

**AGENDA MEMO - PLANNING****CITY COUNCIL MEETING DATE: JUNE 15, 2011****DEPARTMENT: PLANNING****ITEM DESCRIPTION: APPLICANT: GOOD TIMES SMOKE & CHEW - OWNER: MELE PONO HOLDING CO.**

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-41261	Staff recommends DENIAL, if approved subject to conditions:	

**** CONDITIONS ****

SUP-41261 CONDITIONS

Planning

- 1.Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Beer/Wine/Cooler Off-Sale Establishment use.
- 2.This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
- 3.Prior to occupancy, 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 Department of Building and Safety.
- 4.These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
- 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 for a Beer/Wine/Cooler Off-Sale Establishment in conjunction with an existing 626 square-foot market on property located at 124 South Sixth Street, Suite 170 (north side of Carson Avenue, west of Sixth Street). The market will be expanding into Suite 160 for an additional 614 square-feet at which time it will exceed the minimum requirement of 1,200 square feet for a convenience store. The parcel also has a hotel, insurance office and art retail store on it. The applicant's justification letter states that the use is compatible with the surrounding uses and would be an additional service he could offer to the walk-in patrons. The project is located in the Fremont East District (aka Entertainment District) of the Downtown Centennial Plan. The district has become an entertainment hub of downtown. The proposed use is not a compatible use within this evolving district; therefore, staff is recommending denial. If the application is denied, no Beer/Wine/Cooler Off-Sale Establishment license would be permitted.

ISSUES

- A Special Use Permit is required to allow a Beer/Wine/Cooler Off-Sale Establishment in a C-2 (General Commercial) zoned district.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
04/04/01	The City Council approved a Special Use Permit (U-0003-01) for the Sale of Beer and Wine Off Premise Consumption in conjunction with an existing market at 124 South Sixth Street. The Planning Commission and staff recommended approval. This approval expired before being exercised.
10/16/02	The City Council approved the Withdrawal Without Prejudice of a Special Use Permit (U-0089-02) for the Sale of Beer and Wine for Off Premise Consumption in conjunction with an existing market at 124 South Sixth Street. The Planning Commission and staff recommended denial.
05/07/03	The City Council approved a Special Use Permit (SUP-1841) for a Bailbond Service use at 126 South Sixth Street, Suite 150. The Planning Commission had no recommendation and staff recommended denial.
05/05/04	The City Council approved a Required Review (RQR-4177) of a previously approved Special Use Permit (SUP-1841) at 124 South Sixth Street, Suite 150. Staff recommended approval.
06/01/05	The City Council approved a Required Review (RQR-6542) of a previously approved Special Use Permit (SUP-1841) at 124 South Sixth Street, Suite 150. Staff recommended approval.

YK

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07/10/08	The Downtown Entertainment Overlay District Design Review Committee approved exterior façade improvements and the addition of an awning at 124 South Sixth Street. Staff recommended approval.
05/10/11	The Planning Commission voted (7-0) to DENY (PC Agenda Item 32/yk).
05/18/11	The applicant filed a letter to the City Clerk requesting an appeal of the Planning Commission's decision.

Most Recent Change of Ownership

08/19/05	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

03/31/03	A Business License (G04-04447-3-096706) for Retail Gift Sales was issued at 124 South 6 th Street, Suite 170. The business closed 03/03/09.
03/11/05	A Business License (L33-00703-B-121293) for Lawn Maintenance was issued at 124 South 6 th Street, Suite 170. The business closed 03/03/09.
03/11/05	A Business License (R01-00654-2-121293) for Household Maintenance was issued at 124 South 6 th Street, Suite 170. The business closed 03/03/09.
12/13/10	A Business License (G04-06600-3-137408) for Retail Gift Sales was issued at 124 South 6 th Street, Suite 170. This license is still active.
12/13/10	A Business License (C05-02573-I-137408) for Tobacco Sales was issued at 124 South 6 th Street, Suite 170. This license is still active.
12/13/10	A Business License (S15-00014-5-137408) for a Smoke Shop was issued at 124 South 6 th Street, Suite 170. This license is still active.

