



City of Las Vegas

Agenda Item No.: **24.**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JULY 23, 2009**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: SUP-3476 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: HOUSE OF VINO, LLC - OWNER: PROMIDINO VILLAGE, LLC - Request for a Special Use Permit FOR LIQUOR SALES (FOR OFF-PREMISE CONSUMPTION) WITHIN A PROPOSED 1,925 SQUARE-FOOT COMMERCIAL STORE at 7181 North Hualapai Way, Suite #105 (APN 126-24-017-001), PL (Planned Development) Zone [VC (Village Commercial) Cliffs Edge Special Land Use Designation] (Staff: 6/Ross)

P.C.: FINAL ACTION Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

12

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

2

City Council Meeting

0

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards
7. Submitted after Final Agenda Protest/Support Postcards for Items 24 and 25

Motion made by KEEN ELLSWORTH to Deny

Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0

KEEN ELLSWORTH, VICKI QUINN, BYRON GOYNES, GLENN TROWBRIDGE, STEVEN EVANS, GUS FLANGAS; (Against-None); (Abstain-RICHARD TRUESDELL); (Did Not Vote-None); (Excused-None)

NOTE: COMMISSIONER TRUESDELL abstained from voting on this item because MR. EDER represents a tenant of his.

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open.

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DOUG RANKIN, Planning and Development, stated that the proposed establishment is not located within 400 feet of any church, synagogue, school or child care facility. The hours of operation will be from 8:00 a.m. to 12:00 a.m., seven days a week. The convenience store would contain 48 square feet of beer and wine display and 125 square feet of area behind the cashier of selective hard alcohol display. The 173 square feet of area dedicated to liquor sales is 90 percent of the total square footage of the convenience store. The special use permit is consistent with the requirements of the Cliff Edge Master Plan Development Agreement and development standards, and it can be conducted in a manner compatible to the existing surrounding land uses. Staff recommended approval.

DAVE EDER, 777 East Quartz Avenue, appeared on behalf of the applicant and stated that the convenience store is located at the corner of the existing shopping center. It will blend with the surrounding neighborhood and will help enhance the shopping center. The store will provide services for those residents who reside in the condominium development behind the shopping center.

BRIDGET SOLVIE, MARK BLOOM, CAROLE TROTH, JENNIFER TAYLOR, Northwest Residents for Responsible Growth (NRRG), and THOMAS HARRER all appeared in opposition. There are other existing facilities offering the same services located in the vicinity. Although some residents were open to a convenience store or restaurant, the character of Providence does not support this kind of store with alcohol sales and gaming. MS. SOLVIE suggested the applicant seek another location, such as locating in the vacant center along Durango Drive. MRS. TROTH added that the convenience store is located near a church on Elkhorn Road and Hualapai Way.

MS. TAYLOR added that the applicant's contention is that the House of Vito would be a unique convenience store, but photos were shown of the applicant's other locations, and they do not believe they can bring a high class store. MR. HARRER chose this location because of its family-oriented master planned community.

TODD FARLOW agreed with all residents' comments but pointed out that the commercial real estate has seen a decline and leaving these centers vacant will attract taggers.

MR. EDER indicated that the reason the applicant reduced the amount of alcohol was due to the residents' concerns. It is planned to be a specialty store with a small deli with a humidor and selective liquors, beers and wines. In response to the photos shown by MS. TAYLOR, he indicated that the Latino Mercado is located in a predominantly Latino neighborhood with a full size deli and fresh produce department. He could not dispute whether or not the Budweiser delivery truck was parked there for a long period of time. He respects the residents' opinions but asked the Planning Commission for approval.

COMMISSIONER ELLSWORTH noted the amounts of oppositions and referred to additional protests. The burden is upon the applicant to explain why these uses should be approved. He does not believe the use is harmonious with the surrounding areas and it does not fit in with what the residents want. MR. EDER rebutted that the closest convenience store is about a mile away.

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He opined that the majority of the residents residing directly behind the proposed convenience store would love to have a store at this location. He does not believe the church is within the 400 feet boundary, nor has it been built. COMMISSIONER ELLSWORTH suggested the applicant reconsider what is harmonious and compatible for those residents who live in the area. MR. EDER stated the store will provide more of a service than a hindrance and it will help attract other businesses into the same shopping center.

COMMISSIONER COYNE verified with MR. EDER that it will not be a two-story structure. He does not believe this will be a specialty store but rather a traditional convenience store. MR. EDER indicated the applicant plans to ask residents what items are desired prior to the store opening.

COMMISSIONER QUINN stated this is not a decision about people wanting high-class business yet in Ward 3 they are considered low class businesses. Her concern is the ingress and egress for delivery trucks and the pedestrians' safety. MR. EDER explained where the delivery trucks would access the site, and the hours of delivery could be restricted. He was not certain of the trash enclosure's location.

CHAIR TROWBRIDGE declared the Public Hearing closed.

