

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: JUNE 15, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: 7-ELEVEN, INC. - OWNER: CAM-MAC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ROC-41709	Staff recommends DENIAL, if approved subject to conditions:	None

**** CONDITIONS ****

ROC-41709 CONDITIONS

Planning

1. Condition #2 of Special Use permit (U-0029-99) shall be deleted.
2. Conformance to the conditions of approval of the Special Use Permit (U-0029-99) and all other site related actions as required by the Department of Planning and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is currently occupied by a Convenience Store with Beer/Wine/Cooler Off-sale and a Service Station at 920 North Buffalo Drive. The applicant is requesting a review of Condition of a previously approved Special Use Permit (U-0029-99) 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) City Parks, a Tavern, Convenience Store with beer/wine/cooler off-sale, restaurant with beer/wine/cooler on-sale, and Liquor Store (packaged liquor sales) all within 400 feet of the subject site. The proposed removal of this condition is not appropriate as it would add to the already saturated availability of individual size containers of alcoholic beverages (on-sale and off-sale) and is situated in too close proximity to protected uses.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
03/04/92	The City Council approved a request for Rezoning (Z-0002-92) from N-U (Non-Urban) to C-1 (Limited Commercial) for a proposed 178,850 square-foot shopping center at the northeast corner of Washington Avenue and Buffalo Drive. The Planning Commission recommended denial.
07/09/98	The Planning Commission approved a request for a Final Map (FM-0045-98) on property located on the northwest corner of Craig Road and Rainbow Boulevard.
04/26/99	The City Council approved a request for a Special Use Permit (U-0028-99) for a Service Station (gasoline sales) in conjunction with a proposed 2,993 square-foot Convenience Store at the northeast corner of Washington Avenue and Buffalo Drive. The Planning Commission recommended approval.
	The City Council approved a related request for a Special Use Permit (U-0029-99) for Package Liquor Sales in conjunction with a proposed 2,993 square-foot Convenience Store.
08/10/00	The Planning Commission approved a request for a Tentative Map (TM-0032-00) for one-lot on 19.81 acres on the northeast corner of Washington Avenue and Buffalo Drive.
09/14/00	The Planning Commission approved a request for a Final Map (FM-0052-00) for one-lot on 19.81 acres on the northeast corner of Washington Avenue and Buffalo Drive.
02/22/11	A Code Enforcement case (98242) was processed for missing landscaping and the individual sale of beer, wine coolers and screw top wine when prohibited at 920 North Buffalo Drive. The case is still open.

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<i>Most Recent Change of Ownership</i>	
01/09/03	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
06/04/08	A business license (G02-00253) was issued for a Smog Station at 920 North Buffalo Drive. The license is still active.
10/08/08	A business license (C15-00247) was issued for a Convenience Store at 920 North Buffalo Drive. The license is still active.
07/24/09	A business license (S05-01063) was issued for a Service Station at 920 North Buffalo Drive. The license is still active.
10/08/09	A business license (C05-01994) was issued for Retail Tobacco sales at 920 North Buffalo Drive. The license is still active.
10/08/09	A business license (L10-00198) was issued for Beer/Wine/Cooler off Sale within an existing Convenience Store at 920 North Buffalo Drive. The license is still active.
10/21/09	A business license (V02-01852) was issued for a DVD Rental Kiosk at 920 North Buffalo Drive. The license is still active.
09/23/10	A business license (G01-02395) was issued for Restricted Gaming at 920 North Buffalo Drive. The license is still active.
09/23/10	A business license (C20-02398) was issued for Convention Hall Tax at 920 North Buffalo Drive. The license is still active.

<i>Pre-Application Meeting</i>	
04/20/11	Staff met the applicant to discuss the requirements for a Review of Condition of a previously approved Special Use Permit (U-0029-99) to delete condition #2 that prohibited the sale of individual size containers of beer, wine coolers or screw cap wine. The applicant was informed of the submittal requirements and anticipated meeting date for City Council.

<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 the surrounding area clean and neat in appearance with no discrepancies noted.

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<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	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishments, Building Supply Warehouse	SC (Service Commercial)	C-1 (Limited Commercial)
South	Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)
East	Restaurant, Auto Repair Garage	SC (Service Commercial)	C-1 (Limited Commercial)
West	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)

<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 is a request for a Review of Condition of a previously approved Special Use Permit (U-0029-99) to delete condition #2 that states, "The sale of individual containers of any size beer, wine coolers, or screw cap wine is prohibited." There has been no negative police activity at the site. There are two (2) City Parks, a Tavern, Convenience Store with beer/wine/cooler off-sale, restaurant with beer/wine/cooler on-sale, and Liquor Store (packaged liquor sales) all within 400 feet of the subject site.

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FINDINGS

The proposed removal of this condition is not appropriate as it would add to the already saturated availability of individual size containers of alcoholic beverages (on-sale and off-sale) and is situated in too close proximity to protected uses. 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.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

NOTICES MAILED 1,973 (By Planning)

APPROVALS 0

PROTESTS 0