Pre-Application Meeting

09/14/10	Staff reviewed the requirements for a Special Use Permit with the applicant.
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Neighborhood Meeting

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

03/31/11	Staff visited the site and found an open market in business in the proposed suite.
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Details of Application Request

<i>Site Area</i>	
Net Acres	0.33

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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	Market	C (Commercial)	C-2 (General Commercial)
	Motel		
	Retail		
	Office		
North	Hotel	C (Commercial)	C-2 (General Commercial)
South	Parking Lot	C (Commercial)	C-2 (General Commercial)
East	Parking Lot	C (Commercial)	C-2 (General Commercial)
West	Offices	C (Commercial)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Downtown Centennial Plan	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
A-O (Airport Overlay) District 200 Feet	X		Y
Downtown Entertainment Overlay District	X		Y
Live/Work Overlay District	X		Y
Trails		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>
Sixth Street	N/A	N/A	80	Y
Carson Street	Secondary Collector	Master Plan of Streets and Highways	80	Y

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Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Market	1,670 Sq. Ft.	1 space per 175 Sq. Ft.	10				
Office	620 Sq. Ft.	1 space per 300 Sq. Ft.	3				
Retail	2,272 Sq. Ft.	1 space per 175 Sq. Ft.	13				
Hotel	67 rooms	1 space per guest room	67				
TOTAL SPACES REQUIRED			93				
Regular and Handicap Spaces Required			89	4	6	0	Y

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

This site is located a block south of Fremont Street and the Neonopolis mall, within the Fremont East Overlay District of the Downtown Centennial Plan. This area is commonly referred to as “The Entertainment District.” The project is also located within the City of Las Vegas Redevelopment Overlay. Redevelopment efforts in this area are not limited to physical improvements such as streetscape, water fountains and the promotion of new private-sector construction. Redevelopment efforts also include evaluation of existing and proposed uses to ensure these do not preclude, prevent, detract from or conflict with redevelopment efforts or with each other.

Parking standards are not automatically applied to projects within the Downtown Centennial Plan. This is an existing development that provides only six on-site parking spaces. None of these parking spaces meet the Americans with Disability Act (ADA) standards. There is ample parking available within two blocks of the project including two public parking garages and on-street parking. A primary north/south public transportation route is also located one block away. For these reasons, the project is considered parking impaired but with acceptable parking alternatives available.

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The sale of beer and wine in a pedestrian area may contribute to loitering, intrusive panhandling, petty crimes, and public indecency. These types of activities often are not reported and as a result can be difficult to monitor and correct. The proposed use could compromise public safety as well as the Downtown Centennial Plan/ Redevelopment objectives of the General Plan.

Goal III(A)4 of the Downtown Centennial Plan (p.31) encourages diversity of land uses within a guiding framework to achieve long-term vitality and economic growth. Alcohol is readily available within the area, and approval of this request could lead to a saturation of this particular use. Therefore, staff recommends denial.

FINDINGS (SUP-41261)

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 approval of this request will contribute to a saturation of this type of alcohol use which is already available within the area. This use would not be harmonious or compatible with the surrounding area.

2.The subject site is physically suitable for the type and intensity of land use proposed.

The sale of beer and wine for off-premise consumption would not alter the physical characteristics of the existing building and finds the proposed use would be physically suitable on this site if taken alone. At this time, the intensity of alcohol-related uses is elevated in this area.

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 abutting downtown street network is currently underutilized and will be adequate to meet the access requirements of the proposed use. Additionally, the downtown area is well served by public transportation and pedestrian facilities.

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.

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The sale of beer, wine and coolers in a pedestrian area may contribute to loitering, intrusive panhandling, petty crimes, and public indecency could compromise public safety.

5.The use meets all of the applicable conditions per Title 19.12 of the Unified Development Code.

The proposed use meets all minimum standards per Title 19.12.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 38

NOTICES MAILED 201 (By City Clerk)

APPROVALS 0

PROTESTS 0