



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 6, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-28297 - APPLICANT: MARIA TERESA PARRA -
OWNER: SAVANNAH INVESTMENTS

**** CONDITIONS ****

The Planning Commission (5-0 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.
2. 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.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. 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 within an existing restaurant located at 2081 North Decatur Boulevard. The 2,005 square-foot restaurant provides seating for 60 people. The posted hours of operation are 8:00 a.m. to 10:00 p.m. The restaurant has 31 parking spaces where 20 parking spaces are required. In addition, the restaurant has a drive through with stacking for six vehicles.

The proposed site meets the Title 19 requirements for a Beer/Wine/Cooler On-Sale Establishment and staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/19/07	A citation (#60725) was issued for an abandoned Taco Shop with graffiti on the building and wall. The case was closed on 12/26/07.
01/03/08	A citation (#61963) was issued for an abandoned Taco Shop with graffiti on the building and wall. The case was closed on 02/06/08.
07/10/08	The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #30/ne).
<i>Related Building Permits/Business Licenses</i>	
02/14/89	A building permit (#89014254) was issued for a neon sign at 2081 North Decatur Boulevard. The permit was finalized on 05/05/89.
11/04/97	A building permit (#97022347) was issued for a sign at 2081 North Decatur Boulevard. The permit expired on 09/12/98.
12/09/97	A building permit (#97024466) was issued for an interior demolition and remodel at 2081 North Decatur Boulevard. The permit expired on 09/12/98.
12/11/97	A building permit (#97024686) was issued for exterior stucco work at 2081 North Decatur Boulevard. The permit expired on 09/12/98.
12/30/97	A building permit (#97025573) was issued for a tenant improvement remodel to add a freezer at 2081 North Decatur Boulevard. The permit expired on 09/12/98.
01/08/98	A building permit (#98000472) was issued for an electrical remodel at 2081 North Decatur Boulevard. The permit expired on 09/12/98.
01/12/98	A building permit (#98000619) was issued for hood, fire extinguishing at 2081 North Decatur Boulevard. The permit expired on 09/12/98.
05/17/01	A building permit (#1008840) was issued to 2081 North Decatur Boulevard for a non-work certificate of occupancy. The permit was finalized on 05/18/01.

10/20/03	A business license (#R09-01224-3-113559) was issued for a Restaurant Seating 45 or More at 2081 North Decatur Boulevard. The license was marked out of business on 11/18/05.
11/30/05	A business license (#R09-01324-5-125122) was issued for a Restaurant Seating 45 or More at 2081 North Decatur Boulevard. The license was marked out of business on 09/19/07.
04/20/07	A business license (#R09-01393-3-133505) was issued for a Restaurant Seating 45 or More at 2081 North Decatur Boulevard. The license was marked out of business on 10/18/07.
04/24/08	A business license (#R09-01445-3-001652) was issued for a Restaurant Seating 45 or More at 2081 North Decatur Boulevard.
05/28/08	A business license application (#L09-92006-4-001652) was received by the City of Las Vegas Finance & Business Services for a Beer/Wine/Cooler On-Sale license. The application is on hold pending the approval of a Special Use Permit.

Pre-Application Meeting

05/15/08	A pre-application meeting was held where the submittal requirements for a Beer/Wine/Cooler On-Sale Special Use Permit application were discussed.
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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.

Field Check

06/04/08	Staff from Planning and Development performed a site visit. Non-permitted flag streamers and sandwich board type temporary signage were noted on site. An outdoor barbeque was noted next to the west façade of the building.
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Details of Application Request

Site Area

Net Acres	0.54
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
North	Strip Mall	SC (Service Commercial)	C-1 (Limited Commercial)
South	Vacant Lot	SC (Service Commercial)	U(SC) [Undeveloped (Service Commercial)]
East	Single-Family Residential	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development 8 Units Per Acre)
West	Single Family Residential Clark County	RE (Residence Estates) Clark County	R-E (Residence Estates) Clark County

<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		
*A-O Airport Overlay District (70-foot)	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		Y

***Airport Overlay District**

No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 70-foot contour limitations and does not violate the height limitations. The proposed use does not alter the structure in any way and is in compliance with the Airport Overlay District.

****Project of Regional Significance**

Pursuant to Ordinance #5477, the proposed Special Use Permit request has been deemed a Project of Regional Significance, as it concerns property located within 500 feet of the city boundary with Clark County. A questionnaire describing the impacts of the project to the area was submitted to various regional agencies for review. As of 06/17/08, no comments have been received.

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>	
Restaurant, 2000 sq. ft. or more (with Drive-Through)	2005 s.f.	One space for each 100 square feet of gross floor area, including outdoor areas for seating and waiting.	19	1	29	2	Y

SubTotal		19	1	29	2	
TOTAL (including handicap)		20		31		

ANALYSIS

- **Zoning**

The subject site is currently designated SC (Service Commercial), within the southwest sector of the Las Vegas 2020 Master Plan. The sites C-1 (Limited Commercial) zoning designation is in conformance with the Las Vegas 2020 Master Plan, and the Beer/Wine/Cooler On-Sale use is permitted in that designation with the approval of a Special Use Permit.

- **Use**

A Beer/Wine/Cooler On-Sale Establishment is defined by Title 19 as an establishment:

1. Whose license to sell alcoholic beverage is limited to:
 - a. The sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold; and
2. 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**

Title 19.04.010 defines a Beer/Wine/Cooler On-Sale Establishment 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 meal on the premises where the same is sold, 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 Special Use Permit Requirements:

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, childcare 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 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 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 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 reason in support of the decision.
 5. The minimum distance requirements in Requirement 1 do not apply to:
 - a. An establishment which has a non-restricted 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.

The proposed use meets the minimum requirements of a Beer/Wine/Cooler On-Sale Establishment. Staff finds that public health, safety, and welfare are not compromised and recommends approval.

FINDINGS (SUP)

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 proposed use is compatible with the General Plan land use designation of SC (Service Commercial) and would be located within an existing restaurant. 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 an existing restaurant in a C-1 (Limited Commercial) zone designation. This use does not add intensity to the existing use and is suitable for the existing land use.

- 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 subject site is served by Decatur Boulevard, a 100-foot Primary Arterial as defined by the Master Plan of Streets and Highways. The site is also served by Sawyer Avenue, a 60-foot Neighborhood Street. Both are of adequate capacity to serve 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.**

This site will be subject to inspections by the Planning & Development Department and subject to inspections by the City of Las Vegas Finance and Business Services for business licensing requirements and will not endanger the public health or general welfare, nor will it compromise 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 within an existing restaurant meets all the conditional use requirements stated by Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT

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SENATE DISTRICT 4

NOTICES MAILED 886 by City Clerk

APPROVALS 1

PROTESTS 4