

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: NOVEMBER 2, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: FL SMITH, LLC - OWNER: FORT APACHE
COMMONS LTD, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ROC-43243	Staff recommends APPROVAL, subject to conditions:	None

**** CONDITIONS ****

ROC-43243 CONDITIONS

Planning

1. Condition #3 of Special Use Permit (SUP-16911) shall be deleted.
2. Conformance to the conditions of approval of the Special Use Permit (SUP-16911) 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 Car Wash and Convenience Store with previous approval for beer/wine/cooler off-sale at 1101 South Fort Apache Road. The applicant is requesting a Review of Condition of the Special Use Permit (SUP-16911) to delete condition #3, thereby allowing the sale of individual containers of beer, wine coolers and screw cap wine. The business has the appropriate licenses and has experience no major licensing violations. There are no protected uses within the 400-foot distance separation as required by Title 19.12, but there are four (4) similar type uses (one (1) beer/wine/cooler on-off sale, one (1) beer/wine/cooler off-sale, and two (2) package liquor sales) within 1,500 feet of the subject site, two with no restrictions for the sale of individual containers of beer, wine coolers or screw cap wine.

As there have been no negative police calls for service directly related to the business and there are no protected uses within 400 feet of the subject site, staff is recommending approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/12/98	The City Council approved a request for a Special Use Permit (U-0122-97) for a proposed full-service car wash with auto detailing, gasoline sales and minor automotive repairs on property located at the southwest corner of Charleston Boulevard and Fort Apache Road. The Planning Commission recommended approval.
01/25/99	The City Council approved a request for a Special Use Permit (U-0144-98) for a general business-related gaming establishment for four (4) slot machines in conjunction with an existing 8,200 square-foot car wash at 1101 South Fort Apache Road. The Planning Commission recommended approval.
02/05/03	The City Council approved a request for a Site Development Plan Review (SDR-1318) for a proposed retail addition to the Fort Apache Commons shopping center on a portion of 8.76 acres located at the southwest corner of Charleston Boulevard and Fort Apache Road. The Planning Commission and staff recommended approval.
04/16/03	The City Council approved a request for a Master Sign Plan (MSP-1717) for an approved 58,040 square-foot retail shopping center adjacent to the west side of Fort Apache Road, approximately 600 feet south of Charleston Boulevard. The Planning Commission and staff recommended approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/19/06	The Planning Commission approved a request for a Site Development Plan Review (SDR-16500) for a 580 square-foot restaurant addition to an existing service station (without incidental auto repair) at 1101 South Fort Apache Road. Staff recommended approval.
12/06/06	The City Council approved a request for a Special Use Permit (SUP-16911) for a beer/wine/cooler off-sale establishment at 1101 South Fort Apache Road. The Planning Commission and staff recommended approval.

<i>Most Recent Change of Ownership</i>	
04/26/05	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
02/24/99	A business license (C20-01887) was issued for Convention Hall Tax at 1101 South Fort Apache Road. The license is still active.
02/24/99	A business license (G01-01888) was issued for Restricted Gaming at 1101 South Fort Apache Road. The license is still active.
12/12/00	A business license (C05-02072) was issued for Tobacco Sales at 1101 South Fort Apache Road. The license is still active.
08/07/02	A business license (G02-00548) was issued for a Smog Check Station at 1101 South Fort Apache Road. The license is still active.
06/02/05	A business license (C02-00185) was issued for a Car Wash at 1101 South Fort Apache Road. The license is still active.
06/25/07	A business license (L10-00268) was issued for Beer/Wine/Cooler Off-Sale Establishment at 1101 South Fort Apache Road. The license is still active.
09/17/08	A business license (R05-00598) was issued for a Restaurant at 1101 South Fort Apache Road. The license is still active.
12/12/08	A business license (C15-00353) was issued for a Convenience Store at 1101 South Fort Apache Road. The license is still active.
There have been no recent building permits issued for the subject site.	

<i>Pre-Application Meeting</i>	
09/14/11	Staff met with the applicant to discuss the submittal requirements for a Review of Condition of a previously approved Special Use Permit (SUP-16911) to allow the sale of individual containers or beer, wine coolers and/or screw cap wine at 1101 South Fort Apache Road.

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

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Field Check	
09/22/11	Staff conducted a field inspection of the subject site with the following observations: • The area surrounding the business was neat and clean in appearance with no trash or debris. • Signage at the site did appear to exceed the permitted coverage in accordance with Title 19 requirements.

Details of Application Request	
Site Area	
Gross Acres	1.86

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-2 (General Commercial)
West	Multi-Family Residences	M (Medium Density Residential)	R-3 (Medium Density Residential)

Master Plan Areas	Yes	No	Compliance
Master Plan Area			
Peccole Ranch	X		Y
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts			
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

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ANALYSIS

This is a request for a Review of Condition of a previously approved Special Use Permit (SUP-16911) to delete condition #3 that states, "The sale of individual containers of any size beer, wine cooler or screw cap wine is prohibited. All such products shall remain in their original configuration as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted" at 1101 South Fort Apache Road. The business has the appropriate licenses and has experience no major licensing violations. There are no protected uses within the 400-foot distance separation as required by Title 19.12, but there are four (4) similar type uses (one (1) beer/wine/cooler on-off sale, one (1) beer/wine/cooler off-sale, and two (2) package liquor sales) within 1,500 feet of the subject site, two with no restrictions for the sale of individual containers of beer, wine coolers or screw cap wine. The property has received 39 calls for service for the Las Vegas Metropolitan Police Department within the last year, though none are directly related to the operations of the business.

FINDINGS

Though there are numerous calls for service to the subject site, the calls are not directly related to the operation of the business nor are they related to the sale of alcohol. As there are no protected uses within 400 feet of the subject site, staff is recommending approval of this request. Conformance to the conditions of approval of the Special Use Permit (SUP-16911) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

10

NOTICES MAILED

476 (By Planning)

APPROVALS

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PROTESTS

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