

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: JUNE 15, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: SHORT LINE EXPRESS MARKET - OWNER:
BECKER EQUITIES, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ROC-41750	Staff recommends DENIAL, if approved subject to conditions:	None

**** CONDITIONS ****

ROC-41750 CONDITIONS

Planning

1. Condition Number 5 of Special Use Permit (SUP-2541) shall be deleted.
2. Condition Number 6 of Special Use Permit (SUP-2541) shall be deleted.
3. Conformance to the conditions of approval of Special Use Permit (SUP-2541) 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 and a Service Station at 6390 North Durango Drive. The business is located in an area that has a mix of residential homes and undeveloped land with scattered commercial businesses. The applicant is requesting a Review of Condition of a previously approved Special Use Permit (SUP-2541) to delete Conditions #5 and #6 that states, “The sale of alcoholic beverages shall be limited to the sale of beer and wine only,” and “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.”

Staff finds that the proposed removal of these conditions not appropriate as the intensification of the use through a larger variety of alcoholic products and the sale of individual size containers of beer/wine/coolers does not fit with the surrounding neighborhood and could have a negative effect on the area.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/11/97	The Planning Commission approved a request for a Petition to Annex (A-0018-97) property generally located on the southeast corner of Centennial Parkway and El Capitan Way containing approximately 2.50 acres.
10/01/03	The City Council approved a request for a Variance (VAR-2782) to allow a 39-foot rear setback where residential adjacency standards require a 57-foot rear setback for a Convenience Store located adjacent to the southeast corner of the north El Capitan Way alignment, north of Durango Drive and west of Centennial Parkway. The Planning Commission and staff recommended approval.
	The City Council approved a related request for a Special Use Permit (SUP-2541) for alcoholic beverage sales/liquor store in conjunction with a proposed Convenience Store (with fuel pumps). Note: alcoholic sales were limited to beer and wine only. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a related request for a Special Use Permit (SUP-2543) for an automatic Car Wash in conjunction with a proposed Convenience Store (with fuel pumps).

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/01/03	The City Council approved a related request for a Special Use Permit (SUP-2544) for Gaming (Restricted) and a waiver of the 330-foot distance separation from single family detached dwellings in conjunction with a proposed Convenience Store (with fuel pumps).
	The City Council approved a related request for a Special Use Permit (SUP-2545) for a Convenience Store (with fuel pumps) and a waiver of the 330-foot distance separation from single family detached dwellings. The Planning Commission and staff recommended approval.
	The City Council approved a related request for a Site Development Plan Review (SDR-2540) for a proposed Convenience Store (with fuel pumps) and Car Wash; a waiver of the requirement for the building to be located directly adjacent to the front landscape planter and to allow a reduction in the amount of perimeter landscaping. The Planning Commission recommended approval; staff recommended denial.
11/02/05	The City Council approved a request for an Extension of Time (EOT-9483) of a previously approved Variance (VAR-2782) to allow a 39-foot rear setback where residential adjacency standards require a 57-foot rear setback for a Convenience Store at 6390 North Durango Drive.
	The City Council approved a related request for an Extension of Time (EOT-9484) of a previously approved Special Use Permit (SUP-2541) for alcoholic beverage sales/liquor store in conjunction with a proposed Convenience Store (with fuel pumps).
	The City Council approved a related request for an Extension of Time (EOT-9485) of a previously approved Special Use Permit (SUP-2544) for Gaming (Restricted) and a waiver of the 330-foot distance separation from single family detached dwellings in conjunction with a proposed Convenience Store (with fuel pumps).
	The City Council approved a related request for an Extension of Time (EOT-9486) of a previously approved Special Use Permit (SUP-2545) for a Convenience Store (with fuel pumps) and a waiver of the 330-foot distance separation from single family detached dwellings.
	The City Council approved a related request for an Extension of Time (EOT-9497) of a previously approved Special Use Permit (SUP-2543) for an automatic Car Wash in conjunction with a proposed Convenience Store (with fuel pumps).
10/23/03	The Planning Commission approved a request for a Tentative Map (TMP-3049) for a one lot commercial subdivision on 2.41 acres adjacent to the southeast corner of El Capitan Way and Centennial Parkway.
07/09/04	The Planning and Development Department approved a request for a Final Map Technical Review (FMP-4698) for Centennial Parkway and El Capitan Way aka Centennial Plaza (a commercial subdivision).
04/05/11	A Code Enforcement case (99997) was processed for the applicant violating conditions 5 and 6 of Special Use Permit (SUP-2561). The case is still open.

