

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 17, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-23436 - APPLICANT: EAST SIDE PIZZA - OWNER:
BOCA PARK MARKETPLACE LV, LLC

**** 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 19.04.010 for Beer/Wine/Cooler On-Sale Establishment use, including parking requirements.
2. Conformance to the conditions for Rezoning (Z-0030-92), and Site Development Plan Review [Z-0030-92(5)] if approved.
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 request is for a Special Use Permit for a proposed Beer/Wine/Cooler On-Sale Establishment at 1000 South Rampart Boulevard, Suite #7, for an existing pizza restaurant within the Boca Park commercial center. The applicants justification letter states the purpose for this application is to include the sale of alcohol in addition to the food service. The existing restaurant is a full service, sit down restaurant. Located within a 2,200 square foot space, seating is available for 46 to 60 customers. Hours of operation are typical, from 11:00 AM to 10:00 PM, Monday through Thursday, and on Friday, Saturday and Sunday the restaurant closes at 11:00 PM. Ample on-site parking is adjacent to this building and throughout the commercial center parking lot.

The existing restaurant meets the Title 19 requirements for a Beer/Wine/Cooler On-Sale Establishment. Staff therefore recommends approval of the Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/17/80	The subject site was Annexed into the City of Las Vegas as part of a larger request (A-0018-80).
09/02/92	The City Council approved a Rezoning (Z-0030-92) from U (Undeveloped) to C-1 (Limited Commercial) as part of a larger request.
12/31/92	The District Court, Clark County, Nevada ordered a Writ of Mandate that modified the conditions of approval for the Rezoning case (Z-0030-92) pertaining to this site.
04/27/98	The City Council approved a Site Development Plan Review [Z-0030-92(5)] for a 433,240 square foot retail shopping center which included 21 retail pad sites, including the subject site, and the City Council approved the related Peccole Town Center Master Development Plan and Development Standards. The Planning Commission recommended approval.
11/01/00	The City Council approved a Site Development Plan Review [Z001298(1)] and a Major Modification [Z-0012-98(2)] to the Peccole Town Center Master Development Plan and Development Standards (Boca Park). The Planning Commission recommended approval.
02/20/02	The City Council approved a Special Use Permit (U-0151-01) for a Supper Club in conjunction with a restaurant (Cheese Cake factory) within phase II of the Boca Park commercial center. The Planning Commission recommended approval.

07/24/03	The Planning Commission recommended approval of a Special Use Permit (SUP2571) for a Supper Club in conjunction with a restaurant (Kona Grill) within phase II of the Boca Park commercial center.
10/01/03	The City Council a Special Use Permit for a Supper Club in conjunction with a restaurant (Grand Marlin) within the Boca Park commercial center.
09/13/07	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #7/lhm).
<i>Related Building Permits/Business Licenses for 1000 S. Rampart Blvd</i>	
Month/date/year	Description
10/10/01	Sign 143.5 sf (1007641)
04/05/01	Sign (1002172)
05/15/01	Elect Addit to Shell for C of C (1005256)
10/31/00	CLV Trash Encl 10X10X10-6HT (17934)
01/30/01	Shell only (for C of C) Pad-P (20584)
02/26/01	Shell only (for C of C) Pad-P (13837)
09/06/05	LicenseWithdrawn for Beer/Wine/Cooler On-Sale (L09-96084) Suite 7
05/18/07	License Issued for Restaurant Seating 45 or more (R09-01269) Suite 7
<i>Pre-Application Meeting</i>	
07/13/2007	The application process was explained. The applicant was advised this will be held as a public meeting and that a sign would be posted on the site. The applicant was provided the SUP requirements for Beer/Wine/Cooler On-Sale Establishments.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
08/08/2007	Existing and operating restaurant within the Boca Park commercial center. Handicap spaces in front of restaurant, adequate parking.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.38

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC(Service Commercial)	C-1(Limited Commercial)
North	Shopping Center	SC(Service Commercial)	C-1(Limited Commercial)
South	Shopping Center	SC(Service Commercial)	C-2(General Commercial)
East	Shopping Center	SC(Service Commercial)	C-1(Limited Commercial)
West	Shopping Center	SC(Service Commercial)	C-1(Limited Commercial)

The SC (Service Commercial) category of the Southwest General Plan allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. The current zoning district is in conformance with the general plan designation.

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
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

DEVELOPMENT STANDARDS

Parking and Traffic Standards

This site is located within a larger commercial subdivision, which allows cross-access and shared parking throughout the entire commercial center. Two handicap spaces are located directly in front of the entrance to the restaurant along with numerous parking spaces adjacent to the building. No additional parking required beyond that which is required for the principal use (restaurant) on the site. The parking requirements were addressed as part of the Site Development Plan Review for this site.

ANALYSIS

- Zoning
 - Beer/Wine/Cooler On-Sale Establishment is permitted in a C-1 (Service Commercial) zone with approval of a Special Use Permit.
- Use
 - Title 19.04.010 establishes the criteria and minimum requirements for the approval of alcohol-related uses. The Code requires a Beer/Wine/Cooler On-Sale Establishment to be a minimum of 400 feet from any church, synagogue, school, childcare facility licensed for more than twelve children, or City Park as measured from property line to property line. In this case, no protected uses are known to be within the minimum separation distance requirement.

In accordance with Title 19.20.020, operational requirements for a Beer/Wine/Cooler On-Sale Establishment include: 1) 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; 2) And is operated in connection with a restaurant in which 45 or more people may be served with meals at any one time at tables or stools.

- Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal: Beer/Wine/Cooler On-Sale Establishment may not be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City Park. The restaurant use is located in a suite within a commercial subdivision. The proposed restaurant is greater than 400 feet from any of the protected uses. Therefore, it meets the minimum distance separation requirement.

- Conditions

Title 19.04.010 provides conditions for the approval of a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment. These conditions include:

1. A minimum separation distance of 400 feet as described above;
2. The methodology for calculation of that measurement;
3. A different methodology for calculating separation distance when the use is on a large parcel (i.e. over 80 acres);
4. Direction to the Planning Commission for consideration if the distance requirement is requested to be waived;
5. Minimum distance requirements do not apply to non-restricted gaming license in connection with a hotel or a proposed establishment having more than 50,000 square feet of retail floor space.
6. Compliance with Chapter 6.50 of the Las Vegas Municipal Code.

The proposed development is in compliance with the relevant conditions as stated above.

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.**

The project is compatible with the General Plan land use designation and is located within an existing commercial center with a substantial concentration of major commercial development. The proposed use can be conducted in a manner that is harmonious and compatible with the surrounding uses.

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

The proposed Beer/Wine/Cooler-On Sale use will be located within a Master Planned commercial center and the proposed use will be operated in a restaurant within a portion of a multi-tenant retail building. There is no evidence of a physical constraint to the proposed use on the subject site.

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 adjacent roadways are of adequate capacity: Rampart and Charleston Boulevards (100-foot wide Primary Arterials) and Alta Drive (80foot wide Secondary Collector) provide access to the overall commercial center. The roadway network has adequate capacity to serve the Beer/Wine/Cooler On-Sale 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 Beer/Wine/Cooler-On Sale use on this site will be subject to regular inspections by regulatory agencies for business licensing and will therefore not 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.

The proposed Beer/Wine/Cooler-On Sale use in conjunction with an existing restaurant complies with the conditions per Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5

ASSEMBLY DISTRICT 3

SENATE DISTRICT 8

NOTICES MAILED 630 by City Clerk

APPROVALS 2

PROTESTS 4