

**AGENDA MEMO****CITY COUNCIL MEETING DATE: APRIL 21, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: APPLICANT: YEON MUN, LLC - OWNER: BIOTRON I, LLC**

**** CONDITIONS ****

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

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit to allow a Beer/Wine/Cooler On-Sale Establishment within a former 3,888 square-foot restaurant at 8427 West Lake Mead Boulevard. The Beer/Wine/Cooler On-Sale Establishment use will be in conjunction with the restaurant. The applicant is requesting a waiver to allow a 40-foot distance separation from a school where 400 feet is required. The school is located across Scholar Lane, a 40-foot Local Street where there is direct access from the commercial shopping to the school.

As this request cannot be conducted in a compatible and harmonious manner with the surrounding land uses, and due to the waiver request of the distance separation, staff is recommending denial of this application. If the application is denied, the subject site will remain as a restaurant that cannot sell beer or wine on the premises.

ISSUES

- There is direct access from the commercial shopping center to the school along Scholar Lane.
- A Special Use Permit for a proposed Pub, Bar, and Lounge was previously approved on the subject site, which is located within a shopping center. All previous alcohol-related business licenses have expired. The Special Use Permit expired 11/06/08.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
05/20/93	The Summerlin Referral Group approved a request for a review (SV-0013-93) of the Pueblo at Summerlin commercial center located at the southwest corner of Lake Mead Boulevard and Scholar Lane in Summerlin Village 2.
07/25/94	The Summerlin Referral Group approved a request for a review (SV-0012-94) of a proposed retail pad site, located at the southwest corner of Lake Mead Boulevard and Scholar Lane in Summerlin Village 2 Commercial Center.
08/17/94	The City Council approved a request for a Special Use Permit (U-0178-94) for a Restaurant Service Bar in a proposed restaurant on property located at 8427 West Lake Mead Boulevard. The Board of Zoning Adjustment recommended approval.
04/30/02	A deed was recorded for change of ownership.

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06/07/06	The City Council approved a request for a Special Use Permit (SUP-12348) for a proposed Pub, Bar & Lounge in conjunction with an existing restaurant at 8427 West Lake Mead Boulevard. The Planning Commission and staff recommended approval
03/25/10	The Planning Commission (6-1 vote/rt) recommended APPROVAL (PC Agenda Item #24/ao).
<i>Related Building Permits/Business Licenses</i>	
11/01/94	A business license (A15-00033) was issued for arts and crafts at 8427 West Lake Mead Boulevard. The license was marked out of business on 01/23/08.
11/09/01	A building permit (#1019745) was issued for a tenant improvement at 8427 West Lake Mead Boulevard. The permit expired on 07/06/02.
09/27/05	A business license (R09-01314) was issued for Beer/Wine/Cooler On-Sale at 8427 West Lake Mead Boulevard. The license was marked out of business on 02/15/08.
07/07/06	A business license (L09-00227) was issued for Beer/Wine/Cooler On-Sale at 8427 West Lake Mead Boulevard. The license was marked out of business on 05/06/08.
02/04/10	A business license (R09-94024) application was submitted for a restaurant at 8427 West Sahara Suite. The license is pending an approval from the Planning and Development Department.
02/04/10	A business license (L09-94023) application was submitted for a Beer/Wine/Cooler On-Sale at 8427 West Lake Mead Boulevard. The license is pending an approval from the Planning and Development Department.
<i>Pre-Application Meeting</i>	
01/25/10	A pre-application meeting was held with the applicant, where the submittal requirements for a Special Use Permit were discussed. Topics included: • A Waiver of the 400-foot minimum distance separation requirement from a School (The Meadows Private School). • A revised justification letter to address the days and hours of operation and to request a waiver for distance separation of 40 feet, where 400 feet is required. • A revised site plan needs to be submitted to scale. • A revised floor plan needs to be submitted to scale, include seating area square-footage, non-seating square-footage and total square-footage. • The minimum seating requirement is 45 seats/stools. • Beer wine or coolers must be served with meals.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	
<i>Field Check</i>	
02/18/10	During a routine site inspection performed by staff, the subject property was noted as a well maintained suite within a shopping center.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.42

