



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 1, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-32994 - APPLICANT: AMVIN, LLC - OWNER: BECKER
AND SONS, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0-1/mb vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Restaurant with Service Bar use, if Approved.
2. Conformance to the conditions for Variance (VAR-32995) and Special Use Permit (U-0148-01), if approved.
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 Major Amendment to an approved Special Use Permit (U-0148-01) to allow a 1,000 square-foot expansion of an existing Restaurant with Service Bar located at 1974 North Rainbow Boulevard on the southeast corner of Rainbow Boulevard and Lake Mead Boulevard. There is an associated request for a Variance (VAR-32995) to allow 119 parking spaces where 126 are required on a parking impaired site.

Although the proposal meets all minimum Special Use Requirements, the expanded use will generate an additional requirement of nine parking spaces on a site that is already considered parking impaired and does not meet the current minimum parking requirements of Title 19.04. Staff is recommending denial of this request as the subject site is not physically suitable for the proposed expansion of the existing Restaurant with Service Bar use, as evidenced by the lack of required parking spaces. In addition, the expansion of the use will not be harmonious or compatible with adjacent commercial properties that may be used as overflow parking by customers of this site.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/03/84	The City Council approved a Rezoning (Z-0042-84) from N-U (Non-Urban) to C-1 (Limited Commercial) on the subject property as part of a larger request.
02/5/86	The City Council approved an extension of time [Z-0042-84(1)] for an approved Rezoning (Z-0042-84) on the subject site. The Planning Commission recommended approval.
02/4/87	The City Council approved an extension of time [Z-0042-84(2)] for an approved Rezoning (Z-0042-84) on the subject site. The Planning Commission recommended approval.
04/20/88	The City Council approved an extension of time [Z-0042-84(3)] for an approved Rezoning (Z-0042-84) on the subject site. The Planning Commission recommended approval.
09/12/89	The City Council approved a request for a Plot Plan and Building Elevation Review [Z-0042-84(4)] for a proposed Gas Station Convenience Store on the subject site.
04/8/90	The City Council approved an extension of time [Z-0042-84(5)] for an approved Rezoning (Z-0042-84) on the subject site. The Planning Commission recommended approval.
10/12/89	The Planning Commission approved a Site Development Plan Review [Z004284(4)] for the subject shopping center.

01/29/91	The City Council approved a request for a Special Use Permit [U-0023-91] to allow gasoline sales in conjunction with a proposed Convenience Store on the subject site.
04/03/91	The City Council approved a Special Use Permit (U-0274-90) to allow the sale of beer and wine for off-premise consumption in conjunction with a proposed Convenience Store; as well as a Tavern in conjunction with a proposed restaurant within the subject shopping center, including a Waiver to allow the tavern to be closer than 1500 feet to an existing Church.
07/22/91	The City Council approved a request for a Variance (V-0111-91) to allow 110 parking spaces where 121 parking spaces are required on property located at the southeast corner of Lake Mead Boulevard.
02/20/02	The City Council approved a request for a Special Use Permit (U-0148-01) to allow a Restaurant with Service Bar in conjunction with an existing restaurant at the subject location. The Planning Commission and staff recommended approval.
01/19/07	The City Council approved a Special Use Permit (SUP-19296) request for a proposed Auto Title Loan Establishment and a Waiver of the 200-foot distance separation requirement from residentially zoned property. The Planning Commission recommended approval and staff recommended denial.
02/26/09	The Planning Commission recommended approval of companion item VAR-32995 concurrently with this application. The Planning Commission voted 6-0-1/mb to recommend APPROVAL (PC Agenda Item #29/leh).
<i>Related Building Permits/Business Licenses</i>	
12/16/91	A building permit (#9112943) for a Tenant Improvement to an existing commercial building was issued for the subject restaurant.
07/09/96	A business license (#R07-00458) was issued for a Restaurant seating 45 or more at 1974 North Rainbow Boulevard. The license was reclassified to (#R09-01031) on 03/09/01. The license is currently active.
06/24/02	A business license (#L09-00186) was issued for a Beer/Wine/Cooler On-Sale Establishment at 1974 North Rainbow Boulevard. The license is currently active.
<i>Pre-Application Meeting</i>	
12/30/08	The requirements for a Variance and Special Use Permit application were discussed with the applicant.
<i>Neighborhood Meeting</i>	
A meeting was not held, nor was one required.	

<i>Field Check</i>	
01/21/09	Staff conducted a field check of the subject site and found it to be in operation as a restaurant within a 12,100 square-foot commercial center.

Details of Application Request	
Site Area	
Gross Acres	1.66

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	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single-Family Residences	ML (Medium Low Residential)	R-CL (Single Family Compact-Lot)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

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

* The subject property is located within the North Las Vegas Airport Overlay Map within the 140-foot height limitation contour. None of the buildings on the subject property extend beyond this limitation.

