



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE:       APRIL 1, 2009**  
**DEPARTMENT:     PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-32992 - APPLICANT: NAPOLI PIZZARIA - OWNER: PK II**  
**SAHARA PAVILION NORTH, 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.
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 4760 West Sahara Avenue, Suite #11. The restaurant is 2,015 square feet in size with seating for 50 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&amp;D, Fire, Bldg., etc.</i> |                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/17/92                                                           | The City Council approved a request for a Special Use Permit (U-0084-92) for the sale of beer and wine in conjunction with an existing restaurant at 4750 West Sahara Avenue, Suite #23 and #24. The Board of Zoning Adjustment recommended approval.                                                                                                           |
| 08/05/92                                                           | The City Council granted an appeal, approving a request for a Special Use Permit (U-0126-92) for five (5) slot machines in addition to the existing fifteen (15) slot machines for a total of twenty (20) slot machines in conjunction with an existing grocery store at 4610 West Sahara Avenue. The Board of Zoning Adjustment denied the request.            |
| 12/16/92                                                           | The City Council approved a request for a Special Use Permit (U-0281-92) for a Service Bar in conjunction with a proposed restaurant at 4604 West Sahara Avenue. The Board of Zoning Adjustment recommended approval.                                                                                                                                           |
| 07/21/93                                                           | City Council approved a request for a Special Use Permit (U-0108-93) for the sale of beer and wine within a proposed restaurant at 4712 West Sahara Avenue, and Special Use Permit (U-0107-93) for the sale of beer and wine within a proposed restaurant at 4760 West Sahara Avenue. The Board of Zoning Adjustment recommended approval of both applications. |
| 05/18/94                                                           | The City Council approved a request for a Special Use Permit (U-0063-94) for a Supper Club at 4760 West Sahara Avenue. The Board of Zoning Adjustment recommended approval.                                                                                                                                                                                     |
| 03/15/95                                                           | The City Council approved a request for a Special Use Permit (U-0318-94) for the sale of beer and wine in conjunction with an existing restaurant at 4750 West Sahara Avenue, Suite #23 and #24. The Board of Zoning Adjustment recommended approval.                                                                                                           |



|                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/18/96                                                 | The City Council approved a request for a Special Use Permit (U-0125-96) for the sale of Packaged Liquor in conjunction with an existing drug store at 4620 West Sahara Avenue. The Board of Zoning Adjustment recommended approval.                                                                                                                                                                                             |
| 06/09/97                                                 | The City Council approved a request for a Special Use Permit (U-0031-97) for Second Hand Sales at 4624 West Sahara Avenue. The Planning Commission recommended approval.                                                                                                                                                                                                                                                         |
| 10/13/97                                                 | The City Council approved a request for a Special Use Permit (U-0092-97) for a Supper Club in conjunction with an existing restaurant at 4750 West Sahara Avenue. The Planning Commission recommended approval.                                                                                                                                                                                                                  |
| 01/26/98                                                 | The City Council approved a request for a Special Use Permit (U-0127-97) for Second Hand jewelry sales in conjunction with an existing jewelry store at 4624 West Sahara Avenue. The Planning Commission recommended approval.                                                                                                                                                                                                   |
| 09/14/00                                                 | The Planning Commission approved (final action) a request for a Site Development Plan Review [Z-0057-87(8)] for a remote drive-up ATM kiosk at 4724 West Sahara Avenue.                                                                                                                                                                                                                                                          |
| 10/01/03                                                 | The City Council denied a request for a Special Use Permit (SUP-2655) for a Financial Institution, Specified at 2121 South Decatur Boulevard, Suite #2. The Planning Commission recommended approval.                                                                                                                                                                                                                            |
| 11/05/03                                                 | The City Council approved a request for a Special Use Permit (SUP-2987) for a Second Hand Dealer at 4750 West Sahara Avenue, Suite #1. The Planning Commission recommended approval.                                                                                                                                                                                                                                             |
| 03/16/05                                                 | The City Council approved a request for a Special Use Permit (SUP-4930) for a proposed Financial Institution, Specified with Waivers of the 1,000-foot distance separation requirement between similar uses, the 200-foot distance separation requirement from residential uses, and the 1,500 square-foot minimum floor area requirements at 4750 West Sahara Avenue, Suite #V29. The Planning Commission recommended approval. |
| 04/06/05                                                 | The City Council approved a request for a Special Use Permit (SUP-5910) for a proposed Second Hand Dealer at 4704 West Sahara Avenue, Suite #1. The Planning Commission recommended approval.                                                                                                                                                                                                                                    |
| 11/07/07                                                 | The City Council approved a request for a Special Use Permit (SUP-23922) for a proposed Supper Club, and Special Use Permit (SUP-23924) for General Business-Related Gaming in conjunction with a proposed Supper Club at 4760 West Sahara Avenue, Suite #13. The Planning Commission recommended approval of both applications.                                                                                                 |
| 02/26/09                                                 | <a href="#">The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #8/ne).</a>                                                                                                                                                                                                                                                                                                                                  |
| <b><i>Related Building Permits/Business Licenses</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 09/13/89                                                 | A building permit (#89039540) was issued for a tenant improvement at 4760 West Sahara Avenue. The permit was finaled on 12/15/89.                                                                                                                                                                                                                                                                                                |
| 09/21/89                                                 | A building permit (#89039857) was issued for a tenant improvement at 4760 West Sahara Avenue. The permit was finaled on 12/07/89.                                                                                                                                                                                                                                                                                                |
|                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|          |                                                                                                                                     |
|----------|-------------------------------------------------------------------------------------------------------------------------------------|
| 10/02/89 | A building permit (#89041173) was issued for a tenant improvement at 4760 West Sahara Avenue. The permit was finalized on 12/15/89. |
|----------|-------------------------------------------------------------------------------------------------------------------------------------|

