

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: APRIL 6, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: BROWNMAIL, INC. - OWNER: TOFFY ENTERPRISES

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ROC-41050	Staff recommends DENIAL, if approved subject to conditions:	None

**** CONDITIONS ****

ROC-41050 CONDITIONS

Planning

1. Condition 'A' of Special Use Permit (SUP-13271) shall be removed.
2. Condition Number 6 of Special Use Permit (SUP-13271) shall be removed.
3. Conformance to all other conditions of approval for Special Use Permit (SUP-13271) and all site related actions as required by the Departments of Planning and of Public Works.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to delete Conditions ‘A’ and Number 6 of a previously approved Special Use Permit (SUP-13271) to allow for 24-hour operations and the sale of individual size containers of beer, wine coolers and screw cap wine within an existing Convenience Store at 8251 West Charleston Boulevard. Condition ‘A’ of the Special Use Permit (SUP-13271) restricted the hours of operation from 6 a.m. to midnight, seven days a week, while Condition Number 6 stated that “the sale of individual containers of any size of 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.” The applicant had also requested to operate a truck rental business from the location, but the use is not permitted within a C-1 (Limited Commercial) zoning district.

Staff finds that the proposed removal of these conditions is not appropriate, as the business is located in a primarily residential area with limited commercial uses that includes a Tavern approximately 100 feet to the north-northeast of the subject site. The intensification of the use through 24-hour operations and the allowance of the sale of single packages of beer/wine/coolers do not fit with the surrounding residential neighborhoods and could have a negative effect on the area. Staff is recommending denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/18/06	The City Council approved a request for a Special Use Permit (SUP-13271) for a retail establishment with accessory packaged liquor off-sale on 1.22 acres at 8251 West Charleston Boulevard. The Planning Commission and staff recommended approval.
06/06/07	The City Council approved a request for a Required Review (RQR-21914) of a previously approved Special Use Permit (SUP-13271) for a retail establishment with accessory packaged liquor off-sale at 8251 West Charleston Boulevard. Staff recommended denial.

<i>Most Recent Change of Ownership</i>	
01/13/03	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
01/02/03	A building permit (3000026) was issued for a sign at 8251 West Charleston Boulevard. The permit was finalized on 01/30/03.
01/05/07	A building permit (7000061) was issued for tenant improvements for a Certificate of Occupancy at 8251 West Charleston Boulevard. The permit was finalized on 04/26/07.
08/13/10	Business licenses (C05-01809 and C15-00190) were issued for the retail sale of tobacco and for a Convenience Store at 8251 West Charleston Boulevard. The licenses are still active.
10/01/10	A business license (R05-00453) was issued for a takeout restaurant at 8251 West Charleston Boulevard. The license is still active.
11/03/10	A business license (L15-96061) was temporarily issued for Packaged Liquor Off-Sale at 8251 West Charleston Boulevard. The temporary license is valid until 05/08/11.

<i>Pre-Application Meeting</i>	
02/10/11	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Review of Condition A and 6 of a previously approved Special Use Permit (SUP-13271). The applicant was informed that Condition #2 could not be increased as it would exceed the limitations for a Retail Establishment with Accessory Liquor Off-Sale per Title 19.04. Additionally, the applicant would not be allowed to have a truck rental business at the location as it is not a permitted use within a C-1 zoning district.

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

<i>Field Check</i>	
03/03/11	Staff conducted a field check of the subject site and found the area surrounding the business to be free of trash/debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.22

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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 Packaged Liquor Off-Sale	SC (Service Commercial)	C-1 (Limited Commercial)
North	Condominiums	M (Medium Density Residential)	R-PD14 (Residential Planned Development-14 Units per Acre)
	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
South	Multi-Family Residences	M (Medium Density Residential)	C-1 (Limited Commercial)
East	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
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

This request is for a Review of Conditions 'A' and Number 6 of a previously approved Special Use Permit (SUP-13271) to allow for 24-hour operations and the sale of individual size containers of beer, wine coolers and screw cap wine within an existing Convenience Store at 8251 West Charleston Boulevard. The applicant had also requested to operate a truck rental business from the location, but the use is not permitted within a C-1 (Limited Commercial) zoning district. Staff conducted a field check of the subject site on 03/03/11 and found it free of trash/debris with no discrepancies noted.

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FINDINGS

Staff finds that the proposed removal of conditions ‘A’ and Number 6 is not appropriate, as the business is located in a primarily residential area with scattered commercial uses that includes a Tavern to the north-northeast approximately 110 feet of the subject site. The intensification of the use through 24-hour operations and the allowance of the sale of single packages of beer/wine/coolers do not fit with the surrounding residential neighborhoods and could have a negative effect on the area. Staff is recommending denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED 894 (By Planning)

APPROVALS 0

PROTESTS 0