



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 15, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-22101 - APPLICANT: OSA STRATEGIC ASSETS, LLC -
OWNER: VIRGIN TERRITORY

**** 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 19.04.010 for a Beer/Wine/Cooler On-Sale Establishment use.
2. Conformance to the conditions for Rezoning (Z-0081-02), Site Development Plan Review (SDR-4995), and Master Sign Plan (MSP-5696).
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. 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 ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment in conjunction with a proposed restaurant in building E within an approved 172,534 square foot shopping center (SDR-4995) at 6010 West Craig Road, Suite #140 in an R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial) Zone.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
3/19/03	The City Council approved a General Plan Amendment (GPA-0035-02) to SC (Service Commercial) and a Rezoning (Z-0081-02) to C-1 (Limited Commercial) on this site. The Planning Commission recommended approval on 11/21/02. Staff recommended denial.
10/20/04	The City Council approved a Special Use Permit (SUP-4996) for a home improvement warehouse store and a Site Development Plan Review (SDR-4995) for a 204,193 square-foot commercial development and a waiver of the build-to-line standards on a portion of this site. The Planning Commission recommended approval on 09/23/04. Staff recommended approval.
1/13/05	The Planning Commission approved a Master Sign Plan (MSP-5696) and a Tentative Map for Lowes Plaza at Craig & Jones (TMP-5698) for a one-lot commercial subdivision which includes the subject site. Staff recommended approval.
07/12/07	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #8/lhm).
<i>Related Building Permits/Business Licenses</i>	
8/16/06	Plan Check #: L-3059-06 Tenant Improvements for Certificate of Completion at the subject site.
<i>Pre-Application Meeting</i>	
5/2/07	A pre-application meeting was held with the applicant at which time the requirements for a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment was discussed.
<i>Neighborhood Meeting</i>	
NA	A neighborhood meeting is not required for this application nor was one held
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.79 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
North	Retail	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
South	Undeveloped	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
East	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	Undeveloped (Approved Shopping Center)	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O Airport Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

A-O Airport Overlay District

The subject site is already constructed at a finished height of 29 feet, seven inches and is not affected by the 140-foot height restriction.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			<i>Regular</i>	<i>Handi-capped</i>	<i>Regular</i>	<i>Handi-capped</i>	
Shopping Center	204,193 Square Feet	1:250 sq ft GFA	698	14	762	19	Y
TOTAL (including handicap)			698	14	762	19	Y

ANALYSIS

The subject site is located on a 1.79 acre parcel within a commercial subdivision, legally identified as Lowes Plaza at Craig and Jones. Per Title 19.04, there is not a separation requirement for the proposed On-Sale Beer/Wine/Cooler establishment from an existing or approved On-Sale Beer/Wine/Cooler establishment. However, for informational purposes there are two recently-approved Restaurants with On-Sale Beer/Wine/Cooler (SUP-17551 and SUP-18218) located within the shopping center at 6010 West Craig Road, Ste # 110, and 6020 West Craig Road, Suite 140.

Per Title 19.20, a Beer/Wine/Cooler On-and Off-Sale Sale Establishment is defined as:

an establishment whose license to sell alcoholic beverages is 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, and is operated in connection with a grocery store, drug store, convenience store or specialty merchandise store.

•General

The project location, 6010 West Craig Road, Suite #140, is a 2,200 square-foot (approximate) restaurant consisting of approximately 1,200 square feet serving as public dining area and the remaining as kitchen prep service area and rest rooms. The proposed restaurant provides seating for 66 patrons, exceeding the 45-seat minimum conditional requirement for a Special Use Permit. Hours of operation will be from 10 A.M. to 10 P.M., Monday through Sunday. Because the applicant meets or exceeds all requirements of this Special Use, staff recommends approval of this request.

The proposal is part of an approved 204,193 square foot commercial shopping center (SDR-4995). Pads A through E that front along Craig Road and received administrative approval on 1/23/06 for minor elevation changes and the inclusion of a drive-through aisle for a Cafe. The proposed restaurant with on-premise beer/wine sales will not be affected as the changes in elevations have the retail entrances on the opposite side of the drive-through aisle.

- Zoning

The subject property is zoned C-1 and located within the Lowes Plaza shopping center. The proposed Beer/Wine/Cooler On-Sale Establishment, with approval of a Special Use Permit, is a permissible use in the C-1 Zoning District.

- Conditions

BEER/WINE/COOLER ON-SALE ESTABLISHMENT [Special Use in Zones C-1, C-2, C-M, M]

Minimum Special Use Permit Requirements:

- (1) Except as otherwise provided in this Chapter, no beer/wine/cooler on-sale establishment (hereinafter establishment) shall be located within 400 Feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.
- (2) Except as otherwise provided in Requirement (3) below, the distances referred to in Requirement (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 Requirement (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 Requirement (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.

The proposed use meets all of the distance separation requirements contained above. Further, as a Beer/Wine/Cooler On-Sale Establishment is defined as 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 restaurant in which 45 or more people may be served with meals at any one time at tables or stools, it is noted that the floor plan depicts seating for 62 patrons.

FINDINGS

The following findings must be made for a Special Use Permit:

- 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.**

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**
- 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.**
- 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.**
- 5. The use meets all of the applicable conditions per Title 19.04.**

In regard to 1:

The proposed use will be located in a restaurant within the Lowes Plaza shopping center, which is intended to be a commercial center with a variety of commercial uses. This includes the proposed Beer/Wine/Cooler On-Sale Establishment. As there are no protected uses located within 400 Feet of the proposed Beer/Wine/Cooler On-Sale Establishment this use could be conducted in a manner that is harmonious and compatible with surrounding land uses.

In regard to 2:

With implementation of the proposed conditions, there is no evidence of any physical constraint to the location of the proposed Beer/Wine/Cooler On-Sale Establishment in conjunction with a 1,500 square foot restaurant on the subject site. The commercial shopping center received approval for an Administrative Review of the site plan involving minor revisions to the building elevations and in the inclusion of a drive-through aisle. The public entrances are located on the opposite side of the drive-through aisle and will have no affect on the proposed Beer/Wine/Cooler On-Sale Establishment.

In regard to 3:

The subject site is served by Craig Road and Jones Boulevard, both 100-Foot Primary Arterials on the Master Plan of Streets and Highways, and of adequate capacity to serve the proposed use.

In regard to 4:

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

In regard to 5:

The proposed use is in compliance with all conditions of Title 19.04. The site is not within 400 Feet of a church, synagogue, school, child care facility licensed for more than 12 children or a city park. The subject site is a proposed restaurant with seating for 79 patrons in a C-1 zone, which is allowed with an approved Special Use Permit.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 616 by City Clerk

APPROVALS 2

PROTESTS 5