



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 27, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: APPLICANT/OWNER: L'CHAIM WESTERN VILLAGE
PROPERTY, LLC**

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-37660	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-37660 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Package Liquor Off-Sale Establishment use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity. 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 their original manufacturer's configuration of four- or six-packs.
6. 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 for a Package Liquor Off-Sale Establishment within an existing 5,000 square-foot retail building at 321 Fremont Street. No Waivers are needed as a part of this request. The proposed use meets all Title 19.04 standards for a Package Liquor Off-Sale Establishment, and can be conducted in a manner that is harmonious and compatible with existing surrounding land uses; therefore, staff recommends approval. If this request is denied, the proposed use will not be permitted at this location.

ISSUES

- The site was previously approved via Special Use Permit (SUP-33731) for a Beer/Wine/Cooler Off-Sale Establishment. The current request would expand the Off-Sale activity to include all types of liquor.

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), C-2 (General 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 of the request.
12/18/97	The City Council approved an Aesthetic Review (AR-0017-96) for a proposed exterior remodel to the existing retail business at 321 Fremont Street. The Planning Commission and staff recommended approval.
05/20/09	The City Council approved a Special Use Permit (SUP-33731) for a Beer/Wine/Cooler Off-Sale Establishment. The Planning Commission and staff recommended approval of the request.

<i>Most Recent Change of Ownership</i>	
12/13/07	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
01/19/99	A Building Permit (#99001051) was issued for an exterior remodel at 321 Fremont Street. The permit expired on 10/16/99.
02/26/99	A Building Permit (#98002584) was issued for an exterior remodel at 321 Fremont Street. The permit expired on 10/16/99.
01/18/08	A Business License (#C05-02590) was issued for a tobacco dealer at 321 Fremont Street. The license remains active at this location.
01/18/08	A Business License (#G04-06691) was issued for gifts and novelties at 321 Fremont Street. The license remains active at this location.
01/18/08	A Business License (#C15-00372) was issued for a convenience store at 321 Fremont Street. The license remains active at this location.
11/20/08	A Building Permit (#119927) was issued for a tenant improvement at 321 Fremont Street. The permit remains active and has not been finalized.
04/22/09	A Business License (#I12-00031) was issued for an Internet Cafe at 321 Fremont Street. The license remains active at this location.
05/28/09	A Business License (#L10-00303) was issued for Beer/Wine/Cooler/Off-Sale Establishment at 321 Fremont Street. The license remains active at this location.

<i>Pre-Application Meeting</i>	
03/12/10	A pre-application meeting was held and the submittal requirements of a Special Use Permit application were discussed. Topics included: • The submittal of a revise justification letter to reflect the exact nature of the request, either for Package Liquor Off-Sale Establishment or Retail Establishment with Accessory Package Liquor Off-Sale. • The submittal of a revised floor plan to indicate the location of the Package Liquor. • The proposed use meets the 400 foot distance separation requirement from protected uses such as church, synagogue, school, child care facility, or a City park.

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

<i>Field Check</i>	
04/22/10	During a routine site inspection staff observed a well maintained general retail store.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.16

<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	General Retail	C (Commercial)	C-2 (General Commercial)
North	General Retail	C (Commercial)	C-2 (General Commercial)
South	Casino	C (Commercial)	C-2 (General Commercial)
East	Parking Structure	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>
Master Plan Area			
Downtown Centennial Plan	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District	X		Y
A-O (Airport Overlay) District - (200 Feet)	X		Y
Downtown Casino Overlay District – (Central Casino Core)	X		Y
Downtown Redevelopment Plan	X		Y
Live/Work Overlay District	X		Y
Trails - Tortoise Trail	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

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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	
General Retail Store, Other Than Listed (3,500 Square Feet or More)	5,000 SF	1:175 GFA	29		Zero		
TOTAL SPACES REQUIRED			29				
TOTAL (With Handicapped)			27	2	Zero	Zero	

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

According to Title 19, a “Package Liquor Off-Sale Establishment” is defined as “an establishment, other than a retail establishment with package liquor off-sale, whose license to sell alcoholic beverages authorizes their sales to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold. This use includes an establishment that provides on-premise wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liquor tasting license for that location.”

The subject site is located within the Las Vegas Downtown Centennial Plan area, which is not subject to the automatic application of parking requirements. There are no parking spaces on the subject site. This is a common occurrence for shops located on Fremont Street within the Fremont Street Experience area. Adequate parking is located in several parking structures within walking distance to Fremont Street.

The proposed Package Liquor Off-Sale Establishment use requires the approval of a Special Use Permit within a C-2 (General Commercial) zoning designation. The proposed use will be operated in conjunction with the existing retail establishment. The sale of package liquor is consistent with previous approvals in the area and is a common business practice for merchants 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 the existing retail establishment and with similar uses along Fremont Street; therefore, staff is recommending approval of this application.

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FINDINGS (SUP-37660)

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 Package Liquor Off-Sale Establishment will be operated in conjunction with an existing retail establishment, which is adjacent to similar uses along Fremont Street. The addition of a Package Liquor Off-Sale Establishment use within this area is compatible with the existing and future land uses as specified by the General Plan.

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

The subject site is currently operated as a retail establishment. 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 proposed Package Liquor Off-Sale Establishment use is located on Fremont Street and 4th Street, which are both defined as 80-foot Secondary Collectors, as defined by the Master Plan of Streets and Highways. The location of the subject site is not accessed by vehicular traffic as it is located under the Fremont Street Experience canopy. 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 Package Liquor Off-Sale use meets all of the applicable conditions per Title 19.04.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

NOTICES MAILED 201

APPROVALS 1

PROTESTS 0