



**AGENDA MEMO - PLANNING**

**CITY COUNCIL MEETING DATE: SEPTEMBER 17, 2014**

**DEPARTMENT: PLANNING**

**ITEM DESCRIPTION: APPLICANT: Y-OPCO, LLC - OWNER: FEFOS, LLC**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 17, 2014 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BARLOW.***

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

| <i>CASE NUMBER</i> | <i>RECOMMENDATION</i>                                       | <i>REQUIRED FOR APPROVAL</i> |
|--------------------|---|------------------------------|
| <b>ROC-55188</b>   | Staff recommends DENIAL, if approved subject to conditions: | N/A                          |

**\*\* CONDITIONS \*\***

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**ROC-55188 CONDITIONS**

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***Planning***

1. Condition #5 of Special Use Permit (SUP-20505) shall be deleted.
2. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Review of Condition to delete condition #5 of a previously approved Special Use Permit (SUP-20505) which states, “the sale of individual containers of any size 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” at 3053 North Jones Boulevard. If denied the sale of individual containers of any size of beer or wine coolers would be prohibited.

**BACKGROUND INFORMATION**

| <i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i> |  |
|---|--|
| 06/06/07  | The City Council approved a request for Rezoning (ZON-20495) from U (Undeveloped) to C-1 (Limited Commercial) on 2.13 acres on the west side of Jones Boulevard, approximately 275 feet south of Cheyenne Avenue. The Planning Commission and staff recommended approval.  |
|   | The City Council approved a request for a Special Use Permit (SUP-20505) for a Retail Establishment with Accessory Package Liquor Off-Sale on the west side of Jones Boulevard, approximately 275 feet south of Cheyenne Avenue. The Planning Commission and staff recommended approval.   |
|   | The City Council approved a request for a Site Development Plan Review (SDR-20503) for a proposed 14,028 square-foot Grocery Store and a waiver of the perimeter landscape standards to allow a 7.5-foot wide buffer along the east property line, where 15 feet is required on 2.13 acres on the west side of Jones Boulevard, approximately 275 feet south of Cheyenne Avenue. The Planning Commission and staff recommended approval. |
| 08/01/07  | The City Council approved a Review of Condition (ROC-22800) to amend condition #5 to allow the sale of screw cap wine on property located on the west side of Jones Boulevard, approximately 275 feet south of Cheyenne Avenue. Staff recommended approval.  |
| 09/26/08  | A code enforcement case (70160) was processed for parking lot lighting shinning into the residential subdivision to the south. The case was resolved on 11/17/08.  |

| <i>Most Recent Change of Ownership</i> |  |
|--|--|
| 06/04/14                               | A deed was recorded for a change in ownership. |

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| <b><i>Related Building Permits/Business Licenses</i></b> |  |
|--|--|
| 11/16/07   | A building permit (102317) was issued for grading at 3053 North Jones Boulevard. The permit was finalized on 07/17/08.   |
| 12/20/07   | A building permit (93430) was issued for a Certificate of Occupancy of a 14,028 square-foot new retail building at 3053 North Jones Boulevard. The permit was finalized on 07/18/08. |
|  | A building permit (93431) was issued for onsite improvements at 3053 North Jones Boulevard. The permit was finalized on 02/23/09.  |
|  | A building permit (93432) was issued for a trash enclosure at 3053 North Jones Boulevard. The permit was finalized on 02/24/09.  |
| 07/17/08   | A business license (G60-00062) was issued for a Grocery Store at 3053 North Jones Boulevard. The license is still active.  |
|  | A business license (L10-00279) was issued for Beer/Wine/Cooler Off-Sale at 3053 North Jones Boulevard. The license was marked out of business on 11/27/13.                           |
| 06/02/09   | A building permit (139002) was issued for Tenant Improvement at 3053 North Jones Boulevard. The permit was finalized on 07/21/09.  |
| 03/23/10   | A building permit (159060) was issued for a Tenant Improvement at 3053 North Jones Boulevard. The permit was finalized on 03/26/10.  |
| 02/02/12   | A business license enforcement case (110199) was processed for failure to require suitability of an employee at 3053 North Jones Boulevard. The case was resolved on 02/22/12.       |
| 11/25/13   | A temporary business license (L10-98787) was issued for Beer/Wine/Cooler Off-Sale at 3053 North Jones Boulevard. The license is still active.  |

