



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: JANUARY 17, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: CORNER MARKET - OWNER: RAINBOW VISTA, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0555-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

NOTICES MAILED 346 (by City Clerk)

PROTESTS 1

APPROVALS 0

**** CONDITIONS ****

23-0555-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Gaming Establishment, Restricted 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 Building and Safety Division.
4. 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.
5. 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 is a Special Use Permit request for a Gaming Establishment, Restricted use (1 to 5 Gaming Machines) at 6700 West Charleston Boulevard, Suite F.

ISSUES

- The Gaming Establishment, Restricted use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit. Staff supports the request.

ANALYSIS

The subject site is zoned C-1 (Limited Commercial) with a TOD-1 (Transit Oriented Development - High) land use designation. No business is currently in operation on the subject site. There was an approved Special Use Permit (SUP-5771) that allowed a Liquor Establishment (Off-Premise Sales) use on this site that has since expired. A subsequently approved Special Use Permit (SUP-56265) for a Beer/Wine/Cooler Off-Sale Establishment use is active; however, there is no active license for off-premise beer and wine sales as of 06/26/23. Per Title 19.16.110.P, the Special Use Permit is void if issued for alcoholic beverage use and such use ceases for 180 days or more, or 24 months or more if the building in which the use was being conducted has been damaged or partially destroyed by fire, flood, wind, another calamity or an act of God.

Per the submitted justification letter, the applicant is requesting a Special Use Permit (23-0555-SUP1) for a Gaming Establishment, Restricted use to operate in conjunction with beer and wine off-premise sales within a convenience store. The subject site is located within a commercial center known as "Rainbow Vista", which offers retail, office and service uses.

The Gaming Establishment, Restricted use is an establishment which is primarily used for some business other than gaming but in which restricted gaming is permitted pursuant to Title 6. For informational purposes, this description refers to an establishment whose gaming operations are limited to not more than 15 slot machines, and no other game or gaming device. Per the justification letter, the applicant is proposing to install five machines in conjunction with a retail (convenience) store with off-premise beer/wine sales. The Gaming Establishment, Restricted use is ancillary to a primary use and cannot be established until the primary use associated with the proposed gaming is exercised. As an ancillary use, there is no additional parking is required beyond that which is required for the principal use(s) on the site.

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The Minimum Special Use Permit Requirements for this use include:

1. Pursuant to its general authority to regulate gaming, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a minimum distance separation between a Gaming Establishment, Restricted use and certain other uses that should be protected from the impacts associated with that establishment, or that otherwise should be separated so as to minimize impacts on surrounding areas. Therefore, except as otherwise provided in these Requirements, the following distance separation requirements apply:

- a. For one to five gaming machines, no less than 400 feet to the nearest:
 - i. Church/house of worship;
 - ii. School;
 - iii. Individual care center licensed for more than 12 children; or
 - iv. City park.

The proposed use meets this requirement as no protected use is within 400 feet of the proposed Gaming Establishment, Restricted use.

- *b. For six to fifteen gaming machines, no less than 1500 feet to the nearest:
 - i. Church/house of worship;
 - ii. School;
 - iii. Individual care center licensed for more than 12 children; or
 - iv. City park;
 - v. Gaming Establishment, Restricted use with six to fifteen gaming machines; or
 - vi. Gaming Establishment, Non-restricted use.

The proposed use meets the requirements above, as the applicant has requested five machines.

- *c. For one to fifteen gaming machines, and operating independently of Requirement 1.b. above, no less than 1500 feet to the nearest Gaming Establishment, Restricted use or Gaming Establishment, Non-restricted use located within the Resort & Casino District, as described in LVMC Title 19, Appendix F.

The proposed use meets the requirements above, as the subject site is not located within the mentioned areas.

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2. The distance separation requirement set forth in Requirement 1.b. may be waived in accordance with the provisions of LVMC 19.12.050(C) for the following:

- a. An establishment located on property within one or more of the following Special Area and Overlay Districts:
 - i. The Civic District, as described in LVMC 19.10.010;
 - ii. The Market District or the Symphony Park District within the Downtown Las Vegas Overlay District, as described in LVMC Title 19, Appendix F; or
 - iii. The Gaming Enterprise Overlay District, as described in LVMC 19.10.130, except for any portion of the Gaming Enterprise Overlay District that falls entirely within the Resort & Casino District, as described in LVMC Title 19, Appendix F.

This requirement is not applicable, as the subject site meets all requirements of Condition number one.

- b. An establishment located within a Regional Mall, as defined by LVMC 19.18.020;
- c. An establishment located within a Mixed-Use development, as defined by LVMC 19.18.020;
- d. An establishment that will be separated from an existing protected use by a street or highway with a minimum right-of-way width of 100 feet; or
- e. An establishment that is located on a site, or within a building or structure, that is designated on the City of Las Vegas Historic Property Register.

This requirement is not applicable, as the subject site meets all requirements of Condition number one.

3. The use shall conform to, and is subject to, the provisions of LVMC Chapter 6.40.

The proposed use will be subject to the provisions of LVMC Chapter 6.40, if approved.

