102-73).

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 use will be subject to permit review and inspections prior to operating a business; therefore, appropriate measures will be taken to protect the health, safety and general welfare of the public.

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

The proposed use meets all Minimum Special use Permit requirements for the Retail Establishment with Accessory Package Liquor Off-Sale use. Because of the size and location of the Grocery Store, the primary use, all separation distance requirements have been met.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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