



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: SEPTEMBER 9, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: TARGET CORPORATION

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-55239	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-55239 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. 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.

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**** 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 131,810 square-foot general retail establishment at 6371 North Decatur Boulevard. The applicant is requesting 158 square feet of floor space be dedicated to the sale of alcoholic beverages, which represents less than one percent of the 85,898 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 Permit 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 C-1 (Limited Commercial) zoning district.
- The proposed floor area dedicated to the package liquor use is 158 square feet, which is less than one percent of the 85,598 square feet of total retail floor area.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/06/01	The City Council approved a General Plan Amendment (GPA-0008-01) from M (Medium Density Residential) to SC (Service Commercial) and a Rezoning (Z-0018-01) from a Resolution of Intent to R-PD15 (Residential Planned Development - 15 Units per Acre) to C-1 (Limited Commercial) on this site. The Planning Commission and staff recommended approval of both items.
07/05/01	The City Council approved a Site Development Plan Review [(Z-0018-01(1)), [Z-0109-97(1)], [Z-0110-97(2)]] which allowed a proposed 262,640 square-foot retail commercial development, which included this parcel. The Planning Commission and staff recommended approval.
07/24/03	The City Council granted Two-Year Extensions of Time (EOT-2504 and EOT-2502) of an approved Rezoning (Z-0018-01) to C-1 (Limited Commercial) and a Site Development Plan Review [(Z-0018-01(1)), [Z-0109-97(1)], [Z-0110-97(2)]] for a proposed commercial development on this site. The Planning Commission and staff recommended approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
07/24/03	The City Council granted Two-Year Extensions of Time (EOT-2504 and EOT-2502) of an approved Rezoning (Z-0018-01) to C-1 (Limited Commercial) and a Site Development Plan Review [(Z-0018-01(1)), [Z-0109-97(1)], [Z-0110-97(2)]] for a proposed commercial development on this site. The Planning Commission and staff recommended approval.
08/20/03	The City Council granted a Two-Year Extension of Time (EOT-2493) of an approved Site Development Plan Review [Z-0110-97(1)] for a proposed 140-unit multi-family residential development on 9.35 acres immediately to the west of the subject property. The Planning Commission and staff recommended approval. This entitlement expired on 06/29/05.
08/12/04	The Planning Commission approved a Tentative Map (TMP-3624) for a two-lot commercial subdivision (Decatur III) on 27.38 acres adjacent to the northwest corner of Decatur Boulevard and Tropical Parkway. Staff recommended approval. A Final Map for this site has not been submitted.
07/06/05	The City Council approved Extensions of Time (EOT-6798 and EOT-6799) of an approved Rezoning (Z-0018-01) an approved Site Development Plan Review [(Z-0018-01(1)), [Z-0109-97(1)], [Z-0110-97(2)]] for a proposed commercial development on this site.
06/06/07	The City Council approved an Extension of Time (EOT-20771) for an approved Rezoning (Z-0018-01), which extended the Resolution of Intent to C-1 (Limited Commercial) on 3.6 acres of the project site. Staff recommended approval.
09/19/07	The City Council approved the request for a General Plan Amendment (GPA-22584) to amend a portion of the Northwest Sector of the General Plan from the M (Medium Density Residential) to the SC (Service Commercial), a request for a Rezoning (ZON-22583) from the R-E (Residence Estates) zoning district under Resolution of Intent to R-PD15 (Residential Planned Development - 15 Units per Acre) to the C-1 (Limited Commercial) zoning district on 9.05 acres on the south side of CC 215, approximately 730 feet west of Decatur Boulevard. The Planning Commission and staff recommended approval. The City Council approved a related Site Development plan Review (SDR-22582) for a 458,053 square-foot retail center on 36.43 acres at the northwest corner of Decatur Boulevard and Tropical Parkway. The Planning Commission recommended approval and staff recommended denial.
11/29/07	The Planning Commission approved a Tentative Map (TMP-25055) for a one lot Commercial Subdivision on 36.43 acres at the subject property. Staff recommended approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/05/07	The City Council approved a Review of Condition (ROC-25100) to remove Condition #1 of EOT-20771, which stated that the Rezoning (Z-0018-01) shall expire on June 6, 2008 unless another Extension Of Time is approved. Planning Commission and staff recommended approval.
2/20/08	The City Council approved a Master Site Plan (MSP-25930) for an approved 458,053 square-foot retail center on 36.43 acres at the northwest corner of Decatur Boulevard and Tropical Parkway. Planning Commission and staff recommended approval.
01/25/11	The Planning Commission approved a Site Development Plan Review (SDR-40223) for a proposed 94,683 square-foot grocery store operating 24-hours, seven days a week. Staff recommended approval.
06/14/12	Staff administratively approved a Minor Amendment (SDR-45495) of a previously approved Site Development Plan Review (SDR-22582) for a proposed 3,440 square-foot restaurant with drive through on 16.18 acres at the northwest corner of Tropical Parkway and Decatur Boulevard.
04/03/13	Staff administratively approved a Minor Amendment (SDR-48732) of a previously approved Site Development Plan Review (SDR-22582) to remove two parking spaces, relocate a trash enclosure and add a landscape island on 16.18 acres at 6171 North Decatur Boulevard.
02/05/14	Staff administratively approved a Minor Amendment (SDR-52693) of a previously approved Site Development Plan Review (SDR-22582) for a proposed 2,932 square-foot restaurant with drive through on a portion of 25.29 acres at 6271 North Decatur Boulevard.
02/13/14	Staff administratively approved a Minor Amendment (SDR-52798) of a previously approved Site Development Plan Review (SDR-22582) for a proposed 8,184 square-foot retail building with a 500 square-foot patio and relocation of trash enclosures and loading zones on a portion of 16.95 acres at 6095 North Decatur Boulevard.

