



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: ALLSTAR MINIMART - OWNER: BECKER INVESTMENT COMPANY, LP

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-39812	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

SUP-39812 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Retail Establishment with Accessory Package Liquor Off-Sale use.
2. Conformance to the approved conditions for Rezoning (Z-0069-73).
3. This approval shall be void two years 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.
4. Prior to issuance of a business license, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
5. All necessary building permits shall be obtained for all unpermitted existing signage within 30 days of final approval, or the signage shall be removed.

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6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All beer and wine coolers shall remain in their original manufacturer's configuration of four- or six-packs.
9. 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 to allow a 15 square-foot Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 2,400 square-foot Convenience Store located at 2339 North Jones Boulevard. The use will be ancillary to the existing Convenience Store. The proposed use is less than 10% of the total retail floor space of the establishment and will not require additional parking beyond that which is required for the principal use on the site. This project is located within a 1.47-acre retail center, which is able to physically accommodate a variety of uses; however, the close proximity to a religious facility (Agape Bible Fellowship Christian Center) is not harmonious or compatible with the proposed use. Staff recommends denial of this request and the accompanying distance separation waiver, as the use cannot be conducted in a manner that is compatible with the surrounding uses. If this application is denied, the Convenience Store would not be allowed to conduct the Accessory Package Liquor Off-Sale use on the premises.

ISSUES

- A Retail Establishment with Accessory Package Liquor Off-Sale use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit).
- A Waiver to allow a 100-foot distance separation where 400 feet is required between the proposed use and a religious facility is needed for approval of the Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/26/73	The City Council approved a reclassification of property (Z-0069-73) generally located on the southeast corner of Jones Boulevard and Smoke Ranch Road, from R-3 (Medium Density Residential) to C-1 (Limited Commercial) on the subject property. The Planning Commission recommended denial.
11/27/79	The Planning Commission approved a request for a Review of Conditions (Z-0069-73) relative to deferring landscaping on property generally located at the southeast corner of Jones Boulevard and Smoke Ranch Road. Staff recommended approval.
02/01/84	The City Council denied a request for a Plot Plan Review (Z-0069-73) to allow a 12-foot by 24-foot off-premise sign on property located at 2351 North Jones Boulevard. The Planning Commission and staff recommended denial.
08/20/03	The City Council denied a Special Use Permit (SUP-2329) for the sale of Accessory Package Liquor for Off-Premise consumption in conjunction with an existing Convenience Store at 2339 North Jones Boulevard. The Planning Commission and staff recommended denial.

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<i>Most Recent Change of Ownership</i>	
05/21/02	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
C.1979	The retail center was constructed.
05/23/00	A building permit (0000992) was issued for a Non-work Tenant Improvement at 2339 North Jones Boulevard. The permit was finalized on 05/26/00.
06/15/00	The business licenses (C05-02027) Tobacco Dealer-Retail, (C15-00256) Convenience Store, (G01-02054) Gaming Restricted, and (L10-00207) Beer/Wine/Cooler Off-Sale were issued at 2339 North Jones Boulevard. The licenses are currently active.
03/07/07	A business license (N02-00141) for Check Cashing Only was issued at 2339 North Jones Boulevard. The license is active.
01/29/09	A business license (W10-00219) for a Wire Service was issued at 2339 North Jones Boulevard. The license is active.

<i>Pre-Application Meeting</i>	
09/15/10	Staff reviewed the submittal requirements for a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale use. It was noted that a Waiver is required for the minimum 400-foot distance separation between the proposed use and a religious facility.