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Strip Center	SC (Service Commercial)	P-C (Planned Community)
North	Commercial Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Apartments	VC (Village Center)	P-C (Planned Community)
East	Single Family Residential	SF2 (Single Family Detached)	P-C (Planned Community)
West	Commercial Center	VC (Village Center)	P-C (Planned Community)

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

DEVELOPMENT STANDARDS

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	34,600 SF	1:250	133	5	142	6	Y
TOTAL	34,600 SF		138		148		Y

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Waivers		
Requirement	Request	Staff Recommendation
A 400-foot distance separation from of any church, synagogue, school, and child care facility licensed for more than 12 children, or City Park.	40 Feet from an existing school	Denial

ANALYSIS

This request is for a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment use within a former 3,888 square-foot restaurant located at 8427 West Lake Mead Boulevard. The subject site use is located within the Summerlin Master Plan area. According to the Summerlin Development Standards “if any issue pertaining to land use and development that may arise in connection with these Development Standards, and that are not addressed or provided for specifically in these standards or a development agreement entered in pursuant Section 19.06.030 of the City of Las Vegas Zoning Code (Title 19 of the Las Vegas Municipal Code), the applicable regulations and standards contained in City of Las Vegas Zoning Ordinance will apply. The “Pubs, Bars & Lounges” use per the Summerlin Development Standard is comparable to that of “Beer/ Wine/ Cooler On-Sale” use of Title 19, and requires an approval of the Special Use Permit. A new restaurant is proposed to occupy this space.

Beer and wine will be sold in conjunction with meals on the premises for up to 85 people at any one time at tables or stools. The hours of operation for the proposed restaurant are Monday through Friday, 11 a.m. to 11 p.m. and 12:30 p.m. to 11 p.m. Saturday and Sunday.

The site was previously approved for a Special Use Permit for a Pub, Bar & Lounges use which expired because the license for the Beer/Wine/Cooler On-Sale Establishment had expired for more than six months. The addition of the Beer/Wine/Cooler On-Sale Establishment use will not increase the intensity of the use. The subject site is part of a 34,600 square-foot shopping center, and parking is calculated at one space per 250 square feet; as a result, the subject site has adequate parking and the addition of the proposed use will not yield an increased parking requirement.

The proposed use cannot be conducted in a manner that is compatible with surrounding land uses as it is located approximately 40 feet from a school, a protected use that requires a minimum 400-foot distance separation. In addition, there is direct access from the proposed use location to the school. There are no other Beer/Wine/Cooler On-Sale Establishments in the 400-foot radius area. Staff cannot support the request for a Waiver, and is recommending denial 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 use cannot be conducted in a manner that is harmonious and compatible with the existing surrounding land uses because it is located approximately 40 feet from a School, a protected use that requires a minimum 400-foot distance separation from this proposed use.

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

The subject site is physically suitable for the type and intensity of land use proposed; however, it does not meet the minimum 400-foot distance separation required from a school.

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 west Lake Mead Boulevard, a 100-foot Primary Arterial, and Scholar Lane, a 40-foot Right of Way as designated in the Master Plan of Streets and Highways. These streets are adequate in size to accommodate the proposed use.

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.”

It will not compromise the public health, safety, or welfare as the use is subject to licensing and inspections by the City of Las Vegas.

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

The proposed Beer/Wine/Cooler On-Sale Establishment use does not meet all of the applicable conditions per Title 19.04. It is located approximately 40 feet from a protected use (School) where 400 feet is required.

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PLANNING COMMISSION ACTION

There was one speaker in protest at the Planning Commission hearing.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

NOTICES MAILED 970 (By City Clerk)

APPROVALS 2

PROTESTS 12