



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 16, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: FREMONT PLACE, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-40520	Staff recommends APPROVAL, subject to conditions:	N/A

**** CONDITIONS ****

SUP-40520 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Retail Establishment with Accessory Package Liquor Off-Sale use.
2. Conformance to the approved conditions for Rezoning (Z-0100-64), Special Use Permit (U-0234-94) and Plot Plan Review [U-0234-90(1)].
3. 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.
4. Prior to issuance of a business license, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

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7. All beer and wine coolers shall remain in the original manufacturer's configuration intended for resale.
8. 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.
9. 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 to allow a 100 square-foot Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 3,553 square-foot Convenience Store and Car Wash located at 228 North Las Vegas Boulevard. The proposed use is less than 10% of the total retail floor space of the establishment and will not require additional parking space requirements. The proposed use can be conducted in a harmonious and compatible manner within the existing retail establishment and with the adjacent commercial uses. Staff recommends approval with conditions. If denied, packaged liquor cannot be sold on the premises and the Convenience Store with Service Station and Car Wash will remain.

ISSUES

- A Retail Establishment with Accessory Package Liquor Off-Sale use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- The site has been vacant since September 17, 2010.
- A Special Use Permit (U-0106-02) for a Package Liquor Off-Sale Establishment (for gift baskets only) expired on 11/06/10.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/26/62	The City Council approved a Rezoning (Z-0100-64), which designated the subject property as within the C-2 (General Commercial) Zone. The Planning Commission recommended approval.
03/05/86	The City Council adopted the Redevelopment Plan for the Downtown Las Vegas Redevelopment Area (Ordinance No. 3218), of which the subject site is a part.
11/20/90	The Board of Zoning Adjustment approved a request for a Special Use Permit (U-0234-90) to allow a full service car wash on the subject site.
04/25/91	The Board of Zoning Adjustment approved a Plot Plan Review of an approved Special Use Permit [U-0234-90(1)] to allow a full service car wash on the subject site.
10/16/91	The City Council approved a request for a Special Use Permit (U-0208-91) to allow Restricted (coin-operated) Gaming at 228 North Las Vegas Boulevard. The Planning Commission recommended approval.
12/04/02	The City Council approved a request for a Special Use Permit (U-0106-02) to allow a Liquor Establishment (Off-Premise consumption) at 228 North Las Vegas Boulevard. The Planning Commission and staff recommended denial.

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10/02/03	The City Council approved a revision of the Downtown Redevelopment Plan (GPA-2497). The Planning Commission and staff recommended approval.
07/07/04	The applicant withdrew without prejudice an application for Review of Condition (ROC-4121) to remove conditions number #1 through #4 of an approved Special Use Permit (U-0106-02) at 228 North Las Vegas Boulevard.
07/07/04	The City Council approved a Required Six-Month Review (RQR-3930) of the Special Use Permit (U-0106-02) which allowed the liquor establishment (Off-Premise consumption) at 228 North Las Vegas Boulevard subject to another Six-Month Review. The Planning Commission and staff recommended approval.
01/05/05	The City Council approved a Required Six-Month Review (RQR-5630) of the Special Use Permit (U-0106-02) which allowed the liquor establishment (Off-Premise consumption) at 228 North Las Vegas Boulevard subject to another Six-Month Review. The Planning and Development Department staff recommended approval.
02/08/11	The Planning Commission voted (7-0) to recommend DENIAL (PC Agenda Item 23/jg).

<i>Most Recent Change of Ownership</i>	
02/19/02	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
05/30/91	A building permit (91108001) was issued for a Certificate of Occupancy for a Car Wash and Convenience Store at 228 North Las Vegas Boulevard. The permit was finaled on 12/02/91.
05/30/91	A building permit (91108002) was issued for a Vacuum Structure at 228 North Las Vegas Boulevard. The permit was finaled on 12/03/91.
05/03/91	A building permit (91108003) was issued for a Canopy at 228 North Las Vegas Boulevard. The permit was finaled on 12/03/91.
08/07/91	A building permit (91115707) was issued for an underground fuel tank at 228 North Las Vegas Boulevard. The permit was never finaled.
11/19/91	A building permit (91126734) was issued for a Tenant Improvement (Deli) at 228 North Las Vegas Boulevard. The permit was finaled on 12/05/91.
12/05/91	A business license (C02-00040) was issued for a Car Wash at 228 North Las Vegas Boulevard. The license was marked out of business on 09/17/10.
02/07/00	A business license (C05-02007) was issued for a Tobacco Dealer at 228 North Las Vegas Boulevard. The license was marked out of business on 09/17/10.
01/11/02	A business license (C15-00304) was issued for a Convenience Store at 228 North Las Vegas Boulevard. The license was marked out of business on 09/17/10.
03/22/02	A business license (L15-00022) was issued for Package Liquor at 228 North Las Vegas Boulevard. The license was marked inactive on 11/06/08.