|          |                                                                                                                                                               |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10/12/89 | A building permit (#89042660) was issued for a tenant improvement at 4760 West Sahara Avenue. The permit was finaled on 12/19/89.                             |
| 10/12/89 | A building permit (#89042657) was issued for a tenant improvement at 4760 West Sahara Avenue. The permit was finaled on 01/31/90.                             |
| 10/19/89 | A building permit (#89043560) was issued for a tenant improvement at 4760 West Sahara Avenue. The permit was finaled on 12/07/89.                             |
| 11/07/89 | A building permit (#89045474) was issued for a tenant improvement at 4760 West Sahara Avenue. The permit was finaled on 01/12/90.                             |
| 11/08/89 | A building permit (#89045624) was issued for a sign at 4760 West Sahara Avenue. The permit expired on 10/30/99.                                               |
| 11/30/89 | A building permit (#89048316) was issued for a sign at 4760 West Sahara Avenue. The permit was finaled on 10/30/99.                                           |
| 02/12/90 | A building permit (#90056770) was issued for a pool at 4760 West Sahara Avenue. The permit expired on 10/30/99.                                               |
| 02/15/90 | A building permit (#90057394) was issued for a court area at 4760 West Sahara Avenue. The permit was finaled on 03/14/91.                                     |
| 08/28/91 | A building permit (#91117944) was issued for a tenant improvement at 4760 West Sahara Avenue. The permit was finaled on 09/10/91.                             |
| 08/29/91 | A building permit (#91118142) was issued for an ATM remodel at 4760 West Sahara Avenue. The permit expired on 10/30/99.                                       |
| 09/27/91 | A building permit (#91121078) was issued for re-roofing at 4760 West Sahara Avenue. The permit was finaled on 12/26/91.                                       |
| 10/14/91 | A building permit (#91122884) was issued for a tenant improvement at 4760 West Sahara Avenue. The permit was finaled on 10/23/91.                             |
| 05/25/93 | A building permit (#93188241) was issued for a sign at 4760 West Sahara Avenue. The permit expired on 11/06/99.                                               |
| 07/31/95 | A building permit (#95875603) was issued for a single-faced sign at 4760 West Sahara Avenue. The permit expired on 02/10/96.                                  |
| 04/08/96 | A building permit (#96006823) was issued for a sign at 4760 West Sahara Avenue. The permit expired on 01/04/97.                                               |
| 08/09/96 | A building permit (#96016196) was issued for a sign at 4760 West Sahara Avenue. The permit was finaled on 09/03/96.                                           |
| 02/24/97 | A building permit (#97003809) was issued for a sign at 4760 West Sahara Avenue. The permit was finaled on 04/30/97.                                           |
| 04/30/97 | A building permit (#97008852) was issued for a wall sign at 4760 West Sahara Avenue. The permit expired on 11/01/97.                                          |
| 08/24/00 | A building permit (#00015889) was issued for a wall sign (tag #004730) at 4760 West Sahara Avenue. The permit was finaled on 09/22/00.                        |
| 11/21/01 | A building permit (#01020505) was issued for a 50 square-foot sign (tag #005657) at 4760 West Sahara Avenue. The permit expired on 05/25/02.                  |
| 02/05/04 | A business license (#R07-00630) was issued for a restaurant carry out at 4760 West Sahara Avenue, Suite #11. The business license was marked out on 01/24/06. |



|                                                                                 |                                                                                                                                             |
|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 08/21/06                                                                        | A business license (#R09-01357) was issued for a restaurant at 4760 West Sahara Avenue, Suite #11. The business license is active.          |
| 05/23/07                                                                        | A business license (#C08-01751) was issued for amusement machines at 4760 West Sahara Avenue, Suite #11. The business license is active.    |
| 09/15/08                                                                        | A business license (#H02-01558) was issued for handbill solicitation at 4760 West Sahara Avenue, Suite #11. The business license is active. |
| <b><i>Pre-Application Meeting</i></b>                                           |                                                                                                                                             |
| 12/17/08                                                                        | A pre-application meeting was held where the submittal requirements for a Beer/Wine/Cooler On-Sale Special Use Permit were discussed.       |
| <b><i>Neighborhood Meeting</i></b>                                              |                                                                                                                                             |
| A neighborhood meeting was not required for this application, nor was one held. |                                                                                                                                             |

