



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: OCTOBER 11, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: DOLGEN MIDWEST, LLC - OWNER: GLK HOLDINGS IV BRUCE, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-43087	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-43087 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Retail Establishment With Accessory Package Liquor Off-Sale use.
2. Conformance to the approved conditions for Rezoning (Z-0086-97).
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. 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 Department of Building and Safety.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. All beer and wine coolers shall remain in the original manufacturer's configuration intended for resale.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
October 11, 2011 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is completely built out and contains a 17,071 square-foot vacant building. A General Retail Store is proposed to operate from this building, and the applicant is requesting package liquor sales as an accessory use to the primary retail use. A Special Use Permit is required for the accessory use prior to issuance of a business license for liquor sales. The proposed use meets all Title 19.12 distance separation requirements, will constitute less than 10% of the total retail floor space of the establishment and will not require additional parking spaces. The proposed use can be conducted in a harmonious and compatible manner with the existing retail establishment and with the adjacent commercial and residential uses. Staff therefore recommends approval, with conditions. If denied, packaged liquor cannot be sold on the site.

ISSUES

- A Retail Establishment with Accessory Package Liquor Off-Sale use is permitted in the C-1 (Limited Commercial) District with the approval of a Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/27/97	The City Council approved a Rezoning (Z-0086-97) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on 8.28 acres at the southeast corner of Jones Boulevard and Cheyenne Avenue. The Planning Commission and staff recommended approval.
	The City Council approved a Special Use Permit (U-0086-97) for Packaged Liquor Sales in conjunction with a proposed Drug Store at the southeast corner of Jones Boulevard and Cheyenne Avenue. The Planning Commission and staff recommended approval. The approval expired 05/18/09.
10/11/05	Code Enforcement processed a case (35238) regarding vehicle traffic cutting through the lot at 5991 West Cheyenne Avenue. The case was resolved 11/08/05.
12/09/05	Code Enforcement processed a case (36821) regarding vehicle traffic cutting through the lot at 5991 West Cheyenne Avenue. The case was resolved 01/31/06.

Staff Report Page Two
October 11, 2011 - Planning Commission Meeting

08/13/07	Code Enforcement processed a case (56652) regarding graffiti on block walls at 5991 West Cheyenne Avenue. The case was resolved 09/17/07.
04/27/09	Code Enforcement processed a case (77517) regarding graffiti and overgrown weeds at 5991 West Cheyenne Avenue. The case was resolved 05/27/09.

Most Recent Change of Ownership

01/25/99	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

07/06/98	A building permit (#98013903) was issued for a new retail store at 5991 West Cheyenne Avenue. A final inspection was completed 11/16/98.
08/25/98	A building permit (#98017309) was issued for two freestanding signs at 5991 West Cheyenne Avenue. A final inspection was completed 09/22/98.
12/02/98	A business license (L15-00096) was issued for package liquor at 5991 West Cheyenne Avenue. The license was marked out of business 11/19/08.
10/27/98	A building permit (#98021367) was issued for awning, wall and directional signage at 5991 West Cheyenne Avenue. A final inspection was completed 11/20/98.
06/01/11	A building permit (187723) was issued for a tenant improvement remodel for a Certificate of Occupancy for a general retail store at 5991 West Cheyenne Avenue. A final inspection has not been approved.
08/02/11	A building permit (189499) was issued for a wall signage at 5991 West Cheyenne Avenue. A final inspection has not been approved.
09/13/11	An application (L15-94624) was submitted for a business license for package liquor at 5991 West Cheyenne Avenue. The license is under review.
09/13/11	An application (G05-94625) was submitted for a business license for a grocery store at 5991 West Cheyenne Avenue. The license is under review.
09/13/11	An application (G05-94625) was submitted for a business license for tobacco sales at 5991 West Cheyenne Avenue. The license is under review.

Pre-Application Meeting

03/31/11	A meeting was held with the applicant in which requirements for submittal of a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale use were discussed. There were no major issues discussed.
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Neighborhood Meeting

A neighborhood meeting is not required, nor was one held.	
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Staff Report Page Three
October 11, 2011 - Planning Commission Meeting

Field Check	
09/21/11	A field check was conducted of the subject site. The site contains a vacant building with signage advertising the proposed General Retail Store. A portion of the site is enclosed by temporary chain link fencing. New palm trees appeared to be planted near the building entry.

