

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: APRIL 20, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: WAI CHUN GINN

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ROC-41161	Staff recommends DENIAL, if approved subject to conditions:	None

**** CONDITIONS ****

ROC-41161 CONDITIONS

Planning

1. Amend Condition #6 of Special Use Permit (SUP-38536) to read, "All beer and wine coolers shall remain in their original manufacturer's configuration intended for resale."
2. Conformance to all other conditions of approval of Special Use Permit (SUP-38536) and other site related actions as required by the Department of Planning and Department of Public Works.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is currently occupied by a Convenience Store with Beer/Wine/Cooler Off-Sale and a Gas Station at 1451 West Owens Avenue. The applicant is requesting a Review of Condition of the previously approved Special Use Permit (SUP-38536) to amend Condition #6 to read, "All beer and wine coolers shall remain in their original manufacturer's configuration."

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.
09/01/10	The City Council approved a request for a Special Use Permit (SUP-38536) for a Beer/Wine/Cooler Off-Sale Establishment within an existing 1,996 square-foot Convenience Store with a waiver to allow a 313-foot distance separation from a child care facility where 400 feet is required at 1451 West Owens Avenue. The Planning Commission recommended denial; staff recommended approval.
04/12/11	The Planning Commission is scheduled to hear a request for a Rezoning (ZON-40999) from R-E (Residence Estates) to C-1 (Limited Commercial) on 1.44 acres for parcels 139-28-501-002 and 003 located at the southwest corner of Owens Avenue and N Street.
	The Planning Commission is scheduled to hear a related request for a Site Development Plan Review (SDR-40998) for a parking lot with waivers to allow no perimeter landscape buffer along the west perimeter where eight feet is required and a five foot perimeter landscape buffer along the north and east perimeters where 15 feet is required on parcel 139-28-501-002 located at the southwest corner of Owens Avenue and N Street.

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

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<i>Related Building Permits/Business Licenses</i>	
07/02/03	Business licenses (C05-02261 and C15-00346) were issued for Tobacco sales and a Convenience Store at 1451 West Owens Avenue. The licenses are still active.
10/21/10	Business licenses (S05-01127 and L10-00312) were issued for a Gas Station and for a Beer/Wine/Cooler Off-Sale Establishment at 1451 West Owens Avenue. The licenses are still active.
There are no recent building permits issued for the subject site.	

<i>Pre-Application Meeting</i>	
11/22/10	A pre-application meeting was held with the applicant to explain the submittal requirements for the Review of Condition to amend Condition #6 of the previously approved Special Use Permit (SUP-38536).

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

<i>Field Check</i>	
03/22/11	Staff conducted a field check of the subject site and found the area surrounding the business free of debris/trash. There were two signs advertising prices of cigarettes on the pole at the northwest corner of the property, along with two political signs in the planter area.

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

<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 Beer/Wine/Cooler Off-Sales	C (Commercial)	C-2 (General Commercial)
North	Convenience Store	C (Commercial)	C-1 (Limited Commercial)
South	Undeveloped land	C (Commercial)	R-E (Residence Estates)

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East	Retail Establishment	C (Commercial)	C-1 (Limited Commercial)
West	Single Family Residences	R (Rural Density Residential)	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

<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 (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

ANALYSIS

Special Use Permit (SUP-38536) Condition #6 states, “All beer and wine coolers shall remain in their original manufacturer’s configuration of four-or-six packs.” The applicant is requesting that Condition #6 be amended by deleting the text stating “of four-or-six packs.” The applicant was issued the appropriate business license on 10/21/10 for the use at the subject site. There has been no negative police activity or Code Enforcement violations. There are no other business licenses in the surrounding area that are permitted to sell beer/wine/coolers off-sale.

FINDINGS

The business is located in a primarily residential area with scattered commercial businesses. Staff finds that the proposed removal of the text “of four-or six packs” from condition #6 inappropriate as it would allow for the individual sale of beer or wine coolers if packaged as such by the manufacturer. The intensification of use does not fit with the surrounding residential neighborhoods and could have a negative effect on the area. Staff is recommending denial of this request.

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NOTICES MAILED 332 (By Planning)

APPROVALS 0

PROTESTS 0