



AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 01, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-29619 - REQUIRED REVIEW - PUBLIC HEARING -
APPLICANT/OWNER: SYSTEM CAPITAL REAL PPTY CORP

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

1. Conformance to all Conditions of Approval for Special Use Permit (U-0066-99).
2. Payment of the required notification costs of \$800 within 10 days of City Council action.
3. No further review shall be required.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a required one year review of an approved Special Use Permit (U-0066-99) for the Off-Premise Sale of Beer and Wine in conjunction with a convenience store at 7171 West Ann Road.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/08/97	The City Council approved an Amendment (GPA-32-97) to the Northwest General Plan Amendment to the City of Las Vegas General Plan from ML (Medium/Low Density Residential) to SC (Service Commercial).
5/28/98	The City Council approved a Rezoning (Z-74-97) from U (Undeveloped) Zone [ML (Medium/Low Density Residential) General Plan Designation] to PD (Planned Development).
07/15/98	The Planning and Development Department administratively approved a Site Development Plan Review [Z-74-97(1)] for a proposed Restaurant with accessory retail (fast food restaurant with convenience store).
07/27/98	The City Council approved requests to vacate portion of Drexel Road and Rio Vista Street (VAC-22-98, VAC-23-98 and VAC-24-98) adjacent to the Rio Vista Plaza Master Plan area.
09/14/98	The City Council approved a request to amend the Rio Vista Master Plan [Z-74-97(2)] to allow a proposed 84,404 square foot Automobile Dealership.
01/25/99	The City Council approved a Site Development Plan Review [Z-74-97(3)] for a proposed 15,056 square-foot Retail Establishment and a Special Use Permit (U-131-98) to allow Packaged Liquor Sales in conjunction with a proposed 15,056 square-foot Retail Establishment.
02/08/99	The City Council approved Modification [Z-74-97(4)] to the Rio Vista Plaza Master Plan to allow modifications to the approved locations and sizes of proposed buildings and signs.
08/18/99	The City Council approved a request for a Special Use Permit (U-0066-99) to allow the Off-Premise Sale of Beer and Wine in conjunction with a Retail Establishment at 7171 West Ann Road, subject to a one year review. The Planning Commission recommended approval on 06/24/99 with staff recommending denial.
09/02/08	The Department of Planning and Development issued a notice of the Required Review for the approved Special Use Permit (U-0066-99) to the applicant. The notice detailed the submittal requirements and application fees due prior to the 10/01/08 City Council. No fees have been paid to date.

Related Business Licenses	
08/20/99	Business license #L10-00196 issued for a Beer/Wine/Cooler Off-Sale at 7171 West Ann Road. This license authorizes the sale of beer, wine and coolers in original sealed or corked containers at convenience store, grocery store, drug store or specialty merchandise stores and is for off-premise consumption only. NOTE: The convenience store is marked with a building address of 7169 located over the main entrance facing west.
08/24/99	Business license #R09-00950 issued for a Fast Food Restaurant at 7171 West Ann Road. NOTE: The restaurant is marked with a building address of 7171 located at the top of the front window facing north towards Ann Road.
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.	

Field Check	
09/12/08	A field check was carried out by staff with the following observations: <ul style="list-style-type: none"> • The single building shows an address of 7171 West Ann Road over the restaurant portion of the building and 7169 West Ann Road over the entrance to the Convenience store. • An automatic sliding-glass door is placed between the convenience store and the restaurant. • There were alcohol-sales displays located at the ends of each retail aisle at the southern end of the store.

Details of Application Request	
Site Area	
Gross Acres	1.52 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	PD (Planned Development)
North	Single Family Dwellings	ML (Medium Low Residential)	R-CL (Residential-Compact Lot)
South	Auto Dealership/ Single Family Dwellings	GC (General Commercial)/ML (Medium Low Residential)	C-2 (General Commercial)/ R-CL (Residential-Compact Lot)

East	Single Family Dwellings	ML (Medium Low Residential)	R-CL (Residential-Compact Lot)
West	Auto Dealership	GC (General Commercial)	C-2 (General Commercial)

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

ANALYSIS

The required review stems from a condition of approval placed upon the initial Special Use Permit (U-0066-99) entitlement that was granted by the City Council on 08/18/99. The applicant secured a business license for the entitled Off-Premise Sale of Beer and Wine Use on 08/20/99 and has maintained this entitlement with no related complaints from Code Enforcement or infractions from the Business Licensing Division for the past ten years.

Conditions of Approval of Special Use Permit U-0066-99:

1. Approval of this request does not constitute approval of a liquor license.
2. The use shall comply with all requirements of Title 6.50 of the City of Las Vegas Municipal Code.
3. Conformance to all original conditions of approval for Z-74-97, Z-74-97(1), the Rio Vista Plaza commercial subdivision, all subsequent site-related actions, and all ordinance amendments enacted subsequent to the original approval.
4. No alcoholic beverages shall be served or allowed within the restaurant portion of the building.
5. Signs shall be posted and maintained at all interior and exterior entrances to the restaurant portion of the building indicating that alcoholic beverages are not permitted in the restaurant.
6. A wall and door shall be installed in the hallway separating the convenience store and the restaurant areas of the building. This separation door must be self-closing and cannot be propped open.

7. A wall and door shall be installed prior to gaming commencing and beer and wine being sold.
8. A sign shall be posted and maintained on the wall of the dining area indicating the location of the bathroom inside the restaurant portion of the building.
9. Visible No Smoking signs shall be installed and maintained in designated areas.
10. The convenience store and restaurant portions of the building shall be assigned and shall continually utilize separate and distinct street addresses off of Ann Road.
11. Beer and wine shall be displayed only at the southerly end of the store.
12. A one year review before City Council of the entire facility.

FINDINGS

The applicant has met all conditions of approval of the Special Use Permit (U-0066-99). Upon a field check performed on 09/12/08, staff found that the displays of alcohol sales are located at the ends of the retail aisles at the southern half of the convenience store and are within close proximity to the sliding-glass partition that separates the restaurant. Additionally, each portion of the building does have a separate entrance, but the majority of the customers utilize the entrance from the convenience store due to the building arrangement. It is important to note that although each business has been licensed under the same address, the applicant has addressed the outside of the building with two separate building numbers -7169 West Ann Road for the convenience store and 7171 for the restaurant over the portion of the building occupied by each business. Therefore, staff recommends approval of this review and that no further reviews are required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 576

APPROVALS 0

PROTESTS 0

