

**AGENDA MEMO - PLANNING****PLANNING COMMISSION MEETING DATE: JUNE 15, 2011****DEPARTMENT: PLANNING****ITEM DESCRIPTION: APPLICANT: FIESTA DISCOUNT MARKET - OWNER: GILDAY DONALD IRR FAM TRUST**

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ROC-41544	Staff recommends DENIAL, if approved subject to conditions:	None

**** CONDITIONS ****

ROC-41544 CONDITIONS

Planning

1. Condition Number 2 of the Special Use Permit (U-0193-00) shall be deleted.
2. Conformance to all other conditions of approval of Special Use Permit (U-0193-00) and all 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 at 7010 West Charleston Boulevard. The applicant is requesting a Review of Condition of a previously approved Special Use Permit (U-0193-00) to delete Condition #2 that states, "The sale of individual containers of any size beer, wine coolers or screw cap wine is prohibited."

There are two (2) taverns and another convenience store with beer/wine/cooler off-sale located less than 400 feet from the subject site. The proposed removal of this condition is not deemed appropriate as it would add to the saturation of liquor-type establishments within a confined area. The intensification of the use through the allowance of the sale of individual containers could have a negative effect on the surrounding area.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/16/71	The Board of City Commissioners approved a request for Rezoning (Z-0079-71) from R- (Residence estates) to C-1 (Limited Commercial) of property generally located on the northwest corner of West Charleston Boulevard and Antelope Way. The Planning Commission recommended approval.
02/07/01	The City Council approved a request for a Special Use Permit (U-0193-00) for packaged liquor sales in conjunction with an existing Convenience Store at 7010 West Charleston Boulevard. The Planning Commission recommended approval. Note: City Council approved the sale of only beer and wine.
03/19/03	The City Council approved a request for an Extension of Time (EOT-1518) of a previously approved Special Use Permit (U-0193-00) for packaged liquor sales in conjunction with an existing Convenience Store at 7010 West Charleston Boulevard. Staff recommended approval.

<i>Most Recent Change of Ownership</i>	
12/04/08	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
12/03/03	A business license (C20-02150) was issued for Convention Hall Tax at 7010 West Charleston Boulevard. The license is still active.
12/03/03	A business license was issued for Restricted Gaming at 7010 West Charleston Boulevard. The license is still active.

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<i>Related Building Permits/Business Licenses</i>	
04/09/03	A business license (C05-02235) was issued for Retail Tobacco sales at 7010 West Charleston Boulevard. The license is still active.
04/09/03	A business license (C15-00307) was issued for a Convenience Store at 7010 West Charleston Boulevard. The license is still active.
04/09/03	A business license (L10-00236) was issued for Beer/Wine/Cooler Off-Sale at 7010 West Charleston Boulevard. The license is still active.
04/14/09	A business license (W10-00226) was issued for Wire Transfer Services at 7010 West Charleston Boulevard. The license is still active.
03/14/11	A building permit (#183316) was issued for three (3) outside lights at 7010 West Charleston Boulevard. The permit was finalized on 04/25/11.

<i>Pre-Application Meeting</i>	
04/11/11	A pre-application meeting was held with the applicant to discuss a Review of Condition of the previously approved Special Use Permit (U-0193-00) to delete condition #2 to allow for the sale of individual size containers of beer, wine coolers, and screw cap wine. The applicant

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

<i>Field Check</i>	
05/05/11	Staff conducted a field check of the subject site and found that the area surrounding the business was free of trash/debris and clean in appearance. No discrepancies were noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.19

<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, Tavern, Offices, Retail Establishments, and a Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)

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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>
North	Single Family Residences	ML (Medium-Low Density Residential) and L (Low Density Residential)	R-CL (Single Family Compact-Lot) and R-1 (Single Family Residential)
South	Medical Offices	SC (Service Commercial)	C-1 (Limited Commercial)
East	Restaurant and Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residences	ML (Medium-Low Density Residential)	R-CL (Single Family Compact-Lot)

<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

Special Use Permit (U-0193-00) Condition #2 states, “The sale of individual containers of any size beer, wine coolers or screw cap wine is prohibited.” The applicant is requesting that Condition #2 be deleted. The applicant was issued the appropriate business license (L10-00236) on 04/09/03 for the use at the subject site. No police activity is noted against the location. There are two (2) taverns and another convenience store with beer/wine/cooler off-sale located less than 400 feet from the subject site.

FINDINGS

Though the convenience store located across the street is able to sell individual containers of beer/wine/coolers, the proposed removal of this condition is not deemed appropriate as it would add to the saturation of liquor-type establishments within a confined area. The intensification of the use through the allowance of the sale of individual containers could have a negative effect on the surrounding area; therefore, staff is recommending denial of this request.

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NOTICES MAILED 574 (By Planning)

APPROVALS 0

PROTESTS 0