



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 3, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ROC-29141 - REVIEW OF CONDITION - PUBLIC HEARING -
OWNER: SMK, INC - APPLICANT: ABC STORES

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

1. Condition Number Eight of Special Use Permit (U-0147-01) shall be deleted.
2. Conformance to all other Conditions of Approval of Special Use Permit (U-0147-01) and Review of Conditions (ROC-4886), if approved.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a second request for a Review of Condition of an approved Special Use Permit (U-0147-01) that allows a Package Liquor Off-Sale Establishment in conjunction with a Convenience Store. The applicant requests to delete Condition Number Eight, which prohibited the sale of individual containers of any size of beer, wine coolers or screw cap wine, that all such products shall remain in their original configurations as shipped by the manufacturer, and that no repackaging of containers into groups smaller than the original shipping container size shall be permitted for an Off-premise package liquor establishment located at 23 Fremont Street.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/23/98	The City Council accepted the applicants request to withdraw without prejudice a request for a Special Use Permit (U-0120-98) for packaged liquor sales located within a Gift Shop adjacent to the east of the subject site (25 Fremont Street). The Planning Commission and staff recommended denial.
07/03/02	The City Council approved a Special Use Permit (U-0147-01) for the sale of Packaged Liquor for Off-Premise consumption in conjunction with a convenience store on the subject site. The Planning Commission recommended approval. Staff recommended denial based on the oversaturation of alcohol-related uses within the Fremont Street Experience. A condition of the approval limited alcohol sales to beer and wine only and to the areas of the store proposed on the site plan.
01/22/03	The City Council approved a Required Six Month Review (RQR-1485) of a Special Use Permit for the sale of beer and wine for off-premise consumption on the subject site. Staff had no recommendation.
09/01/04	The City Council approved a request for a Review of Condition (ROC-4886) to delete Condition Numbers 2 and 7 of an approved Special Use Permit (U-0147-01), which limited the sale of alcoholic beverages to beer and wine only and limited the area in which the beverages could be sold to the area proposed on the floor plan, at an existing convenience store at 23 Fremont Street. Staff recommended denial.
<i>Related Building Permits/Business Licenses</i>	
11/13/01	Business license #C05-00284 issued for a Convenience Store selling groceries at retail and having not less than 1,200 sq. ft. nor more than 5,000 sq. ft. of floor space devoted to retail sales display.

07/19/02	Business license #L15-00124 issued for Package Liquor authorizing the retail sale of alcoholic beverages in original sealed or corked containers for consumption off the premises.
Pre-Application Meeting	
A pre-application meeting is not required for this type of application request, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this type of application request, nor was one held.	

Details of Application Request	
Site Area	
Net Acres	0.14 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convenience Store/Gift Shop	C (Commercial)	C-2 (General Commercial)
North	Casino and Restaurants	C (Commercial)	C-2 (General Commercial)
South	Casino and Restaurants	C (Commercial)	C-2 (General Commercial)
East	Gift Shop	C (Commercial)	C-2 (General Commercial)
West	Clothing Store	C (Commercial)	C-2 (General Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Downtown Centennial Plan Central Casino District	X		Y
Las Vegas Redevelopment Plan Downtown Redevelopment Area	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O Airport Overlay 200 Feet	X		Y
Downtown Casino Overlay District	X		Y
Live Work Overlay	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

ANALYSIS

This is the second request for a Review of Condition of the approved Special Use Permit (U-0147-01). The previous Review of Condition (ROC-4886) eliminated Conditions Number Two and Number Seven. This request is to remove Condition Number Eight.

The Package Liquor Off-Sale Establishment is an allowable use within the C-2 (General Commercial) Zoning District and the Central Casino District of the Las Vegas Downtown Centennial Plan, with the approval of a Special Use Permit. Although this Package Liquor Off-Sale Establishment operates as an accessory use to a convenience store, this entitlement was not approved as a Retail Establishment with Accessory Package Liquor Off-Sale. Rather, the more intense Package Liquor Off-Sale Establishment use was originally approved with conditions specifically limiting the intensity of that use by means of restricting sales to beer and wine only, limiting the sales area to 200 square feet, and not allowing for the sale of individual containers.

Conditions of Approval for Special Use Permit (U-0147-01) are listed below:

1. The Planning Commission shall review the Special Use Permit 6 months from the date of approval of the liquor license.
2. The sale of beer and wine shall be limited to the area as proposed on the floor plan.
3. Conformance to all Minimum Requirements under Title 19A.04.050 for the sale of package for off-premise consumption.
4. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
5. All City Code requirements and design standards of all City departments must be satisfied.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. The sale of alcoholic beverages shall be limited to the sale of beer and wine only.
8. 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.
9. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

Conditions of Approval for the Review of Conditions (ROC-4886) which modified Special Use Permit (U-0147-01) are listed below:

1. Condition Numbers 2 and 7 of Special Use Permit (U-0147-01) shall be deleted.
2. Conformance to all other Conditions of Approval of Special Use Permit (U-0147-01).

FINDINGS

Condition Number Eight, along with Conditions Two and Seven, was specifically placed on this Special Use Permit (U-0147-01) to make certain that the proposed Package Liquor Off-Sale Establishment use would be harmonious and compatible with other uses in the Pedestrian Mall (the Fremont Street Experience). Since the initial approval of the Special Use Permit, a Review of Conditions (ROC-4886) was approved eliminating Conditions Two and Seven, removing the limit to how much floor area may be used for alcohol sales and by allowing the sale of liquor.

A potential issue is that individual sales of beer and wine can be prohibited but packaged liquor cannot be curtailed in the same manner as it is mostly sold in individual containers. With the approval of this request, there will be no remaining conditions on U-0147-01 that restricts a fully-entitled Package Liquor Off-Sale Establishment at this site. Therefore denial of this request is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 89

APPROVALS 0

PROTESTS 0