



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: OCTOBER 16, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: ANALLELY BEDOLLA - OWNER: THE DONALD
S. GILDAY REVOCABLE FAMILY TRUST

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0352-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 24

NOTICES MAILED 593

PROTESTS 2

APPROVALS 2

**** CONDITIONS ****

24-0352-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, Off-Premise Full 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. 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.
7. 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 1,664 square-foot Alcohol, Off-Premise Full use in conjunction with a proposed convenience store at 7010 West Charleston Boulevard.

ISSUES

- An Alcohol, Off-Premise Full 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) General Plan land use designation and is subject to Title 19 development standards.

Previously entitlement history indicates on February 07, 2001 the City Council approved a request for a Special Use Permit (U-0193-00) for Packaged Liquor Sales in conjunction with an existing convenience store (Fiesta Discount Market) at 7010 West Charleston Boulevard. Pursuant to Condition #1 of the approved Special Use Permit, the sale of alcoholic beverages was limited to the sale of beer and wine only. On June 04, 2008 the City Council accepted a request to withdraw without prejudice Special Use Permit (SUP-25259) for a proposed Package Liquor Off-Sale Establishment at the subject site. Also, on June 15, 2011 the City Council approved a request for a Review of Condition (ROC-41544) of a previously approved Special Use Permit (U-0193-00) to delete Condition #2 that states, "The sale of individual containers of any size beer, wine coolers, or screw cap wine is prohibited".

Business license history for the tenant space indicates that the license to operate a tobacco dealer, convenience store and beer/wine off-premise sales associated with the convenience store (Fiesta Discount Market) were marked out of business on September 15, 2020. The applicant has requested a Special Use Permit (24-0325-SUP1) to reestablish the convenience store use within the tenant space with an Alcohol, Off-Premise Full use. An Alcohol, Off-Premise Full use is described in Tile 19.12 as "An establishment licensed to sell alcoholic beverages, not limited to the sale of beer, wine and coolers, to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold."

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This use requires approval of a Special Use Permit within a C-1 (Limited Commercial) zoning district pursuant to Title 19.12.

The Minimum Special Use Permit Requirements for this use include:

*1. Pursuant to its general authority to regulate the sale of alcoholic beverages, 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 an Alcohol, Off-Premise Full establishment 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, no Alcohol, Off-Premise Full establishment may be located:

- a. Within 400 feet of any of the following uses:
 - I. Church/House of Worship
 - II. School
 - III. Individual Care Center licensed for more than 12 children; or
 - IV. City Park
- b. Within 1,000 feet of another Alcohol, Off-Premise Full establishment

This requirement has been met as there are no protected land uses within 400 feet of the subject site. Also, there is not another Alcohol, Off-Premise Full establishment within 1,000 feet of the subject site.

- 2. The distance separation requirement set forth in Requirement 1 does not apply to:
 - a) An establishment which has a non-restricted 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 Grocery Store with greater than 50,000 square feet of gross floor area.

This requirement is not applicable, as the proposed land use is not associated with a non-restricted gaming license with a hotel having more than 200 rooms or a grocery store having more than 50,000 square feet of gross floor space.

3. The minimum distance separation requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived in connection with an Alcohol, Off-Premise Full establishment located within a Grocery Store:

- a) In accordance with the provisions of of LVMC 19.12.050(C) for a location within the Downtown Casino Overlay District;

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- b) In accordance with the applicable provisions of the “Town Center Development Standards Manual” for a location within the T-C (Town Center) Zoning District that is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan;
- c) Having between 20,000 square feet and 50,000 square feet of retail floor space; or
- d) Having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right-of-way with a width of at least 100 feet.

This requirement is not applicable, as the proposed land use is not located within the Downtown Casino Overlay District or within the Town Center Land use plan. Also, the use is not associated with an establishment having between 20,000 square feet and 50,000 square feet of retail gross floor space or associated with a retail establishment having less than 20,000 square feet separated by a highway or right-of-way with a width of at least 100 feet.

