



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MARCH 12, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: MAXI MART - OWNER: TUESDAY 18, LLC

** STAFF RECOMMENDATION **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-47591	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-47591 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. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. 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 Accessory Package Liquor Off-Sale use within an existing 3,000 square-foot Retail Establishment at 2212 East Charleston Boulevard. 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 for the Retail Establishment with Accessory Package Liquor Off-Sale use and the use is complementary to wide variety of commercial uses within the existing retail building. If denied, the use will only be allowed to operate as a Convenience Store with no alcohol sales.

ISSUES

- A Retail Establishment with Accessory Package Liquor Off-Sale use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- The provided floor plans show 74 square feet of total floor area dedicated to the retail display and sales of alcohol.
- The applicant has granted a 20-foot wide perpetual, non-revocable public access easement connecting the existing public alley to the existing driveway accessing Charleston Boulevard, as required by Condition #3 of Special Use Permit (U-0143-97).

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/23/98	The City Council approved a Special Use Permit (U-0143-97) for the sale of beer and wine in conjunction with an existing convenience store. The Planning Commission and staff recommended approval.
06/19/02	The City Council denied an Appeal of the Planning Commission's decision to deny a request for a Special Use Permit (U-0031-02) for Package Liquor sales in conjunction with an existing convenience store. Staff had recommended denial.
03/01/06	The City Council approved a Special Use Permit (SUP-10786) for a proposed Financial Institution, Specified (Check Cashing) and waivers of the 200-foot separation requirement from a parcel zoned for a residential use, and the 1,000-foot separation requirement from other Financial Institution, Specified uses at 2212 East Charleston. The Planning Commission recommended approval and staff recommended denial.
02/12/13	The Planning Commission voted to this item in abeyance to the March 13, 2013 Planning Commission meeting at the request of the applicant.

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<i>Most Recent Change of Ownership</i>	
10/12/12	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
10/23/98	A business license was issued for cigarette sales (#C05-01907) and a convenience store (#C15-00241) at 2212 East Charleston Boulevard. This license remains active.
08/09/06	A business license (#N02-00132) was issued for non-depository lender services at 2212 East Charleston Boulevard. This license remains active.
11/09/09	A business license was issued for beer/wine/cooler off sale (#L10-00300) and for gaming (#G01-02374).

<i>Pre-Application Meeting</i>	
06/19/12	A pre-application meeting was held and the applicant's representative to discuss the requirements for adding off premise liquor sales. A brief follow-up meeting was held with the applicant to discuss the current proposal on 11/20/12.

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

<i>Field Check</i>	
11/29/12	Staff conducted a field check of the subject property and noted the proposed location for the use will be within an existing Convenience Store within a maintained strip mall.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.75

<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	C (Commercial)	C-2 (General Commercial)
North	General Retail, Other Than Listed	C (Commercial)	C-2 (General Commercial)

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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>
South	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
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>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Purpose or Overlay Districts	N/A
<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	Y

DEVELOPMENT STANDARDS

Pursuant to Title 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	
General Retail, Other Than Listed	14,085 SF	1:175 SF					
TOTAL SPACE REQUIRED			81		34		
Regular and Handicap Spaces Required			77	4	32	2	Y*

**Pursuant to Title 19.18.030(D)(1), the subject site is parking impaired, as the property and the adjacent parcel were developed in 1953 and provided only 47 spaces at the time of construction.*

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ANALYSIS

The subject property is located within a 3,000 square-foot Convenience Store and is complementary to the commercial uses and other existing retail establishments found on site. The submitted floor plans show 50 square feet of cooler space and 24 square feet of shelf space dedicated to the retail display of alcohol. The proposed use complies with all Minimum Special Use Permit Requirements, as there are no protected uses within 400 feet of this proposal. This proposal is deemed to be a “Project of Regional Significance” because the Special Use Permit request is located within 500 feet of unincorporated Clark County limits. The applicant has submitted a Project of Regional Significance report and no comments from the participating agencies were made. No additional parking required beyond that which is required for the principal use on the site, as parking requirements were addressed during the original construction of this site and there are no increases to the current parking demand from the proposed use.

The Retail Establishment with Accessory Package Liquor Off-Sale use is defined as, “A retail establishment:

1. Whose license to sell alcoholic beverage 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 which no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages.

The proposed use meets the definition above, as the provided floor plans show a 3,000 square foot Convenience Store with 74 square feet dedicated to the retail sale of alcohol.

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.

There are no protected uses within 400 feet of this proposal.

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:

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- 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.

This condition is not applicable.

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 Retail Establishment with Accessory Package Liquor Off-Sale will be located, without regard to intervening obstacles.

This condition is not applicable.

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 condition is not applicable.

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.

This condition is not applicable.

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

The proposed use will be subject to ongoing licensing inspections to ensure that this condition is met.

*7. The minimum distance requirements set for in Requirement 1, which are otherwise nonwaivable under the provision of LVMC 19.12.050(C), may be waived.

This condition is not applicable.

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 the Convenience Store with Beer/Wine/Cooler Off sale, but will not be allowed to sell package liquor.

FINDINGS (SUP-47591)

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 compatible with the C (Commercial) General Plan land use designation and the C-2 (General Commercial) zoning district permissible uses, upon the approval of a Special Use Permit. The proposed use is located within an existing commercial center with a substantial concentration of major commercial development. The proposed use 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 proposed use will consist of 74 square feet of alcoholic beverage retail display area and will operate within a 3,000 square-foot 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.

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The site is accessed from Charleston Boulevard, which is adequate in size to meet the requirements of the proposed use. The subject site was developed in 1953 and is parking impaired, as described in Title 19.18.030(D)(1). The proposed Retail Establishment with Accessory Package Liquor Off-Sale use will be located within the existing Convenience Store, and will not constitute an increase in onsite parking.

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 site will be subject to regular inspection and will not compromise the public health, safety, and welfare or the 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 the Minimum Special Use Permit Requirements listed for the Retail Establishment with Accessory Package Liquor Off-Sale use in Title 19.12.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 38

NOTICES MAILED 474

APPROVALS 0

PROTESTS 1