

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: JUNE 4, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: MLK FOOD MART - OWNER: LUCKY CHAMP, INC.

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ROC-53918	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** CONDITIONS ******ROC-53918 CONDITIONS****Planning**

1. Condition #3 of Special Use Permit (U-0091-99) shall be deleted.
2. Conformance to the conditions of approval of Special Use Permit (U-0091-99) and all other site related actions as required by the Department of Planning and Department of Public Works.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Review of Condition of a previously approved Special Use Permit (U-0091-99) to delete condition #3 that states, "The sale of individual containers of any size beer, wine coolers or screw cap wine is prohibited" at 1420 West Bonanza Road. The applicant has the appropriate business licenses and has one business licensing enforcement case (138097) for the sales of individual containers of beer and wine and drug paraphernalia. The applicant is working to resolve this case and has removed the drug paraphernalia and is requesting this Review of Condition to delete condition #3. There have been a few calls for service for the Metropolitan Police Department to the subject site, and one citation directly related to the operation of the subject business. As the applicant has one business license enforcement case (138097) open and code enforcement case (140867) still unresolved, staff recommends denial of this request at this time.

ISSUES

- The condition pertaining to the sale of individual containers of any size beer, wine coolers or screw cap wine was further clarified on the second Required Review [U-0091-99(2)] by condition #6, "The sale of individual containers of any size of bottled beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted."
- On March 20, 2014 The Metropolitan Police Department issued a citation to a security officer for no Las Vegas Metropolitan Police Department work card and a notice of non-compliance to the business.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/20/99	The City Council approved Special Use Permit (U-0091-99) for the Off-Premise Sale of Beer and Wine in conjunction with a Convenience Store at 1420 West Bonanza Road. The Planning Commission and staff recommended approval of the request.
11/15/00	The City Council approved a one-year Required Review [U-0091-99(1)] of a previously approved Special Use Permit (U-0091-99) for the Off-Premise Sale of Beer and Wine in conjunction with a Convenience Store at 1420 West Bonanza Road. The Department of Planning staff recommended approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/05/01	The City Council approved a nine-month Required Review [U-0091-99(2)] of a previously approved Special Use Permit (U-0091-99) for the Off-Premise Sale of Beer and Wine in conjunction with a Convenience Store at 1420 West Bonanza Road. The Department of Planning staff recommended approval.
03/06/02	The City Council approved a nine-month Required Review [U-0091-99(3)] of a previously approved Special Use Permit (U-0091-99) for the Off-Premise Sale of Beer and Wine in conjunction with a Convenience Store at 1420 West Bonanza Road. The Department of Planning staff recommended approval.
05/25/06	The Planning Commission accepted to withdraw without prejudice Special Use Permit (SUP-12906) for a proposed Package Liquor Off-Sale Establishment at 1420 West Bonanza Road.
05/06/14	A code enforcement case (140867) was processed for a dumpster overflowing with trash and debris, an unpermitted A-Frame sign on the sidewalk and excessive window signage.

<i>Most Recent Change of Ownership</i>	
04/07/99	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
c.1963	The building at 1420 West Bonanza Road was constructed.
08/12/97	A building permit (97016511) was issued to repair existing electrical service at 1420 West Bonanza Road. The permit was finalized on 08/19/97.
11/21/97	A building permit (97023556) was issued for a 420 foot-long by six-foot tall chain link fence at 1420 West Bonanza Road. The permit was finalized on 12/03/97.
02/01/00	A building permit (00001878) was issued for rehabilitation of a Convenience Store/Gas Station at 1420 West Bonanza Road. The permit was finalized on 09/07/00.
07/12/00	A building permit (00013036) was issued for the installation of a wireless burglar alarm at 1420 West Bonanza Road. The permit was finalized on 10/13/00.
07/13/00	A building permit (00013222) was issued for a Closed-circuit television (CCTV) system at 1420 West Bonanza Road. The permit was finalized on 10/13/00.
11/01/00	A business license (G01-02000) was issued for a Gaming Establishment, Restricted at 1420 West Bonanza Road. The license is still active.
05/23/05	A business license (C15-00339) was issued for a Convenience Store with fuel pumps at 1420 West Bonanza Road. The license was marked out of business on 01/23/13.

