



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 13, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-26608 - APPLICANT: ROSATI'S - OWNER: NS
SOUTHWEST #4, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: **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 Site Development Plan Review (SDR-18036).
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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Beer/Wine/Cooler On-Sale Establishment in an approved restaurant located at 8001 North Durango Drive, Suite #110. This request would allow the existing restaurant to serve beer, wine and wine coolers with meal service in the C-1 (Limited Commercial) zoning district.

The justification letter indicates that the applicant intends the restaurant to be a one of a kind for this franchise by having beer and wine available to be served with the food. Located within a 1,979 square foot space, seating is available for approximately 24 customers. Sufficient on-site parking is adjacent to this building and throughout the commercial center parking lot. The approved restaurant meets the Title 19 requirements for a Beer/Wine/Cooler On-Sale Establishment use; therefore, staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/17/00	The City Council approved a Site Development Plan Review (SD-0031-99) for a proposed 31,700 square-foot retail center, a Special Use Permit (U-0039-00) which allowed the sale of packaged liquor in conjunction with the proposed 15,120 square-foot drug store, and accepted a withdrawal of an appeal from the denial by the Planning Commission for gasoline sales in conjunction with an 8,000 square-foot convenience store.
10/01/03	The City Council approved a request for Extension of Time (EOT-2742) of an approved Special Use Permit [U-0039-00(1)] which allowed the sale of packaged liquor in conjunction with the proposed 15,120 square-foot drug store at the northwest corner of Grand Teton Drive and Durango Drive. The Planning Commission and Staff recommended approval.
05/17/05	The City Council accepted a withdrawal of an appeal from the denial by the Planning Commission for the off-premise sale of beer and wine in conjunction with an 8,000 square-foot convenience store.
02/15/06	The City Council approved a Site Development Plan Review (SDR-9827) for two proposed retail buildings totaling 12,500 square feet and a 2,700 square-foot restaurant with drive-through. The Planning Commission and staff recommended approval.
12/21/06	The Planning Commission approved a Major Modification (SDR-18036) to Site Development Plan Review (SDR-9827) for a proposed 5,000 square-foot general retail building on 1.97 acres at the northwest corner of Durango Drive and Grand Teton Drive. Staff recommended approval.

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Related Building Permits/Business Licenses	
07/03/07	A building permit application, plan check TI-93212, was submitted for the site. This was for a plan check review for the tenant improvement build for a Certificate of Occupancy for the restaurant. This permit was approved by the Planning and Development Department on 09/06/07 and issued by the Building and Safety Department on 09/19/07. This permit passed final inspection on 01/14/08.
Pre-Application Meeting	
01/15/08	A pre-application meeting was held, where submittal requirements and elements of this application were discussed. Specifically, the parking requirements for the restaurant use were discussed.
Neighborhood Meeting	
A neighborhood meeting is not required, nor was one held.	
Field Check	
02/22/08	The Department of Planning and Development conducted a site visit that found that this was a fully developed site and that the restaurant operation is open for business.

Details of Application Request	
Site Area	
Net Acres	1.33

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Center	PCD (Planned Community Development)	C-1 (Limited Commercial)
North	Undeveloped	PCD (Planned Community Development)	C-1 (Limited Commercial)
South	Single-Family, Detached	PCD (Planned Community Development)	R-CL (Single-Family Compact-Lot)
East	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single-Family, Detached	PCD (Planned Community Development)	R-PD7 (Residential Planned Development 7 Units Per Acre)

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

Pursuant to Title 19.04 and 19.10, the following parking standards apply:

Parking Requirement							
<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>		
			Regular	Handi-capped	Regular	Handi-capped	
Auto Parts (New and Rebuilt)	6,532 SF	5 Spaces plus, 1 Space / 200 SF	37 Spaces	1 Spaces	37 Spaces	2 Spaces	Y
General Retail, Other Than Listed	2,756 SF	1 Space / 175 SF	15 Spaces	1 Spaces	16 Spaces	1 Spaces	Y
Office, Medical or Dental	1,631 SF	1 Space / 300 SF	5 Spaces	1 Spaces	6 Spaces	1 Spaces	Y
Health Club	2,404 SF	1 Space / 200 SF	12 Spaces		13 Spaces	1 Spaces	Y
Dry Cleaners	2,217 SF	1 Space / 250 SF	9 Spaces		9 Spaces		Y
Restaurant, Less Than 2,000 SF							
Waiting/Seating	365 SF	1 Space / 50 SF	7 Spaces	1 Spaces	8 Spaces	1 Spaces	Y
Back of House	1,286 SF	1 Space / 200 SF	7 Spaces		7 Spaces		Y
Sub-Total			92 Spaces	4 Spaces	96 Spaces	6 Spaces	
TOTAL (including handicap)	17,519 SF		96 Spaces *		102 Spaces		Y

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- * The request is to allow Beer/Wine/Cooler On-Sale within a restaurant that is currently operating. The restaurant does not cause the commercial center to be out of compliance with current parking standards, the addition of Beer/Wine/Cooler On-Sale will not increase the number of spaces that have already been approved.

ANALYSIS

The subject site is located on the Centennial Hills Sector Map of the General Plan. The site is designated as PCD (Planned Community Development). This category allows for a mix of residential uses that maintain an average overall density ranging from two to eight dwelling units per gross acre, depending upon compatibility with adjacent uses (e.g. development with a density of two units per acre will be required when adjacent to DR designated property). In addition, commercial, public facilities and office projects may be used as buffers (depending on compatibility issues) within the PCD (Planned Community Development). The site is within a C-1 (Limited Commercial) zoning district. The proposed Beer/Wine/Cooler On-sale Establishment use is permissible with the approval of this request and would then be consistent with the established PCD (Planned Community Development) General Plan designation and C-1 (Limited Commercial) zoning district.

In accordance with Title 19.04.010, 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 Requirements of Approval for a Beer/Wine/Cooler On-Sale Establishment use in a C-1 (Limited Commercial) zoning district are:

- *1. Except as otherwise provided, no beer/wine/cooler off-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

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- b. Any parcel which lacks access to a public street or has no area for onsite 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 80 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 multi-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 Requirement 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 Requirement 1 do not apply to:
- a. An establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
 - b. A proposed establishment having more than 50,000 square feet of retail floor space.
- *6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

Pursuant to Title 19.04, the following minimum separation requirements apply to the subject proposal: a Beer/Wine/Cooler On-Sale Establishment use 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 Beer/Wine/Cooler On-Sale Establishment use is greater than 400 feet from any of the protected uses. Therefore, it meets the minimum distance separation requirement.

The proposed Beer/Wine/Cooler On-Sale Establishment use meets the minimum requirements of approval per Title 19.04. Therefore, staff is recommending approval of this special use permit.

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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 is compatible with the General Plan designation and is located within an existing commercial center. 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 Establishment use will be located in an operating restaurant within a small commercial center. There is not 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.**

Site access is provided from Grand Teton Drive, a 120-foot Parkway Arterial, and Durango Drive, a 100-foot Primary Arterial. These streets provide adequate access to and from the subject property.

- 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 should not compromise public health, safety, or welfare as the proposed Beer/Wine/Cooler On-Sale use will be subject to regular inspections.

- 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.

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 10

NOTICES MAILED 945

APPROVALS 8

PROTESTS 11