



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MARCH 12, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: DURANGO MARKET - OWNER: KENNA III, LLC

** STAFF RECOMMENDATION **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-48083	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-48083 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Retail Establishment with Accessory Package Liquor 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. 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 the original manufacturer's configuration intended for off-sale resale.
6. All signage shall be permitted and meet minimum code requirements within 30 days of final approval.
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 is a request for a Special Use Permit to add the Retail Establishment with Accessory Package Liquor Off-Sale Establishment use to an existing 2,326 square-foot Convenience Store at 6955 North Durango Drive, Suite #1114. The proposed use consists of the addition of 20 square feet of shelf display for liquor located behind the front counter. The use will operate in addition to the existing Beer/Wine/Cooler Off-Sale use. There are no waivers required as a part of this request. The proposed use meets all Title 19.12 standards for a Retail Establishment with Accessory Package Liquor Off-Sale Establishment use, 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.
- The Convenience Store currently operates a Beer/Wine/Cooler Off-Sale use at this location.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
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.
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.
06/10/04	The Planning Commission approved a Tentative Map (TMP-3991) for a 284-lot condominium development, to include 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 #1114. The Planning Commission and staff recommended approval.

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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. This entitlement was not exercised and expired 12/01/05.
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.
10/20/10	The City Council approved request for a Special Use Permit (SUP-38909) for a Package Liquor Off-Sale use within an existing 2,326 square-foot retail establishment at 6955 North Durango Drive, Suite #1114. The Planning Commission and staff recommended approval. This entitlement expired on 10/20/12.

<i>Most Recent Change of Ownership</i>	
01/03/11	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
05/10/05	A Building Permit (#05-003055) was issued for a tenant improvement build out at 6955 North Durango, Suite #1114. The project was completed 10/07/05.
08/16/11	A business license was issued for a Convenience Store (#C15-00407) and a Tobacco Dealer (#C05-02803) at 6955 North Durango Drive, Suite #1114. These licenses are still active.
09/14/11	A business license (#L10-00332) was issued for Beer/Wine/Cooler Off-Sale at 6955 North Durango Drive, Suite #1114. This license is still active.
03/27/12	A business license was issued for Restricted Gaming (#G01-02442) at 6955 North Durango Drive, Suite #1114. This license is still active.

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03/27/12	A business license was issued for Restricted Gaming (#G01-02442) at 6955 North Durango Drive, Suite #1114. This license is still active.

<i>Pre-Application Meeting</i>	
01/03/13	A pre-application meeting was held with the applicant to discuss the requirements for submitting a Special use Permit required for the addition of off-premise package liquor sales.

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

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Field Check	
01/30/13	Staff visited the site and found a Convenience Store operating with an approved Beer/Wine/Cooler Off-Sale use. It is noted that the window signage is not in conformance with the General Sign Design Guidelines listed in the Town Center Development Standards Manual.

Details of Application Request	
Site Area	
Net Acres	12.63

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	General Retail, Other Than Listed	UC-TC (Urban Center Mixed Use)	T-C (Town Center)
North	Single Family, Detached	M-TC (Medium Density Residential)	T-C (Town Center)
	General Retail, Other Than Listed	UC-TC (Urban Center Mixed Use)	T-C (Town Center)
South	General Retail, Other Than Listed	GC-TC (General Commercial)	T-C (Town Center)
	Undeveloped	UC-TC (Urban Center Mixed Use)	
	Single Family, Detached	ML-TC (Medium Low Density Residential)	
East	Hospital	UC-TC (Urban Center Mixed Use)	T-C (Town Center)
West	Single Family, Detached	ML-TC (Medium Low Density Residential)	T-C (Town Center)

Master Plan Areas	Compliance
Town Center Master Plan	Y
Special Purpose and Overlay Districts	Compliance
T-C (Town Center) District	Y
Other Plans or Special Requirements	Compliance
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

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08 and 19.12, 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	(104) One Bedroom Units	1.25 per Unit	130				
	(138) Two Bedroom Units	1.75 per Unit	242				
	(32) Three Bedroom Unit	2 per Unit	64				
	Plus 1 space / 6 Units for Guests		46				
Retail	16,000 SF	1:250 SF	64		599		
TOTAL SPACES REQUIRED			546				
Regular and Handicap Spaces Required			543	3	593	6	Y

ANALYSIS

The Retail Establishment with Accessory Package Liquor Off-Sale use is defined as, “A retail establishment:

1. Whose license to sell alcoholic beverage 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 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 provide on-premises wine, cordial and liqueur tasting if the licensee holds a wine, cordial, and liqueur tasting license for that location.”

The proposed use meets the definition above, as the provided floor plans show 20 square feet of shelf space dedicated to liquor display and sales located behind the front counter, in addition to the approximately 80 square feet dedicated to the existing Beer/Wine/Cooler Off-Sale use.

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The Minimum Special Use Permit Requirements for this use include:

- *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, synagogue, school, child care facility licensed for more than 12 children, or City park.
- *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.
- *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 Retail Establishment with Accessory Package Liquor Off-Sale will be located, without regard to intervening obstacles.
- 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.

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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.

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

*7. The minimum distance requirements set for 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 TC (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
- d. In connection with a retail establishment having less than 20,000 square feet or 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 right of way with a width of at least 100 feet.

The proposed use complies with all Minimum Special Use Permit Requirements; there are no protected uses within 400 feet of this proposal. The proposed use is complementary to the existing Convenience Store and other existing retail establishments found on site.

The proposed use is located within a larger mixed use development, which provides cross-access and shared parking throughout the entire commercial and residential development. Two handicap spaces are located adjacent to front of the building along with numerous parking spaces adjacent to the building. No additional parking required beyond that which is required for the principal use on the site, as parking requirements were addressed during the Site Development Plan Review for this site.

Staff recommends approval of this request, as the use conforms to the Minimum Special use Permit Requirements and is a compatible use for the proposed location. If denied, the applicant would be allowed to operate a Convenience Store with Beer/Wine/Cooler Off-Sale.

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FINDINGS (SUP-48083)

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 is compatible with the UC-TC (Urban Center Mixed Use) Town Center special land use designation and is located within an existing commercial center. The proposed use can be conducted in a manner that is harmonious and compatible with the surrounding uses.

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

The proposed use will operate within a convenience store within a portion of a multi-tenant retail building. There is no evidence of a physical constraint to the proposed use on the subject site.

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 primary arterial that provides adequate capacity to serve proposed 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 Retail Establishment with Accessory Package Liquor Off-Sale use is subject to regular inspections by regulatory agencies for business licensing and will therefore not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

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

The proposed use in conjunction with an existing restaurant complies with the conditions per Title 19.12. The provided floor plans shows 60 square feet of cooler space, 20 square feet of wine display, and 20 square feet of shelf space for liquor display.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 29

NOTICES MAILED 1,254

APPROVALS 0

PROTESTS 0