



**AGENDA MEMO - PLANNING**

**PLANNING COMMISSION MEETING DATE: MARCH 12, 2013**

**DEPARTMENT: PLANNING**

**ITEM DESCRIPTION: APPLICANT: MARKET & SMOKES, INC. - OWNER: TP 1000, LLC**

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-48178	Staff recommends APPROVAL, subject to conditions:	

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

**SUP-48178 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. All signage shall be permitted and meet minimum code requirements within 30 days of final approval.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.

YK

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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 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 2,300 square-foot convenience store at 1000 South Torrey Pines Drive, Suite A. 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 will be 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&amp;D, Fire, Bldg., etc</i>	
06/06/60	The City Council approved Rezoning (Z-0026-60) from R-E (Residence Estates) to C-1 (Limited Commercial) on the subject parcel located at 1000 South Torrey Pines Drive.
04/18/12	The City Council approved General Plan Amendment (GPA-43991) to establish Redevelopment Area 2 and change the future land use designation on various parcels within this area to Commercial or Mixed Use in Ward 1. The Planning Commission and staff recommended approval.

<i>Most Recent Change of Ownership</i>	
11/19/10	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
10/23/12	A Business License (C15-00410) was issued for a Convenience Store at 1000 South Torrey Pines Drive, Suite A. The permit is still active.
	A Business License (L10-00339) was issued for a Beer/Wine/Cooler Off-Sale at 1000 South Torrey Pines Drive, Suite A. The permit is still active.
	A Business License (C05-02829) was issued for a Tobacco Dealer at 1000 South Torrey Pines Drive, Suite A. The permit is still active.
01/02/13	A Business License (G01-02485) was issued for Restricted Gaming at 1000 South Torrey Pines Drive, Suite A. The permit is still active.

<i>Pre-Application Meeting</i>	
01/16/13	Staff met with the applicant and reviewed the requirements for a Retail Establishment with Accessory Package Liquor Off-Sale use. It was determined that no waivers would be required since all minimum requirements were being met.

<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 convenience store with excessive signage on the windows and walls. The parking area was clean and maintained.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.67

<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	MXU (Mixed Use)	C-1 (Limited Commercial)
North	Multi-Family Residential	MXU (Mixed Use)	C-1 (Limited Commercial)
South	Restaurant	MXU (Mixed Use)	C-1 (Limited Commercial)
East	General Retail	MXU (Mixed Use)	C-1 (Limited Commercial)
West	General Retail	MXU (Mixed Use)	C-1 (Limited Commercial)

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<b><i>Master Plan Areas</i></b>	<b><i>Compliance</i></b>
No Applicable Master Plan Area	N/A
<b><i>Special Purpose and Overlay Districts</i></b>	<b><i>Compliance</i></b>
No Applicable Special Purpose or Overlay Districts	N/A
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
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**

<b><i>Street Name</i></b>	<b><i>Functional Classification of Street(s)</i></b>	<b><i>Governing Document</i></b>	<b><i>Actual Street Width (Feet)</i></b>	<b><i>Compliance with Street Section</i></b>
Torrey Pines Drive	Secondary Collector	Planned Streets and Highways Map	80	Y

**ANALYSIS**

This application is in conjunction with an existing convenience store. The current owners re-established a Beer/Wine/Cooler Off-Sale use on 10/23/12 that was first issued in 1951. This was less than six months after the previous holder went out-of-business in June of 2012. The use is therefore considered legal non-conforming since it does not have an approved Special Use Permit. The request to add a Package Liquor use at this location meets all minimum requirements and can be conducted in a manner that is harmonious and compatible with existing uses in the area.

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 that they will adhere to all requirements.

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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 feet buffer radius.*
- \* 2. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50. *The applicant has indicated that they will obtain the proper business license as required.*

**FINDINGS (SUP-48178)**

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 strip center. This site is adequate to handle the Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 2,300 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 Torrey Pines Drive, an 80-foot Secondary Collector as categorized by the City’s Master Streets and Highways Plan. This street will provide adequate access for the requirements of the proposed Retail Establishment with Accessory Package Liquor Off-Sale within an existing 2,300 square-foot General Retail Store.

**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.

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**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 for a Retail Establishment with  
Accessory Package Liquor Off-Sale use.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 22

**NOTICES MAILED** 381

**APPROVALS** 0

**PROTESTS** 0