



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: FEBRUARY 5, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: ARELNI, LLC - OWNER: SCHIFF ENTERPRISES

THIS ITEM WAS HELD IN ABEYANCE FROM THE NOVEMBER 6, 2013 CITY COUNCIL MEETING

** STAFF RECOMMENDATIONS **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-49574	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-49574 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. 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. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

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- 7.All beer and wine coolers shall remain in the original manufacturer's configuration intended for off-sale resale.
- 8.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 application is a request for a Special Use Permit for a proposed Beer/Wine/Cooler Off-Sale use within an existing 2,200 square-foot General Retail Establishment, Other Than Listed use at 21 Fremont Street. Staff recommends approval of the requested Special Use Permit, as the development is in compliance with the minimum Special Use Permit requirements listed in Title 19.12. If denied, the applicant will not be allowed to operate the Beer/Wine/Cooler Off-Sale use at this location.

ISSUES

- The Beer/Wine/Cooler Off-Sale use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/16/64	The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on property bound by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south. The Planning Commission and staff recommended approval.
07/09/13	The Planning Commission voted (4-2/TD/RB) to APPROVE SUP-49574 (PRJ-49314) (PC Agenda Item 26/mh).
11/06/13	The City Council voted to hold this item in abeyance to the February 5, 2014 City Council meeting.

<i>Most Recent Change of Ownership</i>	
12/18/98	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
12/15/09	Business licenses were issued for general retail sales (#G50-04296) and tobacco sales (#C05-02675) at 21 Fremont Street. These licenses remain active.
04/25/13	A business license (#G50-09000) was issued for general retail sales at 21 Fremont Street. This license remains active.

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<i>Pre-Application Meeting</i>	
05/08/13	Staff met with the applicant and reviewed the requirements for a Special Use Permit application related to the addition of the proposed Beer/Wine/Cooler Off-Sale use to an existing convenience store.

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

Field Check	
06/03/13	Staff visited the site and found a well maintained and clean retail store adjacent to a pedestrian mall.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.07

<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	General Retail, Other Than Listed (Convenience Store)	C (Commercial)	C-2 (General Commercial)
North	General Retail, Other Than Listed	C (Commercial)	C-2 (General Commercial)
South	General Retail, Other Than Listed	C (Commercial)	C-2 (General Commercial)
East	General Retail, Other Than Listed	C (Commercial)	C-2 (General Commercial)
West	General Retail, Other Than Listed	C (Commercial)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Compliance</i>
Downtown Centennial Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Downtown Centennial Plan Overlay District – Central Casino Core	Y
A-O (Airport Overlay) District – 200 Feet	Y
Downtown Casino Overlay District	Y
Live/Work Overlay District	Y

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<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

DEVELOPMENT STANDARDS

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail, Other Than Listed	2,255 SF	1:175					
TOTAL SPACES REQUIRED			13				
Regular and Handicap Spaces Required			12	1	0	0	Y*

**Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City.*

ANALYSIS

The Beer/Wine/Cooler Off-Sale use is defined in Title 19.18 as:

“A retail establishment whose license to sell alcoholic beverage 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 above, as the provided justification letter states the applicant's intent to add the Beer/Wine/Cooler Off-Sale use to a store that specializes in novelty items and Las Vegas-related souvenirs, in addition to various snacks and refreshments.

The Minimum Special Use Permit Requirements for this use include:

*1. Except as otherwise provided, no retail 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.

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*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.

*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.

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.

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*6. All businesses which sell alcoholic beverages shall conform to the provision of LVMC Chapter 6.50.

7. The minimum distance requirements set for 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;
- 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 Beer/Wine/Cooler Off-Sales use complies with all Minimum Special Use Permit Requirements; there are no protected uses within 400 feet of this proposal. Had there been any protected uses within 400 feet of the subject site, the proposed location is within the Downtown Casino Overlay District and would be eligible to apply for a waiver. No additional parking required beyond that which is required for the existing Convenience Store use on the site.

Staff recommends approval of this request, as the use conforms to the Minimum Special Use Permit Requirements and is compatible with the surrounding commercial uses. If denied, the applicant will not be allowed the Beer/Wine/Cooler Off-Sale use.

FINDINGS (SUP-49543)

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.**

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The proposed Beer/Wine/Cooler Off-Sale use is compatible with the C (Commercial) General Plan land use designation and can be conducted in a manner that is harmonious and compatible with the surrounding uses.

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

The subject site is currently operated as General Retail, Other Than Listed use that focuses primarily on novelty souvenir items, refreshments, and tobacco products. Similar commercial uses with alcohol related uses are common in this area of the City. The subject site is physically suitable to accommodate the proposed 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.

Entry to the subject site is from the dedicated pedestrian plaza portion of Fremont Street and is accessed solely by pedestrian traffic.

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.

The proposed Special Use Permit request will not be inconsistent with or compromise the public health, safety, and welfare or overall objectives of the General Plan.

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

The proposed Beer/Wine/Cooler Off-Sale use meets all of the applicable conditions per Title 19.12.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

30

NOTICES MAILED

121 by the City Clerk

APPROVALS

1

PROTESTS

1133