



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: MARCH 15, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: VALUE MARKET - OWNER: VALUE, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0704-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

NOTICES MAILED 405 (by City Clerk)

PROTESTS 2

APPROVALS 0

**** CONDITIONS ****

22-0704-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, Off-Premise Full use.
2. Conformance to the approved conditions for Plot Plan and Building Elevation Review [Z-0066-76(2)].
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.

Staff Report Page One
March 15, 2023 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit for a 2,600 square-foot Alcohol, Off-Premise Full use in an existing convenience store at 1510 East Sahara Avenue.

ISSUES

- The Alcohol, Off-Premise Full establishment use is permitted in the C-1 (Limited Commercial) zoning district through the approval of a Special Use Permit. Staff supports the requested Special Use Permit.

ANALYSIS

The subject property is an existing one-story 2,600 square-foot convenience store located at 1510 East Sahara Avenue, which has been entitled for an Off-Premise Beer/Wine use through a Special Use Permit (U-0022-98) since 1998. The subject site is at the northwest corner of Sahara Avenue and Chapman Drive, with the vehicle entrance and pedestrian walkway to the storefront both accessed from Sahara Avenue.

The General Plan Land Use Designation for this site, TOC -1 (Transit Oriented Corridor - High), and zoning district, C-1 (Limited Commercial), are compatible with the proposed use. The TOC -1 (Transit Oriented Corridor - High) areas are intended for a mix of uses, including shopping as proposed. The C-1 (Limited Commercial) zoning district is intended to provide most retail shopping and personal services, and the Alcohol, Off-Premise Full use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit. Under the City of Las Vegas 2050 Master Plan, the current land uses permitted within the C-1 (Limited Commercial) zoning district are temporarily allowed in the Transit-Oriented Corridor general plan land use designation, but will eventually phase into another zoning district, after action is taken by Planning Commission or City Council.

Pursuant to Title 19.12, Alcohol, Off-Premise Full use is defined as "[a]n 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."

Staff Report Page Two
March 15, 2023 - City Council Meeting

The Minimum Special Use Permit Requirements for this use are as follows:

- 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 1000 feet of another Alcohol, Off-Premise Full establishment.**

The subject property meets the distance separation requirement under Requirement #1. The nearest protected use is a Buddhist temple at 1600 East Sahara Avenue, 560 feet away. There is not another Alcohol, Off-Premise Full establishment within 1000 feet.

- 2. The distance separation requirements set forth in Requirement 1 do 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.**

The subject property meets the distance separation requirement under Requirement #1.

- 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 LVMC 19.12.050(C) for a location within the Downtown Casino Overlay District;**
 - 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;**

Staff Report Page Three
March 15, 2023 - City Council Meeting

- 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.

The subject property meets the distance separation requirement under Requirement #1.

- 4. **The establishment shall not be located on or adjacent to the Pedestrian Mall (the Fremont Street Experience), as defined in LVMC Chapter 11.68.”**

The subject property is not on or adjacent to the Pedestrian Mall (the Fremont Street Experience), as defined in LVMC Chapter 11.68.

The abutters to this property are a combination of multifamily residential to the south and office buildings to the north, west, and east of the subject site. The proposed land use can be conducted in a harmonious manner with surrounding land uses. Therefore, staff recommends approval of the requested Special Use Permit.

FINDINGS (22-0704-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 use is appropriate and compatible with surrounding land uses under the City of Las Vegas General Plan. This store is located along a multimodal transit corridor as identified in the General Plan, and these corridors have been identified as being able to support increased commercial activity.

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

The subject site is a physically suitable location for the proposed land use intensity. The nonwaivable distance separateness requirements under Title 19.16 will prevent the overdevelopment of similar businesses nearby.

Staff Report Page Four
March 15, 2023 - City Council Meeting

- 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.**

Sahara Avenue is a 100-foot Primary Arterial and regulated by the Master Plan for Streets and Highways. Chapman Drive is a 60-foot Local Street and regulated by Title 13. The existing store only has access off of Sahara Avenue, which has adequate capacity for the additional 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 Alcohol, Off-Premise Full use generally complies with the overall objectives for public health, safety, and welfare under the General Plan.

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

The proposed Alcohol, Off-Premise Full use generally complies with the Minimum Special Use Permit Requirements under Title 19.12.

Staff Report Page Five
March 15, 2023 - City Council Meeting

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning</i>	
10/20/76	The City Commission approved a request for a Rezoning (Z-0066-76) from P-R (Professional Office and Parking) to C-1 (Limited Commercial).
05/26/94	The Planning Commission approved a Plot Plan and Building Elevation Review [Z-0066-76(1)] for a 6,000 square foot office/retail building at 1510 East Sahara Avenue.
08/22/96	The Planning Commission approved a Plot Plan and Building Elevation Review [Z-0066-76(1)] for a 2,800 square foot retail building at 1510 East Sahara Avenue.
04/27/98	The City Council approved a request for a Special Use Permit (U-0022-98) for the off-premise sale of beer and wine in conjunction with a proposed 2,600 square-foot convenience store.
01/25/99	The City Council denied a request for a Special Use Permit (U-0141-98) for Packaged Liquor sales in conjunction with an existing 2,600 square-foot convenience store.
09/18/02	The City Council denied a request for a Special Use Permit (U-0072-02) for the sale of packaged liquor for off-premises consumption on the subject property. The Planning Commission and staff recommended denial.
03/01/06	The City Council approved General Plan Amendment (GPA-10477) to Amend a portion of the Southeast Sector Plan of the General Plan from O (Office) to SC (Service Commercial) at 1510 East Sahara Avenue.
	The City Council approved a request for a Special Use Permit (SUP-9615) for a proposed Financial Institution, Specified, and for Waivers from the 200-foot distance separation requirement from a residential use and from the 1,000-foot distance separation requirement from another Financial Institution, Specified at 1510 East Sahara.
04/12/07	The Planning Commission recommended denial on a request for a Special Use Permit (SUP-19754) for an Accessory Package Liquor Off-Sale Establishment in conjunction with an existing retail business at 1510 East Sahara Avenue.
05/16/07	The City Council abeyed a request for a Special Use Permit (SUP-19754) for an Accessory Package Liquor Off-Sale Establishment in conjunction with an existing retail business at 1510 East Sahara Avenue.
06/06/07	The City Council abeyed a request for a Special Use Permit (SUP-19754) for an Accessory Package Liquor Off-Sale Establishment in conjunction with an existing retail business at 1510 East Sahara Avenue.

