



AGENDA MEMO

CITY COUNCIL MEETING OF: FEBRUARY 17, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-36779 - APPLICANT: NEVADA CITY PARTNERS, LLC -
OWNER: PAC PRO SERVICE, LLC**

**** CONDITIONS ****

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

Planning and Development

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

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit to allow a Beer/Wine/Cooler Off-Sale Establishment in conjunction with a proposed 2,032 square-foot convenience store at 4401 East Bonanza Road. The applicant is requesting a Waiver to allow a 116-foot separation distance from a child care facility licensed for more than 12 children where 400 feet is required.

As this request cannot be conducted in a compatible and harmonious manner with the surrounding land uses as it is located approximately 116 feet from a Child Care Facility, staff is recommending denial of this application. If the application is denied, the Beer/Wine/Cooler Off-Sale use would not be permitted at this location.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
05/17/78	The Board of City Commissioners approved a request to Rezone (Z-0032-78) from R-E (Residential Estates) to C-1 (Limited Commercial) for property generally located at the southeast corner of Bonanza Road and Lamb Boulevard. The Planning Commission recommended approval.
04/04/79	The City Council approved a request for a Plot Plan Review (Z-0032-78) to relocate the proposed store from the east side of the property to the south side of the property. The Planning Commission recommended approval.
05/02/79	The City Council approved a request for an Extension of Time (Z-0032-78) for property generally located at the southeast corner of Bonanza Road and Lamb.
09/28/93	The Planning Commission approved a request for a Plot Plan and Building Elevation Review on property located at 4420 East Bonanza Road.
07/20/00	The City Council approved a request for a Special Use Permit (U-0069-00) for gasoline sales and a Site Development Plan Review (U-0069-00) for a proposed 2,029 square-foot Convenience Store on the southeast corner of Bonanza Road and Lamb Boulevard. The Planning Commission and staff recommended approval of the request.
02/21/01	The City Council approved a request for a Special Use Permit (U-0139-00) for a Beer/Wine/Cooler Off-Sale Establishment on the southeast corner of Bonanza Road and Lamb Boulevard. The Planning Commission and staff recommended approval of the request.

<i>Related Building Permits/Business Licenses</i>	
01/31/01	A building permit (#1001579) was issued for a convenience store at 4401 E Bonanza Road. The project was completed on 05/22/01.
01/31/01	A building permit (#1001581) was issued for on-site improvements at 4401 E Bonanza Road. The permit expired on 11/03/01.
05/18/01	A business license (C05-02103) was issued for tobacco sales at 4401 E Bonanza Road. The license was marked out of business on 12/11/08.
05/18/01	A business license (C15-00273) was issued for a convenience store at 4401 E Bonanza Road. The license was marked out of business on 12/11/08.
05/18/01	A business license (L10-00220) was issued for Beer/Wine/Cooler Off-Sale at 4401 E Bonanza Road. The license was marked inactive on 12/11/08.
05/22/01	A business license application (C20-02016) was issued for convention hall tax at 4401 E Bonanza Road. The license was marked out of business 12/11/08.
05/22/01	A business license application (G01-02027) was issued for restricted gaming at 4401 E Bonanza Road. The license was marked out of business 12/11/08.
11/10/09	A business license application (C20-92676) was submitted for convention hall tax at 4401 E Bonanza Road. The license is pending approval.
11/10/09	A business license application (C05-92674) was submitted for tobacco sales at 4401 E Bonanza Road. The license is pending approval.
11/10/09	A business license application (G01-92675) was submitted for restricted gaming at 4401 E Bonanza Road. The license is pending approval.
11/10/09	A business license application (C15-92670) was submitted for a convenience store at 4401 E Bonanza Road. The license is pending approval.
11/10/09	A business license application (S05-92673) was submitted for service station at 4401 E Bonanza Road. The license is still active.
11/10/09	A business license application (L10-92672) was submitted for Beer/Wine/Cooler Off-Sale at 4401 E Bonanza Road. The license is still pending approval.
01/14/10	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #14/ao).
<i>Pre-Application Meeting</i>	
11/13/09	A pre-application meeting was held with the applicant where elements of submitting a Special Use Permit were discussed. Topics included: • The requirements for a parking analysis for the entire site. • The previous license for a Beer/Wine/Cooler Off-Sale Establishment opened on 12/11/08. As the applicant will be unable to complete the process for a new license prior to 12/11/09, the legally non-conforming status of the use will expire, and this Special Use Permit is required.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

Field Check	
12/08/09	A site inspection was conducted by staff with the following observations: • The subject property was noted as a vacant convenience store. • The vacant building had unpermitted banners located at the roof parapet of the building and on the canopy of the vacant fueling station. The violations have been referred to Code Enforcement.

Details of Application Request	
Site Area	
Gross Acres	.39

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant Building	SC (Service Commercial)	C-1 (Limited Commercial)
North	Restaurant and Retail Shops	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	N/A
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

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Convenience Store	2,032	1:175	11	1	8	1	N*
TOTAL			12		9		

*The site is parking impaired, per Title 19.10.010 (c)

Waivers		
Requirement	Request	Staff Recommendation
A 400-foot distance separation from of any church, synagogue, school, and child care facility licensed for more than 12 children , or City Park.	116 Feet	Denial

ANALYSIS

This request is for a Special Use Permit for a Beer/Wine/Cooler Off-Sale Establishment within a proposed convenience store to be located at 4401 East Bonanza Road. The beer and wine will be stored in a 240 square-foot cooler located on the left side of the 2,032 square-foot convenience store. The area used for the storage (120 square feet) and sale of alcohol is less than 6% of the gross floor area as depicted on the floor plan. The hours of operation for the convenience store will be 24 hours a day, seven days a week. *Per Title 19.10.010 (c), the site is parking impaired, as the site was previously approved for a Convenience Store, and the proposed use will not result in an increased parking requirement.*

The proposed use cannot be conducted in a manner that is compatible with surrounding land uses as it is located approximately 116 feet from a Child Care Facility licensed for more than 12 children, a protected use that requires a minimum 400-foot distance separation. In addition, there are already two existing Beer/Wine/Cooler Off-Sale Establishments and two existing Package Liquor Off-Sale Establishments in the 400-foot radius area. Therefore, staff is recommending denial.

FINDINGS

The following findings must be made for a Special Use Permit:

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 use cannot be conducted in a manner that is harmonious and compatible with the existing surrounding land uses **because** it is located approximately 116 feet from a Child Care Facility licensed for more than 12 children, a protected use that requires a minimum 400-foot distance separation

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

The subject site is physically suitable for the type and intensity of land use proposed; however, it does not meet the minimum 400-foot distance separation required from a child care facility licensed for more than 12 children.

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 Bonanza Road, a 100-foot Primary Arterial, and Lamb Boulevard, a 100-foot Primary Arterial 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.”**

It will not compromise the public health, safety, or welfare as the use is subject to licensing and inspections by the City of Las Vegas.

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

The proposed Beer/Wine/Cooler Off-Sale use does not meet all of the applicable conditions per Title 19.04. It is located approximately 116 feet from a protected use (Child Care) where 400 feet is required.

PC ACTION

There was one speaker in opposition at the Planning Commission hearing. The applicant agreed with all conditions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

628 by City Clerk

APPROVALS

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PROTESTS

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