



AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 18, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-15840 - APPLICANT: NOEL HERNANDEZ - OWNER:
PAN PACIFIC RETAIL PROPERTIES, INC., ET AL

**** 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 building permit has been issued for the principal building on the site. 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. The sale of alcoholic beverages shall be limited to the sale of beer and wine only.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

The applicant requests a Special Use Permit for a proposed Beer/Wine/Cooler On-Sale Establishment in conjunction with an existing restaurant. at 342 South Decatur Boulevard.

EXECUTIVE SUMMARY

The proposed Beer/Wine/Cooler On-Sale Establishment in conjunction with an existing restaurant meets all conditions and is compatible with surrounding development. Approval of this request is recommended.

BACKGROUND INFORMATION

A) Related Actions

- 02/19/92 The City Council approved a request for a Special Use Permit which allowed a tavern in conjunction with an existing restaurant; and a waiver which allowed the tavern to be within 1,500 feet of other taverns on property located at 310 S. Decatur Boulevard.
- 07/07/93 The City Council approved a request for an Extension of Time for a Special Use Permit which allowed a tavern in conjunction with an existing restaurant; and a waiver which allowed the tavern to be within 1,500 feet of other taverns on property located at 310 S. Decatur Boulevard.
- 02/15/95 The City Council approved a request for a Special Use Permit to allow a Class III secondhand dealership for the sale of used records, tapes, and compact discs on property located at 310 South Decatur Boulevard.
- 10/27/97 The City Council approved a request for a Special Use Permit to allow a secondhand furniture dealership on property located at 320 South Decatur Boulevard.
- 09/21/06 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #8/jm).

B) *Pre-Application Meeting*

07/24/06 A pre-application meeting was held elements of a Special Use Permit were discussed such as providing a current site plan showing the existing tenants, a parking analysis, a floor plan providing the dimensions of the building, seating/waiting areas, and photos of the front of the suite in lieu of elevations.

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: 9.35

B) *Existing Land Use*

Subject Property: Shopping Center
North: Shopping Center
South: Auto Dealership
East: Shopping Center
West: Auto Body Shop

C) *Planned Land Use*

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: GC (General Commercial)
East: SC (Service Commercial)
West: GC (General Commercial)

D) *Existing Zoning*

Subject Property: C-2 (General Commercial)
North: C-1 (Limited Commercial)
South: C-2 (General Commercial)
East: C-2 (General Commercial)
West: C-2 (General Commercial)

E) *General Plan Compliance*

The subject property is designated as SC (Service Commercial) under the Southwest Sector Plan of the General Plan. The Service Commercial land use designation allows for a variety of commercial uses including the proposed Beer/Wine/Cooler On-Sale Establishment.

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

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Shopping Center	111,600	1:250 GFA	446	9	483	13

The Shopping Center provides adequate for the site meeting all standards per Title 19.10.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Beer/Wine/Cooler On-Sale Establishment use.

B) General Analysis and Discussion

•Zoning

The subject property is zoned C-1 (Limited Commercial). 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.

- Use

Beer/Wine/Cooler On-Sale Establishment means an establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold, and is operated in connection with a restaurant in which forty-five or more people may be served with meals at any one time at tables or stools.

- Conditions

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.

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 will be located in the shopping plaza, which is intended to be a commercial center and contain a variety of commercial uses. This includes the proposed Beer/Wine/Cooler On-Sale Establishment. The proposed Beer/Wine/Cooler On-Sale Establishment can be conducted in a manner that is harmonious and compatible with surrounding land uses.

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

The subject site is located in a commercial building that is part of shopping plaza. This site is intended for uses of this type and intensity and is physically suitable for the proposed Beer/Wine/Cooler On-Sale Establishment in conjunction with a restaurant.

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.

Primary access to the shopping plaza is provided to the east of from Decatur Boulevard a 100-foot Primary Arterial. To the north Meadows Lane, an 80-foot Collector provides traffic flow for the site. These streets are adequate for the proposed development.

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.

This site will be subject to inspections and business licensing requirements and will not endanger the public health or general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 3

SENATE DISTRICT 3

NOTICES MAILED 778 by City Clerk

APPROVALS 0

PROTESTS 0