



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JULY 20, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: HAIM GABAY - OWNER: HS FAMILY LIMITED PARTNERSHIP

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-41569	Staff recommends APPROVAL, subject to conditions:	

**** CONDITIONS ****

SUP-41569 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Beer/Wine/Cooler Off-Sale 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. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. All beer and wine coolers shall remain in the original manufacturer's configuration intended for resale.
6. 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.
7. 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 to allow a Beer/Wine/Cooler Off-Sale use within an existing 5,166 square-foot convenience store at 316 Fremont Street. The Beer/Wine/Cooler Off-Sale use will be ancillary to the existing store. No Waivers are required for this request. The City Council approved a previous Special Use Permit (SUP-36558) for a Beer/Wine/Cooler Off-Sale use at this location on January 20, 2010, but it expired before the application could meet the business license requirements for the use.

This request meets all minimum Special Use Requirements and can be conducted in a compatible and harmonious manner within a convenience store and with similar uses along Fremont Street; therefore staff recommends approval. If denied, no beer, wine or coolers could be sold at this location.

ISSUES

- The sale of Beer/Wine/Cooler Off-Sale use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/16/64	The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on property bound by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south. The Planning Commission and staff recommended approval.
01/24/95	The Board of Zoning and Adjustment approved a request for a Variance (V-0187-94) to allow a 197 square-foot freestanding sign where 150 square-feet is the maximum area allowed; and to allow the sign to be a height of 46 feet where 40 feet is the maximum height allowed at 316 Fremont Street.

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01/20/10	The City Council approved Special Use Permit (SUP-36558) for a Beer/Wine/Cooler Off-Sale use at 316 Fremont Street. The Planning Commission and staff recommended approval.
01/20/11	The Special Use Permit (SUP-36558) for a Beer/Wine/Cooler Off-Sale use at 316 Fremont Street expired without being exercised.
06/14/11	The Planning Commission voted (4-3/gf/bg/rt) to recommend DENIAL (PC Agenda Item48/yk).

Most Recent Change of Ownership

11/21/02	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

05/22/89	A Building Permit (#89023441) was issued for interior demolition at 316 Fremont Street. The permit was marked inactive on 11/18/92.
02/15/95	A Building Permit (#95367306) was issued for two illuminated sign cabinets at 316 Fremont Street. The permit was finalized on 03/09/95.
05/30/02	A Building Permit (#2009676) was issued for a sign at 316 Fremont Street. The permit expired on 12/21/03.
12/23/03	A Building Permit (#3027066) was issued for a sign at 316 Fremont Street. The permit was finalized on 02/11/04.
02/27/04	A Building Permit (#4004356) was issued for tenant improvements at 316 Fremont Street. The permit expired on 12/04/05.
09/17/09	A Business License (#C05-02665) was issued for a Tobacco Dealer at 316 Fremont Street. The license remains active.
	A Business License (#C15-00379) was issued for a Convenience Store at 316 Fremont Street. The license remains active.

Pre-Application Meeting

04/12/11	Staff met with the applicant and reviewed the requirements for a Special Use Permit application. The applicant was reminded that the minimum requirements for a Convenience store would have to be met at all times.
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Neighborhood Meeting

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

05/05/11	Staff visited the site and found a well maintained convenience store in operation. The area in and around the site was clean. The site is only accessible by foot.
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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.14

<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	C (Commercial)	C-2 (General Commercial)
North	General Retail	C (Commercial)	C-2 (General Commercial)
South	General Retail	C (Commercial)	C-2 (General Commercial)
East	General Retail	C (Commercial)	C-2 (General Commercial)
West	General Retail	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 Casino Overlay District	X		Y
Live/Work Overlay District	X		N/A
Trails	X		Y
Rural Preservation Overlay District		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>Parking Requirement - Downtown</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Base Parking Requirement</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Convenience Store	5,166 Sq. Ft.	1:175 GFA	30				
TOTAL SPACES REQUIRED			30		0		N
Regular and Handicap Spaces Required			28	2	0	0	N

YK

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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 request is for a Special Use Permit for a proposed Beer/Wine/Cooler Off-Sale use within an existing 5,166 square-foot convenience store at 316 Fremont Street. The applicant indicates that they will sell beer and wine as an additional item within the store. The site is located within the Las Vegas Downtown Centennial Plan area, which is not subject to the automatic application of parking requirements. Adequate parking is located in several parking structures within walking distance of the store. No Waivers are required with this request.

The proposed Beer/Wine/Cooler Off-Sale Establishment Use can only be located in a general store that meets the definition of a grocery store, drug store, convenience store or specialty store. This project doesn't meet the definition of a grocery store, drug store or convenience store. The applicant therefore must meet the requirements of a specialty store which is defined by Title 6 as a retail store located within a commercial center that:

1. Has at least eighteen thousand square feet of gross floor area;
2. Has at least eleven thousand five hundred square feet of floor space dedicated to the sale and display of furniture, glassware, kitchenware and other household goods;
3. Has at least three thousand six hundred square feet of floor space dedicated to the sale and display of gourmet foods and non-alcoholic beverages; and
4. Maintains an inventory of beer, wine and coolers with a wholesale value of at least twenty-five thousand dollars.

The applicant indicates that they will meet these criteria; therefore, staff recommends approval.

FINDINGS (SUP-41569)

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.**

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The proposed Beer/Wine/Cooler Off-Sale use is ancillary to an existing general retail store and is adjacent to similar uses along Fremont Street. The proposed use is compatible with surrounding land uses.

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

The subject site is currently operated as a convenience store. Similar alcohol related uses are common in this area of the City. The subject site is physically suitable to accommodate the proposed use.

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 location of the subject site is on the Pedestrian-only portion of Fremont Street. The site will be accessed primarily by pedestrian traffic.

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.

The proposed Special Use Permit request will not be inconsistent with or compromise the public health, safety, and welfare or overall objectives of the General Plan.

5.The use meets all of the applicable conditions per Title 19.04.

The proposed Beer/Wine/Cooler Off-Sale use meets all of the applicable conditions per Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

36

NOTICES MAILED

172 (By City Clerk)

APPROVALS

0

PROTESTS

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