



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MARCH 12, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: HAYAT MARKET - OWNER: THE T.D. JAK FAMILY, LP

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-48177	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-48177 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. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

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7. All beer and wine coolers shall remain in the original manufacturer's configuration intended for off-sale resale.
8. The parking lot shall be re-stripped before a business license for a Retail Establishment with Accessory Package Liquor Off-Sale use is issued.
9. 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 Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 2,684 square-foot convenience store at 2558 Valley View Boulevard. This location does not have any 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. No more than 10 percent of the retail floor space will be used for the display and sale of Package Liquor. 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

- A Retail Establishment with Accessory Package Liquor Off-Sale use is allowed in a C-1 (Limited Commercial) zoning district with an approved Special Use Permit. Staff supports this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/18/94	The City Council approved a request for a Special Use Permit (U-0072-94) for a Beer/Wine/Cooler On-and Off-Sale Establishment at 2558 South Valley View Boulevard. The Board of Zoning Adjustment recommended approval.
11/19/08	The City Council approved a request for a Variance (VAR-29873) to allow for 21 parking spaces where 35 parking spaces are required for a proposed beauty salon at 2558 - 2564 S. Valley View Boulevard. The Planning Commission recommended approval and staff recommended denial.

<i>Most Recent Change of Ownership</i>	
04/10/03	A deed was recorded for a change in ownership.

YK

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<i>Related Building Permits/Business Licenses</i>	
10/24/12	A business license (C20-91993) for a Convention Hall Tax was applied for at 2558 South Valley View Boulevard. The license is pending background approval.
	A business license (G01-91992) for Restricted Gaming was applied for at 2558 South Valley View Boulevard. The license is pending background approval.
01/16/13	A business license (C2-05-02840) for a Tobacco Dealer was issued for at 2558 South Valley View Boulevard. The license is active.
	A business license (C15-00414) for a Convenience Store was issued for at 2558 South Valley View Boulevard. The license is active.
	A business license (L11-00013) for Beer/Wine/Cooler On-and Off-Sale was issued for at 2558 South Valley View Boulevard. The license is active.

<i>Pre-Application Meeting</i>	
01/16/13	Staff met with the applicant and reviewed the requirements for a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale use. It was noted that the existing Beer/Wine/Cooler On-Off Sale use shall remain active if served with meals. It was noted that a detailed floor plan showing the existing restaurant seating area and all other uses be included with the application.

<i>Neighborhood Meeting</i>	
No neighborhood meeting was required, nor was one held.	

<i>Field Check</i>	
01/31/13	Staff visited the site and found a small commercial center with 22 parking spaces and one loading space. The lot needed to be re-painted or striped. The interior of the convenience store was setup to function as a small restaurant with seating for 30.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.43

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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	General Retail Store, Other Than Listed	SC (Service Commercial)	C-1 (Limited Commercial)
	Restaurant		
North	Grocery Store	C (General Commercial)	C-1 (Limited Commercial)
South	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Multi-Family Residential	M (Medium Density Residential)	C-1 (Limited Commercial)
West	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)

<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>
A-O (Airport Overlay) District (200 Feet)	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

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Valley View Boulevard	Secondary Collector	Master Plan of Streets and Highways	80	Y
El Conlon Avenue	N/A	N/A	60	N/A

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

Parking Requirement							
<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	5,978 SF	1/175 SF	35				
TOTAL SPACES REQUIRED			35		22		Y *
Regular and Handicap Spaces Required			33	2	21	1	Y
Loading Spaces					1		Y

*Per VAR-29873

ANALYSIS

This application is in conjunction with an existing convenience store and restaurant. The request meets all minimum requirements and the activity can be conducted in a manner that is harmonious and compatible with existing uses in the area.

The center has a Variance (VAR-29873) to allow 21 parking spaces, where 35 are required. The proposed Retail Establishment with Accessory Package Liquor Off-Sale use does not require additional parking. The center exceeds the minimum Variance requirement by one space therefore, the parking is adequate. However, the parking lot is in need of restriping and a condition has been added to address this issue.

The Retail Establishment with Accessory Package Liquor Off-Sale use is defined as “A retail establishment: 1. 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; and 2. In which the sale of alcoholic beverages is ancillary to the retail use, and in which no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages. 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 as the applicant states in the justification letter

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 the 400-foot separation buffer requirement.*

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- * 2. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50. *The applicant shall obtain an appropriate business license for the use.*

FINDINGS (SUP-48177)

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 Retail Establishment with Accessory Package Liquor Off-Sale use can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses.

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

The subject site contains an existing retail center. This site is adequate to handle the Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 2,684 square-foot General Retail Store.

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.

The site is served by Valley View Boulevard, an 80-foot Secondary Collector that has adequate access for the requirements of the proposed accessory 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 use will be subject to licensing requirements and will therefore not compromise the public health, welfare or safety or overall objectives of the General Plan. In order to exercise the Special Use Permit the applicant has one year to apply and receive a business license related to the accessory Package Liquor Off-Sale Establishment.

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

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 39

NOTICES MAILED 452

APPROVALS 0

PROTESTS 0