<i>Most Recent Change of Ownership</i>	
06/25/08	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
09/15/08	A building permit (#114743) was issued for a certificate of occupancy for a retail store at 6371 North Decatur Boulevard. The permit received a final inspection on 06/26/09.
02/05/09	A building permit (#129816) was issued for a fire sprinkler system at 6371 North Decatur Boulevard. The permit received a final inspection on 06/17/09.
04/22/09	A building permit (#138029) was issued for interior signs at 6371 North Decatur Boulevard. The permit received a final inspection on 07/07/09.

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<i>Pre-Application Meeting</i>	
07/02/14	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.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	

<i>Field Check</i>	
07/31/14	A routine field check was conducted by staff at the subject property. The site contained a well maintained shopping center free of trash and debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	16.18

<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>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	CC-215	Right-of-Way: CC-215	Right-of-Way: CC-215
South	Single-Family Residential	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development - 8 Units per Acre)
East	Undeveloped	City of North Las Vegas: Community Commercial	City of North Las Vegas: C-2 (General Commercial)
West	Single-Family Residential	M (Medium Density Residential)	R-1 (Single Family Residential)

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Purpose or Overlay Districts	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
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>
Decatur Boulevard	Primary Arterial	Master Plan of Streets and Highways	100	Y
Tropical Parkway	Secondary Collector	Master Plan of Streets and Highways	80	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>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	368,378 SF	1:250	1,474				
TOTAL SPACES REQUIRED			1,474		1,926		Y
Regular and Handicap Spaces Required			1,449	25	1,884	42	Y

ANALYSIS

The property is zoned C-1 (Limited Commercial), 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 C-1 (Limited Commercial) zone with the approval of a Special Use Permit.

The applicant is requesting an Accessory Package Liquor use within an existing 131,810 square-foot retail establishment at 6371 North Decatur Boulevard. 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.

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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.”

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 158 square feet of the existing 85,898 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 northwest corner of Tropical Parkway and Decatur Boulevard.

* 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-55239)

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.

Primary site access is from Decatur Boulevard, a 100-foot wide Primary Arterial and Tropical Parkway, an 80-foot wide Major Collector. Both rights-of-way provide adequate access for the proposed Retail Establishment with Accessory Package Liquor Off-Sale use.

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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 23

NOTICES MAILED 1075

APPROVALS 0

PROTESTS 0