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

<i>Field Check</i>	
09/15/10	During a site visit, staff noted a Retail Center to be clean and free of debris. The existing Convenience Store has two unpermitted banners.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.47

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<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	Retail Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Convenience Store & Service Station	SC (Service Commercial)	C-1 (Limited Commercial)
South	Multi-Family Residence	M (Medium Low Density Residential)	R-3 (Medium Density Residential)
East	Utility Installation	PF (Public Facilities)	C-V (Civic)
	Single Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
West	Multi-Family Residence	H (High Density Residential)	R-PD31 (Residential - Planned Development - 31 Units per Acre)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (105 feet)	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Smoke Ranch Road: Primary Arterial	Master Plan of Streets and Highways	100	Y
Jones Boulevard: Secondary Collector	Master Plan of Streets and Highways	80	Y

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Pursuant to Title 19.04 and 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Proposed Retail Establishment with Package Liquor Off-Sale use	15 SF	N/A	N/A				
Convenience Store	2,400 SF	1/175 SF	14				
Beauty Salon	1,000 SF or 4 stations	3 spaces per station	12				
Restaurant	1,500 SF 1,500 SF	1/50 SF, 1/200 SF	30 8				
Office	1,000 SF	1/300 SF	4				
Retail	1,000 SF	1/175 SF	6				
Barber Shop	1,000 SF or 6 chairs	2 spaces per chair	12				
Liquor Establishment (Tavern)	1,000 SF 3,000 SF	1/50 SF 1/200 SF	20 15				
Financial Institution, Specified	1,040 SF	1/250 SF	4				
TOTAL SPACES REQUIRED			125				69
Regular and Handicap Spaces Required			120	5	62	7	Y*

*The subject site is parking impaired, per Title 19.10.

Waivers		
Requirement	Request	Staff Recommendation
A 400-Foot minimum distance separation from a religious facility.	To allow a 100-Foot distance separation.	Denial

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ANALYSIS

A Retail Establishment with Accessory Package Liquor Off-Sale use is defined by Title 19.20.020 as “a retail establishment:

- (1) Whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold; and
- (2) In which the sale of alcoholic beverages is ancillary to the retail use, and in which no more than ten percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages.

The term includes an establishment that provides on-premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license for that location.”

The proposed use requires a Waiver of the minimum 400-foot distance separation requirement from a religious facility (Agape Bible Fellowship Christian Center) in order to comply with all minimum Special Use Requirements of Title 19.04 requirements for a Retail Establishment with Accessory Package Liquor Off-Sale use. No additional parking is required for the proposed use. The proposed Retail Establishment with Accessory Package Liquor Off-Sale use is located in the A-O (Airport Overlay) District and meets the restriction of 105 feet. The proposed Retail Establishment with Accessory Package Liquor Off-Sale use has an existing on street bike lane located along the northern property line, the proposed Retail Establishment with Accessory Package Liquor Off-Sale use has no impact to the on street bike lane. Staff recommends denial of this request, due to the proximity of a religious facility. A similar application for a Special Use Permit (SUP-2329) was denied on August 23 2003.

FINDINGS (SUP-39812)

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 Retail Establishment with Accessory Package Liquor Off-Sale use will be located within a 2,400 square-foot Convenience Store and will be ancillary to the existing Convenience Store. The proposed use cannot be conducted in a manner that is harmonious and compatible with the uses on the existing site and with the religious use on the adjacent properties.

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

The subject site is physically suitable for the type and intensity of the proposed use. There is no additional parking requirement for a Retail Establishment with Accessory Package Liquor Off-Sale use other than that which is required for the principal 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 site is accessed by Smoke Ranch Road and Jones Boulevard. These streets are of sufficient size to accommodate the needs of the proposed Retail Establishment with Accessory Package Liquor Off-Sale use.

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.

Approval of the proposed Special Use Permit will not compromise the public health, safety and general welfare, as the use will be subject to regular inspections for business licensing.

5.The use meets all of the applicable conditions per Title 19.04.

The proposed Retail Establishment with Accessory Package Liquor Off-Sale use meets the applicable conditions per Title 19.04, with the exception of the requested Waiver. Staff recommends denial of the request as the Retail Establishment with Accessory Package Liquor Off-Sale use, as indicated by the required waiver.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

16

NOTICES MAILED

786

APPROVALS

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PROTESTS

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