



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 9, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION:

**** 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.
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 is a request for a Special Use Permit to allow for a Beer/Wine/Cooler On-Sale Establishment within an established restaurant at 7121 West Craig Road, Suite #101. The restaurant is 3,215 square feet in size with seating for 118 people. The Beer/Wine/Cooler On-Sale use will be ancillary to the existing restaurant. As this request meets all the Minimum Special Use Requirements and can be conducted in a compatible and harmonious manner within the existing shopping center, staff is recommending approval of this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/19/00	The City Council approved a Rezoning (Z-0071-99) from U (Undeveloped) zone to C-1 (Limited Commercial) for this pad site as part of a larger request. The Planning Commission recommended denial on 12/02/99.
03/01/00	The City Council approved a Site Development Plan Review [Z-0071-99(1)] for a 156,603 square-foot shopping center and a 90,200 square-foot office development on 23.86 acres on property located on the southeast corner of Craig Road and Tenaya Way.
04/26/01	The Planning Commission approved a Site Development Plan Review [Z-0071-99(4)] for a 7,019 square-foot retail pad building on a 0.99 acre site located on the south side of Craig Road, approximately 400 feet east of Tenaya Way
05/15/02	The City Council approved a Special Use Permit (U-0016-02) for a Restaurant with Service Bar in conjunction with a proposed restaurant (Sushi-Ko). The Planning Commission also recommended approval.
07/03/02	The City Council approved a Variance (V-0031-02) to allow 817 parking spaces for an existing shopping center, where 887 parking spaces are required. The Planning Commission also recommended approval.
02/20/02	The City Council approved a request for a Special Use Permit (U-0161-01) for Off-Premise Liquor Establishment for a proposed Albertsons grocery store generally located adjacent to the south side of Craig Road approximately 220 feet east of Tenaya Way. The Planning Commission also recommended approval.
03/19/03	The City Council approved a Special Use Permit (SUP-1557) for a Restaurant Service Bar in conjunction with an existing restaurant (Honey Tree Café) at 7121 West Craig Road. The Planning Commission also recommended approval.

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03/04/04	The Planning and Development Department administratively approved a Final Map Technical Review (FMP-3397) for one lot on 16.66 acres located at 7101 W. Craig Road.
02/16/05	The City Council approved a Special Use Permit (SUP-5650) for a Restaurant Service Bar and a Waiver from the 400 foot distance separation requirement from an existing church and park located at 7121 West Craig Road, Suite #101. The Planning Commission also recommended approval.
08/24/06	The Planning and Development Department administratively approved a request for a Site Development Plan Review (SDR-14962) for a proposed 2,327 square-foot Fast Food Restaurant with a Drive-Thru at 7121 West Craig.
<i>Related Building Permits/Business Licenses</i>	
02/08/01	A building permit (#1002158) was issued for Shell Building Pad 5 for a Certificate of Completion at 7121 West Craig Road. The permit was finalized on 12/27/01.
02/08/02	A building permit (#2002298) was issued for a Demising Wall at 7121 West Craig Road, Suite #101. The permit was finalized on 02/14/02.
04/23/02	A building permit (#2007353) was issued for a Tenant Improvement for Certificate of Occupancy at 7121 West Craig Road, Suite #101. The permit was expired on 01/11/03.
05/02/02	A building permit (#2008060) was issued for a Illuminated Wall Sign at 7121 West Craig Road, Suite #101. The permit was expired on 11/30/02.
06/26/02	A building permit (#2011630) was issued for a Hood Fire Exiting System at 7121 West Craig Road, Suite #101. The permit was expired on 01/11/03.
03/29/06	A business license (#R09-01151) was issued for a restaurant at 7121 West Craig Road, Suite #101. The license was marked out on 02/26/08.
12/11/06	A business license (#L09-00233) was issued for Beer/Wine/Cooler On-Sale at 7121 West Craig Road, Suite #101. The license was marked out on 02/26/08.
09/26/08	A business license (#R09-01467) was issued for a restaurant at 7121 West Craig Road, Suite #101. The license is still active.
<i>Pre-Application Meeting</i>	
02/09/09	A pre-application meeting was held where submittal requirements for a Special Use Permit were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
03/05/09	During a routine field check staff observed a well maintained retail center.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	10.94 Acres

