

## AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 18, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-15788 - APPLICANT: BENJAMA TAECHANARONG -  
OWNER: B.E. UNO, LLC

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### **\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Beer/Wine/Cooler On-Sale Establishment use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Special Use Permit for a proposed Beer/Wine/Cooler On-Sale Establishment in conjunction with an existing restaurant at 556 North Eastern Avenue, Suite H.

**EXECUTIVE SUMMARY**

The proposed addition of a Beer/Wine/Cooler On-Sale use to an existing restaurant is in compliance with all plans and policies. This will permit the applicant to offer Beer, Wine, and Coolers with meals. The restaurant is located in a shopping center and the additional use will not have a negative affect on the surrounding uses. Approval of this request is recommended.

**BACKGROUND INFORMATION**

***A) Related Actions***

- 06/17/92      The City Council approved a Special Use Permit (U-0092-92) to allow the sale of Beer and Wine with an existing restaurant. The Board of Zoning Adjustment recommended approval of this request.
- 06/02/93      The City Council approved a Special Use Permit (U-0055-93) to allow a Tavern with a waiver of the 1,500-foot separation distance from a church. The Board of Zoning Adjustment recommended denial of this request.
- 09/21/06      The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #7/ng).

It is noted that both of the Special Use Permits listed above are part of establishments that are no longer in business.

***B) Pre-Application Meeting***

- 07/27/06      A pre-application meeting was held and elements of a Special Use Permit were discussed. It was noted that the applicant is seeking a Beer/Wine/Cooler On-Sale use and that the development must comply with the requirements of Title 19.04 for said use.

***C) Neighborhood Meetings***

A neighborhood meeting is not required for a Special Use Permit, nor was one held.

## **DETAILS OF APPLICATION REQUEST**

**A) *Site Area***

Net Acres: 8.28

**B) *Existing Land Use***

Subject Property: Shopping Center  
North: Utility Substation  
South: Undeveloped  
East: Nursery  
Multi-Family Residential  
West: Shopping Center

**C) *Planned Land Use***

Subject Property: SC (Service Commercial)  
North: PF (Public Facilities)  
South: SC (Service Commercial)  
East: SC (Service Commercial)  
M (Medium Density Residential)  
West: SC (Service Commercial)

**D) *Existing Zoning***

Subject Property: C-1 (Limited Commercial)  
North: C-V (Civic)  
South: R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)  
East: C-1 (Limited Commercial)  
R-3 (Medium Density Residential)  
West: C-1 (Limited Commercial)

**E) *General Plan Compliance***

The subject property is designated as SC (Service Commercial) under the Southeast Sector Plan of the General Plan. The Service Commercial land use designation allows a variety of commercial uses including the existing restaurant. The proposed increase in the intensity of use through adding a Beer/Wine/Cooler On-Sale permit is in compliance with the General Plan.

<i><b>SPECIAL DISTRICTS/ZONES</b></i>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>	<b>X</b>	
Redevelopment Plan Area	<b>X</b>	
<b>Special Overlay District</b>		<b>X</b>
<b>Trails</b>		<b>X</b>
<b>Rural Preservation Overlay District</b>		<b>X</b>
<b>County/North Las Vegas/HOA Notification</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

**Redevelopment Plan Area**

The subject property is located in the Redevelopment Plan Area. The Special Use Permit to allow a Beer/Wine/Cooler On-Sale establishment as part of an existing restaurant is not affected by this Plan.

**ANALYSIS**

**A) Zoning Code Compliance**

A1) Parking and Traffic Standards

Pursuant to Title 19.04 and 19.10, the following Parking Standards apply to the subject proposal:

<b>Uses</b>	<b>GFA</b>	<b>Ratio</b>	<b>Required Parking</b>		<b>Provided Parking</b>	
			<b>Regular</b>	<b>Handicap</b>	<b>Regular</b>	<b>Handicap</b>
Shopping Center	79,500 SF.	1/250 GFA	318	8	389	10

The development exceeds the requirements of Title 19.04 Parking Standards for Shopping Centers and title 19.10 for handicapped parking requirements.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Liquor Establishment (On-premise)	Shall be located a minimum of 400 feet from any church, synagogue, school, child care facility licensed for more than twelve children, or City park.	Yes

**B) General Analysis and Discussion**

•Zoning

The subject property is located in a C-1 (Limited Commercial) District. The C-1 District is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 District is consistent with the Service Commercial, and the Neighborhood Center categories of the General Plan. The proposed use as a Beer/Wine/Cooler On-Sale Establishment as part of an existing restaurant is permissible in the C-1 District with approval of a Special Use Permit. This application is intended to satisfy this requirement.

•Use

**BEER/WINE/COOLER ON-SALE ESTABLISHMENT [C-1, C-2, C-M, M]**

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 requiring that:

(1) Except as otherwise provided in this Chapter, no beer/wine/cooler on-sale establishment (hereinafter establishment) shall be located within four hundred feet of any church, synagogue, school, child care facility licensed for more than twelve children, or City park.

(2) Except as otherwise provided in Paragraph (3) below, the distances referred to in Paragraph (1) shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles.

For purposes of measurement, the term property line refers to property lines of fee interest parcels and does not include the property line of:

- (a) Any leasehold parcel; or
  - (b) Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Paragraph (1).
- (3) In the case of an establishment proposed to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Paragraph (1) shall be measured in a straight line:
- (a) From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
  - (b) In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
- (4) When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Paragraph (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 requirement should be waived and the reasons in support of the decision.
- (5) The minimum distance requirements in Paragraph (1) do not apply to:
- (a) An establishment which has a non-restricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992; or
  - (b) A proposed establishment having more than fifty thousand square feet of retail floor space.
- (\*6) All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

For the purposes of this project the applicant is proposing to add the Beer/Wine/Cooler On-Sale use to their existing restaurant. The restaurant has been in business at this location since April of 2004. The applicant meets all conditions and approval of this request is recommended.

- Conditions

There are no special conditions associated with this Special Use Permit request.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 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 as a Beer/Wine/Cooler On-Sale Establishment would be part of an existing restaurant and located in a shopping center. The proposed use would be compatible with surrounding uses and the General Plan. Approval of this request is recommended.

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

The subject site is currently used as a restaurant. The only change would be the addition of the Beer/Wine/Cooler On-Sale use. This change will not increase the size of the restaurant or adversely affect the property. It will allow the applicant to offer Beer, Wine, and Coolers with the purchase of food. The site is physically suitable for this type and intensity of development.

- 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 site gains access from Eastern Avenue and Bonanza Road. Both of these streets are 100-foot Primary Arterials. These streets provide adequate access to and from the shopping center.

- 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.**

Approval of this Special Use Permit will not be inconsistent with the General Plan and will not compromise the public health or general welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 11

**ASSEMBLY DISTRICT** 11

**SENATE DISTRICT** 2

**NOTICES MAILED** 561 by City Clerk

**APPROVALS** 0

**PROTESTS** 0