



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 14, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-36782 - APPLICANT: SB LAS VEGAS, LLC - OWNER: SUMMERHILL PLAZA PARTNERS, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

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 proposed restaurant at 7541 West Lake Mead Boulevard, Suite #110. The Beer/Wine/Cooler On-Sale Establishment use will be ancillary to the restaurant. The applicant is requesting a Waiver to allow a 120-foot separation distance from a park where 400 feet is required. The Waiver is appropriate as the park is located across Lake Mead Boulevard, a 100-foot primary Arterial, and is located within a large commercial stopping center containing other similar uses.

As this request can be conducted in a compatible and harmonious manner with the surrounding land uses, staff is recommending approval 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.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
2/07/96	The City Council approved a request for a Zoning Reclassification (Z-107-95) a of property located on the southeast corner of Buffalo Drive and Lake Mead Boulevard from N-U (Non-Urban) (under Resolution of Intent to C-1 and R-E) and C-1 (Limited Commercial) to C-1 (Limited Commercial) zoning for a proposed use of a 41,624 Square Foot Commercial Shopping Center, Two 24,000 Square Foot Two-Story Medical Office Buildings and Two-Story Mini-Storage Facility. Planning Commission recommended approval of the request.
03/24/97	The City Council approved a request for a Special Use Permit (U-0004-97) for Beer/Wine/Cooler On Sales and Packaged Liquor Off-Sale Establishment in conjunction with a proposed gourmet market and restaurant - N-U (Non-Urban) under Request of Intent (ROI) to C-1 (Limited Commercial) on a property located at 7501 West Lake Mead Boulevard. The Board of Zoning Adjustment recommended approval of the request.
7/14/97	The City Council approved a request for a Special Use Permit (U-0052-97) for Beer/Wine/Cooler On-Sale Establishment in conjunction with a proposed restaurant U (Undeveloped) zone under Resolution Of Intent to C-1 on property located at 7531 West Lake Mead Boulevard. Planning Commission recommended approval of the request.
3/06/02	The City Council approved a request for a Special Use Permit (U-0160-01) and Waiver of the 400-foot minimum separation requirement from a City Park for a Restaurant Service Bar at 7531 West Lake Mead Boulevard Suite #1. Planning Commission recommended approval of the request on.

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01/09/08	The City Council approved a request for a Special Use Permit (SUP-25255) request for a proposed Secondhand Dealer at 7501 West Lake Mead Boulevard, Suite #118. Planning Commission and staff recommended approval of the request.
<i>Related Building Permits/Business Licenses</i>	
02/12/97	A building permit (#97003111) was issued for onsite improvements at 7541 West Lake Mead Boulevard. The permit expired on 02/14/98.
06/02/97	A building permit (#97011257) was issued for tenant improvements at 7541 West Lake Mead Boulevard. The permit was completed on 12/24/97.
06/19/97	A building permit (#97012566) was issued for tenant improvements at 7541 West Lake Mead Boulevard. The permit expired on 02/21/98.
06/30/97	A building permit (#97013220) was issued for tenant improvements at 7541 West Lake Mead Boulevard. The permit expired on 11/22/98.
07/01/97	A building permit (#97013368) was issued for tenant improvements at 7541 West Lake Mead Boulevard. The permit expired on 11/22/98.
11/05/97	A building permit (#97022373) was issued for tenant improvements at 7541 West Lake Mead Boulevard. The project completed on 12/22/97.
12/03/97	A building permit (#97024124) was issued for tenant improvements at 7541 West Lake Mead Boulevard. The permit expired on 06/20/98.
08/29/97	A business license (R07-00287) was issued for a restaurant with less than 45 seats at 7541 West Lake Mead Boulevard, Suite 120. The license is still active.
03/05/98	A business license (R09-00842) was issued for a restaurant with 45 seats or more at 7541 West Lake Mead Boulevard, Suite 100. The license is still active.
03/12/01	A building permit (#1004001) was issued for remodeling at 7541 West Lake Mead Boulevard. The permit expired on 09/22/01.
04/23/03	A building permit (#3008219) was issued for tenant improvements at 7541 West Lake Mead Boulevard. The permit expired on 11/29/03.
04/23/03	A building permit (#3007344) was issued for interior demolition at 7541 West Lake Mead Boulevard. The permit expired on 10/11/03.
06/26/03	A business license (F07-01779) was issued for a furniture store at 7541 West Lake Mead Boulevard, Suite 2. The license was marked out of business on 10/22/07.
03/11/05	A building permit (#5001545) was issued for tenant improvements and remodeling at 7541 West Lake Mead Boulevard. The permit expired on 09/10/05.
12/08/08	A business license (R09-01478) was issued for a restaurant with 45 seats or more at 7541 West Lake Mead Boulevard, Suite #110. The license was marked expired on 12/15/09.

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<i>Pre-Application Meeting</i>	
11/14/09	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' minimum distance separation requirement from a City Park (Bettye Wilson Soccer Complex - approximately 115 feet) is required). • No additional parking is required for the site. • Any proposed fencing of a patio area would require approval of a separate building permit.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
12/08/09	During a routine site inspection performed by staff, the subject property was noted as a well maintained commercial development.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	8.64

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Commercial Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single Family Residential/ Condominium	ML (Medium Low Density Residential)/ M (Medium Density Residential)	R-CL (Single-Family Compact Lot)/R-PD15 (Residential Planned Development – 15 Units per Acre)
East	Commercial Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residential	M (Medium Density Residential)	P-C (Planned Community)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (175 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

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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	
Commercial Shopping Center	102,987 S.F.	1:250	403	9	510	11	Y
TOTAL			412		521		

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 .	120 Feet	Approval

ANALYSIS

This request is for a Special Use Permit for a proposed Beer/Wine/Cooler On-Sale Establishment for a proposed restaurant at 7541 West Lake Mead Boulevard, Suite #110. The beer and wine will be sold in conjunction with meals inside and outside of the restaurant. The total square footage of the restaurant is 2,310 square feet of interior seating for 32 patrons, and a proposed patio area of 250 square feet seating 28 patrons. The hours of operation for the proposed restaurant are Monday through Sunday, 10 a.m. to 10 p.m.

The proposed location is part of an established shopping center at the northeast corner of Lake Mead Boulevard and Buffalo Drive, which 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.

As part of this request, the applicant is asking for a Waiver of the 400-foot distance separation requirement because the proposed restaurant is located approximately 120 feet away from a protected use (a park). The Waiver is appropriate as the park is located across Lake Mead Boulevard, a 100-foot primary Arterial, and is located within a large commercial stopping center containing other similar uses. The addition of a Beer/Wine/Cooler On-Sale Establishment use is ancillary to the proposed restaurant, it can be conducted in a manner that is harmonious and compatible with existing surrounding land uses. 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 land use can be conducted in a manner that is harmonious and compatible with the surrounding uses.

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

The subject site is physically a large commercial shopping center, and is 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.”**

Site access is provided from Lake Mead Boulevard, a 100-foot Primary Arterial, and Buffalo Drive, a 100-foot Primary Arterial as designated in the Master Plan of Streets and Highways. These streets provide adequate access to and from the subject property.

- 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. The use is consistent with the existing SC (Service Commercial) General Plan designation.

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

The proposed Beer/Wine/Cooler On-Sale Establishment use does meet the applicable conditions per Title 19.04, with the exception of the requested Waiver.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

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