



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: AUGUST 12, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: WALGREEN CO. - OWNER: PPLAND, LP

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-53624	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-53624 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Accessory Package Liquor Off-Sale use.
2. 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.
3. 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
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 City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 14,820 square-foot retail building at 7755 North Durango Drive. The applicant is requesting 50 square feet of floor space dedicated to the sale of alcoholic beverages, which represents less than one percent of the total retail floor space. The subject site is an existing shopping center, which provides cross-access and shared parking throughout the entire commercial center. The proposed use meets the Minimum Special Use Requirements and is not within 400 feet of any protected uses. As such, staff recommends approval with conditions. If denied, no alcohol may be sold on the premises.

ISSUES

- A Special Use Permit is required for a Retail Establishment with Accessory Package Liquor Off-Sale use in the SC-TC (Service Commercial – Town Center) Special Land Use designation.
- The proposed floor area dedicated to the package liquor use is 175 square feet, which is less than two percent of the 14,820 square feet of total retail floor area.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/07/98	The City Council approved a Rezoning (Z-0076-98) on property located within the area designated as Town Center from U (Undeveloped), R-E (Residence Estates), R-PD7 (Residential Planned Development – 7 Units per Acre), R-PD11 (Residential Planned Development – 11 Units per Acre), R-PD13 (Residential Planned Development – 13 Units per Acre), R-PD18 (Residential Planned Development – 18 Units per Acre), R-CL (Single Family Compact-Lot), C-1 (Limited Commercial), C-2 (General Commercial), C-V (Civic) and PD (Planned Development) zones to T-C (Town Center) on approximately 1,468 acres. Planning Commission and staff recommended approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/07/04	The City Council approved a Site Development Plan Review (SDR-3191) for a 23,320 square-foot commercial building with a waiver of the Town Center Build-To-Street standards on 4.91 acres located at the northwest corner of Durango Drive and El Capitan Way. Planning Commission and staff recommended denial.
01/22/04	The Planning Commission approved a Tentative Map (TMP-3272) for a two-lot commercial subdivision on 4.91 acres located at the northwest corner of Durango Drive and El Capitan Way. Staff recommended approval.
04/30/04	Staff administratively approved a Final Map (FMP-4252) for a two-lot commercial subdivision located at the northwest corner of Durango Drive and El Capitan Way. The Final Map was recorded on 01/13/05.
03/15/06	The City Council approved a Major Amendment (SDR-11203) of a previously approved Site Development Plan Review (SDR-3191) to eliminate pad sites "B" and "C" and substitute with three pad sites, "B", "C" and "D" to consist of 40,220 square feet of retail space with of waiver of the Town Center Build-To-Line Standards on 4.91 acres located at the northwest corner of Durango Drive and El Capitan Way. Planning Commission and staff recommended approval.
11/07/07	The City Council approved a Site Development Plan Review (SDR-23107) for a 14,028 square-foot General Retail building with a waiver of perimeter landscape standards to allow a zero-foot landscape buffer where eight feet is required along 64 feet of the east property line. The entitlement combined pad sites "B" and "C" from a previously approved Site Development Plan Review (SDR-3191) with subsequent amendments, bringing the total square-footage of the shopping center to 44,948 square feet on 4.91 acres located at the northwest corner of Durango Drive and El Capitan Way. Planning Commission and staff recommended denial.
	The City Council approved a Variance (VAR-23108) to allow a 20-foot residential adjacency setback where 87 feet is the minimum required for a 14,028 square-foot general retail building located at the northwest corner of Durango Drive and El Capitan Way. Planning Commission and staff recommended denial.
08/18/10	The City Council denied a Special Use Permit (SUP-38211) for a 74 square-foot Accessory Package Liquor Off-Sale use within an existing 14,820 square-foot retail establishment at 7755 North Durango Drive. Planning Commission recommended denial. Staff recommended approval.
06/10/14	The request for a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 14,820 square-foot retail building at 7755 North Durango Drive was abeyed at the applicant's request. The request was placed on the 07/08/14 Planning Commission meeting.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
07/08/14	The request for a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 14,820 square-foot retail building at 7755 North Durango Drive was abeyed at the applicant's request. The applicant has amended the request. The applicant was previously requesting 175 square feet of floor space to be dedicated to the Accessory Package Liquor use, however, the applicant has reduced the request to 50 total square feet dedicated to the Accessory Package Liquor use. The request was placed on the 07/08/14 Planning Commission meeting. The request was placed on the 08/12/14 Planning Commission meeting.