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<i>Most Recent Change of Ownership</i>	
10/14/05	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
11/03/05	A business license (C02-00382) was issued for an automatic Car Wash at 6390 North Durango Drive. The license is still active.
11/03/05	A business license (C05-02433) was issued for retail Tobacco sales at 6390 North Durango Drive. The license is still active.
11/03/05	A business license (C15-00335) was issued for Mail Handling at 6390 North Durango Drive. The license is still active.
11/03/05	A business license (L10-00256) was issued for Beer/Wine/Cooler Off-Sale within a Convenience Store at 6390 North Durango Drive. The license is still active.
11/23/05	A business license (C20-02232) was issued for Convention Hall Tax at 6390 North Durango Drive. The license is still active.
11/23/05	A business license (G01-02233) was issued for Restricted Gaming at 6390 North Durango Drive. The license is still active.
01/21/10	A business license (S05-01122) was issued for a Service Station at 6390 North Durango Drive. The license is still active.
02/05/10	A business license (G02-00892) was issued for Smog Testing at 6390 North Durango Drive. The license is still active.

<i>Pre-Application Meeting</i>	
05/09/11	Staff met with the applicant to discuss the submittal requirements for a Review of Condition to delete condition #6 and amend #5 of a previously approved Special Use Permit (SUP-2541).

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

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Field Check	
05/12/11	Staff conducted a field check of the subject site with the following observations: • Vehicles were parked on unfinished surfaces (dirt areas) behind the business. • There were two (2) illegal 'A' frame signs in the right-of-way/landscape areas advertising Jiffy Smog. • There is a non-permitted donation container in the rear of the property. • The property in front of the business was neat and clean in appearance. • The landscape areas appeared to be properly maintained (watered and kept free of trash).

Details of Application Request	
Site Area	
Gross Acres	0.98

Surrounding Property	Existing Land Use Per Title 19.04	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Convenience Store	TC (Town Center)	[SC-TC (Service Commercial-Town Center) Special Land Use Designation]
North	Shopping Center	TC (Town Center)	[SC-TC (Service Commercial-Town Center) Special Land Use Designation]
South	Undeveloped Land	TC (Town Center)	[SX-TC (Suburban Mixed Use- Town Center) Special Land Use Designation]
East	Undeveloped Land and Single Family Residences	TC (Town Center)	[SX-TC (Suburban Mixed Use- Town Center) Special Land Use Designation]
West	Undeveloped Land-Clark County	Clark County	Clark County

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<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Town Center Master Plan	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
T-C (Town Center) District	X		Y
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

The applicant is requesting a Review of Condition of a previously approved Special Use Permit (SUP-2541) to delete Conditions #5 and #6 that state, “The sale of alcoholic beverages shall be limited to the sale of beer and wine only,” and “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 was issued the appropriate business license on 11/03/05 for the use at the subject site. There has been no negative police activity at the site. There is one other convenience store with beer/wine/cooler off-sale and a restaurant with beer/wine/cooler on-sale located north of the subject site within 400 feet.

FINDINGS

The business is located in an area that has a mix of residential areas and undeveloped land with scattered commercial businesses. The proposed removal of these conditions is not appropriate as the intensification of the use through a larger variety of alcoholic products and the sale of individual size containers of beer/wine/coolers does not fit with the surrounding neighborhoods and could have a negative effect on the area; therefore, staff is recommending denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

7

NOTICES MAILED

160 (By Planning)

APPROVALS

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PROTESTS

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