|                           |                                                                                                                                                    |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Field Check</i></b> |                                                                                                                                                    |
| 01/21/09                  | A routine field check was performed where staff observed an existing restaurant in a well-established shopping center that provides ample parking. |

|                                              |      |
|----------------------------------------------|------|
| <b><i>Details of Application Request</i></b> |      |
| <b><i>Site Area</i></b>                      |      |
| Net Acres                                    | 29.4 |

| Surrounding Property | Existing Land Use | Planned Land Use                      | Existing Zoning                                                 |
|----------------------|-------------------|---------------------------------------|-----------------------------------------------------------------|
| Subject Property     | Shopping Center   | C-1 (Limited Commercial)              | SC (Service Commercial)                                         |
| North                | Auto Dealership   | C-2 (General Commercial)              | GC (General Commercial)                                         |
|                      | Post Office       | C-1 (Limited Commercial)              | PF (Public Facilities)                                          |
|                      | Apartments        | R-3 (Medium Density Residential)      | M (Medium Density Residential)                                  |
| South                | Shopping Center   | C-1 (Local Business) Clark County     | CG<br>[(Commercial General) Winchester / Paradise] Clark County |
|                      |                   | C-2 (General Commercial) Clark County | CG<br>[(Commercial General) Winchester / Paradise] Clark County |
|                      | Auto Dealership   | C-2 (General Commercial) Clark County | CG<br>[(Commercial General) Winchester / Paradise] Clark County |



|      |                 |                                  |                                |
|------|-----------------|----------------------------------|--------------------------------|
| East | Apartments      | R-3 (Medium Density Residential) | M (Medium Density Residential) |
|      | Shopping Center | C-1 (Limited Commercial)         | SC (Service Commercial)        |
| West | Auto Dealership | C-2 (General Commercial)         | GC (General Commercial)        |
|      | Office Building | C-1 (Limited Commercial)         | SC (Service Commercial)        |

| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---------------------------------------------------|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          |            | X         | N/A               |
| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| <b>Special Purpose and Overlay Districts</b>      |            | X         | N/A               |
| <b>Trails</b>                                     |            | X         | N/A               |
| <b>Rural Preservation Overlay District</b>        |            | X         | N/A               |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           | X          |           | Y*                |

*\*The subject property is located approximately 150 feet from the City Boundary with Clark County. This meets the criteria of a Project of Regional Significance which must be submitted if a Special Use Permit application is made concerning property within 500 feet of the City boundary with Clark County or North Las Vegas. A Project of Regional Significance has been filed and submitted to the appropriate agencies and no comments have been received.*

## DEVELOPMENT STANDARDS

***Pursuant to Title 19.10, the following parking standards apply:***

| Parking Requirement        |                                     |               |          |              |          |              |            |
|----------------------------|-------------------------------------|---------------|----------|--------------|----------|--------------|------------|
| Use                        | Gross Floor Area or Number of Units | Parking Ratio | Required |              | Provided |              | Compliance |
|                            |                                     |               | Parking  |              | Parking  |              |            |
|                            |                                     |               | Regular  | Handi-capped | Regular  | Handi-capped |            |
| Shopping Center            | 336,829 SF                          | 1:250         | 1,325    | 23           | 1,363    | 45           | Y          |
| SubTotal                   |                                     |               | 1,325    | 23           | 1,363    | 45           |            |
| TOTAL (including handicap) |                                     |               | 1,348    |              | 1,408    |              |            |

## **ANALYSIS**

This request is for a Special Use Permit for a proposed Beer/Wine/Cooler On-Sale Establishment within an existing restaurant at 4760 West Sahara Avenue, Suite #11. The restaurant currently has 2,015 square-feet, with seating for 50 people. The proposed floor plan includes a counter with register, a dining area, a kitchen with two walk-in coolers, and an office and restroom.

The proposed location is part of an established shopping center at the northeast corner of South Decatur Drive and Sahara Avenue, 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 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.

### **•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 SC (Service Commercial) General Plan designation, and the Beer/Wine/Cooler On-Sale Establishment 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 Establishment 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 of a Beer/Wine/Cooler On-Sale Establishment use, and staff finds that public health, safety, and welfare will not be compromised. Therefore, staff recommends approval.

## 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 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 Establishment 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 the subject site is physically suitable to accommodate the proposed 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 proposed Beer/Wine/Cooler On-Sale Establishment use is located within an existing shopping center that is adequately served by South Decatur Boulevard, a 120-foot Primary Arterial, and Sahara Avenue, an 150-foot Primary Arterial, 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**

12

**ASSEMBLY DISTRICT** 42

**SENATE DISTRICT** 11

**NOTICES MAILED** 617 by City Clerk

**APPROVALS** 0

**PROTESTS** 0