



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 7, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: LUIS CASTILLO - OWNER: D.I. PROPERTIES, INC.

** STAFF RECOMMENDATION(S) **

The Planning Commission (7-0 vote) and Staff recommend APPROVAL, subject to conditions:

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-38028	Staff recommends APPROVAL, subject to conditions:	
SUP-38029	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-38028 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Billiard Parlor or Pool Hall use.
2. Conformance to the approved conditions for Rezoning (ZON-3371) and Site Development Plan Review (SDR-3372) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the subject suite on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
5. These Conditions of Approval shall be affixed to the cover sheet of the plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-38029 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. Conformance to the approved conditions for Rezoning (ZON-3371) and Site Development Plan Review (SDR-3372) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the subject suite on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
5. These Conditions of Approval shall be affixed to the cover sheet of the plan set submitted for building permit.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. 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

These requests are for a Billiard Parlor or Pool Hall and Beer/Wine/Cooler On-Sale Establishment at 3050 East Bonanza Road, Suite #190. The subject site is a vacant suite located within a recently constructed shopping center, which is designed to accommodate a variety of retail and food related uses. As there are no protected uses located within the minimum 400-foot distance separation required for the Beer/Wine/Cooler On-Sale Establishment use, and both of the proposed uses can be conducted in a manner that is compatible with the adjacent surrounding uses, staff is recommending approval of the requests for Special Use Permits.

ISSUES

- A Liquor Establishment, Tavern was originally requested by the applicant; however, the use is not permitted at the subject location as there are protected uses, including a church/house of worship and child care facilities, located within the minimum 1,500-foot distance separation required. This required distance separation is not waivable, per Title 19.04.
- A Beer/Wine/Cooler On-Sale Establishment requires that the sale of alcohol is limited to beer, wine and coolers for consumption only in connection with a meal on the premises in conjunction with a restaurant serving a minimum of 45 persons at tables or stools. The restaurant itself will have 44 seats, with additional seating available at the bar.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/07/04	The City Council approved a request for a Site Development Plan Review (SDR-3275) for a proposed animal shelter and veterinary complex on 9.5 acres adjacent to the southwest corner of Harris Avenue and Mojave Road. The Planning Commission recommended approval on 12/04/03.
02/04/04	The City Council approved a request to amend a portion of the Southeast Sector Plan of the General Plan (GPA-3370) from PF (Public Facilities) to SC (Service Commercial) on 4.76 acres adjacent to the northwest corner of Bonanza Road and Mojave Road. The Planning Commission recommended approval on 01/08/04.
02/04/04	The City Council approved a request for Rezoning (ZON-3371) from C-V (Civic) to C-1 (Limited Commercial) on 4.76 acres adjacent to the northwest corner of Bonanza Road and Mojave Road. The Planning Commission recommended approval on 01/08/04.

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02/04/04	The City Council approved a request for a Site Development Plan Review (SDR-3372) and Waivers to allow a 10-foot rear yard setback where 20 feet is the minimum setback required; two loading zones where three are required; and a 10-foot wide loading zone where 15 feet is required for a proposed 43,349 square-foot Retail Center and 8,995 square-foot Auto Service building on 4.76 acres adjacent to the northwest corner of Bonanza Road and Mojave Road. The Planning Commission recommended approval on 01/08/04.
10/18/06	The City Council approved a request for an Extension of Time (EOT-16475) of an approved Rezoning (ZON-3371) from C-V (Civic) to C-1 (Limited Commercial) on 4.76 acres adjacent to the northwest corner of Bonanza Road and Mojave Road.
07/16/08	The City Council approved a request for a Major Amendment (SDR-27920) to an approved Site Development Plan Review (SDR-3372) for a proposed 3,264 square-foot restaurant with drive through on 4.76 acres at 3040 East Bonanza Road. The Planning Commission recommended approval on 06/12/08.
10/15/08	The City Council approved a request for a Special Use Permit (SUP-29227) for a 5,000 square-foot retail establishment with accessory package liquor off-sale in an approved shopping center at the northwest corner of Bonanza Road and Mojave Road. The Planning Commission and staff recommended approval.
05/27/10	The Planning Commission (7-0 vote) recommended APPROVAL of companion items SUP-38028 and SUP-38029 concurrently (PC Agenda Items 47-48/sg).

