



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: OCTOBER 21, 2015

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: AGI'S MARKET, INC. - OWNER: RANCHO CIRCLE SHOPPING CENTER, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-60329	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-60329 CONDITIONS

Planning

1. A six (6) month administrative review from the date of final approval.
2. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Beer/Wine/Cooler On- and Off-Sale Establishment use.
3. All signage shall be permitted and meet minimum code requirements within 30 days of final approval.
4. Conformance to the approved conditions for Rezoning and Plot Plan Review (Z-0058-66).
5. 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.
6. 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.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
8. Approval of this Special Use Permit does not constitute approval of a liquor license.
9. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
10. 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 Beer/Wine/Cooler On- and Off-Sale Establishment use within an existing 4,756 square-foot General Retail Store, Other Than Listed at 2301 West Bonanza Road. The site is within an established Shopping Center within a C-2 (General Commercial) zoning district. The prior use of this building was a restaurant with a drive-through. The applicant is utilizing 2,300 square feet of the building as a convenience store with the intention of opening a restaurant in the remaining portion of the building later on this year. The Beer/Wine-Cooler On- and Off-Sale Establishment use meets all the minimum Special Use Permit requirements detailed in Title 19.12 and can be conducted in a manner that is harmonious and compatible with the surrounding land uses. Staff recommends approval of this Special Use Permit request. If the application is denied, then the sale of beer, wine and coolers will not be allowed at this location.

ISSUES

- A Beer/Wine/Cooler On- and Off-Sale Establishment 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>	
01/19/66	The Board of City Commissioners approved a Rezoning (Z-0052-65) from R-E (Residence Estates) to C-1 (Limited Commercial), southeast corner of Rancho Road and Bonanza Road. The Planning Commission recommended approval.
04/22/69	The Planning Commission approved a Plot Plan Review (Z-0058-66) for a steak house and car wash on the southeast corner of Rancho Road and Bonanza Road.
11/05/69	The Board of City Commissioners approved a Rezoning (Z-0058-66) from R-E (Residence Estates) to C-1 (Limited Commercial) and C-2 (General Commercial), southeast corner of Rancho Road and Bonanza Road. The Planning Commission recommended approval.
11/22/83	The Planning Commission approved a Plot Plan Review [Z-0058-66 (1)] for an automotive tire store on property generally located on the southeast corner of Rancho Road and Bonanza Road.
08/01/84	The City Council approved a Rezoning (Z-0044-84) from C-1 (Limited Commercial) to C-2 (General Commercial) at 2401 West Bonanza Road, to include an Adult Oriented Business. The Planning Commission recommended approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/18/94	The City Council approved Special Use Permit (U-0284-94) for On-Premise Beer/Wine Sales in conjunction with a proposed Restaurant/Bakery at 2301 West Bonanza Road. The Board of Zoning Adjustment recommended approval. This Special Use permit has expired.
05/02/01	The City Council approved a request for a Site Development Review [Z-0058-66 (3)] for a gasoline station and convenience store; and a Special Use Permit (U-0032-01) for a Liquor Establishment (Off-Premise Consumption) in conjunction with a proposed convenience store (U-0284-94) at the southeast corner of the intersection of Rancho Drive and Bonanza Road. The Planning Commission recommended approval.
05/15/02	The City Council approved a Special Use Permit (U-0021-02) for a Restaurant Service Bar in conjunction with a proposed restaurant at 2301 West Bonanza Road. The Planning Commission recommended approval. This Special Use Permit has expired.
03/05/03	The City Council approved a request for a Master Sign Plan (MSP-1194) for a convenience store, gas canopy and car wash at 2401 West Bonanza Road. The Planning Commission had made no recommendation (a tie vote).
09/15/04	The City Council approved a Variance (VAR-4701) to allow a 100-foot tall flag pole where 40 feet is the maximum height allowed at 2401 West Bonanza Road. The Planning Commission recommended approval. The Planning Commission recommended approval.
08/18/04	The City Council approved a Special Use Permit (SUP-4576) for a Liquor Establishment (Off-Premise Consumption) at 2401 W. Bonanza Road. The Planning Commission and staff recommended approval.
10/21/10	The Planning Commission approved a Tentative Map (TMP-39484) for a one-lot commercial subdivision at 320 North Rancho Drive. Staff recommended approval
07/27/11	A Final Map (FMP-40535) was recorded for a one-lot commercial subdivision at 320 North Rancho Drive.
09/08/15	The Planning Commission unanimously voted to recommend APPROVAL of a Special Use Permit (SUP-60329) request for A PROPOSED BEER/WINE/COOLER ON- AND OFF-SALE ESTABLISHMENT USE WITHIN AN EXISTING 4,756 SQUARE-FOOT GENERAL RETAIL STORE (OTHER THAN LISTED) [CONVENIENCE STORE] at 2301 West Bonanza Road (APN 139-29-813-002), C-2 (General Commercial) Zone, Ward 5 (Barlow) [PRJ-60287]

