



City of Las Vegas

Agenda Item No.: 23.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2010**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: BEYANET - SUP-38909 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: DURANGO MARKET - OWNER: ANN WELLS LLC - Request for a Special Use Permit FOR A PACKAGE QUOR OFF-SALE ESTABLISHMENT USE WITHIN AN EXISTING 2,326 SQUARE-FOOT RETAIL STORE at 6955 North Durango Drive, Suite #1114 (APNs 125-20-215-269 and 125-20-215-270) [C-TC (Town Center) Zone [C-TC (Urban Center Mixed Use - Town Center) Special Land Use Designation], Ward 6 (Ross). Staff recommends APPROVAL.

**MAY GO TO CITY COUNCIL ON 10/20/10 OR MAY BE FINAL ACTION
(Unless Appealed Within 10 Days)**

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

7

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

850

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/Support Postcards and Support Petitions
7. Supplemental Page with Neighborhood Meeting Results

Motion made by BYRON GOYNES to Approve subject to conditions and adding the following condition as read for the record:

A. There shall be a review one year after issuance of a business license at a public hearing of the Planning Commission.

Passed For: 5; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 1

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

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NOTE: An initial motion for denial by MOODY failed with QUINN, TROWBRIDGE, TRUESDELL, GOYNES and EVANS voting NO and FLORES excused.

Minutes:

CHAIR TRUESDELL declared the Public Hearing open.

BOUG RANKIN, Planning and Development, stated the item was held in abeyance to give the applicant an opportunity to host a neighborhood meeting. The proposed use meets Title 19.04 standards and can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses. Staff recommended that if the request is denied, the proposal will not be permitted at this location.

NATHAN TAYLOR appeared on behalf of the applicant and indicated that the neighborhood meeting was attended by approximately 50 people and residents' concerns were addressed at the meeting. He agreed to the conditions.

COMMISSIONER MOODY asked MR. TAYLOR if he represented the owner in 2004 when the item first came before the Planning Commission. MR. TAYLOR responded he did not and was not aware of representations made at the previous meeting. He will speak with his clients about being a good neighbor and complying with all codes.

COMMISSIONER GOYNES indicated he attended the neighborhood meeting and those that spoke lived directly in the neighborhood and use this market on a daily basis. It is clearly a sense of a friendly neighborhood market in hearing the residents speak. Although, there were genuine concerns with the request to sell hard alcohol, there have not been a lot of complaints about this store. The Commissioner felt the applicant should be given an opportunity with a one year-review.

Regarding the loitering issue, COMMISSIONER GOYNES explained that there are other businesses that actually have the problem with loitering and not this store. This is what the "Town Center" concept is all about and includes having business on the lower level with residential above.

COMMISSIONER EVANS stated that these special use permits are considered individually and based on its own merits. Some small business owners can manage and minimize what occurs in their centers better than the larger ones. He concurred with COMMISSIONER GOYNES' comments and recommendation for a one-year review by the Planning Commission.

COMMISSIONER TROWBRIDGE remarked that a petition with 821 signatures in support can be persuasive in itself.

COMMISSIONER MOODY questioned the reason for the request for the packaged liquor given the fact that the applicant has operated for approximately five years with only a beer and wine license. MR. TAYLOR responded that patrons requested that the applicant apply for this use as

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a convenience that they do not have to cross Durango Drive, which is a busy street, to purchase liquor.

Prior to the subsequent motion for approval, MARGO WHEELER, Director of Planning and Development, read an added condition regarding the one-year review.

CHAIR TRUESDELL declared the Public Hearing closed.