*4. The establishment shall not be located on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

The subject site is not located on or within a Pedestrian Mall as defined by LVMC Chapter 11.68.

Staff finds that the proposed Alcohol, Off-Premise Full use can be conducted in a manner that is harmonious and compatible with the existing surrounding commercial land uses that surround subject site. Therefore, staff recommends approval of the Special Use Permit, subject to conditions.

FINDINGS (24-0352-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 Alcohol, Off-Premise Full use land use can be conducted in a harmonious and compatible manner with the existing commercial developments that are in close proximity to the subject site.

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

The subject site is physically suitable for the intensity of the proposed Alcohol, Off-Premise Full 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 Antelope Way, an 80-foot Collector Street and Charleston Boulevard, a 100-foot Primary Arterial, as defined by the Master Plan of Streets and Highways and is adequate in size to meet the requirements 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.**

The proposed use will be subject to business license review and periodic inspection, thereby safeguarding the public health, safety and general welfare.

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

The proposed Alcohol, Off-Premise Full use meets the minimum requirements set forth by Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
01/13/72	The City Planning Commission approved a Rezoning and Plot Plan Review (Z-0079-71) from R-E (Residence Estates) to C-1 (Limited Commercial) for a proposed commercial development at the northwest corner of Charleston Boulevard and Antelope Way.
03/02/77	The Board of City Commissioners approved Rezoning (Z-0005-77) from R-1 (Single Family Residential) to C-1 (Limited Commercial) for a proposed parking lot on the west side of Antelope, 250 feet north of Charleston Boulevard.
04/13/00	The Planning Commission was scheduled to hear Special Use Permit (U-0037-00) for the off-premise sale of beer and wine in conjunction with a convenience store at 7010 west Charleston Boulevard. *This item was pulled from the agenda*

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc., (cont.)</i>	
02/07/01	The City Council approved a request for a Special Use Permit (U-0193-00) for Packaged Liquor Sales in conjunction with an existing convenience store at 7010 West Charleston Boulevard. The Planning Commission and Staff recommended approval of the request.*Per Condition #1 "Sale of alcoholic beverages shall be limited to the sale of beer and wine only."
03/19/03	The City Council approved a request for an Extension of Time (EOT-1518) of an approved Special Use Permit (U-0193-00) to allow the sale of Packaged Liquor for Off-Premises Consumption in conjunction with an existing market (Fiesta Discount Market) at 7010 West Charleston Boulevard. Staff recommended approval of the request.
06/04/08	The City Council accepted a request to withdraw without prejudice Special Use Permit (SUP-25259) for a proposed Package Liquor Off-Sale Establishment at 7010 West Charleston Boulevard. The Planning Commission and Staff recommended denial of the request.
06/15/11	The City Council approved a request for a Review of Condition (ROC-41544) of a previously approved Special Use Permit (U-0193-00) to delete Condition #2 that states, "The sale of individual containers of any size beer, wine coolers, or screw cap wine is prohibited" at 7010 West Charleston Boulevard. Staff recommended denial of the request.
08/19/20	The City Council approved a request for a Special Use Permit (SUP-78818) for a proposed 1,465 square-foot Beer/Wine/Cooler On- and Off-Sale Establishment use at 7018 West Charleston Boulevard Suite #1. The Planning Commission and Staff recommended approval of the request.
02/17/21	The City Council approved a request for a Major Amendment (20-0290-SUP1) to a previously approved Special Use Permit (SUP-78818) for a proposed 1,654 square-foot expansion of a previously approved Beer/Wine/Cooler On- and Off-Sale Establishment use at 7018 West Charleston Boulevard, Suite's #1 and #2. The Planning Commission and Staff recommended approval of the request.
06/02/21	The City Council approved a request for a General Plan Amendment (21-0029-GPA1) to adopt the City of Las Vegas 2050 Master Plan and amend the City of Las Vegas General Plan from various categories to TOD-1 (Transit Oriented Development-1), TOD-2 (Transit Oriented Development-2), TOC-1 (Transit Oriented Corridor-1), TOC-2 (Transit Oriented Corridor-2), or NMUX (Neighborhood Center Mixed Use) within the City of Las Vegas.

