



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: OCTOBER 16, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: SUPER CENTER CONCEPTS, INC. - OWNER:
DECATUR MEADOWS PARTNERS, LLC

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0351-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 866

PROTESTS 5

APPROVALS 1

**** CONDITIONS ****

24-0351-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, Off-Premise Full 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. A Waiver from Title 19.12 is hereby approved, to allow a 127-foot distance separation from another alcohol, off-premise full use where 1,000 feet is required.
4. 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 Division.
5. 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.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Special Use Permit request for a proposed 36,888 square-foot Alcohol, Off-Premise Full use within a proposed grocery store at 390 South Decatur Boulevard.

ISSUES

- The Alcohol, Off-Premise Full use is allowed in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit. Staff supports this request.
- A Waiver of Minimum Special Use Permit Requirement #1 is requested to allow a 127-foot separation from an existing Alcohol, Off-Premise Full use where 1,000 feet is required. Staff supports this request.

ANALYSIS

The subject site is zoned C-2 (General Commercial) and subject to Title 19 development standards. It is developed with an existing shopping center. The applicant requests a Special Use Permit to allow a 36,888 square-foot Alcohol, Off-Premise Full use within a proposed grocery store. The subject tenant space is currently operated as a Thrift Store.

Pursuant to Title 19, an the Alcohol, Off-Premise Full use is defined as “An establishment licensed to sell alcoholic beverages, not limited to the sale of beer, wine and coolers, to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold.” The proposed use meets the definition, as the applicant intends to sell alcoholic beverages for off-premise consumption within a proposed grocery store.

Minimum Special Use Permit Requirements:

- *1. Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a minimum distance separation between an Alcohol, Off-Premise Full establishment and certain other uses that should be protected from the impacts associated with that establishment, or that otherwise should be separated so as to minimize impacts on surrounding areas. Therefore, except as otherwise provided in these Requirements, no Alcohol, Off-Premise Full establishment may be located:

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- a. Within 400 feet of any of the following uses:
 - i. Church/house of worship;
 - ii. School;
 - iii. Individual care center licensed for more than 12 children; or
 - iv. City park
- b. Within 1000 feet of another Alcohol, Off-Premise Full establishment

The proposed use is not located within 400 feet of any protected uses; however there is another Alcohol, Off-Premise Full establishment located within the required distance separation area. A Waiver is requested to allow a 127-foot distance separation from another Alcohol, Off-Premise Full Use. The subject site is developed with a shopping center that can accommodate a variety of commercial uses. While the Waiver request is for 127 feet, the proposed and existing Alcohol, Off-Premise Full uses are located within commercial subdivisions. The actual distance between the two uses would be closer to 500 feet. Staff finds both uses can coexist without detriment to the surrounding area.

- 2. The distance separation requirements set forth in Requirement 1 do not apply to:
 - a. An establishment which has a non-restricted 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 Grocery Store with greater than 50,000 square feet of gross floor area.

This requirement is not applicable, as the proposed land use is not associated with a non-restricted gaming license with a hotel having more than 200 rooms or a Grocery Store having more than 50,000 square feet of retail floor space.

- 3. The minimum distance separation requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived in connection with an Alcohol, Off-Premise Full establishment located within a Grocery Store:
 - a. In accordance with the provisions of LVMC 19.12.050(C) for a location within the Downtown Casino Overlay District;
 - b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for a location within the T-C (Town Center) Zoning District that is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan;
 - c. Having between 20,000 square feet and 50,000 square feet of retail floor space; or

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- d. 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.

The proposed Alcohol, Off-Premise Full use will be located within a 36,888 square-foot Grocery Store; therefore the distance requirements set forth in Requirement #1 can be waived. A Waiver is requested, as the proposed use does not meet minimum distance separation requirements set forth in Requirement #1. Staff supports the requested Waiver.

- *4. The establishment shall not be located on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

The proposed use is not located on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68 and therefore meets this requirement.