Staff Report Page Six
March 15, 2023 - City Council Meeting

<i>Related Relevant City Actions by Planning</i>	
06/20/07	The City Council denied a request for a Special Use Permit (SUP-19754) for an Accessory Package Liquor Off-Sale Establishment in conjunction with an existing retail business at 1510 East Sahara Avenue.
02/14/23	The Planning Commission voted (6-1-0) to DENY a request FOR A PROPOSED 2,600 SQUARE-FOOT ALCOHOL, OFF-PREMISE FULL USE at 1510 East Sahara Avenue (APN 162-02-411-019), C-1 (Limited Commercial) Zone, Ward 3 (Diaz).

<i>Related Relevant City Actions by Code Enforcement</i>	
04/12/04	A Code Enforcement case (#CE-12506) was processed for illegal signs, weeds, refuse, graffiti, and vagrants at 1510 East Sahara. The case was resolved 04/26/04.
09/16/04	A Code Enforcement case (#CE-21731) was processed for a dilapidated chain link fence at 1510 East Sahara. The case was resolved 09/24/04.
09/08/05	A Code Enforcement case (#CE-34357) was processed for graffiti on the side of the building at 1510 East Sahara. The case was resolved 09/27/05.
10/29/08	A Code Enforcement case (#CE-71076) was processed for business not in compliance with SUP conditions, specifically maintaining the landscaping and sprinkler system at 1510 East Sahara. The case was resolved 12/01/08.
09/16/10	A Code Enforcement case (#CE-94538) was processed for landscaping rocks on sidewalk easement, creating a tripping hazard. Landscaping not maintained to licensing requirements at 1510 East Sahara. The case was resolved 09/21/10.
06/06/11	A Code Enforcement case (#CE-102559) was processed for weeds and high grass at 1510 East Sahara. The case was resolved 07/01/11.
12/31/15	A Code Enforcement case (#CE-162029) was processed for Temporary signs and an A-frame sign at 1510 East Sahara. The case was resolved 02/16/16.

<i>Related Building Permits/Business Licenses</i>	
08/19/97	The Planning and Development Department approved building permits (#97017096) for a 2,600 square-foot retail building at 1510 East Sahara Avenue.
12/31/97	A business license (#L10-00178) was issued for beer and wine off-premise sales at 1510 East Sahara Avenue. The license is active.
	A business license (#C15-00198) was issued for a convenience store at 1510 East Sahara Avenue. The license is active.
	A business license (#C05-01889) was issued for tobacco product sales at 1510 East Sahara Avenue. The license is active.

Staff Report Page Seven
March 15, 2023 - City Council Meeting

Related Building Permits/Business Licenses	
07/20/99	A business license (#G01-01956) was issued for Restricted Gaming to have seven slot machines at 1510 East Sahara Avenue. The license is active.
05/15/98	A building permit (#L-2008-98) was issued for tenant improvements for a 2,600 square-foot retail store at 1510 East Sahara Avenue. This permit was finalized 06/08/98.
02/10/16	A temporary sign permit (TSP-63370) for three banner signs located on the side of the building and one A-frame sign at 1510 East Sahara Avenue was approved for between 02/11/16 through 04/10/16.

Details of Application Request	
Site Area	
Net Acres	0.20 acres

Field Check	
01/11/23	During a regular site visit, staff observed that the existing wall sign for Value Market requires maintenance, and that the landscaping has not been maintained to match the approved landscape plan from the previously approved Plot Plan and Building Elevation Review [Z-0066-76(2)]. These potential code violations were referred to code enforcement for further investigation.

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Convenience Store	TOC -1 (Transit Oriented Corridor - High)	C-1 (Limited Commercial)
North	Office	TOC -1 (Transit Oriented Corridor - High)	P-R (Professional Offices and Parking)
South	Multi-Family Residential	Unincorporated Clark County	Unincorporated Clark County
East	Office	TOC -1 (Transit Oriented Corridor - High)	C-1 (Limited Commercial)
West	Office	TOC -1 (Transit Oriented Corridor - High)	C-1 (Limited Commercial)

Staff Report Page Eight
March 15, 2023 - City Council Meeting

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

Pursuant to approved Special Use Permit (U-0022-98) and Plot Plan and Building Elevation Review [Z-0066-76(2)], the following parking standard applies:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Alcohol, Off-Premise Beer/Wine	2,600 SF	1: 250	11				
TOTAL SPACES REQUIRED			11		11		Y
Regular and Handicap Spaces Required			10	1	10	1	Y