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Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc., (cont.)

09/10/24	The Planning Commission voted (7-0) to recommend APPROVAL on the following Land Use Entitlement project request FOR A PROPOSED 1,664 SQUARE-FOOT ALCOHOL, OFF-PREMISE FULL USE at 7010 West Charleston Boulevard (APN 138-34-402-001), C-1 (Limited Commercial) Zone, Ward 1 (Knudsen).
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Most Recent Change of Ownership

03/18/24	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

12/03/03	A business license (G01-02152) was issued for Gaming Restricted (Fiesta Discount Market) at 7010 West Charleston Boulevard. The license was marked out of business on 09/15/20.
04/09/03	A business license (C05-02235) was issued for a Tobacco Dealer (Fiesta Discount Market) at 7010 West Charleston Boulevard. The license was marked out of business on 09/15/20.
	A business license (C15-00307) was issued for a Convenience Store (Fiesta Discount Market) at 7010 West Charleston Boulevard. The license was marked out of business on 09/15/20.
	A business license (L10-00236) was issued for a Beer and Wine Off-Premise (Fiesta Discount Market) at 7010 West Charleston Boulevard. The license was marked out of business on 09/15/20.
04/14/09	A business license (W10-00226) was issued for a Wire Service (Western Union Financial Services) at 7010 West Charleston Boulevard. The license was marked out of business on 02/23/21.
11/07/16	A business license (G64-06891) was issued for an Automated Teller Operator (ATM Providers, Inc.) at 7010 West Charleston Boulevard. The license was marked out of business on 001/24/18.
11/16/21	A business license (G69-07425) was issued for an Automated Teller Operator (247 ATM Providers) at 7010 West Charleston Boulevard. The license is still active.

Pre-Application Meeting

07/03/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Special Use Permit.
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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.

Field Check

07/24/24	Staff conducted a field check of the subject site and observed well maintained commercial development.
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Details of Application Request

Site Area

Gross Acres	1.21
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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	TOD-1 (Transit Oriented Development - High)	C-1 (Limited Commercial)
	Liquor Establishment (Tavern)		
	Restaurant		
North	Parking Lot	TOD-1 (Transit Oriented Development - High)	C-1 (Limited Commercial)
	Residential, Single-Family Detached	ML (Medium-Low Density Residential)	R-CL (Single Family Compact-Lot)
South	Office, Other than Listed	TOD-1 (Transit Oriented Development - High)	C-1 (Limited Commercial)
	Office, Medical or Dental		
East	Convenience Store	TOD-1 (Transit Oriented Development - High)	C-1 (Limited Commercial)
	Social Service Provider		
West	Residential, Single-Family Detached	ML (Medium-Low Density Residential)	R-CL (Single Family Compact-Lot)

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<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	N/A
Interlocal Agreement	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>
Charleston Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	Y
Antelope Way	Major Collector	Title 13	80	Y

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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	12,217 SF	1:250	70				
Restaurant	2,250 SF	1:50 public waiting and seating; 1:200 gross remaining	33				
Liquor Establishment (Tavern)	2,484 SF	1:50 public waiting and seating; 1:200 gross remaining	47				
Previously Fiesta Market - General Retail	1,664 SF	1:175	10				
TOTAL SPACES REQUIRED			160		49		Y*

<i>Parking Requirement</i>						
Regular and Handicap Spaces Required	154	6	46	3	Y*	

*As Per Title 19.18 - The existing commercial center is considered a "Parking Impaired Development." It complied with the applicable parking standards at the time the use or building was established, but does not comply with the current parking requirements. The proposed use of Alcohol Off-Premise Full establishment does not require additional parking beyond that which is required for the primary use(s) on the site.