



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 18, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-32793 - APPLICANT: INDIA'S GRILL - OWNER:
DECATUR CROSSING CENTER, LLC**

**** CONDITIONS ****

The Planning Commission (7-0 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. 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 222 South Decatur Boulevard. The restaurant is 3,432 square feet in size with seating for 168 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 with the surrounding development and land uses, staff is recommending approval of this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/18/92	The City Council approved a request for a Special Use Permit (U-0264-92) to allow the sale of beer and wine in conjunction with a proposed restaurant at 222 South Decatur Boulevard. The Board of Zoning Adjustment recommended approval.
01/09/08	The City Council approved an appeal of a request for a Variance (VAR-24824) to allow a proposed 75-foot freestanding sign where 40 feet is the maximum height allowed, and to allow the sign to have a 1,012 square-foot sign face where 404 square feet is the maximum allowed at 202-290 South Decatur Boulevard. The Planning Commission denied this request.
08/18/08	The Department of Planning and Development administratively approved a request for a Site Development Plan Review (SDR-28819) for a proposed 4,012 square-foot addition to an existing shopping center at 202-286 South Decatur Boulevard.
02/12/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #33/ne).
<i>Related Building Permits/Business Licenses</i>	
08/15/90	A building permit (#90078869) was issued for a sign at 216 South Decatur Boulevard. The permit was marked inactive on 11/18/92.
08/13/91	A business license (B06-01132) was issued for a bookstore at 204 South Decatur Boulevard. The business license is active.
09/22/92	A building permit (#92161191) was issued for a demising wall and to relocate the entry doors at 222 South Decatur Boulevard. The permit was finaled on 01/14/93.
12/30/92	A building permit (#92171543) was issued for a tenant improvement at 222 South Decatur Boulevard. The permit was finaled on 02/24/93.

01/07/93	A building permit (#93172080) was issued for a tenant improvement at 222 South Decatur Boulevard. The permit was finalized on 02/16/93.
03/03/93	A business license (R09-00462) was issued for a restaurant, seating 45 or more at 222 South Decatur Boulevard. The business license was marked out on 12/03/07.
03/03/93	A business license (L09-00082) was issued for a beer/wine/cooler on-sale at 222 South Decatur Boulevard. The business license was marked out on 06/19/07.
09/06/96	A building permit (#96018197) was issued for a sign at 222 South Decatur Boulevard. The permit expired on 03/08/97.
04/03/00	A building permit (#00006154) was issued for the re-facing of a freestanding sign (tag #4427) at 202 South Decatur Boulevard. The permit expired on 09/30/00.
04/18/01	A business license (C07-01109) was issued for a clothing store at 218 South Decatur Boulevard. The business license is active.
11/14/02	A business license (T11-00899) was issued for television and audio sales and service at 220 South Decatur Boulevard. The business license was marked out on 08/28/08.
08/16/04	A business license (Q01-00574) was issued for a real estate business, broker at 220 South Decatur Boulevard. The business license is active.
11/05/04	A business license (B10-02201) was issued for building supplies, hardware at 218 South Decatur Boulevard. The business license was marked out on 03/03/06.
10/19/05	A business license (H02-01515) was issued for handbill and oral solicitation at 220 South Decatur Boulevard. The business license was marked out on 08/28/08.
10/13/06	A business license (C11-08530) was issued for a contractor at 220 South Decatur Boulevard. The business license was marked out on 08/28/08.
10/20/06	A building permit (#06006556) was issued for a sign (Tag #09345) at 222 South Decatur Boulevard. The permit expired on 09/01/07.
08/03/07	A business license (L27-00089) was issued for a special event, general at 222 South Decatur Boulevard. The business license was marked out on 08/07/07.
05/20/08	A building permit (#08000175) was issued for a freestanding sign (tag #10525) at 220 South Decatur Boulevard. The permit expired on 11/22/08.
06/25/08	A business license (R09-01458) was issued for a restaurant, seating 45 or more at 222 South Decatur Boulevard. The business license is active.
<i>Pre-Application Meeting</i>	
12/17/08	A pre-application meeting was held where the submittal requirements for a Beer/Wine/Cooler On-Sale Establishment Special Use Permit were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required for this application.	

