

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 1, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: WAI CHUN GINN

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-38536	Staff recommends APPROVAL, subject to conditions:	

**** CONDITIONS ****

SUP-38536 CONDITIONS

Planning and Development

- 1.Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Beer/Wine/Cooler Off-Sale Establishment use.
- 2.This approval shall be void two years from the date of final approval unless a business license has been issued to conduct the activity. An Extension of Time may be filed for consideration by the City of Las Vegas.
- 3.One van accessible handicap parking space shall be provided at the subject site. The space shall meet all requirements of Title 19.10.
- 4.Approval of this Special Use Permit does not constitute approval of a liquor license.
- 5.This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
- 6.All beer and wine coolers shall remain in their original manufacturer's configuration of four- or six-packs.

Conditions Page Two
September 1, 2010 - City Council Meeting

7. 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.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
September 1, 2010 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit to add a Beer/Wine/Cooler Off-Sale Establishment use with restricted gaming for four slot machines within an existing 1,996 square-foot Convenience Store at 1451 West Owens Avenue. A request for a distance separation waiver is permissible as there is a 100-foot right-of-way (Owens Avenue) between the two uses. The Use can be conducted in a manner that is harmonious and compatible with surrounding uses. Staff therefore recommends approval. If denied, the Beer/Wine/Cooler Off-Sale Establishment use and associated licenses cannot be permitted at this location.

ISSUES

- A Waiver to allow a 313-foot distance separation from an existing Child Care Center where 400-feet required is necessary for approval of the requested Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
04/20/94	The City Council denied the appeal of a Planning Commission denial of a Special Use Permit (U-0047-94) and a Variance (V-0022-94) to allow an off-premise sign on this site.
02/22/01	The City Council revoked a business license for a Liquor Establishment (Off-Premise Consumption) at the subject address.
09/21/05	The City Council accepted the request to withdraw without prejudice an application for a Special Use Permit (SUP-6719) to allow a proposed Liquor Establishment (Off-Premise Consumption) at 1451 West Owens Avenue and for a Waiver of the 400-foot distance separation requirement from an existing school and childcare facility. Planning Commission denied the request on 6/23/05 and the applicant appealed to City Council. Staff recommended denial of the application.
07/29/10	The Planning Commission voted (4-3 vq/se/gt) to recommend DENIAL (PC Agenda Item #46/yk/mh). On August 2, 2010 the applicant appealed the Planning Commission's recommendation.

<i>Most Recent Change of Ownership</i>	
07/25/85	A deed was recorded for a change in ownership.

Staff Report Page Two
September 1, 2010 - City Council Meeting

<i>Related Building Permits/Business Licenses</i>	
07/02/03	Business licenses for a Convenience Store (#C15-00346) and Tobacco Sales (C05-02261) were issued for 1451 West Owens Avenue.
05/21/04	A business license for a Tobacco Dealer (#C05-02261) was issued for 1451 West Owens Avenue and is currently active.
09/11/06	A business license for a Convenience Store (#C15-00346) was issued for 1451 West Owens Avenue and is currently active.
03/31/09	A business license for a Pool Cleaning Service (#M01-09996) was issued for 1451 West Owens Avenue. The license expired and was re-instated on 04/09/10.
04/09/10	A business license for a Pool Cleaning Service (#M01-09996) was issued for 1451 West Owens Avenue and is currently active.
06/16/10	A business license for Beer/Wine/Cooler Off-Sale (L10-96597) is under review, as of 08/17/10 the license has not yet been issued.
06/24/10	A business license for a Gas Station (S05-96749) is under review, as of 08/17/10 the license has not been issued.

<i>Pre-Application Meeting</i>	
05/10/10	Staff met with the owner and reviewed the requirements for an application submittal for a Special Use Permit. It was noted a Waiver would need to be requested for the 400-foot distance separation requirement from a Child Care Facility.

<i>Neighborhood Meeting</i>	
No neighborhood meeting was required nor was one held.	

<i>Field Check</i>	
06/24/10	Staff visited the site and found a convenience store in operation. There is parking on the adjacent R-4 zoned lot, which has been referred to Code Enforcement.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.39

Staff Report Page Three
September 1, 2010 - City Council Meeting

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Convenience Store	C (Commercial)	C-2 (General Commercial)
North	Convenience Store	C (Commercial)	C-1 (Limited Commercial)
South	Undeveloped	C (Commercial)	R-E (Residence Estates)
East	Undeveloped	C (Commercial)	R-E (Residence Estates)
West	Single-Family	R (Residential Rural Density)	R-E (Residence Estates)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
West Las Vegas Plan	X		Y
Special Purpose and Overlay Districts	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
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
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

Pursuant to Title 19.10, the following parking standards apply:

According to Table 14-16, 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	1,996 sq. ft.	1 per 175 sq. ft.	12		6		N
TOTAL SPACES REQUIRED			12		6		N
TOTAL (With Handicapped)			11	1	6	0	N

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
400-foot distance separation from a Child Care Facility	313-foot distance separation from a Child Care Facility.	Approval

Staff Report Page Four
September 1, 2010 - City Council Meeting

ANALYSIS

A distance separation Waiver is required since the proposed use is 313 feet away from a Child Care Facility where a minimum of 400-foot distance separation is required. A Waiver of this condition is possible, since there is a 100-foot Right-of-Way (Owens Avenue) that separates the two uses. The site is parking impaired for the existing uses, and the proposed new use does not require additional parking; however, condition has been added to require a van accessible handicap parking space in compliance with the requirements of Title 19.10. Parking on the adjacent residential lot to the east has been referred to Code Enforcement. Staff recommends approval of the request.

FINDINGS (SUP-38536)

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 use will be located within the existing Convenience Store. The proposed use can be conducted in a manner that is harmonious and compatible with the use in the existing site and with the uses on adjacent properties.

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 the proposed use. There is no additional parking requirement other than that which is required for the principal 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 Martin Luther King Boulevard and Owens Avenue; both are 100-foot Primary Arterials as designated in the Master Plan of Streets and Highways. These streets are sufficient in size to accommodate the needs of the proposed use.

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.

Approval of the proposed Special Use Permit will not compromise the public health, safety and general welfare, as the use will be subject to regular inspections by business licensing.

Staff Report Page Five
September 1, 2010 - City Council Meeting

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

The proposed use will be located within an existing Convenience Store and complies with the minimum Special Use Permit requirements with the exception of the requested Waiver to allow a 313 foot distance separation from a Child Care Facility where a minimum of 400 feet is required. This Waiver is recommended for approval as there is a 100 foot Right-of-Way (Owens Avenue) between the two uses and minimal impact is expected.

PLANNING COMMISSION ACTION

The applicant agreed to all conditions. There were four speakers at the Planning Commission public hearing.

- 3 Opposed
- 1 Support

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

20

NOTICES MAILED

335 (By City Clerk)

APPROVALS

0

PROTESTS

40