The proposed use would operate within a shopping center that is designed to accommodate a variety of commercial uses. While a distance separation Waiver is requested, staff finds the use can be conducted in a harmonious and compatible manner with the surrounding area. Therefore, staff recommends approval, subject to conditions.

FINDINGS (24-0351-SUP1)

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 Alcohol, Off-Premise Full use would occur within a grocery store located in a commercial shopping center. The proposed use can be conducted in a manner that is harmonious and compatible with the existing and future commercial land uses in the surrounding area.

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

The subject site is located within an established commercial shopping center, which was designed to accommodate a wide variety of commercial uses, making it physically suitable for the type and intensity of land use proposed.

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- 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.**

The subject site can be accessed from Decatur Boulevard, a 100-foot Primary Arterial, which is adequate in size to service the needs of the 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 site is subject to licensing and inspection, thus protecting the public health, safety and general welfare.

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

The proposed use does not meet the minimum 1000-foot distance separation requirement from another Alcohol, Off-Premise Full establishment; therefore, a Waiver is requested.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
05/03/78	The Board of City Commissioners approved a request for a Rezoning and Plot Plan Review (Z-0031-78) from R-1 (Single Family Residence) to C-2 (General Commercial) for a proposed shopping center generally located on the southwest corner of Decatur Boulevard and Meadows Lane.
11/28/05	The Department of Community Development - Planning Division approved a request for a Minor Site Development Plan Review (SDR-19825) to allow a proposed 80-foot Wireless Communication Facility, Stealth (Monopalm) at 310 South Decatur Boulevard.
06/28/07	The Department of Community Development - Planning Division approved a request for a Minor Site Development Plan Review (SDR-22218) to allow a proposed co-location of antennas on an existing 80-foot Wireless Communication Facility, Stealth (Monopalm) at 310 South Decatur Boulevard.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc., (cont.)</i>	
06/14/11	The Department of Community Development - Planning Division approved a request for a Minor Site Development Plan Review (SDR-41795) to install three (3) new LTE panel antennas (one per sector), six (6) radio remote heads (two per sector), and one (1) surge suppressor unit at the 73'-3" centerline of an existing 75-foot tall wireless communication facility, stealth design (Monopalm); in addition to installing one (1) GPS antenna near the base of the facility at 310 South Decatur Boulevard.
07/06/11	The City Council approved a request for an Extension of Time (EOT-41940) for a Non-Conforming Tavern at 310 South Decatur Boulevard. Staff recommended approval of the request.
11/23/11	The City Council approved a General Plan Amendment (GPA-43991) to establish Redevelopment Area 2 and change the future land use designation on various parcels within the redevelopment Area to Commercial or Mixed-Use. The Planning Commission and Staff recommended approval.
03/13/12	The Planning Commission approved a request for a Special Use Permit (SUP-44432) for a proposed Thrift Shop, nonprofit within an existing building at 390 South Decatur Boulevard. Staff recommended approval of the request.
07/18/12	The City Council approved a request for an Extension of Time (EOT-45370) for a Non-Conforming Tavern at 310 South Decatur Boulevard. Staff recommended approval of the request. Staff recommended approval of the request.
01/15/20	The City Council approved a request for a Variance (VAR-77642) request to allow 407 parking spaces where 449 spaces are required on 9.32 acres on the west side of Decatur Boulevard, approximately 190 feet south of Meadows Lane.
	The City Council approved a request for a Site Development Plan Review (SDR-77643) for a proposed 865 square-foot restaurant with drive through on 9.32 acres on the west side of Decatur Boulevard approximately 155 feet south of Meadows Lane.
06/02/21	The City Council approved a request for a General Plan Amendment (21-0029-GPA1) to adopt the City of Las Vegas 2050 Master Plan and amend the City of Las Vegas General Plan from various categories to TOD-1 (Transit Oriented Development-1), TOD-2 (Transit Oriented Development-2), TOC-1 (Transit Oriented Corridor-1), TOC-2 (Transit Oriented Corridor-2), or NMUX (Neighborhood Center Mixed Use) within the City of Las Vegas.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc., (cont.)</i>	
11/10/21	A Code Enforcement case (CE21-05146) was processed for homeless / vagrants are camping near Dottie's casino by the bushes at 310 South Decatur Boulevard. The case was resolved on 12/08/21.
11/17/21	The City Council approved a request for a Special Use Permit (21-0397-SUP1) for a proposed 4,292 square-foot restaurant with alcohol use with an 856 square-foot outdoor seating area at 326 South Decatur Boulevard. The City Council approved a request for a Site Development Plan Review (21-0397-SDR1) for a proposed conversion of an existing commercial building into a restaurant with drive through with an 856 square-foot outdoor patio area on 9.32 acres at 326 South Decatur Boulevard.
03/10/22	A Code Enforcement case (CE22-01210) was processed for graffiti at 398 South Decatur Boulevard. The case was resolved on 03/30/22.
07/21/22	A Code Enforcement case (CE22-03880) was processed for graffiti at 398 South Decatur Boulevard. The case was resolved on 07/25/22.
10/12/23	A Code Enforcement case (CE23-07142) was processed for multiple tubs of water on the dock causing large amounts of mosquitoes to emerge in the area at 390 South Decatur Boulevard. The case was resolved on 10/17/23.
06/18/24	The Planning Commission approved Tentative Map (24-0207-TMP1) request for a one-lot commercial subdivision on 9.32 acres generally located at the southwest corner of Meadows Lane and Decatur Boulevard.
09/10/24	The Planning Commission voted (7-0) to recommend APPROVAL on the following Land Use Entitlement project request FOR A PROPOSED 36,888 SQUARE-FOOT ALCOHOL, OFF-PREMISE FULL USE WITH A WAIVER TO ALLOW A 127-FOOT DISTANCE SEPARATION FROM ANOTHER ALCOHOL, OFF-PREMISE FULL USE WHERE 1,000 FEET IS REQUIRED at 390 South Decatur Boulevard (APN 138-36-601-003), C-2 (General Commercial) Zone, Ward 1 (Knudsen).

