City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 4, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-19340 - APPLICANT/OWNER: JOE BAHNAN

** CONDITIONS **

The Planning Commission (6-1/sd vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (Z-156-62).

2. 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.

3. Approval of this Special Use Permit does not constitute approval of a liquor license.

4. The sale of alcoholic beverages shall be limited to a maximum of 10 % of the floor area of the convenience store.

5. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a retail establishment with accessory package liquor off-sale use.

6. 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.

7. Revised plans adequately addressing the Handicapped Accessibility Standards per Title 19.10 are required prior to the issuance of a business license.

8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

9. 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 a request for a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-sale at 2981 East Charleston Boulevard. This property is located within the M (Industrial) Zone and is a permitted use only with an approved Special Use Permit. There are no protected uses within the 400-foot separation distance from this address.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
1/11/63	The City Council approved a Rezoning (Z-156-62) from R-1 (Single Family Residential) Zone and R-2 (Medium Density Residential) Zone
03/08/07	The Planning Commission voted 6-1/sd to recommend APPROVAL (PC Agenda Item #26/mh).
Related Building Permits/Business Licenses	
11/30/06	Business license #C04-00349 for Chris Market tobacco dealer.
11/30/06	Business license #C15-00349 for Chris Market convenience store.
Pending	Business license #C23-02487 for Chris Market check cashing service
Pre-Application Meeting	
01/05/07	A pre-application meeting was held and the conditions required of a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale application were discussed.
Neighborhood Meeting	
NA	A neighborhood meeting was not required, nor was one held.

Details of Application Request	
Site Area	
Net Acres	0.5 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convenience Store	LI/R (Light Industrial/Research)	M (Industrial)
North	Auto shop	LI/R (Light Industrial/Research)	M (Industrial)
South	Multi-family residential	Clark County	Clark County
East	Shopping Center	LI/R (Light Industrial/Research)	M (Industrial)
West	Apartments	H (High Density Residential)	C-2 (General Commercial)

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

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 Establishment w/ Accessory Package Liquor Off-Sale	4,921 SF GFA	1:175 GFA	28	2	29	2	Y
TOTAL			28	2	29	2*	N*

*Neither of the two handicapped accessible spaces provided are in compliance with the Design Standards as listed in Title 19.10.010. The space located at the entrance off of Charleston Boulevard adjacent to the building shows a loading zone that extends into the dedicated entrance. The space located adjacent to the west property line does not provide the most direct access to the front entrance. As the two issues are easily remedied, staff has conditioned the approval of this Special Use Permit based on compliance with Title 19.10.010.

ANALYSIS

- General Plan & Zoning

The subject property is designated as LI/R (Light Industrial/Research) by the General Plan. The Light Industrial/Research category allows for clean, low-intensity industrial uses. Typical general commercial uses that are ancillary to the more intense industrial uses are permitted as well.

The property is located within the M (Industrial) Zoning District, which includes services ancillary and supportive of low-intensity industrial uses. There are no protected uses within 400 feet of this site and this Special Use Permit conforms to applicable General Plan Policies and the regulations of the M District.

•Minimum Special Use Permit Conditions for:

RETAIL ESTABLISHMENT WITH ACCESSORY PACKAGE LIQUOR OFFSALE [C-1, C-2, C-M, M]

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 requiring that:

*1. Except as otherwise provided in this Chapter, no retain establishment accessory package liquor off-sale (hereinafter establishment) shall be located within four hundred feet of any church, synagogue, school, 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 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 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, may 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 least one hundred feet.

Conditions denoted with an asterisk cannot be waived.

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 proposed use, as a retail establishment with accessory package liquor off-sale in an existing convenience store, would be compatible with existing and future surrounding land use and development. The majority of the properties near the subject site are designated for general commercial and industrial uses with some apartment complexes located close by.

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

   The subject site is physically suitable for the proposed addition of an accessory package liquor off-sale to an existing retail establishment. The use will not be too intense for this area of the City. However, the applicant will need to make some adjustments to adequately accommodate the handicapped accessibility parking standards. The provided drawings are not in compliance with Title 19.10, but can be easily remedied.

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 site gains access from Charleston Boulevard, which is designated by the Master Plan of Streets and Highways as a 100-foot Primary Arterial and which provides adequate access to the site.

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 would be subject to frequent inspections and would not compromise public health or safety.

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

   The proposed addition of the accessory package liquor off-sale use to an existing convenience store meets all of the applicable conditions per Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED	8
ASSEMBLY DISTRICT	12
SENATE DISTRICT	10
NOTICES MAILED	79 by the City Clerk
APPROVALS	0
PROTESTS	0