<i>Most Recent Change of Ownership</i>	
04/11/00	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
06/09/04	A building permit (#4014747) was issued for a certificate of occupancy for a 14,820 square-foot commercial building at 7755 North Durango Drive. The permit was finalized on 02/25/05.
06/09/04	A building permit (#4014746) was issued for on-site hardscapes. The permit never received a final inspection and expired on 12/11/04.
07/07/04	A building permit (#4017017) was issued for onsite sewer, water and fire. The permit never received a final inspection and expired on 05/07/05.
03/09/05	A business license (C05-02366) was issued for general retail (Tobacco) at 7755 North Durango Drive. The license is still active.
03/09/05	A business license (D11-00211) was issued for general retail (Drug Store) at 7755 North Durango Drive. The license is still active.
03/09/05	A business license (P55-00145) was issued for general retail (Pharmacy) at 7755 North Durango Drive. The license is still active.

<i>Pre-Application Meeting</i>	
03/18/14	Staff met with the representative to discuss the proposal to locate an Accessory Package Liquor Off-Sale use within an existing retail establishment. Staff concluded that a Special Use Permit would be required to do so. The submittal requirements for a Special Use Permit were discussed.

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Neighborhood Meeting	
05/29/14	<p>Meeting Start Time: 6:30 pm Meeting End Time: 7:15 pm</p> <p>Attendance: 2 members of the public 4 members of the development team 2 members of Planning</p> <p>Concerns:</p> <ul style="list-style-type: none"> • Citizen was opposed to the Special Use Permit (SUP) as the additional use would lead to the oversaturation of package liquor, which in turn leads to an increase in crime, as well as chronic inebriation. • The addition of alcohol leads to the degradation neighborhoods over the course of time. • Comments pertaining to the City utilizing saturation standards were made and the example of Fremont Street was brought up. • A citizen stated that the “they wanted to be good neighbors and hope that Walgreens will be too.” • A citizen recalled that the original representation of the Walgreens in 2000 to 2001 presented that there would be no alcohol at this location. • The applicant stated that they will reduce the size of the area already submitted to Planning Staff. Staff advised the applicant that a revised justification letter and floor plan would be required by the morning of June 2nd, 2014.

Field Check	
05/01/14	Staff conducted a routine field check and noted a well maintained shopping center free of trash and debris.

Details of Application Request	
Site Area	
Gross Acres	4.91

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	T-C (Town Center)	SC-TC (Service Commercial – Town Center)
North	Single Family Residence	PCD (Planned Community Development)	R-CL (Single Family Compact-Lot)

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
South	Shopping Center	T-C (Town Center)	SC-TC (Service Commercial – Town Center)
East	Shopping Center	PCD (Planned Community Development)	R-CL (Single Family Compact-Lot)
West	Single Family Residence	T-C (Town Center)	SC-TC (Service Commercial – Town Center)

<i>Master Plan Areas</i>	<i>Compliance</i>
Town Center Master Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
T-C (Town Center) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	Y
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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>
Durango Drive	Parkway	Town Center Development Standards Manual	120	Y
El Capitan Way	Primary Arterial	Town Center Development Standards Manual	100	Y

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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	
Shopping Center	44,948 SF	1:250	180				
TOTAL SPACES REQUIRED			180		190		Y
Regular and Handicap Spaces Required			174	6	180	10	Y

ANALYSIS

The proposed use is located within the Town Center Master Plan area. The property is zoned SC-TC (Service Commercial – Town Center), which intends to encourage low to medium intensity retail, office or other commercial uses. The proposed Retail Establishment with Accessory Package Liquor Off-Sale use is permissible in the SC-TC (Service Commercial – Town Center) Special Land Use Designation with the approval of a Special Use Permit.

