

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: JULY 6, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: VEGAS EXPRESS GAS MART #2, LLC -
OWNER: PACPROP SERVICE, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ROC-41902	Staff recommends DENIAL, if approved subject to conditions:	None

**** CONDITIONS ****

ROC-41902 CONDITIONS

Planning

1. Condition #5 of Special Use Permit (SUP-36779) shall be deleted.
2. Conformance to the conditions of approval of Special Use Permit (SUP-36779) and all other site related actions as required by the Department of Planning and Department of Public Works.

Staff Report Page One
July 6, 2011 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is occupied by a Convenience Store located at 4401 East Bonanza Road. The applicant is requesting a Review of Condition of a previously approved Special Use Permit (SUP-36779) to delete condition #5, which states, "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 greater than 16% shall be prohibited."

There is a school, two (2) package liquor establishments, and two (2) other convenience stores with beer/wine/cooler off-sale within 400 feet of the subject site. The proposed removal of this condition is not appropriate as the intensification of the use through the increased availability of higher alcohol-by-volume products would add to the already saturated market within a confined area, in addition to its close proximity to a protected use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
07/19/00	The City Council approved a request for a Special Use permit (U-0069-00) for Gasoline Sales and for a Site Development Plan Review for a proposed 2,029 square-foot Albertson's Convenience Store on the southeast corner of Bonanza Road and Lamb Boulevard. The Planning Commission recommended approval.
02/21/01	The City Council approved a request for a Special Use Permit (U-0139-00) for the sale of beer and wine for off-premise consumption on the southeast corner of Bonanza Road and Lamb Boulevard. The Planning Commission recommended approval.
11/26/08	The Planning and Development Department approved a request for a Parcel Map (PMP-32228) technical review on 2.06 acres located at the southeast corner of Bonanza Road and Lamb Boulevard. The Mylar was released for recordation on 04/13/09, but no recordation date is annotated.
02/17/10	The City Council approved a request for a Special Use Permit (SUP-36779) for a proposed Beer/Wine/Cooler Off-Sale establishment within an existing 2,032 square-foot Convenience Store and a waiver to allow a 120-foot distance separation from a child care facility where 400 feet is required at 4401 East Bonanza Road. The Planning Commission recommended approval; staff recommended denial.
07/12/11	The Planning Commission is scheduled to hear a request for a Special Use Permit (SUP-41901) for a Check Cashing Service, Limited within an existing 2,032 square-foot Convenience Store at 4401 East Bonanza Road.

Staff Report Page Two
July 6, 2011 - City Council Meeting

<i>Most Recent Change of Ownership</i>	
08/20/09	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
02/16/11	A building permit (181665) was issued for a sign at 4401 East Bonanza Road. The permit has not yet been finalized.
03/15/11	A business license (C05-90401) was issued for Tobacco Sales at 4401 East Bonanza Road. The license is still active.
03/15/11	A business license (C15-90400) was issued for a Convenience Store at 4401 East Bonanza Road. The license is still active.
03/15/11	A business license (L10-90399) was issued for Beer/Wine/Cooler Off-Sale at 4401 East Bonanza Road. The license is still active.
03/16/11	A temporary business license (S05-90402) was issued for a Service Station at 4401 East Bonanza Road.
03/31/11	A business license (C20-91499) was filed for Convention Tax at 4401 East Bonanza Road. The license has not yet been issued.
03/31/11	A business license (G01-91498) was filed for Restricted Gaming at 4401 East Bonanza Road. The license has not yet been issued.
04/07/11	A temporary business license (N02-90493) was issued for a Non-Depository Lender at 4401 East Bonanza Road.
05/04/11	A building permit (1870870) was issued for tenant improvements to create a storage room at 4401 East Bonanza Road. The permit has not yet been finalized.

<i>Pre-Application Meeting</i>	
05/19/11	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Review of Condition of a previously approved Special Use Permit (SUP-36779) to delete Condition #5 to allow the sale of single beers, malt beverages or wine coolers of any size with alcohol by volume greater than 6%; and to allow the sale of wines with alcohol by volume of greater than 16%.

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

<i>Field Check</i>	
06/02/11	Staff conducted a field check of the subject site and found the area clean and neat in appearance with no discrepancies noted.

Staff Report Page Three
July 6, 2011 - City Council Meeting

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.38

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</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	Restaurant; Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)
South	Retail Establishments; Financial Institution, General	SC (Service Commercial)	C-1 (Limited Commercial)
East	Retail Establishments; Restaurant	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 (SUP-36779) to delete condition #5 that states, "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 wine with an alcohol by volume greater than 16% shall be prohibited." There has been no negative police activity at the site. There is a school, two (2) package liquor establishments, and two (2) other convenience stores with beer/wine/cooler off-sale within 400 feet of the subject site.

Staff Report Page Four
July 6, 2011 - City Council Meeting

FINDINGS

The proposed removal of this condition is not appropriate as the intensification of the use through the increased availability of higher alcohol-by-volume products would add to the already saturated market within a confined area, in addition to its close proximity to a protected use (school). By allowing the sale of products with greater alcohol percentages could have a negative effect on the surrounding areas; therefore, staff is recommending denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

NOTICES MAILED 998 (By Planning)

APPROVALS 0

PROTESTS 0