



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 7, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-37198 – APPLICANT/OWNER: JAE SHIK KWON AND JI BEOM KWON, ET AL

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Gaming Establishment, General Business-Related use.
2. Approval of this Special Use Permit does not constitute approval of a gaming license.
3. 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.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Gaming Establishment, General Business Related to be added to an existing 4,422 square-foot Convenience Store, located at 1600 Martin Luther King Boulevard. Four gaming machines are to be located near the entry way of store. If denied, the proposed use will not be permitted at this location. Staff is recommending approval of the request as it is a permitted use within the C-1 (Limited Commercial) zoning designation and can be conducted in a manner that is compatible with surrounding land uses.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
07/08/65	The City Council approved a request for a Reclassification (Z-0028-65) from R -1 (Single Family Residential), R-E (Residence Estates), R-3 (Medium Density Residential) and R-4 (High Density Residential) to C-1 (Limited Commercial) and P-R (Professional Office and Parking) of a property generally located on Owens Avenue between "J" Street and Highland Drive. The Planning Commission recommended approval.
03/13/78	The City Council approved a request for a Reclassification (Z-0025-78) from R -3 (Medium Density Residential) and R-4 (High Density Residential) to C-2 (General Commercial) for a property generally located on the northeast corner of Owens and Highland Drive. The Planning Commission recommended approval.
05/18/94	The City Council reconsidered a request for Reclassification of Zoning (U-0005-94). The Planning Commission and staff recommended approval.
07/20/94	The City Council approved a request for a Special Use Permit (U-0084-94) for the sale of Beer and Wine and the sale of gasoline at a proposed convenience store. The Board of Adjustment recommended approval.
10/06/99	The City Council denied a request for a Special Use Permit (U-0074-99) for the Off-Premise Sale of Beer and Wine in conjunction with 4,422 square foot convenience store; and a waiver of the 400 foot separation requirement from a Church and a Child Care Facility on property located at 1600 Martin L. King Boulevard. The Planning Commission and staff recommended approval.
10/06/99	The City Council denied a request for a Special Use Permit (U-0073-99) for gasoline sales in conjunction with a 4,422 square foot Convenience Store on a property located at 1600 Martin L. King Boulevard. The Planning Commission and staff recommended approval.

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04/21/04	The City Council approved a request for a Special Use Permit (SUP-3875) for gasoline sales in conjunction with a 4,500 square foot convenience store at 1600 North Martin L. King Boulevard. The Planning Commission and staff recommended approval.
02/23/06	A deed was recorded for change of ownership.
02/25/10	The Planning Commission (7-0 vote) recommends APPROVAL (PC Agenda Item #19/ao).
<i>Related Building Permits/Business Licenses</i>	
01/24/95	A building permit (#95364764) was issued for a tenant improvement at 1600 North Martin Luther Boulevard. The permit expired on 08/26/95.
09/22/06	A business license (R05-00506) was issued for a restaurant take-out at 1600 North Martin Luther Boulevard. The license was marked out of business on 10/30/07.
07/23/09	A business license (R05-00506) was issued for a restaurant take-out at 1600 North Martin Luther Boulevard. The license was marked out of business on 10/30/07.
<i>Pre-Application Meeting</i>	
12/17/09	A pre-application meeting was held to discuss the application submittal requirements for a Gaming Establishment, General Business-Related use. Topics included: • The applicant was informed that no alcohol sales will be allowed because of the close proximity of a daycare. • The submittal requirement for a Gaming Establishment, General Business-Related use was explained to applicant. • The applicant was informed that he would need an enlarged and revised site plan, revised floor plan indicating where the four slot machines will be located, and the submittal of an accurate parking analysis.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

<i>Field Check</i>	
01/21/10	Staff conducted a site visit and observed the following: • An existing and well maintained Convenience Store. • The hours of operation listed on the store front door from 5:30 a.m. to 11 p.m. • The existing landscaping is as approved.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	.92

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convenience Store	C (Commercial)	C-1 (Limited Commercial)
North	Apartments / Residential	MXU (Mixed Use) / L (Low Density Residential)	R-4 (High Density Residential) / R-1 (Single Family Residential)
South	Convenience Store	C (Commercial)	C-2 (General Commercial) / R-E (Residence Estates)
East	Undeveloped	C (Commercial)	C-1 (Limited Commercial)
West	Office	LI/R (Light Industry / Research)	C-PB (Planned Business Park)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Redevelopment Area	X		Y
West Las Vegas Plan	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (140 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

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	3,139 SF	1:175 SF GFA	18				
Restaurant	1,283 SF	1:100 SF	13				
SubTotal	4,422 SF		29	2	35	2	Y
TOTAL			31		37		Y

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ANALYSIS

This is a request for a Special Use Permit for a Gaming Establishment, General Business-Related use which according to Title 19 is defined as “a building or structure which is primarily used for some business other than gaming but in which restricted gaming is permitted pursuant to Title 6.” Title 6.40 allows no more than four gaming machines if the location contains less than 5,000 square feet of floor area. The existing building floor area is 4,422 square-feet and the four machines will be located adjacent to the entrance of the convenience store; this area represents three percent of the floor area of the store. There is no alcohol sold on the premises.

No additional parking is required for a Gaming Establishment, General Business-Related use. The hours of operation are from 5:30 a.m. to 11:00 p.m. seven days a week. There are no minimum use conditions for the Special Use Permit and the use can be conducted in a manner that is compatible with existing and surrounding land uses; therefore, staff recommends approval of this request.

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 Gaming Establishment, General Business-Related use can be conducted in a manner that is harmonious and compatible with the existing surrounding commercial uses. The proposed use is a will be operated in conjunction with the existing Convenience Store.

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

The subject site has ample space on-site for parking that makes it physically suitable for the proposed Gaming Establishment General Business-Related 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.”**

Access to the site is via Owens Avenue and Martin Luther King Boulevard. Both are designated as 100-foot Primary Arterials by the Master Plan of Streets and Highways. These thoroughfares are capable of accommodating the traffic flow created by the site and the use.

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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.”

If approved, the proposed use on this site will be subject to periodic inspection by regulatory agencies for business licensing and environmental health, and it will therefore not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

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

The proposed Gaming Establishment General Business-Related use meets all applicable conditions of Title 19.04.

PC ACTION

There was one speaker in favor and one speaker who was opposed at the Planning Commission hearing.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

18

NOTICES MAILED

194 (By City Clerk)

APPROVALS

1

PROTESTS

1