



AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 6, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-16911 - APPLICANT: FL SMITH, LLC - OWNER: FORT APACHE COMMONS LTD, LLC

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. Approval of this Special Use Permit does not constitute approval of a liquor license.
3. 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.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, strobe lights or other similar attention gaining item or devices shall be displayed upon the subject property or a vehicle displayed for sale in the parking lot of the subject property without the appropriate permits.
6. 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 for a Special Use Permit for a Beer/Wine/Cooler Off-Sale Establishment at 1101 South Fort Apache Road at an existing car wash.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/15/89	The City Council approved a request (Z-0139-88) for Reclassification of property located on the west side of Fort Apache Road, between Sahara Avenue and Charleston Boulevard, from N-U (Non Urban) Zone under Resolution of Intent to R-PD4 (Residential Planned Development - 4 Units per Acre), P-R (Professional Office & Parking), C-1 (Limited Commercial), and C-V (Civic), to R-PD7 (Residential Planned Development - 7 Units per Acre), R-3 (Limited Multiple Residence), and C-1 (Limited Commercial). The Planning Commission recommended approval.
12/04/02	The City Council approved a request Special Use Permit (SUP-1047) for a tavern and a waiver of the separation distance between taverns and a Site Development Plan Review (SDR-1048) for the tavern on this site. The Planning Commission recommended approval.
02/05/03	The City Council approved a Site Development Plan Review (SDR-1318) for the Retail Building Addition to the overall shopping center. The Planning Commission recommended approval.
10/19/06	The Planning Commission approval a Site Development Plan Review (SDR-16500) for a 580 square-foot Fast Food Restaurant Addition to an existing service station on the subject site. Staff recommended approval.
11/02/06	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #48/rl).

<i>Related Building Permits/Business Licenses</i>	
08/07/02	Active Business License G02-5483-97173 issued to Smog Xpress for Garage-Minor Auto Repair.
12/02/02	Active Business License P35-47-0-77658 issued to Central Pay Phones for an Outdoor Payphone.
08/21/03	Building Permit issued for Fire Repair on the subject site.
10/02/03	Building Permit issued for Temporary Sales Trailer on the subject site.
10/09/03	Building Permit issued for Interior Remodel on the subject site.
10/28/03	Building Permit issued for 3 Sets Channel Letters on the subject site.
10/29/03	Building Permit issued for Installation of a Combination Cooler/Freezer on the subject site.
11/6/03	Building Permits issued for Low Voltage, Wire and CCTV devices on the subject site.
11/07/03	Building Permit issued for Low Voltage Only on the subject site.
04/21/05	Active Business License R01-5062-109547 issued to AAA Auto Glass for Repairs Miscellaneous.
06/02/05	Active Business License C02-185L-82137 issued to Fabulous Freddys Car Wash for Car Wash.
06/02/05	Active Business License M03-565-82137 issued to Fabulous Freddys Car Wash for a Massage Establishment
09/26/05	Active Business License S05-10373-82137 issued to Fabulous Shoe Shine Stand for a Shoe Shine Stand.
<i>Pre-Application Meeting</i>	
08/16/06	At a pre-application meeting, the applicant was informed of the special use requirements for a Beer/Wine/Cooler off-sale establishment, including the parking requirements.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this application, nor was one held.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.86
Net Acres	1.86

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	General Commercial	SC (Service Commerical)	C-1 (Limited Commercial)
North	Service Commercial	SC (Service Commerical)	C-1 (Limited Commercial)
South	Service Commercial	SC (Service Commerical)	C-1 (Limited Commercial)
East	School/ Park/ Open Space	SC (Service Commerical)	C-1 (Limited Commercial)
West	Service Commercial	SC (Service Commerical)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	81,064 SF	Y
Min. Lot Width	100 Feet	293 Feet	Y
Min. Setbacks			
• Front	20 Feet	54 Feet	Y
• Side	8 Feet	61 Feet	Y
• Corner	15 Feet	108 Feet	Y
• Rear	8 Feet	44 Feet	Y
Max. Lot Coverage	50%	12%	Y
Max. Building Height	NA	16 Feet	Y
Trash Enclosure	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.10, 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	
Retail	3,600 SF	1/250 SF	15 Total		53	3	Y
Car Wash	3,300 SF	1/150 SF	22 Total				
Restaurant Seating	100 SF	1/50 SF	2 Total				
Other	580 SF	1/200 SF	3 Total				
			40	2	53	3	Y
TOTAL			42		56		Y

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

- Use**

The sale of beer/wine/coolers for consumption off-premise in conjunction with a car wash 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.

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.

- **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.

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.
2. The subject site is physically suitable for the type and intensity of land use proposed.
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.
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.
5. The use meets all of the applicable conditions per Title 19.04.

In regard to 1:

The project is compatible with the General Plan land-use designation for the area and satisfies the requirements of the Zoning Code with respect to minimum separation distance requirements. The project, located in a substantial commercial development at an intersection where all four corners are occupied by major commercial developments, can be expected to be compatible with, and mutually supportive of, these other commercial uses.

In regard to 2:

There is no evidence of any physical constraint to the location of the proposed Beer/Wine/Cooler Off-Sale Establishment use on the subject site.

In regard to 3:

The proposed Beer/Wine/Cooler Off-Sale Establishment use will be accessed from Fort Apache Road and Charleston Boulevard, both identified on the Master Plan of Streets and Highways as 100-foot Primary Arterials. These roads have adequate capacity to serve the proposed development. The project will not have any negative traffic impact on nearby residential neighborhoods.

In regard to 4:

The proposed use will be subject to regular City and County inspections for licensing and will, therefore, not compromise the public health, safety, and welfare.

In regard to 5:

The subject site meets all applicable conditions for a Beer/Wine/Cooler Off-Sale Establishment as per the requirements of Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 472 by City Clerk

APPROVALS 0

PROTESTS 1