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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	Undeveloped [Proposed Mixed-Use development (SDR-18822)]	H (High Density Residential)	O (Office) under Resolution of Intent to R-4 (High Density Residential)
East	Undeveloped [Proposed Shopping Center (SDR-25484)]	SC (Service Commercial)	U(SC) [Undeveloped (Service Commercial)] Under Resolution of Intent to C-1 (Limited Commercial)
	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single-Family Residences	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development 8 Units per Acre)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (175 Feet)	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

Pursuant to Ordinance No. 5227, the project under review meets the threshold for a Project of Significant Impact, defined in the ordinance as a Special Use Permit application concerning property within 500 feet of the City boundary with Clark County or North Las Vegas. The applicant has prepared and submitted an impact report as required by the Ordinance for referral to the affected agencies. No comments have been received regarding this application.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
<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>		
			Regular	Handi-capped	Regular	Handi-capped	
Commercial Shopping Center	150,638	1:250	603	13	793	24	Y*
TOTAL			616		817		

*The subject site is considered a Shopping Center with parking calculated at 1:250 for all uses. Variance (V-0031-02) reduced the parking requirement previously established in Rezone [Z-0071-99(1)] to allow 817 parking spaces for an existing shopping center, where 887 parking spaces are required.

ANALYSIS

This request is for a Special Use Permit for a proposed Beer/Wine/Cooler On-Sale Establishment within an existing restaurant at 7121 West Craig Road, Suite #101. The restaurant currently has 3,215 square-feet, with seating for 118 people. The proposed location is part of an established shopping center at the southeast corner of West Craig Road and North Tenaya Way, which supplies the required amount of parking for this site. This shopping center is able to accommodate a variety of uses such as professional offices, personal services, restaurants, and retail stores. The addition of a Beer/Wine/Cooler On-Sale Establishment use ancillary to an existing restaurant within this shopping center is compatible with the existing and future land uses as specified by the General Plan. Therefore, staff recommends approval.

•Zoning

The subject site is located within the Centennial Hills Sector Map of the General Plan. The site is designated as SC (Service Commercial). The Service Commercial category allows for a low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow Mixed-Use development with a residential component where appropriate.

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The subject site is currently within a C-1 (Limited Commercial) zoning district and will utilize 3,215 square feet of space within an existing commercial building. The C-1 (Limited Commercial) district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of

residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfare along major retail corridors. The C-1 (Limited Commercial) district is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan. The use will not change the physical appearance or characteristics of the subject site and is compatible with the surrounding uses in the area. 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 SC (Service Commercial) General Plan designation and C-1 (Limited Commercial) zoning district.

• **Use**

Beer\Wine\Cooler On-Sale Establishment use is defined by Title 19 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. The applicant has indicated that they will be performing the proposed use in conjunction with an existing restaurant.

The existing restaurant accommodates 118 seats, therefore complying with Title 19.04; the floor plan includes a counter with register, a dining area, kitchen, walk-in coolers/ storage an office and two restrooms. As the Beer\Wine\Cooler On-Sale Establishment use is ancillary to the approved restaurant use, no additional parking is required.

• **Minimum Special Use Requirements**

Minimum Special Use Permit Requirements 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 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.

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- 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 reasons 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.

Pursuant to Title 19.04.010, these are the Minimum Special Use Permit Requirements. The proposed Beer\Wine\Cooler On-Sale Establishment use meets the Minimum Special Use Permit Requirements per Title 19.04. Therefore, staff is recommending approval of this Special Use Permit.

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 proposed land use is compatible with the SC (Service Commercial) General Plan designation and is located within an existing shopping center. The 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 use will be accessory to an approved restaurant within an existing shopping center. The subject site is physically suitable for the type and intensity of the 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.**

Site access is provided from Craig Road, a 100-foot Primary Arterial, and Tenaya Way, an 80-foot Secondary Collector, as designated in the Master Plan of Streets and Highways. 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 Establishment 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 Establishment use complies with the minimum Special Use Permit requirements set forth by Title 19.04.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7

ASSEMBLY DISTRICT 37

SENATE DISTRICT 4

NOTICES MAILED 1317

APPROVALS 4

PROTESTS 1