

**AGENDA MEMO - PLANNING****PLANNING COMMISSION MEETING DATE: MARCH 12, 2013****DEPARTMENT: PLANNING****ITEM DESCRIPTION: APPLICANT/OWNER: 307/319 MAIN STREET, LLC**

**** STAFF RECOMMENDATION ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-48091	Staff recommends APPROVAL, subject to conditions:	N/A

**** CONDITIONS ****

SUP-48091 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a 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. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. The onsite parking lot shall be re-stripped prior to occupancy to include one handicap accessible space in accordance with the Threshold Requirements listed in the Downtown Centennial Plan.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.

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7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All beer and wine coolers shall remain in the original manufacturer's configuration intended for off-sale resale.
9. All signage shall be permitted and meet minimum code requirements within 30 days of final approval.
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

The applicant is seeking a Special Use Permit to operate a proposed Package Liquor Off-Sale Establishment use within a 1,176 square-foot commercial space located at 311 Main Street. There are no churches, schools, child care facilities or city parks within the required 400-foot distance separation radius. The proposed use will not add parking beyond that which is required for the principal use on the site. The site location is compatible with surrounding land uses and all minimum requirements for the proposed use are being met, therefore; staff recommends approval. If this request is denied, no Packaged Liquor may be sold on the premises.

ISSUES

- The Package Liquor 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>	
12/16/64	The City Council approved a request for rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density residential), C-1 (Limited Commercial), C-2 (General Commercial), and C-V (Civic), to C-2 (General Commercial) on 230 acres on property bounded by Main Street to the west, Bonanza Road to the north, and Las Vegas Boulevard to the east, and Charleston Boulevard to the south. The Planning Commission and staff recommended approval.
02/28/08	The applicant withdrew without prejudice the requests for a Special Use Permit (SUP-23586) for a Rescue Mission (Shelter for the Homeless) and a Special Use Permit (SUP-23594) for a Social Service Provider. Staff recommended denial

<i>Most Recent Change of Ownership</i>	
10/30/08	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no building permits or active business licenses associated with the subject site.	

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<i>Pre-Application Meeting</i>	
01/15/13	A pre-application meeting was held with the applicant to discuss the submittal requirements for a proposed Package Liquor Off-Sale use at 311 South Main Street.

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

<i>Field Check</i>	
01/30/13	Staff visited the site and found a commercial location with a vacant hotel and general retail building sharing the same parcel. It is noted that there is non-conforming abandoned signage and razor wire along the rooftop that must be removed. Also, it is noted that the parking lot will require restriping, to include one van accessible handicapped parking space.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.33

<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	Hotel	C (Commercial)	C-2 (General Commercial)
	General Retail, Other Than Listed		
North	Motel	C (Commercial)	C-2 (General Commercial)
South	Residence Hotel	C (Commercial)	C-M (Commercial/Industrial)
East	Parking lot	C (Commercial)	C-2 (General Commercial)
West	Parking lot	C (Commercial)	C-M (Commercial/Industrial)

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<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 – Office Core	Y
A-O (Airport Overlay) District – 200 Feet	Y
Live/Work Overlay District	Y
<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	Recommended Parking			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail, Other Than Listed	1,176 SF	1:175 SF					
TOTAL SPACES REQUIRED*			7		0		
Regular and Handicap Spaces Required			6	1	0	0	N*

*A condition of approval to the requested Special use Permit is included requiring the provision of a handicap accessible parking space located onsite.

ANALYSIS

The Package Liquor Off-Sale Establishment use is defined as, “An establishment, other than a retail establishment with package liquor off-sale, whose license to sell alcoholic beverages 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. This use includes an establishment that provides on-premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license for that location.

The proposed use meets the definition above, as the provided floor plans show a 1,176 square-foot retail space with area dedicated to the display and sale of alcohol. As stated in the justification letter, the applicant proposes to provide the Package Liquor Off-Sale use in conjunction with a General Retail, Other Than Listed use. The Minimum Special Use Permit Requirements for this use include:

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- *1. Except as otherwise provided, no package liquor off-sale establishment (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.
- *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 Retail Establishment with Accessory Package Liquor Off-Sale will be located, without regard to intervening obstacles.
- 4. 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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- *5. All businesses which sell alcoholic beverages shall conform to the provision of LVMC Chapter 6.50.

The proposed Package Liquor Off-Sale use complies with all Minimum Special Use Permit Requirements and there are no protected uses within 400 feet of this proposal.

The proposed use is located within a larger commercial development with cross-access and shared parking with the non-operating hotel located on site and is complementary to the variety of commercial uses and other existing retail establishments found in the immediate area. The proposed use is located within the Las Vegas Downtown Centennial Plan area and is not subject to the automatic application of parking requirements. The applicant has stated in the provided justification letter that he is providing 17 parking spaces on the adjacent parcel he owns to the south. The recommend parking for the proposed use is considerably low and there is adequate parking available in the immediate area; however, a condition of approval has been included to provide a handicap parking space located onsite.

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.

FINDINGS (SUP-48091)

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 Package Liquor Off-Sale use can be conducted in a manner that is harmonious and compatible with the surrounding C (Commercial) General Plan land uses and is in conformance with the requirements for such use located in the C-2 (General Commercial) zoning district.

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

The subject site contains an existing General Retail, Other Than Listed use and an unoccupied hotel. This site is physically suitable for a Package Liquor Off-Sale use within an existing 1,176 square-foot commercial space.

- 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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Primary site access is from Main Street with secondary access provided from a 20-foot wide alley.
 Both rights of way provide adequate access for the proposed Package Liquor Off-Sale Establishment 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.

This proposal will be subject to licensing requirements and will therefore not compromise the public health, welfare or safety or overall objectives of the General Plan.

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

The use meets all of the applicable conditions per Title 19.12

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 30

NOTICES MAILED 122

APPROVALS 0

PROTESTS 0