

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: DECEMBER 16, 2020

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: RAJAT MINI MART AND CIGARETTES -

OWNER: NICOLAS P. & LISA D. DI PIETRO

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
20-0201-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 35

NOTICES MAILED 578 (By City Clerk)

PROTESTS 6

APPROVALS 3

**** CONDITIONS ****

20-0201-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Beer/Wine/Cooler Off-Sale Establishment use.
2. Conformance to the approved conditions for Variance (VAR-78396).
3. 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.
4. 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.
5. 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.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. 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 requesting a Special Use Permit in order to operate a Beer/Wine/Cooler Off-Sale Establishment use at 300 South Bruce Street.

ISSUES

- An approved Special Use Permit is required in the C-1 (Limited Commercial) zoning district for a Beer/Wine/Cooler Off-Sale Establishment use.

ANALYSIS

The subject site is an existing General Retail Store, Other Than Listed [Convenience Store and Smoke Shop]. The applicant is proposing to add the Beer/Wine/Cooler Off-Sale Establishment use to the existing business.

The Beer/Wine/Cooler Off-Sale Establishment use is described by Title 19.12 as “an establishment whose license to sell alcoholic beverages is 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 business is conducted, and is operated in connection with a grocery store, drugstore, convenience store, restaurant, general retail store or ancillary brew pub (as the last is referenced in LVMC 6.50.085).” The proposed use meets this description as the applicant is proposing to sell beer, wine and coolers for consumption off the premises.

The Minimum Special Use Permit Requirements for this use include:

1. Requirement 1: Except as otherwise provided, no beer/wine/cooler off-sale establishment (hereinafter “establishment”) shall be located within 400 feet of any church/house of worship, school, individual care center licensed for more than 12 children, or City park.

The proposed use meets this requirement, as the subject site is not within 400 feet of a protected use.

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2. Requirement 2: When considering a Special Use Permit application for an establishment which also requires a waiver of the distance separation requirement in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance separation requirement should be waived and the reasons in support of the decision.

This requirement is not applicable as the applicant is not requesting a Waiver of requirement number one.

3. Requirement 3: The minimum distance separation 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.

This requirement is not applicable.

4. Requirement 4: All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

The proposed use is subject to this requirement in an on-going basis, and regular inspections will ensure compliance.

5. Requirement 5: 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:
 - a. In accordance with the provisions of LVMC 19.12.050(C) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;
 - b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS- TC (Main Street Mixed Use) in the Town Center Land Use Plan;

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- c. In connection with a proposed establishment having between 15,000 square feet and 50,000 square feet of retail floor space, if no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages; or
- d. In connection with a retail establishment having less than 15,000 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.

- 6. Requirement 6: No beer/wine/cooler off-sale establishment shall be permitted on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

The proposed use meets this requirement as the subject site is not within or adjacent to a Pedestrian Mall.

FINDINGS (20-0201-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 existing store-front is oriented to Bruce Street which has developed into a commercial corridor with businesses that serve area residents. The proposed alcohol sales can be conducted in a manner that is compatible with the surrounding existing land uses.

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

The subject site is an existing convenience store physically suitable for the proposed Beer/Wine/Cooler Off-Sale establishment 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.**

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Bruce Street is an 80-foot wide Collector 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 is subject to business licensing review and regular inspections if licensed, thus ensuring the public health, safety and general welfare is not compromised.

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

The proposed land use meets all of the applicable conditions set forth by Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
09/17/69	The Board of Commissioners approved a request for a Resolution of Intent (Z-0057-69) to rezone from R-1 (Single Family Residential) to C-1 (Limited Commercial) of Lot 13, Block 10, Amended Mayfair Tract No. 2.
02/18/70	The Board of Commissioners approved a request for a six month Extension of Time of Resolution of Intent (Z-0057-69) to rezone property located on the southwest corner of Bruce Street and Lewis Avenue. The Las Vegas City Planning Commission recommended approval.
12/18/91	The City Council approved a request for a Resolution of Intent to Reclassify (Z-0080-91) real property legally described as Lot 13, Block 10 of Mayfair Tract No. 2 [1736 Lewis Street] from R-1 (Single Family Residential) to P-R (Professional Office and Parking).
09/20/90	The City Council denied a request for a Reclassification of property (Z-0090-90) at 1730 and 1736 East Lewis Avenue from R-1 (Single Family Residential) to C-1 (Limited Commercial) for a proposed retail shop and grocery store. The Planning Commission recommended denial.
01/22/92	The City Council approved an appeal of the Board of Zoning Adjustment denial of a Variance (V-0164-91) to allow a retail grocery store where such was not normally allowed at 1736 Lewis Avenue [300 South Bruce Street].
10/16/96	The City Council approved a request for a Review of Use [V-0164-91(1)] on property located at 300 South Bruce Street, which allowed a retail grocery store where such use was not allowed.

