



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 11, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: TXT-29629 - APPLICANT: CITY OF LAS VEGAS

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

- Table 2 of Title 19.04.010, Land Use Tables, is hereby amended as follows:

**Table 2 Land Use Table
Retail & Personal Services**

USE	RESIDENTIAL											COMMERCIAL					INDUSTRIAL			
	U	R-A	R-E	R-D	R-1	R-C L	R-2	R-3	R-4	R-5	R-MH P	P-R	N-S	O	C-D	C-1	C-2	C-P B	C-M	M
																S	S	S	S	S
Description:																				
A facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold.																				
Minimum Special Use Permit Requirements:																				
<p>1. Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both a minimum separation between liquor establishments (tavern), and a minimum separation between a liquor establishment (tavern) and certain other uses that should be protected from the impacts associated with a liquor establishment (tavern). Therefore, except as otherwise provided below, no liquor establishment (tavern) may be located within 1500 feet of any other liquor establishment (tavern), church, synagogue, school, child care facility licensed for more than 12 children, or City park.</p> <p>2. The distance separation referred to in Requirement 1 shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (tavern) 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 liquor establishment (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.</p> <p>3. For the purpose of Requirement 2, and for that purpose only:</p> <ol style="list-style-type: none"> The property line of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and The property line of a liquor establishment (tavern) refers to: <ol style="list-style-type: none"> The property line of a parcel that has been created by an approved and recorded parcel map or commercial subdivision map; or The property line of a parcel that is located within an approved and recorded commercial subdivision and that has been created by a record of survey or legal description, if: <ol style="list-style-type: none"> Using the property line of that parcel for the purpose of measuring the distance separation referred to in Requirement 1 would qualify the parcel under the distance separation requirement; The proposed liquor establishment (tavern) will have direct access (both ingress and egress) from a street having a minimum right-of-way width of 100 feet. The required access may be shared with a larger development but must be located within the property lines of the parcel on which the proposed liquor establishment (tavern) will be located; All parking spaces required by this Table 2 and LVMC Chapter 19.10 for the liquor establishment (tavern) use will be located on the same parcel as the use; and The owners of all parcels within the commercial subdivision, including the owner of the parcel on which the liquor establishment (tavern) will be located, execute and record an agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision. <p>4. The distance separation requirement set forth in Requirement 1 does not apply to 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.</p> <p>5. The distance separation requirement set forth in Requirement 1 may be waived in accordance with the provisions of Paragraph 19.04.050(A)(4), but only in connection with a proposed liquor establishment (tavern) that:</p>																				

<p>Liquor Establishment (Tavern)</p>	<p>a. Will be located on a parcel within the C-V District, the Parkway Center District within the Downtown Centennial Plan, or the Downtown Casino Overlay District;</p> <p>b. Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as an historic property, historic building, or landmark;</p> <p>c. Will be located within a regional mall; or</p> <p><u>d. Will be located within an approved mixed-use development per Title 19.04 with a minimum net site area of 15 acres and a minimum gross floor area of 250,000 square feet; or</u></p> <p>d- e. Will be separated from the existing use by a street or highway with a minimum right-of-way width of 100 feet.</p> <p>*6. The use shall conform to, and is subject to, the provisions of LVMC Chapters 6.40 and 6.50.</p>
	<p>On-site Parking Requirement: One space for each 50 square feet of public seating and waiting area (including areas for seating and waiting), plus one space for each 200 square feet of the total remaining gross floor area, with a minimum of ten spaces required.</p>

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**** STAFF REPORT ****

APPLICATION REQUEST

This is a request to amend Title 19.04 to allow a waiver from the distance separation requirements for the Liquor Establishment (Tavern) use within mixed-use developments. The proposal expands the conditions under which distance separation waivers may be considered, while retaining the discretionary ability of City Council to approve such requests.

BACKGROUND INFORMATION

Title 19.04 currently requires a minimum separation distance of 1,500 feet between a Liquor Establishment (Tavern) and any other Liquor Establishment. The separation distance requirement may be waived by City Council only for taverns that:

- Will be located on parcel within the C-V District or Downtown Casino Overlay District;
- Will be located on a parcel or within a building that has been designated as an historic property, building or landmark;
- Will be located within a regional mall; or
- Will be separated from the existing use by a street or highway with a minimum right-of-way width of 100 feet.

Consequently, any requests for distance separation waivers outside of the circumstances listed above cannot be considered by City Council.

ANALYSIS

The proposed change is intended to allow the possibility of multiple taverns within a mixed-use development upon approval of a waiver by City Council. Waivers from the distance separation requirements are currently allowed under a number of circumstances, and this proposal will allow an additional option for consideration of waiver requests.

The minimum standards for this waiver would require the proposed tavern to be within an approved mixed-use development, meaning that a Special Use Permit has been granted for the development in accordance with the requirements of Title 19.04. In addition, the mixed-use development must have a minimum gross square footage of 250,000 square feet, and be located on a parcel with a minimum area of 15 acres. The square footage and acreage minimums have been specified in order to limit the separation waiver to larger mixed-use developments, where multiple tavern uses can be more easily integrated with other dining and entertainment uses.

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Mixed-use developments, by their intrinsic nature, will prevent over-saturation of the tavern use through the normal combination of uses within the development. The Town Square development, located on south Las Vegas Boulevard in unincorporated Clark County, is an example of the type of development where multiple tavern uses would be an appropriate complement to restaurants, movie theaters, retail, and office uses.

It should be noted that the amendment would also allow a waiver from protected uses, which are defined as churches, synagogues, schools, city parks, and child care facilities licensed for more than 12 children. However, City Council retains discretionary approval of the waiver requests, and can consider impacts to protected uses in their decision to grant or deny the distance separation waiver.

FINDINGS

The proposed text amendment will accomplish the following:

- o Allow multiple tavern uses within medium to large-scale mixed-use developments where the use can be integrated with other dining and entertainment uses; and
- o Allow City Council discretion in considering waiver requests to verify if there will be any secondary impacts to protected uses or abutting neighborhoods.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

ASSEMBLY DISTRICT

SENATE DISTRICT

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0