Most Recent Change of Ownership

03/29/04	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

02/13/07	A building permit (7000574) was issued for a retail shell building (building "E") at 3050 East Bonanza Road. The permit was completed on 11/13/08.
03/08/10	An application for a building permit for tenant improvement was submitted for 3050 East Bonanza Road, Suite #190. The permit is still under review and pending approval of these Special Use Permit requests.

Pre-Application Meeting

03/30/10	A pre-application meeting was held to discuss submittal requirements for a Billiard Parlor or Pool Hall and for a Beer/Wine/Cooler On-Sale Establishment. The applicant had requested a Liquor Establishment, Tavern use at the site, but as there are both school and child care facilities located within the minimum required 1,500-foot distance separation distance, a Tavern is not permitted.
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Neighborhood Meeting

A neighborhood meeting was neither required nor held for these requests.

Field Check

04/27/10

A field check was conducted by staff. The subject site is a vacant suite within a relatively new, well maintained shopping center.

Details of Application Request**Site Area**

Net Acres 4.70

Surrounding Property	Existing Land Use Per Title 19.04	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Fire Training Center and Animal Shelter	PF (Public Facilities)	C-V (Civic)
South	Condominiums	Medium Density Residential	R-3 (Medium Density Residential)
	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
East	City of Las Vegas Maintenance and Storage Yards	PF (Public Facilities)	C-V (Civic)
West	Multi-family (Housing Authority)	M (Medium Density Residential)	R-3 (Medium Density Residential)

Master Plan Areas	Yes	No	Compliance
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

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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	
Shopping Center	50,093 SF	1:250	201		215		Y
TOTAL SPACES REQUIRED			201		215		Y
TOTAL (With Handicapped)			194	7	208	7	Y

ANALYSIS

The subject site is a vacant suite located within a recently constructed shopping center, which will contain other similar food related and retail uses. A Liquor Establishment, Tavern was originally requested by the applicant; however, the use is not permitted at the subject location as there are protected uses, including a church/house of worship and child care facilities, located within the minimum 1,500-foot distance separation required. This required distance separation is not waivable, per Title 19.04.

A Beer/Wine/Cooler On-Sale Establishment requires that the sale of alcohol be limited to beer, wine and coolers for consumption only in connection with a meal on the premises in conjunction with a restaurant serving a minimum of 45 persons at tables or stools. The restaurant area itself will have 44 seats, with additional seating available at the bar in the pool hall area. There are no minimum Special Use Permit Requirements for a Billiard Parlor or Pool Hall.

As there are no protected uses located within the minimum 400-foot distance separation required for the Beer/Wine/Cooler On-Sale Establishment use, and both of the proposed uses can be conducted in a manner that is compatible with the adjacent surrounding uses, staff is recommending approval of the requests.

FINDINGS (SUP-38028)

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.**

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The proposed use will be located within a shopping center site with other retail and food related uses. It can be conducted in a manner that is compatible and harmonious with the surrounding adjacent uses.

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

The subject site is a shopping center site that has been designed to accommodate a variety of uses. It is physically suitable for the type and intensity of 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.

The site is accessed via Bonanza Road and Mojave Road, both classified as 100-foot Primary Arterials by the Master Plan of Streets and Highways. These streets are adequate to meet the requirements of 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 be inconsistent with or compromise the health, safety, and welfare of the general public as the use is subject to permitting and licensing reviews. It is consistent with the overall objectives of the General Plan as the use is permitted in the SC (Service Commercial) land use designation.

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

The use complies with all applicable conditions of Title 19.04.

FINDINGS (SUP-38029)

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 use will be located within a shopping center site with other retail and food related uses. It can be conducted in a manner that is compatible and harmonious with the surrounding adjacent uses.

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

The subject site is a shopping center site that has been designed to accommodate a variety of uses. It is physically suitable for the type and intensity of 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.

The site is accessed via Bonanza Road and Mojave Road, both classified as 100-foot Primary Arterials by the Master Plan of Streets and Highways. These streets are adequate to meet the requirements of 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 be inconsistent with or compromise the health, safety, and welfare of the general public as the use is subject to permitting and licensing reviews. It is consistent with the overall objectives of the General Plan as the use is permitted in the SC (Service Commercial) land use designation.

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

The use complies with all applicable conditions of Title 19.04, including all minimum required distance separation requirements.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

17

NOTICES MAILED

195 (By City Clerk)

APPROVALS

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PROTESTS

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