| <b><i>Pre-Application Meeting</i></b> |   |
|---------------------------------------|---|
| 07/09/14                              | A pre-application meeting was held with the applicant's representative and the submittal requirements for a Review of Condition to delete condition #5 of Special Use Permit (SUP-20505). |

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

| <b><i>Field Check</i></b> |   |
|---------------------------|---|
| 07/24/14                  | Staff conducted a field check of the subject site and found the area surrounding the business clean and neat in appearance with no discrepancies noted. |

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| <i>Details of Application Request</i> |      |
|---------------------------------------|------|
| <i>Site Area</i>                      |      |
| Net Acres                             | 2.13 |

| <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  | SC (Service Commercial)                        | C-1 (Limited Commercial)                                      |
| North                       | General Retail Store, Other than Listed  | SC (Service Commercial)                        | C-1 (Limited Commercial)                                      |
| South                       | Single Family, Detached                  | L (Low Density Residential)                    | R-1 (Single Family Residential)                               |
| East                        | Multi-Family Residential                 | M (Medium Density Residential)                 | R-PD25 (Residential Planned Development – 25 Unites per Acre) |
| West                        | Assisted Living Apartments               | SC (Service Commercial)                        | C-1 (Limited Commercial)                                      |

| <i>Master Plan Areas</i>                          | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| <b>Master Plan Area</b>                           |            | X         | N/A               |
| <i>Special Purpose and Overlay Districts</i>      | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| <b>Special Purpose and Overlay Districts</b>      |            |           |                   |
| A-O (Airport Overlay) District (70 Feet)          | X          |           | Y                 |
| <b>Trails</b>                                     |            | X         | N/A               |
| <b>Rural Preservation Overlay District</b>        |            | X         | N/A               |
| <b>Las Vegas Redevelopment Plan Area</b>          |            | X         | N/A               |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

**ANALYSIS**

The applicant is requesting a Review of Condition of a previously approved Special Use Permit (SUP-20505) to delete condition #5 that prohibits the sale of any size beer, wine cooler and screw cap wine at 3053 North Jones Boulevard. On August 01, 2007 the City Council approved a Review of Condition (ROC-22800) that amended condition #5 of Special Use Permit (SUP-20505) to allow the sales of individual containers of screw cap wine. The applicant has stated in their justification letter that the majority of its stores located in southern Nevada sell individual containers of beer and wine coolers, with the exception of some stores in the City of Las Vegas.

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The proposed removal of restriction that prohibits the individual sales of any size of beer or wine coolers would allow the applicant a uniform marketing presence in the local community. The removal of these conditions could have a negative effect on the area surrounding the subject site, with a Single Family Residential subdivision abutting the subject property directly to the south and Multi-Family Residential developments located 80 feet and 95 feet to the east.

City Council specifically placed a condition on the Retail Establishment with Accessory Package Liquor Off-Sale use in 2007 prohibiting the individual sales of any size of beer or wine cooler.

**FINDINGS**

The subject General Retail Store, Other than Listed with Accessory Package Liquor Off-Sale use was approved in 2007 and the appropriate business licenses have been issued. The proposed removal of these conditions is not appropriate as conditioned by the Las Vegas City Council's approval of Special Use Permit (SUP-20505) and the applicant agreed to the conditions of approval at the June 06, 2007 City Council meeting. Furthermore the removal of these conditions could have a negative effect on the area surrounding the subject site. Therefore, staff recommends denial of this request.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 14

**NOTICES MAILED** 443 (By Planning)

**APPROVALS** 0

**PROTESTS** 0