



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: DECEMBER 20, 2006**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-17308 - APPLICANT: EMAD KASHAT - OWNER:**  
**GERVASIA ENTERPRISE LIVING 1993 TRUST**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0 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 off-sale establishment use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-1385) and Variance (VAR-1763) shall be required.
3. 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.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
8. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

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

**PROJECT DESCRIPTION**

The project requests approval of Special Use Permit for the operation of a Beer/Wine/Cooler Off-sale establishment in an existing commercial tenant office structure located at 6595 Smoke Ranch Road - Suites #140, #145, and #150.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
05/07/03	The City Council approved a request for a Variance (VAR-1763) allowing 45 parking spaces where 61 parking spaces are the minimum required on 2 acres adjacent to the south side Smoke Ranch Road between Avery Drive and Steinke Lane. Staff and Planning Commission recommended approval.
02/19/03	The City Council reviewed a Site Development Plan Review (SDR-1385) for a proposed 10,000 square foot retail building; a waiver to allow a 15 foot front setback where 20 feet is required and a 15 foot rear yard setback where 20 feet is required; a waiver to allow no landscaping between the parking area and the building; a waiver of the requirement to have all parking in the rear or sides of the lot, and a waiver to allow 10 feet of landscaping along smoke ranch road where 15 feet is required on two acres adjacent to the south side Smoke Ranch Road, between Avery Drive and Steinke Lane. The Planning Commission recommended no recommendation on 01/23/03. City council unanimously recommended approval.
11/16/06	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #3/ja).
<i>Pre-Application Meeting</i>	
09/08/06	A Pre-application meeting was held with the applicant. The applicant was informed of the previous approvals (VAR-1763, SDR-1385) for the site.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application type nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.65 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail	Office	C-1 (Limited Commercial)
North	Single Family Residential	Residential	R-CL (Residential Compact Lot)
South	Single Family Residential	Residential	R-CL (Residential Compact Lot)
East	Vacant Daycare Facility (license expired 8/2006)	Commercial	C-1 (Limited Commercial)
West	Public Utility	Public Utility	C-V (Civic)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O (Airport Overlay) District	Y		Y
<b>Trails</b>		N	Y
<b>Rural Preservation Overlay District</b>		N	Y
<b>Development Impact Notification Assessment</b>		N	Y
<b>Project of Regional Significance</b>		N	Y

<b>Parking Requirement</b>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			<i>Regular</i>	<i>Handi-capped</i>	<i>Regular</i>	<i>Handi-capped</i>	
Beer/Wine/Cooler Off sales establishment	3,000	1 space/175 square feet of gross floor area	17	1	32 for entire multi-tenant commercial office structure	2	Y
<b>SubTotal</b>			17	1	32	2	
<b>TOTAL</b>				18		34	Y

**ANALYSIS**

The proposed project is an application for a Special Use Permit to allow for operation of a Beer/Wine/Cooler off-sale establishment in an existing commercial tenant office building. The project site is surrounded by single family residential uses to the north, south; a former child

daycare facility to the east; and city utility land to the west. The project site is located within the C-1 (Limited Commercial) Zone, the Airport Overlay District for North Las Vegas operations, Southwest Sector of the City of Las Vegas Master Plan.

- Zoning

The project site is located within the C-1 (Limited Commercial) Zone.

- Use

The proposed alcohol sales use is compatible with the Service Commercial land use designation of the general plan.

- Special District/Plan Overlay

The subject site is located within the Airport Overlay District for North Las Vegas Airport. No new development is proposed and the use will not involve operation of any equipment that would generate electrical interference with airport operations.

- Minimum Separation Distance

The business license for the vacant daycare center located at 6565 Smoke Ranch Road expired on August 19, 2006 therefore no protected land uses would be affected by the proposed project and no distance separation is required.

- Parking:

The proposed 3,000 square foot Beer/Wine/Cooler off-sales establishment will occupy three tenant suites within a 10,000 square foot commercial office building approved under Site Development Plan Review (SDR-1385). Per Title 19, the retail project requires 17 regular spaces and 1 handicapped space.

Subsequent to completion of the Variance (VAR-1763) project review by development services staff, the applicant submitted revised property dimensions (April 11, 2003). Discrepancies between the dimensions of the Assessors map and data collected from an updated property survey determined the lot width to be less than the measurements provided for the initial project review. This reduction is attributed to a required 20 Right-of-Way along Smoke Ranch Road further reducing parking and landscape areas. As such, the applicant requested additional relief in required parking from 45 to 36 spaces. The City Council recommended approval while Staff and Planning Commission recommended the request be denied. Presently, the site contains 32 regular parking spaces and 2 handicapped spaces which constitutes a 5 percent (2 spaces) parking deficiency under the previously approved variance (36 spaces). In accordance with Title 19 Section 19.10, the project site is considered parking impaired.

Two other tenants (insurance business and consulting firm) currently operate at the project site. Adequate parking is available on the project site for the proposed special use.

## **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 project location is surrounded by existing residential, commercial, and public utility development. The proposed retail store is a use consistent with the underlying C-1 (Limited Commercial) Zone and the SC (Service Commercial) and Neighborhood Center land use designations of the General Plan. The C-1 (Limited Commercial) Zoning District is intended to provide retail shopping and personal services located on the periphery of residential neighborhoods. The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and does not include more intense general commercial characteristics. The proposed use is compatible with existing and future commercial, office, and residential uses within the immediate vicinity.

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

The proposed alcohol retail store will be established in three adjoining tenant suites located within an existing 10,000 square foot one-story commercial office structure with a 34 space surface parking lot. The existing commercial tenant office is parking deficient. However, adequate parking is provided on-site to accommodate the requested use. No new development will occur with this proposal.

- 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 proposed use is located on Smoke Ranch Road which is classified as a four lane major thoroughfare. Driveway access to the project site will be provided on Steinke Lane and Avery Drive and will therefore avoid adverse effects to traffic along Smoke Ranch Road.

- 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 retail store use will be located along the periphery of residential uses, adjacent to public utility land, and property designated for commercial use. The proposed use is consistent with the underlying C-1 (Limited Commercial) Zone and the Service Commercial land use designation. As such, the proposed retail use will not negatively affect human health and public safety.

**5. The use meets all of the applicable conditions per Title 19.04.**

The project is consistent with all C-1 (Limited Commercial) Zone requirements for Beer/Wine/Cooler off-sale establishments.

**PLANNING COMMISSION ACTION**

There was one speaker in protest at the Planning Commission meeting. The applicant agreed to all conditions.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 4

**ASSEMBLY DISTRICT** 37

**SENATE DISTRICT** 3

**NOTICES MAILED** 1,113 by City Clerk

**APPROVALS** 0

**PROTESTS** 0