



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: APRIL 10, 2012

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: SAM E. HAMIKA - OWNER: DI PROPERTIES, INC.

** STAFF RECOMMENDATION **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-44658	Staff recommends APPROVAL, subject to conditions:	N/A

SUP-44658 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Beer/Wine/Cooler Off-Sale use.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. All beer and wine coolers shall remain in the original manufacturer's configuration intended for off-sale resale.
6. The off-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.
7. 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

The proposed Special Use Permit request is for a Beer/Wine/Cooler Off-Sale use in conjunction with a proposed 1,440 square-foot Convenience Store located within a 50,093 square-foot Shopping Center at 3020 East Bonanza Road, Suite #150. The proposed use is compatible with the adjacent commercial uses and is consistent with the SC (Service Commercial) land use designation; therefore, staff recommends approval.

ISSUES

- The Beer/Wine/Cooler Off-Sale use is permitted in the C-1 (Limited Commercial) Zoning District upon approval of a Special Use Permit.
- No waivers are required for distance separation requirements per Title 19.12, as the use is located more than 400 feet from any church, synagogue, school, or child care facility licensed for more than 12 children, or City park.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/04/04	The City Council approved a General Plan Amendment (GPA-3370) from PF (Public Facilities) to SC (Service Commercial), a Rezoning (ZON-3371) from C-V (Civic) to C-1 (Limited Commercial), and a Site Development Plan Review (SDR-3372) and Waivers to allow a 10-foot rear yard setback where 20 feet is the minimum setback required; two loading zones where three are required; and a 10-foot wide loading zone where 15 feet is required for a proposed 43,349 square-foot Retail Center and 8,995 square-foot Auto Service building on 4.76 acres adjacent to the northwest corner of Bonanza Road and Mojave Road. The Planning Commission recommended approval.
10/18/06	The City Council approved a request for an Extension of Time (EOT-16475) of an approved Rezoning (ZON-3371) from C-V (Civic) to C-1 (Limited Commercial) on 4.76 acres adjacent to the northwest corner of Bonanza Road and Mojave Road.
07/16/08	The City Council approved a request for a Major Amendment (SDR-27920) to an approved Site Development Plan Review (SDR-3372) for a proposed 3,264 square-foot Restaurant with Drive-Through on 4.76 acres at 3040 East Bonanza Road. The Planning Commission recommended approval.

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10/15/08	The City Council approved a request for a Special Use Permit (SUP-29227) for a 5,000 square-foot Retail establishment with Accessory Package Liquor Off-Sale in an approved shopping center at the northwest corner of Bonanza Road and Mojave Road. The Planning Commission and staff recommended approval.
07/07/10	The City Council approved a Special Use Permit (SUP-38028) for a proposed Billiard Parlor or Pool Hall use and a related Special Use Permit (SUP-38029) for a proposed Beer/Wine/Cooler On-Sale Establishment use.

<i>Most Recent Change of Ownership</i>	
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03/29/04	A deed was recorded for a change in ownership.
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<i>Related Building Permits/Business Licenses</i>	
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12/23/10	A business license (#L09-00321) was issued for a Beer/Wine/Cooler On Sale establishment at 3050 East Bonanza Avenue, Suite 190. The business license (P09-00023) for the associated Billiard or Pool Hall at this address expired on 01/30/12.
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<i>Pre-Application Meeting</i>	
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01/19/12	A pre-application meeting was held to discuss submittal requirements for a proposed Convenience Store with Beer/Wine/Cooler Off-Sale Establishment use. The applicant was informed that no distance separation waivers would be required.
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<i>Neighborhood Meeting</i>	
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A neighborhood meeting is not required, nor was one held.	
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<i>Field Check</i>	
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03/01/12	A field check was conducted by staff. The subject site is currently vacant. The shopping center is clean and well maintained.
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<i>Details of Application Request</i>	
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<i>Site Area</i>	
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Net Acres	4.76
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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	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Fire Training Center and Animal Shelter	PF (Public Facilities)	C-V (Civic)
South	Multi-Family Residential	Medium Density Residential	R-3 (Medium Density Residential)
	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
East	City of Las Vegas Maintenance and Storage Yards	PF (Public Facilities)	C-V (Civic)
West	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)

<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		X	N/A
Trails		X	N/A
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

Pursuant to Title 19.08 and 19.12, 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
Shopping Center	50,093 SF	1:250	201		215		
TOTAL SPACES REQUIRED			201		215		
TOTAL (With Handicapped)			194	7	208	7	Y

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ANALYSIS

The Beer/Wine/Cooler Off-Sale use is defined by Title 19.12 as, “An establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold, and is operated in connection with a grocery store, drug store, convenience store or specialty merchandise store.” The proposed use meets the definition, as indicated within the submitted justification letter and floor plans.

The Minimum Special Use Permit Requirements for this use include:

1. Except as otherwise provided, no beer/wine/cooler off-sale (hereinafter “establishment”) shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.

The proposed use meets this requirement, as there are no protected uses within 400 feet of the subject property.

2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:

- a. Any leasehold parcel;
- b. Any parcel which lacks access to a public street or has no area for onsite parking and which has been created so as to avoid the distance limitation described in Requirement 1.

The proposed use meets this requirement, as no waiver is required.

3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:

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- a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
- b. In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property lines of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.

The proposed use meets this requirement, as no waiver is required.

- 4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

The proposed use meets this requirement, as no waiver is required.

- 5. The minimum distance requirements in Requirement 1 do not apply to:
 - a. An establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
 - b. A proposed establishment having more than 50,000 square feet of retail floor space.
- 6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

The proposed use must meet this requirement through ongoing inspections and enforcement from the Business Services Division.

- 7. The minimum distance requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived:
 - a. In accordance with the provisions of LVMC 19.12.050(C) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;

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- b. In accordance with the applicable provisions of the “Town Center Development Standards Manual” for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan;
- c. In connection with a proposed establishment having between 20,000 square feet and 50,000 square feet of retail floor space.
- d. In connection with a retail establishment having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or right-of-way with a width of at least 100 feet.

The proposed use meets this requirement, as no waiver is required.

The proposed project is located on land designated by the SC (Service Commercial) land use, and within the C-1 (Limited Commercial) zoning district. The proposed Beer/Wine/Cooler Off-Sales use is permitted with the approval of a Special Use Permit. The use is to be operated in connection with a 1,440 square-foot Convenience Store. Staff recommends approval as the proposed use meets the minimum requirements and will be operated within a newly developed shopping center with no protected uses within a 400-foot radius.

FINDINGS (SUP-44658)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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 use will be located within a shopping center site with other retail and food related uses. It can be conducted in a manner that is compatible and harmonious with the surrounding adjacent uses.

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

The subject site is a shopping center site that has been designed to accommodate a variety of uses. It is physically suitable for the type and intensity of land use proposed.

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.

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The site is accessed via Bonanza Road and Mojave Road, both classified as 100-foot Primary Arterials by the Master Plan of Streets and Highways. These streets are adequate to meet the requirements of the proposed 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 this proposal will not be inconsistent with or compromise the health, safety, and welfare of the general public, as the use is subject to permitting and licensing reviews. The proposed use is consistent with the overall objectives of the General Plan, as the use is permitted in the SC (Service Commercial) land use designation.

5.The use meets all of the applicable conditions per Title 19.12.

The use complies with all applicable conditions of Title 19.12.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 185

APPROVALS 0

PROTESTS 0