DEVELOPMENT STANDARDS

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
Restaurant, with Service Bar	1,485 SF	1:50 SF Public Area	30				
	1,515 SF	1:200 SF Non-Public	8				

Financial Institution, Specified	3,060 SF	1:250 SF	13				
Dry Cleaners	1,000 SF	1:250 SF	4				
Nail Salon	8 stations	2 per station	16				
Liquor Establishment (Tavern)	2,330 SF	1:50 SF Public Area	47				
			9				
	1,700 SF	1:200 SF Non-Public					
SubTotal			121	5	114	5	
TOTAL	12,100 sq. ft		126		119		N
Percent Deviation					6 %		N

ANALYSIS

This is a request for a Major Amendment to an approved Special Use Permit (U-0148-01) to allow a 1,000 square-foot expansion of an existing Restaurant with Service Bar located at 1974 North Rainbow Boulevard on the southeast corner of Rainbow Boulevard and Lake Mead Boulevard. There is an associated request for a Variance (VAR-32995) to allow 119 parking spaces where 126 are required on a parking impaired site.

The applicant proposes to expand the existing Restaurant with Service Bar into an adjacent retail storefront. There are seven separate commercial suites on the site; five are occupied, one is presently vacant. The five occupied suites are utilized as a Financial Institution, Specified, Dry Cleaners, the subject Restaurant with Service Bar, an 8 station Nail Salon and Liquor Establishment (Tavern). Although the proposal meets all minimum Special Use Requirements, the expanded use will generate an additional requirement of nine parking spaces on a site that is already considered parking impaired and does not meet the current minimum parking requirements of Title 19.04. Staff is recommending denial of this request as the subject site is not physically suitable for the proposed expansion of the existing Restaurant with Service Bar use, as evidenced by the lack of required parking spaces. In addition, the expansion of the use will not be harmonious or compatible with adjacent commercial properties that may be used as overflow parking by customers of this site.

- **Zoning**

The subject site is located within the Southwest Sector Plan of the General Plan and has a land use designation of SC (Service Commercial), which allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that 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.

The subject site is currently zoned C-1 (limited Commercial) district, which 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 thoroughfares 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. A Restaurant with Service Bar is a permitted use within the C-1 (Limited Commercial) district with the approval of the Special Use Permit.

- **Floor Plan**

The proposed 1,000 square-foot expansion to the existing 2,000 square-foot Restaurant with Service Bar consists of 544 square feet of additional public seating area and 456 square feet of additional non-public area, comprised of storage, office and restroom.

- **Use**

Title 19.04 describes the Restaurant with Service Bar as A bar wherein alcoholic beverage drinks are prepared for service only at tables in a restaurant and for consumption only in connection with a meal served on the premises, and where customers are not permitted to purchase alcoholic beverage drinks directly from the bar or for off-premise consumption.

- **Minimum Special Use Permit Requirements:**

1. No restaurant service bar 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 minimum 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 restaurant service bar 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 restaurant service bar. 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 a restaurant service bar 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 restaurant service bar will be located, without regard to intervening obstacles; or

b. In the case of a proposed restaurant service bar 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 restaurant service bar will be located, without regard to intervening obstacles.

4. When considering a Special Use Permit application for a restaurant service bar 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 requirement 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.

*6. In the O District, a restaurant service bar is permitted only as an accessory use.

*7. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

Although the proposal meets all minimum Special Use Requirements, the expanded use will generate an additional requirement of nine parking spaces on a site that is already considered parking impaired and does not meet the current minimum parking requirements of Title 19.04. Staff is recommending denial of this request as the subject site is not physically suitable for the proposed expansion of the existing Restaurant with Service Bar use, as evidenced by the lack of required parking spaces. In addition, the expansion of the use will not be harmonious or compatible with adjacent commercial properties that may be used as overflow parking by customers of this site.

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 expansion of the use will not be harmonious or compatible with adjacent commercial properties that may be used as overflow parking by customers of this site.

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

The proposed expansion to the subject use will generate an additional requirement of nine parking spaces on a site that is already considered parking impaired and does not meet the current minimum parking requirements of Title 19.04. Staff finds that the subject site is not physically suitable for the proposed expansion of the existing Restaurant with Service Bar use, as evidenced by the lack of required parking spaces.

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 accessed by driveways on Rainbow Boulevard, which is identified as a 80-foot Secondary Collector by the Master Plan of Streets and Highways, and on Lake Mead Boulevard, which is classified as a 100-foot Primary Arterial by the Master Plan of Streets and Highways. Both of these roadways are more than adequate to meet the demands of added traffic generated by this proposal, if approved.

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 proposed use is consistent with the General Plan and will be subject to state and City of Las Vegas business and licensing requirements and will be monitored to ensure public safety and welfare is protected.

5. The use meets all of the applicable conditions per Title 19.04.

The use fails to meet the Title 19.04 parking requirements and there is an associated application for a Variance (VAR-32995).

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

8

ASSEMBLY DISTRICT 37

SENATE DISTRICT 3

NOTICES MAILED 692 by City Clerk

APPROVALS 1

PROTESTS 0