



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-16160 - APPLICANT: BOB AUJLA - OWNER: BP WEST COAST PRODUCTS, LLC**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Beer/Wine/Cooler Off-Sale Establishment use.
2. Approval of and conformance to the Conditions of Approval for Rezoning (VAR-16181) and Site Development Plan Review (SDR-16180) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
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 seeks approval of a Special Use Permit for a Beer/Wine/Cooler Off-Sale Establishment located at 1625 S. Decatur Boulevard. A companion Site Development Plan Review (SDR-16158) and Variance (VAR-16161) have been filed with this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
10/05/06	The Planning Commission recommended approval of companion items VAR-16161 and SDR-16158 concurrently with this application.  The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #47/rl).
<b><i>Related Building Permits/Business Licenses</i></b>	
10/08/03	Business License C15-2016-9678 issued to BP West Coast Products LLC for a Convenience Store at the subject site. This license remains active.
12/02/02	Business Licenses P35-2510-73230 and P35-2520-73230 issued to Golden Tel Inc. for two outdoor pay phones at the subject site. These licenses remain active.
09/10/03	Business License Applications C20-999227-474 Convention Hall Gaming Tax and G01-9999214-474 Gaming Restricted License applications were withdrawn by United Coin Machine Company.
10/08/03	Business License C05-1209B-9678 issued to BP West Coast Products LLC for a Tobacco Dealer-Retail at the subject site. This license remains active.
10/08/03	Business License L10-804-466 issued to BP West Coast Products LLC for a Beer/Wine/Cooler Off Sales at the subject site. This license remains active.

<b><i>Pre-Application Meeting</i></b>	
08/09/06	At the pre-application meeting held on 08/09/06, the applicant was told that a Site Development Plan Review is required for the proposed service center to replace an existing service center on the site. A variance would be required as well because of the proposed building to be located 3.5 Feet from the rear property line where 20 Feet are required. It was further recommended that the applicant request a Special Use Permit for Beer/Wine/Cooler Off-Sale establishment in the event that construction prevents the existing establishment from re-opening within six months. Development Coordination further requested a 54 Foot radius at the intersection of Decatur Boulevard and Oakey Avenue, and that the existing driveways be replaced. Additionally, a modified median on Oakey and modified bus turnout lane may be required.

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

<b><i>Details of Application Request</i></b>			
<b><i>Site Area</i></b>			
Gross Acres	0.69 Acres		
Net Acres	0.67 Acres		
<b><i>Surrounding Property</i></b>	<b><i>Existing Land Use</i></b>	<b><i>Planned Land Use</i></b>	<b><i>Existing Zoning</i></b>
Subject Property	Service Station without Auto Repair	(SC) Service Commercial	(C-1) Limited Commercial
North	Restaurant	(SC) Service Commercial	(C-1) Limited Commercial
South	Retail	(SC) Service Commercial	(C-1) Limited Commercial
East	Offices	(SC) Service Commercial	(C-1) Limited Commercial
West	Retail	(SC) Service Commercial	(C-1) Limited Commercial

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		N	Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>	Y		Y
Airport Overlay (200 Foot)	Y		Y
<b>Trails</b>	Y		Y
<b>Rural Preservation Overlay District</b>	N		Y
<b>Development Impact Notification Assessment</b>	N		Y
<b>Project of Regional Significance</b>	N		Y

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	28,558 Feet	Y
Min. Lot Width	100 Feet	117.3 Feet	Y
Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	20 Feet 10 Feet 15 Feet 20 Feet	133 Feet 11.5 Feet 64 Feet 3.5 Feet	Y Y Y N
Max. Lot Coverage	50%	8.6%	Y
Max. Building Height	NA	15.5 Feet	Y

*Pursuant to Title 19.10, the following parking standards apply:*

<i>Parking Requirement</i>							
<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	
Service Station without Automotive Repair	3,032 SF	1/250 SF	11	1	11	1	Y
<b>TOTAL</b>			12		12		

**ANALYSIS**

**General Plan and Zoning**

The subject site is located in the Southwest Sector of the General Plan. Within that Sector, it has a land use designation of SC (Service Commercial). This designation allows for a variety of commercial uses that serve primarily local area patrons. The underlying zoning of C-1 (Limited Commercial) is in compliance with the General Plan designation.

