



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 14, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: ONE PANOU, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-48815	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-48815 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Retail Establishment with Accessory Package Liquor 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. 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 Department of Building and Safety.
4. All signs on site shall be permitted and meet minimum code requirements within 60 days of final approval.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
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.

Conditions Page Two
May 14, 2013 - Planning Commission Meeting

- 8.All beer and wine coolers shall remain in the original manufacturer's configuration intended for off-sale resale.
- 9.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
May 14, 2013 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 4,083 square-foot convenience store. Since, 1999, 5700 Sky Pointe Drive has continuously had any entitlement and license for Beer/Wine/Cooler Off-Sale. The proposed use is located within the SC (Service Commercial – Town Center) Special Land Use District and will not add an additional parking requirement beyond that which is required for the principal use on the site. The floor plan depicts the display area for alcohol sales to be approximately 6.4 percent of the retail floor area well under the 10 percent allowed. The proposed location meets all Title 19.12 and Town Center Development Standards requirements and can be conducted in a harmonious manner with surrounding land use; therefore, staff recommends approval. If this request is denied, no Packaged Liquor may be sold on the premises.

ISSUES

- A Retail Establishment with Accessory Package Liquor Off-Sale Establishment is permitted within a SC-TC (Service Commercial- Town Center) Special Land District only in junction with the approval of a Special Use Permit.
- Illegal wall signs and temporary signage is present throughout the property.
- The wall signs on the site were permitted but were not finalized. The existing wall signs on the east elevation of the building were permitted prior to the creation of Town Center and therefore were held to Title 19 standards.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/14/98	The City Council approved a request for a Special Use Permit (U-0086-98) for the Off Premise Sale of Beer and Wine in conjunction with a Convenience Store. Planning Commission recommended approval.
08/12/99	The Department of Planning administratively approved a Site Development Plan Review [Z-0076-98(6)] for a proposed 4,103 square-foot Convenience Store.
04/09/12	A Code Enforcement complaint was received for illegal signage (banners). The complaint was resolved on 04/23/12.

Staff Report Page Two
May 14, 2013 - Planning Commission Meeting

<i>Most Recent Change of Ownership</i>	
11/06/12	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
09/02/99	A building permit (#00003601) was issued for a Convenience Store at 5700 Sky Pointe Drive. The permit was finalized on 09/22/00.
06/05/00	A building permit (#00010858) was issued for the gas canopy. The permit was finalized on 09/22/00.
06/12/00	A building permit (#0011311) for a sign and neon was issued. The permit was not finalized.
06/12/00	A building permit (#0012448) for wall sign was issued. The permit was not finalized.
08/15/00	A business license (C15-00259) was issued for a Convenience Store.
08/15/00	A business license (L10-00210) was issued for Beer/Wine/Cooler Off-Sale. The business license expired on 12/03/12.
10/26/00	A building permit (#00020473) was issued to relocate two monument signs. The permit was not finalized.
11/08/00	A building permit (00020474) was issued for two monument signs. The permits were not finalized.
11/20/12	A business license application (G01-92736) for Gaming Restricted was applied for but has not been issued.
12/03/12	A business license (L10-00347) for Beer/Wine/Cooler Off-Sale was issued.

<i>Pre-Application Meeting</i>	
03/04/13	A pre-application meeting was held with the applicant to discuss the requirements for a Retail Establishment with Accessory Package Liquor Off-Sale.

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

<i>Field Check</i>	
04/03/13	A field check was conducted on an existing Convenience Store. It was noted that several signs on site were not permitted and did not conform to current sign standards. A complaint was filed Code Enforcement for the non-permitted signs on 04/23/13.

Staff Report Page Three
May 14, 2013 - Planning Commission Meeting

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.92

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Retail	SC-TC (Service Commercial - Town Center)	T-C (Town Center)
North	Shopping Center	SC-TC (Service Commercial - Town Center)	T-C (Town Center)
South	Liquor Establishment (Tavern)	SC-TC (Service Commercial - Town Center)	T-C (Town Center)
	Undeveloped		
East	Single-Family Residential, Detached	ML (Medium - Low Density Residential)	R-CL (Single Family Compact-Lot)
West	Shopping Center	SC-TC (Service Commercial - Town Center)	T-C (Town Center)

<i>Master Plan Areas</i>	<i>Compliance</i>
Town Center Master Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
T-C (Town Center) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

Staff Report Page Four
May 14, 2013 - Planning Commission Meeting

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	
Retail	4,103 SF	1/250 SF	17				
TOTAL SPACES REQUIRED			17		19		Y
Regular and Handicap Spaces Required			16	1	18	1	Y

ANALYSIS

The request is to add A Retail Establishment with Accessory Package Liquor use to an existing 4,083 square-foot convenience store (at 5700 Sky Pointe Drive) that currently is licensed for Beer/Wine/Cooler Off-Sale. The Retail Establishment with Accessory Package Liquor Off-Sale use is defined 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 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages.

This use 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 meets the definition above, as the provided floor plans show approximately 86 square feet or 2.1 percent of shelf space dedicated to liquor display and sales located throughout the store, in addition to the approximately 180 square feet or 4.3 percent of the floor area dedicated to the sale of beer and wine. The total floor area dedicated for alcohol sales is approximately 6.4 percent.

The Minimum Special Use Permit Requirements for this use include:

1. * Except as otherwise provided, no retail establishment with accessory package liquor 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. [non-waivable per LVMC 19.12.050 (C)]

Staff Report Page Five
May 14, 2013 - Planning Commission Meeting

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; or
 - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.
[non-waivable per LVMC19.12.050(C)]
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:
 - 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 line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
[nonwaivable per 19.12.050 (C)]
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.
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 provision of LVMC Chapter 6.50. [nonwaivable per 19.12.050 (C)]

Staff Report Page Six
May 14, 2013 - Planning Commission Meeting

7. The minimum distance requirements set for in Requirement 1, which are otherwise non-waiveable 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;
 - 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 TC (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; or
 - d. In connection with a retail establishment having less than 20,000 square feet or 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 complies with all minimum Special Use Permit Requirements listed above, as there are no protected uses within 400 feet of this proposal. The proposed use is complementary to the existing Convenience Store on site and the will not require any additional parking spaces.

Staff recommends approval of this request, as the use conforms to the minimum Special Use Permit requirements and is a compatible use for the proposed location. If denied, the applicant would be allowed to operate a Convenience Store with Beer/Wine/Cooler Off-Sale provided a business license is maintained to sale said product.

FINDINGS (SUP-48815)

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 Retail Establishment with Accessory Package Liquor Off-Sale use is located in an existing convenience store within the SC-TC (Service Commercial) Town Center Special Land Use designation. The proposed use can be conducted in a manner that is harmonious and compatible with the surrounding uses.

Staff Report Page Seven
May 14, 2013 - Planning Commission Meeting

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

The proposed use will operate within an existing convenience store. There is no evidence of a physical constraint to the proposed use on the subject site.

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 from Sky Pointe Drive, a Primary Arterial that provides adequate capacity to serve 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.

This use will be subject to licensing requirements and will therefore not compromise the public health, welfare or safety or overall objectives of the General Plan.

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

The proposed use in conjunction with an existing convenience store complies with Title 19.12 and Town Center Development Standards. The provided floor plan shows approximately 180 square feet of cooler space, and 86 square feet of shelf space for alcohol sales approximately equating to 6.4 % of the total area available for retail sales.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

23

NOTICES MAILED

748

APPROVALS

0

PROTESTS

0