In 2010, City Council denied an identical request for a Special Use Permit (SUP-38211) for an Accessory Package Liquor use within the same 14,820 square-foot retail establishment at 7755 North Durango Drive. Planning Commission recommended denial. Staff recommended approval, of the original request, as the proposed use met all Title 19 minimum requirements.

The applicant is again requesting an Accessory Package Liquor use within a 14,820 square-foot retail establishment at 7755 North Durango Drive. The Retail Establishment with Accessory Package Liquor Off-Sale use is defined 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 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages.

This use 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.”

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The proposed use meets the definition outlined above, as the provided floor plan and justification letter detail the intent to sell alcoholic beverages in conjunction with an existing retail establishment. Furthermore, the applicant has indicated 50 square feet of the existing 14,820 square feet of retail floor area would be utilized for packaged liquor, which represents less than one percent of the total floor area.

1. Except as otherwise provided, no retail establishment with accessory package liquor off-sale (hereinafter “establishment”) shall be located within 400 feet of any church/house of worship, school, individual care center licensed for more than 12 children, or City park.

The proposed use meets this requirement, as there are no protected uses within 400 feet of the subject property.

* 2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:

- a. Any leasehold parcel; or
- b. Any parcel which lacks access to a public street or has no area for on site parking and which has been created so as to avoid the distance limitation described in Requirement 1.

The proposed use meets this requirement; measurement is taken from the existing property line of the commercial subdivision located at the northeast corner of Durango Drive and El Capitan Way.

* 3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:

- a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
- b. In the case of a proposed establishment which will be located within a shopping center or other multiple tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.

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This requirement does not apply to the proposed use, as the parcel on which it is proposed is less than 80 acres in size.

4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

This requirement does not apply to the proposed use, as no distance separation waiver is necessary.

5. The minimum distance requirements in Requirement 1 do not apply to:

- a. An establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
- b. A proposed establishment having more than 50,000 square feet of retail floor space.

Neither condition applies to the proposed use.

* 6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

The proposed use will meet this requirement, as a condition of approval requires the conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

7. The minimum distance requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived:

- a. In accordance with the provisions of LVMC 19.12.050(C) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;
- b. In accordance with the applicable provisions of the “Town Center Development Standards Manual” for any establishment which is proposed to be located within the T C (Town Center) Zoning District and which is designated MS TC (Main Street Mixed Use) in the Town Center Land Use Plan;
- c. In connection with a proposed establishment having between 20,000 square feet and 50,000 square feet of retail floor space; or

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d. In connection with a retail establishment having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right of way with a width of at least 100 feet.

This requirement does not apply to the proposed use, as the use meets Requirement 1 outlined above.

The proposed Retail Establishment with Accessory Package Liquor Off-Sale use would be located within an established shopping center with retail and restaurant uses located on the site interior. The existing shopping center provides cross-access and shared parking throughout the entire commercial center. No additional parking is required for the proposed use, as the parking requirements were addressed during the original development of the site. There are no protected uses within 400 feet of the subject property and the proposed use adheres to all Minimum Special Use Requirements as outlined in Title 19.12. As such, the use is compatible with the surrounding land uses and staff recommends approval with conditions.

FINDINGS (SUP-53624)

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 is located within a shopping center with similar uses and can be operated 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.

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

The proposed intensity of a Retail Establishment with Accessory Package Liquor Off-Sale use is suitable for this location and the surrounding uses.

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.

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Access to the subject site is provided by Durango Drive, a 120-foot wide Parkway and El Capitan Way, a 100-foot wide Primary Arterial as designated by the Town Center Development Standards. The streets provide adequate access for 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 a Special Use Permit for the Retail Establishment with Accessory Package Liquor Off-Sale use will not compromise the public health, safety, or general welfare as the use would be subject to regular inspections and licensing requirements.

5.The use meets all of the applicable conditions per Title 19.12.

The Retail Establishment with Accessory Package Liquor Off-Sale use meets the applicable minimum requirements of the Town Center Development Standards and Title 19.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 53

NOTICES MAILED 781

APPROVALS 4

PROTESTS 4