



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 8, 2011

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: DOWNTOWN BODEGA INC. - OWNER: RETAIL 110, INC.

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-40115	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-40115 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Beer/Wine/Cooler Off-Sale Establishment use shall be adhered too.
2. 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.
3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All beer and wine coolers shall remain in the original manufacturer's configuration intended for resale.

Conditions Page Two
February 8, 2011 - Planning Commission Meeting

7. The sale of single beers, malt beverages, or wine coolers of any size with alcohol by volume greater than 6% shall be prohibited. The sale of wines with an alcohol by volume of greater than 16% shall be prohibited.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
February 8, 2011 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Beer/Wine/Cooler Off-Sale Establishment within an existing 1,370 square-foot retail establishment at 900 Las Vegas Boulevard, Suite #120. No Waivers are required as a part of this request. The proposed use meets all Title 19.04 standards for a Beer/Wine/Cooler Off-Sale Establishment, and can be conducted in a manner that is harmonious and compatible with existing surrounding land uses; therefore, staff recommends approval, with conditions. If this request is denied, the proposed use will not be permitted at this location.

ISSUES

- A Beer/Wine/Cooler Off-Sale Establishment is permitted in a C-2 (General Commercial) zone within the 18b Las Vegas Arts District with an approved Special Use Permit.
- Any proposed exterior signage shall be approved by the Downtown Development Review Committee and must comply with the Scenic Byway Overlay standards prior to issuance of a sign permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/21/04	The City Council approved a Site Development Plan Review (SDR-3253), a Special Use Permit (SUP-3352) and a Vacation (VAC-3409) for a 112-unit Mixed-Use Development with approximately 4,000 square feet of retail with Waivers of the Downtown Centennial Plan Step-back Standard and required Sidewalk Widths. The Planning Commission and Staff recommended approval on 12/18/03.
04/22/04	The Planning Commission approved a Major Amendment (SDR-4117) to an approved Site Development Plan Review (SDR-3253) to increase the number of units from 112 to 120 for a residential development with approximately 4,000 square feet of retail on 0.68 acres adjacent to the southwest corner of Las Vegas Boulevard and Hoover Street. Staff recommended approval.
11/02/04	A Final Map (FMP-4502) was recorded for a mixed-use subdivision with 120 residential and 2 commercial lots.
08/26/10	The Planning Commission approved a Special Use Permit (SUP-38842) for a 3,937 square-foot Urban Lounge at 400 Las Vegas Boulevard in Suite 140. Staff recommended approval.

February 8, 2011 - Planning Commission Meeting

<i>Most Recent Change of Ownership</i>	
04/03/09	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
12/17/07	A Building Permit (#104212) was issued for a 1,319 square-foot commercial tenant improvement at 900 South Las Vegas Boulevard, suite 120. This permit was finalized on 11/06/08.
10/07/08	A Building Permit (#125690) was issued for the use of Suite 140 as an Art Gallery. This permit was finalized 11/06/08.
07/09/08	A change of location for a Beauty Salon (Business License #B05-02782) and Retail Beauty Supplies (Business License #B08-00691) was approved for 900 South Las Vegas Boulevard, Suite 130. The original licenses were approved 10/23/00.
11/19/10	A Business License (C15-00389) for a Convenience Store was issued for 900 S. Las Vegas Boulevard, Suite 120.

<i>Pre-Application Meeting</i>	
10/15/10	Staff met with the applicant and explained that a Special Use Permit application would be required for the proposed Beer/Wine/Cooler Off-Sale Establishment use. It was also noted that a Text Amendment would be required in order to locate the use within the boundaries of the 18b Las Vegas Arts District. The City sponsored a Text Amendment to add several uses appropriate to the 18b Las Vegas Arts District, including the proposed use. The Text Amendment was adopted by the City Council on 02/02/11.

<i>Neighborhood Meeting</i>	
No neighborhood meeting was required, nor was one held.	

<i>Field Check</i>	
01/13/11	Staff found a well maintained building with no issues noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.71

Staff Report Page Three
February 8, 2011 - Planning Commission Meeting

<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	Mixed-Use Commercial/ Residential	MXU (Mixed-Use)	C-2 (General Commercial)
North	Office	MXU (Mixed-Use)	C-2 (General Commercial)
South	Restaurant	MXU (Mixed-Use)	C-2 (General Commercial)
East	Office	MXU (Mixed-Use)	C-2 (General Commercial)
West	Office	MXU (Mixed-Use)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Downtown Centennial Plan	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Downtown Centennial Plan Overlay - 18b The Las Vegas Arts District	X		Y
Live/Work Overlay District	X		NA
Las Vegas Boulevard Scenic Byway Overlay District	X		NA
Trails		X	NA
Rural Preservation Overlay District		X	NA
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

ANALYSIS

The applicant is proposing to add a Beer/Wine/Cooler Off-Sale Establishment use to be operated in conjunction with an existing retail establishment. The 18b Las Vegas Arts District permits the proposed use with the approval of a Special Use Permit. The proposed use will not increase the parking requirement for the subject site which is an approved mixed-use development. This request meets all minimum Special Use Permit Requirements and can be conducted in a manner that is compatible and harmonious with the surrounding uses; therefore, staff is recommending approval of this application with conditions.

Staff Report Page Four
February 8, 2011 - Planning Commission Meeting

FINDINGS (SUP-40115)

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 Beer/Wine/Cooler Off-Sale Establishment is a suitable use for the surrounding MXU (Mixed-Use) land use and meets the goals and objectives listed in the Downtown Centennial Plan to establish economic opportunities for ground floor retail.

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

The subject site is physically suitable for the proposed Beer/Wine/Cooler Off-Sale Establishment use. The proposed use is located in the Downtown Centennial Plan (18b Las Vegas Arts District) which allows for this type retail activity.

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.

Site access is provided primarily from Hoover Street, a 72-foot wide right-of-way and Las Vegas Boulevard, an 80-foot wide right-of-way classified as a Primary Arterial by the Master Plan of Streets and Highways. Adequate access to and from the subject property is provided from these three streets.

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.

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

The proposed use meets all applicable requirements for a Convenience Store with a Beer/Wine/Cooler Off-Sale Establishment and complies with the minimum Special Use Permit Requirements.

Staff Report Page Five
February 8, 2011 - Planning Commission Meeting

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 31

NOTICES MAILED 679

APPROVALS 3

PROTESTS 1