



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JULY 20, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: HAIM GABAY - OWNER: L'CHAIM FREMONT ASSOCIATES, INC.

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-41570	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-41570 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for 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 7,755 square-foot retail store at 300 Fremont Street. The Beer/Wine/Cooler Off-Sale use will be ancillary to the existing store. No Waivers are needed as a part of this request. The sale of individual containers is consistent with previous approvals along this portion of Fremont Street.

This request meets all minimum Special Use Requirements and can be conducted in a compatible and harmonious manner within a retail 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.
01/14/10	The Planning Commission recommended approval of a Special Use Permit (SUP-36562) for a Package Liquor Off-Sale Establishment within an existing 8,152 square-foot establishment at 300 Fremont Street. Staff recommended approval. This case was withdrawn without prejudice before being heard by City Council.
06/14/11	The Planning Commission voted (4-3/gf/bg/rt) to recommend DENIAL (PC Agenda Item 49/yk).

<i>Most Recent Change of Ownership</i>	
06/30/10	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
08/10/09	A Business License (#C05-02661) was issued for a Tobacco Dealer at 300 Fremont Street. The license remains active.
08/10/09	A Business License (#G04-07088) was issued for Gifts and Novelties at 300 Fremont Street. The license remains active.
10/27/09	A Business License (#L15-92442) was issued for Package Liquor at 300 Fremont Street. The license was marked as out-of-business on 10/06/10.

<i>Pre-Application Meeting</i>	
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.

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

<i>Field Check</i>	
05/05/11	Staff visited the site and found an active convenience store. The store was well maintained.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.23

<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	Hotel/Casino	C (Commercial)	C-2 (General Commercial)

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Master Plan Areas	Yes	No	Compliance
Downtown Centennial Plan	X		Y
Special Purpose and Overlay Districts	Yes	No	Compliance
A-O (Airport Overlay) District (200 Feet)	X		Y
Downtown Centennial Plan Overlay (Central Casino Core 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

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail Store, Other Than Listed (3500 Square Feet or More)	7,755 Sq. Ft.	1:175 GFA	45				
TOTAL SPACES REQUIRED			45		0		N
Regular and Handicap Spaces Required			43	2	0	0	N

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 7,755 square-foot retail store at 300 Fremont Street. The applicant indicates that they will sell beer and wine as an additional item within the store. The sale of individual containers is consistent with previous approvals in the area and is a common business practice for merchants along this portion of Fremont Street. 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.

YK

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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.

The proposed Beer/Wine/Cooler Off-Sale use is ancillary to an existing 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 general retail 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.

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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 35

NOTICES MAILED 169 (By City Clerk)

APPROVALS 0

PROTESTS 0