<i>Most Recent Change of Ownership</i>	
12/08/21	A deed was recorded for a change in ownership.

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Related Building Permits/Business Licenses	
08/26/08	A building permit (#C-122893) was issued for proposed installation of a wall sign (Las Guanacas) at 342 South Decatur Boulevard. The permit has not been finalized.
02/09/11	A building permit (#C-179404) was issued for proposed tenant improvements (Dollar Tree) at 324 South Decatur Boulevard. The permit was finalized on 03/14/11.
11/16/11	A building permit (#C-198791) was issued for proposed installation of a wall sign (Los Tarascos Tacos) at 342 South Decatur Boulevard. The permit has not been finalized.
08/26/08	A building permit (#C-122893) was issued for proposed installation of a wall sign (Las Guanacas) at 342 South Decatur Boulevard. The permit has not been finalized.
02/09/11	A building permit (#C-179404) was issued for proposed tenant improvements (Dollar Tree) at 324 South Decatur Boulevard. The permit was finalized on 03/14/11.
11/16/11	A building permit (#C-198791) was issued for proposed installation of a wall sign (Los Tarascos Tacos) at 342 South Decatur Boulevard. The permit has not been finalized.
12/22/11	A building permit (#C-201715) was issued for proposed tenant improvements (Opportunity Village) at 390 South Decatur Boulevard. The permit was finalized on 03/19/12.
07/26/12	A building permit (#C-209893) was issued for proposed tenant improvements (Dotty's #73) at 310 South Decatur Boulevard. The permit was finalized on 01/22/13.
12/12/13	A building permit (#C-244172) was issued for proposed tenant improvements (Chandelier Banquet Hall) at 320 South Decatur Boulevard. The permit was finalized on 05/22/14.
06/23/14	A building permit (#C-263129) was issued for proposed tenant improvements for a change of occupancy retail to assembly (Chandelier Banquet Hall) at 320 South Decatur Boulevard. The permit was finalized on 04/21/16.
03/27/18	A building permit (#C18-00935) was issued for proposed tenant improvements (Weave a Diva) at 354 South Decatur Boulevard. The permit was finalized on 04/23/18.
10/08/18	A building permit (#C18-04383) was issued for proposed tenant improvements (VIP Pit Stop) at 348 South Decatur Boulevard. The permit has not been finalized.
03/27/19	A building permit (#C19-01374) was issued for proposed installation of a wall sign (Barber & Beauty) at 354 South Decatur Boulevard. The permit was finalized on 09/16/19.

