



City of Las Vegas

Agenda Item No.: 27.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2010**

**DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER**

☐ Consent ☒ Discussion

SUBJECT: SUP-3981 - SPECIAL USE PERMIT PUBLIC HEARING - APPLICANT: ALLSTAR MINIMARK - OWNER: BROKER INVESTMENT COMPANY, LP - Request for a Special Use Permit TO ADD A 155 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE USE WITHIN AN EXISTING 2,400 SQUARE-FOOT CONVENIENCE STORE WITH A WAIVER TO ALLOW A 100-FOOT DISTANCE SEPARATION FROM A CHURCH OR SYNAGOGUE WHERE 400 FEET IS REQUIRED at 2339 North Jones Boulevard (APN 138-24-101-001), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends DENIAL.

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

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

13

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

30

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

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, Protest Letters by Reverend Dr. Sharon Stover and Charleston Neighborhood Preservation
7. Submitted at Meeting Support Letters by Lora Dreja
8. Recordation Notice of Planning Commission Action and Conditions of Approval

Motion made by BYRON GOYNES to Approve subject to conditions

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

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

NOTE: COMMISSIONER FLANGAS abstained from voting, as he was involved in extensive litigation against one of the principals, Ernie Becker, Jr.

PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2010

Minutes:

CHAIR TRUESDELL declared the Public Hearing open.

DOUG RANKIN, Planning and Development, stated staff found that the use cannot be conducted in a harmonious manner and recommended denial.

LORA DREJA, Brown Brown and Premsrirun appeared on behalf of the applicant and described the subject site. The applicant maintains the business and has had a beer and wine license since 2000 with no problems with Metro. She submitted for the record letters of support from residences that reside within a mile of the subject establishment.

Although the Code measures the separation distance from property lines, MS DREJA pointed out that the actual distance between the adjacent church and this site is beyond 425 feet. The area designated for the packaged liquor is approximately 15 square feet and will be located behind the counter out of the public's reach. She respectfully asked for approval.

COMMISSIONER GOYNES visited the site and realized that the establishment is a small neighborhood store. There are other convenience stores but none that sell packaged liquor. He could support the request with the fact that the packaged liquor will be located behind the counter.

CHAIR TRUESDELL knows the applicant maintains a good operation and is less concerned with having this use near a church since these establishments were in existence prior to the church. However, he expressed concern that there are at least three convenience stores at this intersection in close proximity to a high school. Beer and wine is customary to have in such stores but once hard liquor is an added product, a potential precedent could be set.

COMMISSIONER EVANS understood the intent of not having excessive alcohol use in particular areas, but he found it to be objectionable if every "big box" liquor store has a liquor component even if the argument is that the area is small. In some of the disadvantaged areas, a lot of mischief occurs and creates an unfair advantage. The Commissioner would like to see these applications be taken on a case-by-case basis and ensure these stores do not create an avenue of mischief. In addition, the Commission should re-address approving alcohol in "big box" stores that do not provide security measures against mischief. He was comfortable with supporting in that the Commissioner visited the site.

See Item 16 for related backup.

CHAIR TRUESDELL declared the Public Hearing closed.