<i>Most Recent Change of Ownership</i>	
02/22/13	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
1970	The building was constructed.
05/21/02	A building permit (#2009258) was issued for a tenant improvement and Certificate of Occupancy for a restaurant at 2301 West Bonanza Road. The permit was finalized on 09/20/02.
09/06/07	A building permit (#97345) was issued for a Certificate of Occupancy for a restaurant at 2301 West Bonanza Road. The permit was not finalized.
05/12/15	A business license (G63-02633) for a Convenience Store was issued at 2301 West Bonanza Road. The license is active as of 08/19/15.
	A business license (G63-03091) for a Tobacco Dealer was issued at 2301 West Bonanza Road. The license is active as of 08/19/15.

<i>Pre-Application Meeting</i>	
07/15/15	A meeting was held with the applicant to discuss the submittal requirements and process for a Special Use Permit for a Beer/Wine/Cooler Off-Sale Establishment use and for a Beer/Wine/Cooler On- and Off-Sale Establishment use.

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

<i>Field Check</i>	
07/30/15	Staff conducted a field check of the site of the existing shopping center and observed non-permitted temporary signage within the center. A complaint was forwarded to Code Enforcement 08/11/15.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.71

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<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	Shopping Center	LI/R (Light Industry/Research)	C-2 (General Commercial)
North	Vacant	SC (Service Commercial)	C-1 (Limited Commercial)
	Government Facility		C-V (Civic)
	Parking Lot		C-1 (Limited Commercial)
South	Right-of-Way	Free-way	Right-of-Way
East	Multi-Family Residential	MXU (Mixed Use)	RPD-46 (Residential Planned Development – 46 Units per Acre)
West	General Retail Store, Other Than Listed	LI/R (Light Industry/Research)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Compliance</i>
West Las Vegas Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (140 Feet)	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	35,041 SF	1:250	141				
TOTAL SPACES REQUIRED			141		157		Y
Regular and Handicap Spaces Required			135	6	151	6	Y

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ANALYSIS

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

“An Establishment:

1. Whose license to sell alcoholic beverages is limited to:
 - a. The sale of beer, wine and coolers for consumption in connection with a meal on the premises where the business is conducted; and
 - b. 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 business is conducted; and
2. Is operated in connection with a restaurant, general grocery store, general retail store or convenience store in which 30 or more people may be served with meals at any one time at tables or stools.”

The proposed use meets the definition above as, stated in the justification letter, date stamped 07/22/15 and the floor plan, date stamped 07/27/15, the applicant’s intends to add the Beer/Wine/Cooler Off-Sale use to the convenience store for off-premise consumption and sell beer and wine in conjunction with meal service for the restaurant portion for on-premise consumption.

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.

There are no protected uses within 400 feet of the proposed use.

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:

Any leasehold parcel; or

- a. 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.

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This requirement does not apply, as there are no protected uses within 400 feet of the proposed use, and the subject property has direct access to Bonanza Boulevard.

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.

This requirement does not apply to the proposed use, as the use is located on a parcel that is less than 80 acres in size.

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.

This requirement does not apply, as there are no protected uses within 400 feet of the proposed use.

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.

The above requirement does not apply to this application.

6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50 [Non-Waivable].

The proposed use meets this requirement, as it is a standard condition of approval that cannot be waived and it will receive regular inspections throughout the licensing process.

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The proposed Beer/Wine/Cooler On- and Off Establishment use will be located within an existing General Retail Store, Other Than Listed (a convenience store and future restaurant) in the C-2 (General Commercial) zoning district. The site contains an existing Shopping Center as defined by Title 19.12 and Title 19.18.030 and said site meets the minimum on-site parking requirements for a Shopping Center detailed in Title 19.12 and Title 19.08.110. The proposed Beer/Wine/Cooler On- and Off-Sale Establishment use meets all the minimum requirements detailed in Title 19.12 for said use and can be conducted in a manner that is compatible and harmonious with the existing neighborhood; therefore, staff recommends approval of this use permit.

FINDINGS (SUP-60329)

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 location for the Beer/Wine/Cooler On- and Off-Sale Establishment is compatible with the existing and future surrounding land uses.

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

The proposed use will operate within an existing General Retail Store, Other Than Listed (a convenience store and future restaurant) within an existing Shopping Center that is physically suitable to accommodate this use and variety of uses such as restaurants, retail stores and professional offices.

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.

Primary site access is from Bonanza Boulevard, a 100-foot wide Primary Arterial that can provide adequate capacity to facilitate 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.

The proposed Beer/Wine/Cooler On- and Off-Sale Establishment will be subject to regular inspections by regulatory agencies for business licensing and will therefore not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

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

The proposed use meets all the minimum Special Use Permit requirements detailed in Title 19.12.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 343 (By City Clerk)

APPROVALS 0

PROTESTS 1