



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: DECEMBER 21, 2022

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: 300 DECATUR, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0482-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 646

PROTESTS 2

APPROVALS 1

**** CONDITIONS ****

22-0482-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, Off-Premise Beer/Wine use.
2. Conformance to the approved conditions for Site Development Plan Review (SDR-78085).
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

This is a Special Use Permit request for a 3,046 square-foot Alcohol, Off-Premise Beer/Wine use in conjunction with a previously approved Convenience Store at 300 South Decatur Boulevard.

ISSUES

- An Alcohol, Off-Premise Beer/Wine use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit. Staff supports the request.

ANALYSIS

The subject site is zoned C-2 (General Commercial) with a TOD-1 (Transit Oriented Development – High) land use designation where it is subject to Title 19 development standards.

On January 30, 2020, the Department of Community Development - Planning Division administratively approved a Minor Site Development Plan Review (SDR-78085) for a proposed 3,046 square-foot convenience store with fuel pumps and canopy. On January 15, 2022 the Department of Community Development - Planning Division administratively approved an Extension of Time (22-0220-EOT1) for the previously approved Site Development Plan Review (SDR-78085). On October 11, 2022 the Planning Commission recommended approval of a request for a Special Use Permit (22-0481-SUP1) for a proposed Gaming Establishment, Restricted Use (1 to 5 machines) at the subject site. The item is set to be heard by the City Council on November 16, 2022.

The applicant has requested a Special Use Permit (22-0482-SUP1) for a proposed 3,046 square-foot Alcohol, Off-Premise Beer/Wine use within the proposed Convenience Store. An Alcohol, Off-Premise Beer/Wine use is described in Title 19.12 as “An establishment licensed to sell alcoholic beverages, 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 business is conducted.” This use requires approval of a Special Use Permit within a C-2 (General Commercial) zoning district in Title 19.

The Minimum Special Use Permit Requirements for this use include:

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*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 Beer/Wine establishment and certain other uses that should be protected from the impacts associated with that establishment. Therefore, except as otherwise provided in these Requirements, no Alcohol, Off-Premise Beer/Wine establishment may be located within 400 feet of any of the following uses:

- a. Church/House of Worship
- b. School
- c. Individual Care Center licensed for more than 12 children; or
- d. City Park

This requirement has been met as there are no protected land uses within 400 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 proposed establishment having more than 50,000 square feet of retail 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 an establishment having more than 50,000 square feet of retail 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:

- 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 Las Vegas Overlay District, as described in LVMC 19.10.110;
- b) In accordance with the provisions of LVMC 19.12.050(C) for any establishment having between 15,000 square feet and 50,000 square feet of retail gross floor space, if no more than 10 percent of the retail gross floor space is regularly devoted to the display or merchandising of alcoholic beverages;
- c) In accordance with the provisions of LVMC 19.12.050(C) for any retail establishment having less than 15,000 square feet of retail gross 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; or

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- d) 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.

This requirement is not applicable, as the proposed land use is not located within the Downtown Las Vegas Overlay District, associated with an establishment having between 15,000 square feet and 50,000 square feet of retail gross floor space, associated with a retail establishment having less than 15,000 square feet separated by a highway or right-of-way with a width of at least 100 feet or located within the Town Center Master Plan Area.

*4. Except as otherwise permitted pursuant to LVMC 6.50.050, the establishment shall not be located on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

The proposed use will be subject to all business licensing requirements outlined in LVMC Chapter 6.50.050 if approved. In addition, the subject site is not located on or within a Pedestrian Mall.

Staff finds that the proposed Alcohol, Off-Premise Beer/Wine 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 (22-0482-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 Beer/Wine 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.

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 Beer/Wine use.