The sale of beer/wine/coolers for consumption off-premise in conjunction with a service station is an allowed use within the C-1 (Limited Commercial) Zoning District with the approval of a Special Use Permit. The reason for a special use permit is to ensure that a proposed use conducted in a manner that is harmonious and compatible with uses located on the same or surrounding properties. The process recognizes that, within a given zoning district, certain uses may be appropriate and compatible in some locations but not in others (Subsection 19.18.060 A.). The subject site is appropriate for the proposed use, and sufficient parking is provided; however, the proposed 3.5 Foot rear yard setback where 20 Feet is required and the accompanying request for a variance call into question whether this land use is both compatible and harmonious as required

The Special Use Permit process allows a site-specific inquiry into the compatibility of a proposed use at a particular location, taking into account: the characteristics of the site and the surroundings; the relevant zoning and planning principles; and the input of the Planning Commission, City Council and other interested parties.

### **Special Districts and Zones**

#### **Airport Overlay District**

The subject site is located in the North Las Vegas Airport Overlay District 200 Foot buffer. The proposed single story structure on the subject site is well under the maximum height allowed.

#### **Use**

All conditions for Retail Establishments with Accessory Package Liquor Off-Sale are met by this request. As it is located at a major intersection (Decatur Boulevard and Oakey Boulevard), this use is appropriate for the area and will be compatible with surrounding uses. It should be noted that this is an existing business which will be closing temporarily to demolish and rebuild the existing service station on the subject site.+

#### **Conditions**

The following conditions apply to the proposed use:

1. Except as otherwise provided in this Chapter, no retail establishment with accessory package liquor off-sale (hereinafter establishment) shall be located within four hundred feet of any church, synagogue, child care facility licensed for more than twelve children, or City park.

2. Except as otherwise provided in Paragraph 3 below, the distances referred to in Paragraph 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 purpose 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 Paragraph 1.
3. In the case of an establishment property to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Paragraph 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 lines of a leasehold or occupancy parcel in which the establishment 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 Paragraph 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.
5. The minimum distance requirements in Paragraph 1 do not apply to:
  - a. An establishment which has a nonrestricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992; or
  - b. A proposed establishment having more than fifty thousand square feet of retail floor space.
6. All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.
7. The minimum distance requirements set forth in paragraph 1, which are otherwise nonwaivable under the provisions of this subdivision, maybe be waived:
  - a. In accordance with the provisions of Section 19.040.050(A)(4) 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; or
- c. In connection with a retail establishment having less than twenty thousand 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 right-of-way with a width of at least one hundred feet.

Public Works has no concerns with this application, aside from those conditions expressed in the related Site Development Plan Review (SDR-16158).

## **FINDINGS**

The following findings must be made for a Special Use Permit:

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 subject proposal is compatible with the General Plan, but the Variance to allow a 3.5 Foot setback where 20 Feet are required may negatively impact neighboring land uses.

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

The proposed site plan requires a Variance as it depicts the service station in which the alcoholic beverages will be sold only 3.5 Feet from the property line where a 20 Foot setback is required. This is not harmonious with the surrounding land 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.

The subject site is served by Decatur Boulevard (a 100-foot primary arterial) and Oakey Boulevard (an 80-foot secondary collector). These thoroughfares are capable of accommodating traffic that will generated by the subject proposal.

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 subject request will not compromise the public health, safety or general welfare of the surrounding neighborhood nor compromise the objectives of the General Plan.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed use is in full compliance with all applicable conditions of Title 19.04

#### **PLANNING COMMISSION ACTION**

One condition was eliminated by the Planning Commission as shown.

#### **NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 14

**ASSEMBLY DISTRICT** 3

**SENATE DISTRICT** 11

**NOTICES MAILED** 614 by City Clerk

**APPROVALS** 0

**PROTESTS** 0