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<i>Related Building Permits/Business Licenses (cont.)</i>	
09/17/19	A building permit (#C19-04197) was issued for proposed installation of a wall sign (Legal Ride) at 350 South Decatur Boulevard. The permit was finalized on 12/19/19.
09/30/19	A building permit (#C19-04381) was issued for proposed installation of a wall sign (Frida Tacos) at 342 South Decatur Boulevard. The permit has not been issued.
12/05/19	A building permit (#C19-05150) was issued for proposed installation of a wall sign (Cycle Gear) at 344 South Decatur Boulevard. The permit was finalized on 02/20/20.
07/15/20	A building permit (#L19-02659) was issued for proposed civil improvements (Dutch Bros, LLC) at 326 South Decatur Boulevard. The permit has not been finalized.
08/28/20	A building permit (#PRC20-00012) was issued for proposed new ground up coffee stand (Dutch Bros, LLC) with double drive-through at 326 South Decatur Boulevard. The permit was finalized on 08/28/20.
05/25/21	A building permit (#C21-01539) was issued for proposed tenant improvements (Moto Monkeyz) at 352 South Decatur Boulevard. The permit was finalized on 06/03/21.
11/10/21	A building permit (#PRC21-00156) was processed for proposed master package (Tacos El Cabron) for a remodel the existing single story building, change the use to a restaurant with alcohol, reduce building square footage, revise the parking and drive through per Site Design Review, re-stripe and improve the accessible route at 398 South Decatur Boulevard. The permit has not been issued.
11/12/21	A building permit (#C21-04792) was processed for proposed tenant improvements (Tacos El Cabron) at 398 South Decatur Boulevard. The permit has not been issued.
	A building permit (#C21-04793) was processed for proposed installation of a wall/fence (Tacos El Cabron) at 398 South Decatur Boulevard. The permit has not been issued.
12/20/22	A building permit (#C22-04587) was issued for proposed installation of three sets of channel letter (AT&T) at 316 South Decatur Boulevard. The permit has not been finalized.
10/30/23	A building permit (#C23-03773) was processed for proposed tenant improvements for a new grocery store (Superior Grocers) at 390 South Decatur Boulevard. The permit has not been issued.

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Pre-Application Meeting	
07/02/24	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Special Use Permit.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
08/01/24	Staff conducted a routine field check and found an existing shopping center. No issues were noted.

Details of Application Request	
Site Area	
Net Acres	9.32

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	TOD-1 (Transit Oriented Development - High)	C-2 (General Commercial)
North	Shopping Center	TOD-1 (Transit Oriented Development - High)	C-1 (Limited Commercial)
			C-2 (General Commercial)
South	Senior Apartments	TOD-1 (Transit Oriented Development - High)	C-2 (General Commercial)
East	Shopping Center	TOD-1 (Transit Oriented Development - High)	C-2 (General Commercial)
West	Apartments	TOD-1 (Transit Oriented Development - High)	C-2 (General Commercial)

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Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Charleston	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District - (140 Feet)	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 2	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Decatur Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	Y
Meadows Lane	Major Collector	Master Plan of Streets and Highways Map	80	Y

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	
Shopping Center	111,683 SF	1:250 SF	447				
TOTAL SPACES REQUIRED			447		418		Y*
Regular and Handicap Spaces Required			438	7	404	14	Y*

*Variance (VAR-77642) was previously approved to allow a nine percent reduction in parking for the subject shopping center.

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<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
1000-foot distance separation from another Alcohol, Off-Premise Full establishment	To allow a 127-foot distance separation from another Alcohol, Off-Premise Full establishment	Approval