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<i>Related Building Permits/Business Licenses</i>	
05/23/05	A business license (L10-00255) was issued for Beer/Wine Cooler Off-Sale at 1420 West Bonanza Road. The license was placed on non-operational status 11/13/12.
10/23/08	A building permit (126302) was issued for the relocation of an existing pylon sign at 1420 West Bonanza Road. The permit was finalized on 07/07/09.
04/10/09	A building permit (137396) was issued for the relocation of a gas price sign at 1420 West Bonanza Road. The permit was finalized on 08/28/09.
10/10/11	A building permit (197071) was issued to replace the face of an existing pylon sign at 1420 West Bonanza Road. The permit was finalized on 02/16/12.
	A building permit (197072) was issued for a wall sign at 1420 West Bonanza Road. The permit was finalized on 02/16/12.
04/19/12	A business license enforcement case (113108) was processed for a clerk on duty without work card and drug paraphernalia at 1420 West Bonanza Road. The case was resolved on 01/12/13.
11/08/12	A business license (C05-02843) was issued for a Tobacco Dealer at 1420 West Bonanza Road. The license was marked out of business on 02/13/14.
	A business license (C15-00415) was issued for a Convenience Store with fuel pumps at 1420 West Bonanza Road. The license was marked out of business on 02/13/14.
	A business license (L10-00344) was issued for Beer/Wine Cooler Off-Sale at 1420 West Bonanza Road. The license was placed on non-operational status 02/13/14.
01/02/13	A business license enforcement case (122305) was processed for the sales of individual containers of beer and wine at 1420 West Bonanza Road. The case was resolved on 02/12/14.
05/16/13	A business license (A55-00522) was issued for Smog Services at 1420 West Bonanza Road. The license was marked out of business on 04/07/14.
12/05/13	A business license (A55-00522) was issued for Smog Services at 1420 West Bonanza Road. The license is still active.
02/05/14	A business license (G62-00092) was issued for a Convenience Store with fuel pumps at 1420 West Bonanza Road. The license is still active.
	A business license (G62-00091) was issued for a Tobacco Dealer at 1420 West Bonanza Road. The license is still active.
02/13/14	A temporary business license (P62-00001) was issued for Beer/Wine Cooler Off-Sale at 1420 West Bonanza Road. The license is still active.
02/20/14	A business license enforcement case (138097) was processed for the sales of individual containers of beer and wine and drug paraphernalia at 1420 West Bonanza Road. The case is currently open.
03/20/14	The Metropolitan Police Department issued a citation to a security officer for no Las Vegas Metropolitan Police Department work card and a notice of non-compliance to the business.

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<i>Pre-Application Meeting</i>	
04/15/14	A pre-application meeting was held with the applicant and submittal requirements for a Review of Condition to delete condition #3 of Special Use Permit (U-0091-99).

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

Field Check	
05/06/14	Staff conducted a field check of the subject site and noted a General Retail Store, Other than Listed with a dumpster overflowing with trash and debris, an unpermitted A-Frame sign on the sidewalk and excessive window signage.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.52

<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 Store, Other than Listed	MXU (Mixed Use)	C-M (Commercial/Industrial)
North	Auto Repair Garage, Major	MXU (Mixed Use)	C-M (Commercial/Industrial)
South	Shopping Center	LI/R (Light Industry/Research)	M (Industrial)
East	Parking Garage	MXU (Mixed Use)	C-M (Commercial/Industrial)
West	General Retail Store, Other than Listed	C (Commercial)	C-1 (Limited Commercial)

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<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
West Las Vegas Plan	X		Y
<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 (140 feet)	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The applicant is requesting a Review of Condition of a previously approved Special Use Permit (U-0091-99) to delete condition #3 that states, “The sale of individual containers of any size beer, wine coolers or screw cap wine is prohibited” at 1420 West Bonanza Road. The applicant has the appropriate business licenses and has experienced one licensing issue, which approval of the subject Review of Condition would satisfy. There are no protected uses within 400 feet of the subject site. There have been a few calls for service for the Metropolitan Police Department to the subject site, and one citation directly related to the operation of the subject business. Staff conducted a field check of the subject site and found a General Retail Store, Other than Listed with a dumpster overflowing with trash and debris, an unpermitted A-Frame sign on the sidewalk and excessive window signage.

FINDINGS

There have been a few calls for service for the Metropolitan Police Department to the subject site, and one citation directly related to the operation of the subject business. As the applicant has one business license enforcement case (138097) open and code enforcement case (140867) still unresolved, staff recommends denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

25

NOTICES MAILED

153 (By Planning)

APPROVALS

0

PROTESTS

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