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- 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 Meadows Lane, an 80-foot Collector Street and Decatur 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 Beer/Wine use meets the minimum requirements set forth by Title 19.12.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
09/15/04	The City Council accepted a request to Withdraw Without Prejudice a request for a Special Use Permit (SUP-4172) for a proposed Off-Premise Advertising (Billboard) sign at 300 South Decatur Boulevard. The Planning
06/02/21	The City Council voted to approve 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- High), TOD-2 (Transit Oriented Development - Low), Transit Oriented Corridor - High), TOC-2 (Transit Oriented Corridor - Low) or NMXU (Neighborhood Center Mixed Use) within the City of Las Vegas.
01/30/22	The Department of Community Development administratively approved a Minor Site Development Plan Review (SDR-78085) for a proposed 3,046 square-foot convenience store with fuel pumps and canopy on 0.52 acres at the southwest corner of Meadows Lane and Decatur Boulevard.
01/15/22	The Department of Community Development administratively approved an Extension of Time (22-0220-EOT1) for a previously approved Site Development Plan Review (SDR-78085) for a proposed 3,046 square-foot convenience store with fuel pumps and canopy at the southwest corner of Meadows Lane and Decatur Boulevard.
10/11/22	The Planning Commission recommended approval of a requested Special Use Permit (22-0481-SUP1) for a proposed Gaming Establishment, Restricted Use (1 to 5 machines) at 300 South Decatur Boulevard. The item is scheduled to be heard by the City Council on 11/16/22.
11/15/22	The Planning Commission voted (6-0) to recommend APPROVAL of a request FOR A PROPOSED 3,046 SQUARE-FOOT ALCOHOL, OFF-PREMISE BEER/WINE USE at 300 South Decatur Boulevard (APN 138-36-601-004), C-2 (General Commercial) Zone, Ward 1 (Knudsen).

<i>Most Recent Change of Ownership</i>	
04/08/20	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
05/26/20	A building permit (#C20-01591) was finalized for the complete demolition and removal of a 5,293 square-foot building at 300 South Decatur Boulevard. The permit was finalized on 05/26/20.
06/13/22	A building permit (#L20-01060) was issued for Civil improvements for a proposed 7-11 store at 300 South Decatur Boulevard. The permit has not been finalized.
06/14/22	A business license (#P70-00144) was submitted for a gaming restricted use - five slot machines (Short Line Gaming, LLC) for a convenience store at 300 South Decatur Boulevard. The license has not been issued and is currently in review.
07/05/22	A building permit (#PRC22-00001) was issued for the construction of a new 3,000 square-foot shell for a future convenience store with gasoline sale (shell, trash enclosure and hardscapes) at 300 South Decatur Boulevard. The permit was finalized on 07/05/22.
07/06/22	A building permit (#C22-00004) was issued for a new 3,000 square-foot shell building for a future convenience store at 300 South Decatur Boulevard. The permit has not been finalized.
	A building permit (#C22-00005) was issued for hardscapes, three light poles, shade structure and trash enclosure for a future convenience store at 300 South Decatur Boulevard. The permit has not been finalized.
07/19/22	A business license (#P70-00164) was submitted for a beer and wine off-premise use (US Market Decatur) for a convenience store at 300 South Decatur Boulevard. The license has not been issued and is currently in review.
	A business license (#G70-04869) was submitted for a convenience store (US Market Decatur) at 300 South Decatur Boulevard. The license has not been issued and is currently in review.
	A business license (#G70-04870) was submitted for a tobacco dealer (US Market Decatur) at 300 South Decatur Boulevard. The license has not been issued and is currently in review.

<i>Pre-Application Meeting</i>	
08/17/22	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Special Use Permit.

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

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Field Check	
09/29/22	Staff conducted a field check of the subject site and observed construction activity relating to a previously approved Site Development Plan Review (SDR-78085) for a convenience store with fuel pumps and canopy. Nothing of concern was noted.

Details of Application Request	
Site Area	
Net Acres	0.50

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	TOD-1 (Transit Oriented Development – High)	C-2 (General Commercial)
North	Convenience Store	TOD-1 (Transit Oriented Development – High)	C-2 (General Commercial)
South	Shopping Center	TOD-1 (Transit Oriented Development – High)	C-2 (General Commercial)
East	Restaurant	TOD-1 (Transit Oriented Development – High)	C-2 (General Commercial)
West	Shopping Center	TOD-1 (Transit Oriented Development – High)	C-2 (General Commercial)

Master and Neighborhood Plan Areas	Compliance
Master Plan 2050 Area: Charleston	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (140 Feet)	Y

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<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

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>
Meadows Lane	Major Collector	Master Plan of Streets and Highways Map	80	Y
Decatur Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

Pursuant to approved Site Development Plan Review (SDR-78085) 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	3,046 SF	1:175 SF	18				
TOTAL SPACES REQUIRED			18		18		Y
Regular and Handicap Spaces Required			17	1	17	1	Y