



City of Las Vegas

Agenda Item No.: 73.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF FEBRUARY 17, 2010**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: SUP-3677 - SPECIAL USE PERMIT PUBLIC HEARING - APPLICANT: NEVADA CITY PARTNER, LLC - OWNER: BACKWOOD SERVICE, LLC - Request for a Special Use Permit FOR A PROPOSED BEER/WINE C-1 OFF-SALE ESTABLISHMENT WITHIN AN EXISTING 2,500 SQ. FT. REAR ROOM CONVENIENCE STORE AND A WAIVER TO ALLOW A 120 FOOT DISTANCE SEPARATION FROM A CHILD CARE FACILITY WHERE 400 FEET IS REQUIRED at 4401 East Bonanza Road (APN 100-32-101-014), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL.

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

9

City Council Meeting

6

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

2

City Council Meeting

2

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcard
7. Submitted after Final Agenda Protest/Support Postcards
8. Submitted after Meeting Recordation Notice of City Council Action and Conditions of Approval
9. Backup referenced from the January 14, 2010 Planning Commission Meeting Item 14

Motion made by GARY REESE to Approve subject to conditions and adding the following condition as read for the record:

A. There shall be a six-month review at City Council after the opening of the business.

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-STEVE WOLFSON); (Excused-None)

CITY COUNCIL MEETING OF: FEBRUARY 17, 2010

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

ATTORNEY JENNIFER ROBERTS, Lionel Sawyer and Collins, 300 South Fourth Street, appeared with BRUCE FAMILIAN. ATTORNEY ROBERTS stated the site is currently boarded up but the applicant would like to operate a City Stop. She asked for the removal of two conditions regarding alcohol, as there are two other convenience stores on the opposite corner on Lamb Boulevard that serve higher alcohol content. She believes restricting the alcohol would impair the applicant's ability to be competitive and placing a six-month review would be an economical risk once finances are expended. After meeting with COUNCILMAN REESE, the applicant was still not amenable to a six-month review, as desired by the Councilman.

COUNCILMAN REESE explained the ongoing problems in the subject area dealing with insufficient parking and his concern for ensuring there is proper ingress/egress. He pointed out that Albertsons accepted a review process and ultimately succeeded. ASSISTANT CITY ATTORNEY BRYAN SCOTT noted that there needs to be a basis for license relocation, so a review is simply to ensure there are no issues. The Councilman stressed to ATTORNEY ROBERTS that without the six-month review, he would not accept the application. After further discussions regarding a possible six-month review, ATTORNEY ROBERTS finally agreed to the six-month review.

GAYE THOMBETTI is the Director of the adjacent daycare facility, which has over 350 children. She agreed that Albertsons is successful but the proposed convenience store would be too close to the daycare facility. There are sufficient businesses in the area that provide alcohol. COUNCILMAN REESE pointed out the difficulty in denying this application when the aforementioned convenience stores have not caused problems for the daycare facility.

ANTHONY HODGES stated the importance of looking out for the children's best interest and their safety when they are taken to and from the facility.

MAYOR GOODMAN declared the Public Hearing closed.