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08/11/03	A business license (G01-02136) and (C20-02133) was issued for Gaming Restricted use and Convention Hall Gaming Tax at 228 North Las Vegas Boulevard. The licenses were marked out of business on 06/25/10.
03/02/07	A business license (R07-00758) was issued for a Restaurant, seating fewer than 30 people at 228 North Las Vegas Boulevard. The license was marked out of business on 04/16/08.
03/25/09	A building permit (133175) was issued for a Tenant Improvement at 228 North Las Vegas Boulevard. The permit was finalized on 04/24/09.
04/30/09	A business license (S05-01059) was issued for a Service Station at 228 North Las Vegas Boulevard. The license was marked out of business on 09/17/10.
06/28/10	A business license (C08-01930) was issued for Coin Amusement machines at 228 North Las Vegas Boulevard. The license was marked out of business on 09/17/10.

Pre-Application Meeting

12/13/10	A pre-application meeting was held with the applicant where the submittal requirements for a Special Use Permit were discussed.
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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.

Field Check

01/13/11	During a site visit, staff noted a vacant convenience store and car wash that was littered with trash and debris.
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Details of Application Request

Site Area

Net Acres	0.54
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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 and Car Wash	C (Commercial)	C-2 (General Commercial)
North	Offices	MXU (Mixed Use)	C-2 (General Commercial)
South	Undeveloped	C (Commercial)	C-2 (General Commercial)

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East	Auto Repair Garage, Major	C (Commercial)	C-2 (General Commercial)
West	Parking Garage	C (Commercial)	C-2 (General Commercial)
	Financial Institution, General (without Drive-Through)		

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Downtown Centennial Plan (Downtown Gateway)	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District	X		Y
DDRC (Downtown Design Review Committee) Area	X		Y
A-O (Airport Overlay) District (200 feet)	X		Y
Live/Work Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails	X		Y
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

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
<i>Las Vegas Boulevard</i>	Primary Arterial	Master Plan of Streets and Highways	80	N*
<i>Stewart Avenue</i>	Secondary Collector	Master Plan of Streets and Highways	80	Y

*Las Vegas Boulevard is a 100-foot Primary Arterial, per the Master Plan of Streets and Highways.

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<i>Parking Requirement - Downtown</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Base Parking Requirement</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Convenience Store	3,553 SF	1/175 SF	21				
Car Wash	1,741 SF	1/150 SF	12				
Retail Establishment with Accessory Package Liquor Off-Sale use	100 SF	N/A	N/A				
TOTAL SPACES REQUIRED			33		3		N
Regular and Handicap Spaces Required			31	2	2	1	N

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City. The analysis should take a number of factors into consideration when discussing parking availability, including pedestrian access, nearby parking structures, on-street parking, etc.

ANALYSIS

A Retail Establishment with Accessory Package Liquor Off-Sale use is defined by Title 19.20.020 as “a retail establishment:

- (1) Whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold; and
- (2) In which the sale of alcoholic beverages is ancillary to the retail use, and in which no more than ten percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages.

The term includes an establishment that provides on-premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license for that location.”

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The subject site is located within the Downtown Centennial Plan (Downtown Gateway) Land Use Plan and the following special purpose and overlay districts: DDRC (Downtown Design Review Committee) Area, A-O (Airport Overlay) District with 200-foot height restriction, Live/Work Overlay District and the Las Vegas Boulevard Scenic Byway Overlay District. The subject site has an existing off street bike lane located along the west property line. The proposed use would not have a negative impact relating to the above mentioned Special Area Plans.

The subject site is located in the Las Vegas Downtown Centennial Plan area and is not subject to the automatic application of parking requirements. No additional parking is required for the proposed use and no changes to the subject site are proposed at this time.

The package liquor will be displayed from behind the front counter and the beer and wine will be located in the cooler. The proposed use complies with all Title 19.04 minimum Special Use Requirements and can be conducted in a manner that is compatible with the existing and surrounding land uses; therefore, staff recommends approval with conditions.

FINDINGS (SUP-40520)

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 Retail Establishment with Accessory Package Liquor Off-Sale 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 commercial 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 for a Retail Establishment with Accessory Package Liquor Off-Sale use 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.

The site is accessed by Las Vegas Boulevard and Stewart Avenue. These streets are of sufficient size to accommodate the needs of the proposed Retail Establishment with Accessory Package Liquor Off-Sale 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.

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 for business licensing.

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

The proposed use will be located within an existing Convenience Store with Car Wash and complies with the minimum Special Use Permit requirements. The use will devote less than 10 percent of the gross floor space within the existing Convenience Store for the sale of alcoholic beverages and meets all distance separation requirements.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

33

NOTICES MAILED

218 (By City Clerk)

APPROVALS

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PROTESTS

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