



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 15, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-33655 REQUIRED REVIEW SPECIAL USE PERMIT

APPLICANT: ABC STORES - OWNER: SMK INC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions of approval for Special Use Permit (U-0147-01) and Review of Condition (ROC-29141).
2. 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 in response to a Required Review of a Review of Condition Number 8 (ROC-29141) of an approved Special Use Permit (U-0147-01), which prohibited the sale of individual containers of any size of beer, wine cooler or screw cap wine; that all 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 at 23 Fremont Street.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/16/64	The City Council approved a request for Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial), and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on property bounded by Main Street to the west, Bonanza Road to the north, Las Vegas Boulevard to the east, and Charleston Boulevard to the south. The Planning Commission recommended approval on 12/10/64.
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 in conjunction with an existing 5,120 square-foot Gift Shop on property located at 25 Fremont Street. The Planning Commission recommended denial on 10/22/98.
07/03/02	The City Council approved a request for a Special Use Permit (U-0147-01) for the Sale of Packaged Liquor for Off-Premise Consumption in conjunction with a Convenience Store at 23 Fremont Street. The Planning Commission recommended approval on 02/28/02.
01/22/03	The City Council approved a request for a Required Review (RQR-1485) of an approved Special Use Permit (U-0147-01) for the Sale of Packaged Liquor for Off-Premise Consumption in conjunction with a Convenience Store at 23 Fremont Street.

09/01/04	The City Council approved a request for a Review of Conditions (ROC-4886) to delete Conditions Number 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.
05/14/06	A Code Enforcement case (41334) was processed for trash and debris in the alley behind the building at 23 Fremont Street. The case was closed on 05/15/06.
09/03/08	The City Council approved a request for a Review of Condition Number 8 (ROC-29141), which prohibited the sale of individual containers of any size of beer, wine cooler or screw cap wine; that all 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 at 23 Fremont Street.
<i>Related Building Permits/Business Licenses</i>	
11/14/01	A business license (C05-02140) was issued for the sale of Tobacco products at 23 Fremont Street. The license is still active.
11/30/00	A building permit (00021687) was issued for a tenant improvement remodel at 23 Fremont Street. The permit was finalized on 05/30/02.
02/01/01	Building permits (01001703 and 01005248) were issued for electrical work for tenant improvements at 23 Fremont Street. The permits were not finalized.
07/19/02	A business license (L15-00124) was issued for the sale of Packaged Liquor at 23 Fremont Street. The license is still active.
12/06/02	A business license (C15-00284) was issued for a Convenience Store at 23 Fremont Street. The license is still active.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application, nor was one held.	
<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.14

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convenience Store	C (Commercial)	C-2 (General Commercial)
North	Casino and Retail Establishment	C (Commercial)	C-2 (General Commercial)
South	Parking Garage	C (Commercial)	C-2 (General Commercial)
East	Retail Establishment	C (Commercial)	C-2 (General Commercial)
West	Casino	C (Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
Downtown Centennial Plan	X		Y
Las Vegas Redevelopment Plan/Area	X		Y

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
A-O (Airport Overlay) District	X		Y
Downtown Casino Overlay District	X		Y
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first Required Review for the Review of Condition Number 8 of an approved Special Use Permit (U-0147-01), which prohibited the sale of individual containers of any size of beer, wine cooler or screw cap wine; that all 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 at 23 Fremont Street.

There have not been any complaints from surrounding businesses or residents regarding the sale of individual containers of beer, wine coolers, or screw cap wine at the subject site. The only Code Enforcement case processed for the location was in 2006 for trash and debris in the alley behind the building, which was resolved within one day.

FINDINGS

The Convenience Store is located in a C-2 (General Commercial) zoning district. No problems were noted during a field check of the site. There have been no complaints filed by businesses or residents regarding the revised condition of approval; therefore, staff is recommending approval with no further reviews.

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
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<u>ASSEMBLY DISTRICT</u>	N/A
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<u>SENATE DISTRICT</u>	N/A
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<u>NOTICES MAILED</u>	137
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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