Field Check	
01/08/09	Staff performed a routine field check where staff observed a restaurant located in a strip mall building that is part of a larger commercial center. The subject site had non-permitted streamers and flags posted on the exterior of the existing restaurant.

Details of Application Request	
Site Area	
Net Acres	7.69

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
South	Gas Station / Shopping Center / Automobile Storage	SC (Service Commercial) / GC (General Commercial)	C-2 (General Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Multi-Family Residences	MLA (Medium Low Attached Residential)	R-PD11 (Residential Planned Development 11 Units per Acre)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts	X		Y
A-O Airport Overlay District 140 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	N/A

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	199,560 SF	1:250	783	16	1,054	17	Y
SubTotal			783	16	1,054	17	
TOTAL (including handicap)			799		1,071		

ANALYSIS

This request is for a Special Use Permit for a proposed Beer/Wine/Cooler On-Sale Establishment within an existing restaurant at 222 South Decatur Boulevard. The restaurant currently has 3,432 square-feet of gross floor area, with seating for 168 people. The proposed floor plan includes a waiting area with cashier and hostess counter, a dining area, a kitchen with a walk-in cooler and storage area, banquet room, and separate mens and womens restrooms.

The proposed location is part of an established shopping center at the northwest corner of South Decatur Drive and Meadows Lane, which adequately 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 use ancillary to an established restaurant within this shopping center is compatible with the existing and future land uses as specified by the General Plan. Therefore, staff recommends approval.

- **General Plan**

The subject site is currently designated SC (Service Commercial), which is within the Southeast Sector Plan of the General Plan. The Service Commercial district allows for low to medium intensity retail, office or other commercial uses that are intended to serve primarily the Centennial Hills area and does not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, bowling alleys and other places of public assembly and public/quasi-public uses.

- **Zoning**

The subject sites C-1 (Limited Commercial) zoning is in conformance with the General Plan, and the Beer/Wine/Cooler On-Sale use is permitted in that district with the approval of a Special Use Permit.

- **Use**

A Beer/Wine/Cooler On-Sale Establishment 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 forty-five or more people may be served with meals at any one time at tables or stools.

- **Minimum Special Use Permit Requirements**

LVMC Title 19.04.010 lists the following Minimum Special Use Permit Requirements for a Beer/Wine/Cooler On-Sale use:

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.
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.

*Any condition with an asterisk cannot be waived.

The proposed use meets the minimum requirements for a Beer/Wine/Cooler On-Sale use, and staff finds that public health, safety, and welfare will not be compromised. Therefore, staff recommends approval.

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 Beer/Wine/Cooler On-Sale Establishment within an existing restaurant is located within a well established commercial shopping center. The addition of a Beer/Wine/Cooler On-Sale use within this shopping center is compatible with the existing and future land uses as specified by the General Plan.

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

The subject site is currently approved for a restaurant, the addition of this ancillary use will not intensify the physical requirements and therefore is suitable within 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 proposed Beer/Wine/Cooler On-Sale use is located within a 199,560 square-foot shopping center that is adequately served by South Decatur Boulevard, a 120-foot Primary Arterial, and Meadows Lane, an 80-foot Secondary Collector Street, as defined by the Master Plan of Streets and Highways.

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 subject site is located within the Southeast Sector Plan of the General Plan. The site is zoned C-1 (Limited Commercial) and has a General Plan designation of SC (Service Commercial). A Beer/Wine/Cooler On-Sale is a permitted use in the C-1 (Limited Commercial) district with the approval of a Special Use Permit. It will not compromise the public health, safety, and welfare or 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 meets all of the applicable conditions per Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 3

SENATE DISTRICT 3

NOTICES MAILED 784 by City Clerk

APPROVALS 4

PROTESTS 2