Staff finds that the proposed Gaming Establishment, Restricted use (1 to 5 machines) can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses and with future surrounding land uses as there are no protected uses within 400 feet of the subject site. Therefore, staff recommends approval of the Special Use Permit, subject to conditions.

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FINDINGS (23-0555-SUP1)

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 Gaming Establishment, Restricted 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.

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

The proposed Gaming Establishment, Restricted use would be located within a convenience store, which is physically suitable for the type and intensity of the proposed land use.

- 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 subject site is accessed by Charleston Boulevard, a 100-foot Primary Arterial as defined by the Master Plan of Streets and Highways Map. Charleston Boulevard is adequate in size to serve the needs of 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.**

If approved, this Special Use Permit will be subject to conditions of approval, business license approval, and compliance inspections to ensure it will not compromise the public health, safety and welfare.

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

The proposed Gaming Establishment, Restricted use meets all of the applicable conditions per Title 19.12.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
11/15/78	The City Council approved a Rezoning (Z-0080-78) request from R-E (Residence Estates) to C-1 (Limited Commercial) located at on the northwest corner of Charleston Boulevard and Lorenzi Street. The Planning Commission and staff recommended approval.
01/12/95	The Planning Commission approved a Plot Plan and Building Elevation Review [Z-0080-78 (10)] request for a 13,996 square-foot retail complex located on the northwest corner of Charleston Boulevard and Lorenzi Street. Staff recommended approval.
03/16/05	The City Council approved a Special Use Permit (SUP-5771) to allow a proposed Liquor Establishment (Off-Premise Sales) at 6700 West Charleston Boulevard, Suite F. The Planning Commission and staff recommended approval. The approval is expired.
12/09/14	The Planning Commission approved a Special Use Permit (SUP-56265) to allow a Beer/Wine/Cooler Off-Sale Establishment use within an existing 2,400 square-foot General Retail Store, Other Than Listed at 6700 West Charleston Boulevard, Suite F. The Planning Commission and staff recommended approval.
12/12/23	The Planning Commission voted (6-0) to recommend APPROVAL of the following Land Use Entitlement project request FOR A PROPOSED GAMING ESTABLISHMENT, RESTRICTED USE (1 TO 5 MACHINES) at 6700 West Charleston Boulevard, Suite F (APN 138-34-820-014), C-1 (Limited Commercial) Zone, Ward 1 (Knudsen)

<i>Most Recent Change of Ownership</i>	
09/07/16	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
11/16/04	A business license (C15-00323) was issued for a convenience store at 6700 West Charleston Boulevard, Suite F. The license was marked out of business on 09/03/14 due to a change in ownership.
09/18/14	A business license (G62-07721) was issued for a convenience store at 6700 West Charleston Boulevard, Suite F. The license was marked out of business on 07/20/20 due to a change in ownership.
01/29/15	A privilege business license (P62-00352) was issued for off-premise sales of beer and wine at 6700 West Charleston Boulevard, Suite F. The license was marked out of business on 07/20/20 due to a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
07/02/20	A business license (G68-03767) was issued for a convenience store at 6700 West Charleston Boulevard, Suite F. The license was marked out of business on 06/26/23.
07/20/20	A privilege business license (P68-00103) was issued for off-premise sales of beer and wine at 6700 West Charleston Boulevard, Suite F. The license is in revoked status as of 06/26/23.
	A business license (L69-00092) was issued for off-premise sales of beer and wine at 6700 West Charleston Boulevard, Suite F. The license is in revoked status as of 06/26/23.
10/17/23	A business license (P71-00276) was processed for off-premise sales of beer and wine at 6700 West Charleston Boulevard, Suite F. The license is pending review and has not been issued.
	A business license (G71-06649) is was processed for tobacco sales at 6700 West Charleston Boulevard, Suite F. The license is pending review and has not been issued.

<i>Pre-Application Meeting</i>	
10/12/23	A pre-application meeting was held with the applicant to review the submittal requirements for a Special Use Permit.

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

<i>Field Check</i>	
11/01/23	Staff conducted a routine field check and did not note anything of concern.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.15

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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	TOD-1 (Transit Oriented Development - High)	C-1 (Limited Commercial)
	General Personal Services		
	Restaurant		
North	Office, Other Than Listed		
South	Office, Other Than Listed		
East	Office, Medical or Dental		
West	General Retail Store, Other Than Listed		

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Charleston	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Area or Overlay Districts	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 2	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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DEVELOPMENT STANDARDS

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

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail Store, Other Than Listed	4,300 SF	1 Per 175 SF	25				
Financial Institution, Specified	4,000 SF	1 Per 175 SF	23				
Office, Other Than Listed	2,989 SF	1 Per 300 SF	10				
Restaurant	300 SF	1 Per 50 SF of Seating and Waiting Area	6				
	1,400 SF	1 Per 200 SF Remain Square-footage	7				
General Personal Services	1,750 SF	1 Per 250 SF	7				
TOTAL SPACES REQUIRED			75			62	
Regular and Handicap Spaces Required			72	3	59	3	N*

*This site is parking impaired as defined by Title 19.18.030(D).