



AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 5, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-34596 - APPLICANT: VINNY BOY'S ITALIAN MARKET -
OWNER: SPOAKS, LLC**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. All beer and wine coolers shall remain in the original manufacturer's configuration of four or six packs.
2. The sale of single beers, malt beverages or wine coolers of any size with alcohol by volume greater than six percent shall be prohibited. The sale of wine with alcohol by volume of 16 percent shall be prohibited.
3. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Beer/Wine/Cooler Off-Sale use.
4. 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.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit to allow a Beer/Wine/Cooler Off-Sale Establishment within an existing convenience store at 3620 West Sahara Avenue #W02. The Beer/Wine/Cooler Off-Sale use will be ancillary to the existing convenience store. If the application is denied the subject site will remain as a convenience store that cannot sell beer or wine on the premises.

ISSUES:

- As the proposed use complies with all Title 19 Zoning Code requirements and can be conducted in a manner that is harmonious and compatible with the existing and future surrounding land uses, staff is recommending approval of this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
12/27/94	The City Council approved a Special Use Permit (U-289-94) to allow the sale of beer and wine in conjunction with an existing restaurant on property located at 3620 W. Sahara Avenue #W02. The Board of Zoning Adjustment recommended approval.
12/14/00	A deed was recorded for change of ownership.
07/09/09	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #36/gk).
<i>Related Building Permits/Business Licenses</i>	
10/29/08	A Business License (#C15-00368) was issued for a convenience store at 3620 W. Sahara Avenue #W02. The license remains active at this location.
10/29/08	A Business License (#C05-02636) was issued for a tobacco dealer at 3620 W. Sahara Avenue #W02. The license remains active at this location.
05/04/09	A Business License (#L10-98486) was denied by the Planning & Development Department for a Beer/Wine/Cooler Off-sale at 3620 W. Sahara Avenue #W02. A Beer/Wine/Cooler Off-sale use requires a Special Use Permit in the C-1 zone. The denial of L10-98486 triggered the application of this Special Use Permit.
<i>Pre-Application Meeting</i>	
05/13/09	A pre-application meeting was held and the submittal requirements of a Special Use Permit application were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	

06/04/09	During a routine field check staff observed a well maintained retail center.
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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.05

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	(SC) Service Commercial	(C-1) Limited Commercial
North	Medium Density Residential (Apartments)	(M) Medium	(R-3) Medium Density Residential
South	Service Station	(SC) Service Commercial	(C-1) Limited Commercial
East	Shopping Center	(SC) Service Commercial	(C-1) Limited Commercial
West	Shopping Center	(SC) Service Commercial	(C-1) Limited Commercial

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District – 200 Feet	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 request is for a Special Use Permit for a proposed Beer/Wine/Cooler Off-Sale Establishment within an existing convenience store at 3620 West Sahara Avenue #W02. The beer and wine will be sold in an 80 square-foot section of the 4,375 square-foot convenience store, or 2% of the gross floor area as depicted on the floor plan date stamped 6/12/09. The hours of operation for the convenience store are Monday through Saturday 9 a.m. to 6 p.m. The convenience store will be closed on Sundays. The proposed location is part of an established shopping center at the northeast corner of West Sahara Avenue and South Valley View Boulevard, which supplies the required amount of parking for this site. This shopping center is able to accommodate a variety of uses such as professional offices, personal services, restaurants, and retail stores. No waivers are needed as a part of this request. The addition of a Beer/Wine/Cooler Off-Sale Establishment use ancillary to an existing convenience store within this shopping center is compatible with the existing and future land uses as specified by the General Plan. Therefore, staff recommends approval.

- **Use**

A Beer/Wine/Cooler On-Sale Establishment use is defined by Title 19 as “an establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine, and coolers to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold, and is operated in connection with a grocery store, drug store, convenience store, or specialty merchandise store.” The applicant has indicated that they will be performing the proposed use in conjunction with an existing convenience store. As the Beer/Wine/Cooler Off-Sale Establishment use is ancillary to the approved convenience store use, no additional parking is required. No Waivers are needed as a part of this request. The proposed Beer/Wine/Cooler Off-Sale Establishment meets all applicable Title 19, General Plan and all other applicable plans. Therefore, staff is recommending approval of the subject Special Use Permit.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

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 Beer/Wine/Cooler Off-Sale Establishment is within an existing Convenience store, which is adjacent to similar uses along Sahara Avenue. The addition of a Beer/Wine/Cooler Off-Sale Establishment use within this area is compatible with the existing and future land uses as specified by the General Plan.

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

The subject site is currently operated as a Convenience store. Similar alcohol related uses are common in this area of the City. The addition of this use will not intensify the physical requirements; therefore the subject site is physically suitable to accommodate the proposed use.

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.”

Site access is provided from Sahara Avenue, a 100-foot Primary Arterial, and Valley View Boulevard, an 80-foot Secondary Collector, as designated in the Master Plan of Streets and Highways. These streets provide adequate access to and from the subject property.

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 is zoned C-1 (Limited Commercial) and has a General Plan designation of SC (Service Commercial). Beer/Wine/Cooler Off-Sale is a permitted use in the C-1 (Limited Commercial) district with the approval of a Special Use Permit. It will not compromise the public health, safety, and welfare or overall objectives of the General Plan.

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

The proposed Beer/Wine/Cooler Off-Sale use meets all of the applicable conditions per Title 19.04.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 1 and 2 to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 593 by City Clerk

APPROVALS 2

PROTESTS 4