



City of Las Vegas

Agenda Item No.: 46.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JULY 29, 2010**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: SUP-3853 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: WAI CHUN GIM - Request for a Special Use Permit FOR A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT WITHIN AN EXISTING 1,996 SQUARE-FOOT CONVENIENCE STORE WITH A WAIVER TO ALLOW A 25-FOOT DISTANCE SEPARATION FROM A CHILD CARE FACILITY WHERE 400 FEET IS REQUIRED at 1451 West Owens Avenue (APN 139-28-501-001), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL.

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

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	40
City Council Meeting	0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	0
City Council Meeting	0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photo
5. Justification Letter
6. Protest Postcards
7. Submitted at Meeting Protest Petition with 28 signatures by Bill High

Motion made by BYRON GOYNES to Deny

Passed For: 4; Against: 3; Abstain: 0; Did Not Vote: 0; Excused: 0

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

Minutes:

CHAIR TRUESDELL declared the Public Hearing open.

STEVE GEBEKE, Planning and Development, stated that the requested Waiver relative to distance separation is permissible since there is a 100-foot right-of-way on Owens Avenue separating the uses. The proposed use can be conducted in a compatible and harmonious manner with the surrounding uses, so staff recommended approval.

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VINCENT GINN appeared on behalf of the applicant, who was present also. He accepted the conditions and asked for approval.

BILL HIGH, Bonanza Village Homeowners Association; HELEN ANDERSON and SWAYZINE FIELDS appreciated the applicants business tenure in West Las Vegas. However, they opposed the request because having another establishment that sells alcohol in this area will only exacerbate the issues. There is potential for decreased property values, undesirable foot traffic, potential harm to nearby daycare facilities and increased crime. MR. HIGH emphasized that the proposed use could hamper the ongoing redevelopment efforts being made by the City and the Ward 5 community and submitted a protest petition.

TODD FARLOW believed the applicant has justification for selling liquor, as other establishments in the area are allowed to do the same.

Even though VICE CHAIR TRUESDELL pointed out that this request does not entail packaged liquor, MR. HIGH stressed that individuals can still purchase it and leave off site, which can lead to the aforementioned problems. In addition, approving this application would mean that the separation distance from the nearby childcare facility would be reduced from 400 feet to 300 feet, which is simply inappropriate and does not benefit the community.

The Commission discussed with MR. GINN the history on the site and the applicants pool cleaning business. MR. GINN pointed out that his client failed to inform him of the pool cleaning business, and at this time his client is unsure if the license is still active. ASSISTANT CITY ATTORNEY BRYAN SEBASTIAN noted that a sign can be placed on a window and contacts can be made. However, vehicles are not allowed to be dispatched from the subject business location.

MARGO WHEELER, Director of Planning and Development, explained for COMMISSIONER ELLSWORTH that there are some establishments, such as a convenience store with gasoline stations, which sells food as part of their model, however, such an establishment is not a fast food facility or restaurant.

COMMISSIONER GOYNES stressed the fact that there is an oversaturation of alcohol sales within a five-mile radius of this area. He recalled when former Councilman LAWRENCE WEEKLY was in office, there was an epidemic concerning drugs and undesired foot traffic. With the assistance of the Las Vegas Metropolitan Police Department, the foot traffic and loitering has decreased. COMMISSIONER GOYNES was not inclined to support the request, as the City is spending millions of dollars to upgrade Martin Luther King Boulevard and create a complete makeover of the community. In addition, the applicant has an existing business with a pool cleaning service, yet the site is under parked and has no handicap parking.

MR. GINN respectfully rebutted and spoke on the success of their business and their long tenure in this community. He asked for the opportunity to be a part of bettering Ward 5.

CHAIR TRUESDELL declared the Public Hearing closed.