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
08/19/20	The City Council approved a request for a General Plan Amendment (GPA-78392) from L (Low Density Residential) to SC (Service Commercial) at 300 South Bruce Street. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Rezoning (ZON-78394) from P-R (Professional Office and Parking) to C-1 (Limited Commercial) at 300 South Bruce Street. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Variance (VAR-78396) to allow a 60-foot lot width where 100 feet is required, and a five-foot side yard setback where 10 feet is required at 300 South Bruce Street. The Planning Commission and staff recommended approval.
11/10/20	The Planning Commission unanimously voted to DENY a Land Use Entitlement project request for a Special Use Permit (20-0201-SUP1) FOR A PROPOSED 2,521 SQUARE-FOOT BEER/WINE/COOLER OFF-SALE ESTABLISHMENT USE at 300 South Bruce Street (APN 139-35-413-112), Ward 3 (Diaz).
11/19/20	The Office of the City Clerk received an appeal of the Denial by the Planning Commission on a Land Use Entitle project request for a Special Use Permit (20-0201-SUP1) FOR A PROPOSED 2,521 SQUARE-FOOT BEER/WINE/COOLER OFF-SALE ESTABLISHMENT USE at 300 South Bruce Street (APN 139-35-413-112), Ward 3 (Diaz).
12/16/20	The City Council will consider the appeal of the Denial by the Planning Commission on Land Use Entitle project request 20-0201-SUP1.

<i>Most Recent Change of Ownership</i>	
06/2013	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
PRE 1990	A business license (G50-06760) was issued for a tropical fish store at 300 South Bruce Street. The license is inactive as of 07/08/12.
05/05/92	A building permit (#92144578) was issued for onsites at 300 South Bruce Street. The permit received its final inspection on 01/07/93.
	A building permit (#92144579) was issued for a new building (Oriental Market) at 300 South Bruce Street. The permit received its final inspection on 10/05/92.
05/12/92	A building permit (#92145246) was issued for a new building at 300 South Bruce Street. The permit received its final inspection on 07/10/92.
05/13/92	A building permit (#92145383) was issued for a new building at 300 South Bruce Street. The permit received its final inspection on 07/13/92.

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Related Building Permits/Business Licenses	
06/02/92	A building permit (#92147663) was issued for a new building at 300 South Bruce Street. The permit received its final inspection on 07/10/92.
08/28/92	A building permit (#92158337) was issued for a sign at 300 South Bruce Street. The permit received its final inspection on 10/14/92.
01/27/97	A building permit (#97001925) was issued for sewer work at 300 South Bruce Street. The permit received its final inspection on 02/28/97.
	A building permit (#97001926) was issued for a tenant improvement/remodel at 300 South Bruce Street. The permit received its final inspection on 02/27/97.
01/30/97	A building permit (#97002188) was issued for electrical work at 300 South Bruce Street. The permit did not receive its final inspection and expired on 08/30/97.
10/08/12	A business license (G50-09421) was issued for a general retail store at 300 South Bruce Street. The license is inactive as of 03/04/14.
11/05/12	A business license (C05-02890) was issued for a tobacco dealer at 300 South Bruce Street. The license is inactive as of 03/04/14.
04/07/14	A business license (G62-02254) was issued for a tobacco dealer at 300 South Bruce Street. The license is active as of 10/20/20.
04/16/14	A business license (G62-02253) was issued for selling cigarettes, tobacco, food, soda and general merchandise at 300 South Bruce Street. The license is inactive as of 03/28/15.
05/29/14	A building permit (C-261414) was issued for a new roof at 300 South Bruce Street. The permit received its final inspection on 09/09/14.
04/02/15	A business license (P63-00112) was issued for the sale of cigarettes, tobacco, tobacco accessories, soft drinks, food and general items at 300 South Bruce Street. The license is active as of 10/20/20.
08/31/15	A business license (G63-06412) was issued for an automated teller machine (ATM) at 300 South Bruce Street. The license is inactive as of 07/05/16.

Pre-Application Meeting	
09/15/20	Staff conducted a pre-application meeting via email to discuss the submittal requirements for the requested Special Use Permit.

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

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Field Check	
10/17/20	Staff performed a routine field check to observe the subject site. Nothing of concern was noted by staff during the visit.

Details of Application Request	
Site Area	
Net Acres	0.18

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	General Retail Store, Other Than Listed [Convenience Store]	SC (Service Commercial)	C-1 (Limited Commercial)
North	Vacant Building	O (Office)	P-R (Professional Office and Parking)
South	Auto Repair Garage, Minor	C (Commercial)	C-2 (General Commercial)
	Open Air Vending		
East	General Retail Store, Other Than Listed	MXU (Mixed Use)	C-1 (Limited Commercial)
West	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

Master and Neighborhood Plan Areas	Compliance
Vision 2045 Downtown Master Plan – Founders District	Y
Special Area and Overlay Districts	Compliance
DTLV-O (Downtown Las Vegas Overlay) District – Area 2	Y
Other Plans or Special Requirements	Compliance
Appendix F Interim Downtown Las Vegas Development Standards	Y
Trails	N/A
Las Vegas Redevelopment Plan Area 1	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

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Bruce Street	Collector Street	Master Plan of Streets and Highways Map	80	Y

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	
Beer / Wine / Cooler Off-Sale Establishment		No additional parking required beyond that which is required for the principal use(s) on the site.	0				
TOTAL SPACES REQUIRED			0		0		Y
Regular and Handicap Spaces Required			0	0	0	0	Y