Details of Application Request	
Site Area	
Net Acres	1.47

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	General Retail Store	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Multi-Family Residential (Apartments)	M (Medium Density Residential)	U (Undeveloped) under Resolution of Intent to R-PD25 (Residential Planned Development – 25 Units per Acre)
East	Multi-Family Residential (Apartments)	M (Medium Density Residential)	U (Undeveloped) under Resolution of Intent to R-PD25 (Residential Planned Development – 25 Units per Acre)
West		SC (Service Commercial)	C-1 (Limited Commercial)

Master Plan Areas	Yes	No	Compliance
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (70 Feet)	X		Y
Trails		X	N/A
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		Y

Staff Report Page Four
October 11, 2011 - Planning Commission Meeting

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Cheyenne Avenue	Expressway	Master Plan of Streets and Highways	105	N
Jones Boulevard	Secondary Collector	Master Plan of Streets and Highways	90	Y

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
<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	
(existing) General Retail Store	-17,071 SF	1 space per 250 SF GFA	-67				
(proposed) General Retail Store	17,071 SF	1 space per 175 SF GFA	98				
TOTAL SPACES REQUIRED			98		67		Y*
Regular and Handicap Spaces Required			94	4	63	4	Y*
Loading Spaces	17,071 SF	N/A	2		1		Y*

*The site is parking impaired pursuant to Title 19.08.030(D)(1).

ANALYSIS

The subject site is located within the Airport Overlay District with a height restriction of 70 feet. The existing building is 24 feet in height and will have no impact on flight movements. The proposal was determined to be a Project of Regional Significance by virtue of the request for a Special Use Permit on a site located within 500 feet from the city's boundary with unincorporated Clark County. An inventory of potential impacts to the area was submitted by the applicant in conformance with Title 19.16.010(F). No responses were received from affected agencies.

Staff Report Page Five
October 11, 2011 - Planning Commission Meeting

A Retail Establishment with Accessory Package Liquor Off-Sale use is defined by Title 19.18 as “a retail establishment (1) whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold; and (2) in which the sale of alcoholic beverages is ancillary to the retail use, and in which no more than ten percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages. The term includes an establishment that provides on-premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license for that location.”

The existing floor area of the building is 17,071 square feet. Of this total, approximately 70 square feet, or about 0.41 percent, will be used for the display of alcoholic beverages. The retail sales at this establishment will primarily consist of grocery and other retail items.

There are no intervening churches, synagogues, schools, Child Care Centers or city parks within 400 feet of the property. All Title 19 requirements for this use can be met by the proposal.

The site is parking impaired, as it was originally approved for a General Retail Store according to a parking ratio of one space per 250 square feet of gross floor area. The proposed use now requires one space per 175 square feet, as the gross building area is less than 25,000 square feet. Because the use remains the same, no variance is needed for the additional 31 spaces required by the current zoning code. Also, no additional spaces are required for the proposed alcohol use other than those which are required for the General Retail Store use.

As the proposed use can be conducted in a manner that is harmonious and compatible with existing adjacent development, staff recommends approval with conditions.

FINDINGS (SUP-43087)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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 an existing building with retail sales as the primary use. The proposed use can be conducted in a manner that is harmonious and compatible with the General Retail Store and with the commercial and residential uses on adjacent properties.

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

Staff Report Page Six
October 11, 2011 - Planning Commission Meeting

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.

Jones Boulevard and Cheyenne Avenue provide access to the property. These streets are of sufficient size to accommodate the needs of the proposed Retail Establishment with Accessory 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.

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 19.12.

The proposed use will comply with all minimum use requirements under Title 19.12. The Retail Establishment with Accessory Package Liquor Off-Sale use meets all distance separation requirements, will be located within a General Retail Store and will dedicate less than 10 percent of the gross floor space to the sale of alcoholic beverages.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

13

NOTICES MAILED

472

APPROVALS

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PROTESTS

3