



City of Las Vegas

Agenda Item No.: 17.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 10, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: SUP-3522 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: HOUSE OF VINO, LLC - OWNER: DETON DURANGO 2008, LLC - Request for a Special Use Permit FOR ACCESSORY PACKAGE USE OF OFF-SALE WITHIN A PROPOSED 2,510 SQUARE-FOOT CONVENIENCE STORE at 3053 North Durango Drive, Suite #160 (APN 125-08-806-003, C-1 (Limited Commercial) Zone, Ward 6 (Ross))

C.C.: 10/07/2009

IF DENIED, P.C. MAY APPEAL (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

16

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

6

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/Support Postcards
7. Submitted after Final Agenda - Supplemental Sheet to Staff Report and Protest Postcards

Motion made by KEEN ELLSWORTH to Approve subject to conditions and adding the following conditions as read for the record:

- A. The hours of operation shall be from 5:00 a.m. to 10:00 p.m. Sunday through Thursday, and 5:00 a.m. to 12:00 a.m. Friday and Saturday.
- B. The floor area used for alcohol sales shall be limited to a maximum of 8.5% of the total floor area.
- C. There shall be a review at a Public Hearing by the Planning Commission one year after issuance of a business license.

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Passed For: 4; Against: 1; Abstain: 0; Did Not Vote: 1; Excused: 1

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

NOTE: COMMISSIONER TRUESDELL disclosed that he would be abstaining as MR. EDER represents one of his tenants on another licensing matter for the City.

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open.

DOUG RANKIN, Planning and Development, indicated that the request relates to dedication of 8.5% of the total floor area for the sale of packaged liquor and the hours of operation. With the proposed use being in compliance with Title 19 zoning requirements and compatible with surrounding uses, staff recommended approval.

DAVE EDER, 777 East Quartz Avenue, appeared on behalf of the applicant and concurred with all conditions and asked for approval.

MARVIN MINUSHKIN explained that previously all commercial establishments that were similar to the proposed convenience store were situated to the west of I-95. Because this is a residential neighborhood, he expressed concern regarding the hours of operation, the sale of packaged liquor and the potential for gaming.

LISA MAYO, representing Northwest Residents for Responsible Growth, noted that the same applicant had a similar request in the Providence area that was denied by the Council and subsequently withdrawn by the applicant. MS. MAYO stated that the main objections with the current application are the packaged liquor sales and the hours of operation during the week.

TODD SCHWARTZE remarked that it is more important to focus on the neighborhoods. He had no opposition to the convenience store and spoke of business plans and experience and walkability for the residents.

COMMISSIONER EVANS questioned whether the applicant had considered selling just beer and wine rather than a wide selection of liquor. MR. EDER replied that it would be a selected variety of imported wines and beer.

COMMISSIONER GOYNES remarked that there are numerous establishments that offer a variety of liquor choices, and, hearing the various comments, he felt the residents were beginning to feel that these types of businesses were slowly encroaching upon their neighborhoods.

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COUNCILMAN ELLSWORTH asked for clarification regarding expansion of the liquor section if requested by customers. MR. EDER replied that there is one specific section designated for the liquor sales.

MARGO WHEELER, Director of Planning and Development, confirmed that there are two proposed conditions pertaining to the hours of operation and the maximum allowable space dedicated for alcohol sales.

COMMISSIONER ELLSWORTH proposed a condition that would designate the hours of operation on Sunday through Thursday from 5:00 a.m. to 10:00 p.m. and on Friday and Saturdays, from 5:00 a.m. to midnight. MR. EDER concurred.

Upon hearing COMMISSIONER ELLSWORTH'S proposal to disallow packaged liquor, MR. EDER explained that the volume is small, but it would be an important part of the store concept.

COMMISSIONER EVANS recommended a period of review to alleviate any problems that might arise. COMMISSIONER ELLSWORTH agreed and MR. EDER was acceptable to the added condition.

CHAIR TROWBRIDGE declared the Public Hearing closed.