

**AGENDA MEMO****CITY COUNCIL MEETING DATE: NOVEMBER 3, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: APPLICANT/OWNER: GARRET GROUP, LLC**

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ROC-38969	Staff recommends DENIAL, if approved subject to conditions:	None

**** CONDITIONS ****

ROC-38969 CONDITIONS

Planning and Development

1. Condition Number 4 of Special Use Permit (SUP-24192) shall be removed.
2. Conformance to all other conditions of approval for Special Use Permit (SUP-24192) and all site related actions as required by the Planning and Development Department and Department of Public Works.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site currently has a Convenience Store in conjunction with a Service Station without incidental automotive repair. The applicant is requesting a Review of Condition to delete Condition Number 4 of a previously approved Special Use Permit (SUP-24192) which states, "The sale of individual containers of any size beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted."

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
08/18/04	The City Council approved a request to amend a portion of the Southeast Sector Plan of the General Plan (GPA-4564) from O (Office) to SC (Service Commercial) and to exempt the subject site from the full Multi-Use Transportation Trails Standard of the Transportation Trails Element, using instead the proposed "Connector Trail" standard on 0.79 acres adjacent to the southeast corner of Charleston Boulevard and Rancho Drive. The Planning Commission recommended approval on 07/08/04.
	The City Council approved a related request for a Site Development Plan Review (SDR-4563) and waivers of perimeter buffering landscaping, parking lot landscaping, building foundation landscaping, side yard setbacks and building placement for a proposed 1,200 square-foot car wash/auto detail and a 3,325 square-foot Convenience Store/Service Station to replace an existing 1,800 square-foot Convenience Store/Service Station.
12/21/06	The Planning Commission approved a request for a Variance (VAR-18182) to allow an 11-foot setback in the rear yard where 20 feet is the minimum required on 0.79 acres at 2237 West Charleston Boulevard.
12/21/06	The Planning Commission approved a related request for a Site Development Plan Review (SDR-18082) for a proposed 4,400 square-foot service station (without incidental automotive repair) and a waiver to allow no perimeter landscape buffer where eight feet is the minimum required along a portion of the eastern property line and to allow a ten-foot perimeter landscape buffer where 15 feet is the minimum required adjacent to the right-of-way.

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11/07/07	The City Council approved a request for a Special Use Permit (SUP-24192) for a proposed Beer/Wine/Cooler Off-Sale Establishment in conjunction with an existing service station (without incidental automotive repair) at 2237 West Charleston Boulevard. The Planning Commission recommended approval on 10/11/07.
09/01/10	The City Council voted to hold this item in abeyance to the November 3, 2010 City Council Meeting.

<i>Related Building Permits/Business Licenses</i>	
02/22/07	A Certificate of Completion (Plan Check C-0079-05) was issued for a trash enclosure at 2237 West Charleston Boulevard.
08/14/04	A Certificate of Occupancy was issued for a Convenience Store and Chevron Gas Station at 2237 West Charleston Boulevard.
08/15/07	A Certificate of Occupancy was issued for gas pumps and canopy at 2237 West Charleston Boulevard.
11/09/07	Business licenses (C05-02079, C15-00269, C20-02011, G01-02022, and L10-00216) were issued for tobacco sales, a convenience store, convention hall tax, restricted gaming, and a beer/wine/cooler off-sale establishment located at 2237 West Charleston Boulevard. All the licenses are still active.

<i>Pre-Application Meeting</i>	
07/23/10	Staff met with the applicant to discuss submittal requirements for a Review of Condition to delete condition #4 of a previously approved Special Use Permit.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required nor was one held.	

<i>Field Check</i>	
08/06/10	Staff conducted a field check of the subject site with the following observations: • The area was clean and free of debris/trash • The landscape areas are all being properly maintained; no discrepancies noted

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.71

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<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 with Service Station	SC (Service Commercial)	C-1 (Limited Commercial)
North	Convenience Store	UMC (University Medical Center)	PD (Planned Development)
South	Offices	O (Offices)	P-R (Professional Offices and Parking)
East	UMC Quick Care	O (Offices)	O (Office)
West	Child Care Facility	O (Office)	O (Office)

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

ANALYSIS

The subject site currently has a Convenience Store in conjunction with a Service Station (gas station) without incidental automotive repair. The applicant is requesting a Review of Condition to delete Condition Number 4 of a previously approved Special Use Permit (SUP-24192) which states, "The sale of individual containers of any size beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted."

Since the approval of the Special Use Permit (SUP-24192), the applicant has been issued a Certificate of Completion and several Certificates of Occupancy for the business. In addition, the applicant has been issued the appropriate business licenses with no police activity noted against the location. Staffs conducted a field check of the site and found the overall appearance of the business neat and clean with the landscape areas being properly maintained.

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FINDINGS

The proposed removal of this condition is not appropriate as the business has residential homes to the west/southwest with scattered commercial uses that include three (3) liquor licenses within 400 feet of the subject site (restaurant with service bar, tavern, and beer/wine/cooler off-sale establishment- no case history: original license issued in 1/1/51). The intensification of the use through the allowance of the sale of single packages of beer/wine/coolers does not fit with the surrounding neighborhoods and could have a negative effect on the area. Staff is recommending denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 386 (By Planning)

APPROVALS 2

PROTESTS 12