



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JUNE 24, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: SB FORT APACHE, LLC - OWNER: LAKES PLAZA, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-38244	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-38244 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Beer/Wine/Cooler On-Sale Establishment use.
2. No outdoor seating shall be permitted at this location.
3. No exterior signage shall be permitted that advertises any type of alcohol products.
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. 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.
6. These Conditions of Approval shall be affixed to the cover sheet of the plan set submitted for building permit.

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7. Approval of this Special Use Permit does not constitute approval of a liquor license.
8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
9. 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 9101 West Sahara Avenue, Suite #109. The restaurant is 2,186 square feet in size with seating for 57 people. The Beer/Wine/Cooler On-Sale use will be ancillary to the proposed restaurant. The proposed use will not require additional parking beyond that which is required for the restaurant use on the site. The proposed use meets all minimum Special Use Requirements of Title 19.04 requirements, with the exception of the 400-foot distance separation from a child care facility licensed for more than 12 children. The applicant is requesting a Waiver to allow a 120-foot distance separation from a child care facility licensed for more than 12 children. As Conditioned, staff recommends approval of this request as it can be conducted in a manner that is compatible with the surrounding uses and the requested Waiver is minor in nature. If this application is denied the proposed restaurant would remain.

ISSUES

- The proposed use is within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City Park. A Waiver for the distance separation is required.
- Staff recommends that there be no outdoor seating or exterior advertising of alcoholic beverages, due to the proximity to a licensed child care facility.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
03/06/85	The City Council approved the Rezoning (Z-0004-85) of property generally located south of Sahara Avenue, between Fort Apache Road and Durango Road, from: N-U (Non-Urban) (Under Resolution of Intent to R-PD7, R-PD23, P-R, C-1 and C-V), to: R-PD4 (Residential Planned Development), R-PD23 (Residential Planned Development) and C-1 (Limited Commercial). Planning Commission and staff recommended approval.
10/27/94	The Planning Commission approved a Plot Plan and Elevation Review (Z-0004-85(2)) for a 60,000 square-foot grocery store with 11,200 square feet of attached retail shops and a 10,000 retail pad site. Staff recommended approval.

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<i>Most Recent Change of Ownership</i>	
02/21/1996	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
04/12/96	A building permit (96007232) was issued for a shell building at 9101 West Sahara Avenue. The permit was finalized 12/03/96.
10/09/96	A building permit (96020387) for 9101 West Sahara Avenue Suite #108 was issued for a 90 day Temporary Certificate of Occupancy. The permit expired on 01/20/97.
11/26/96	A building permit (96023494) for 9101 West Sahara Avenue Suite #108 was issued for a Tenant Improvement. The permit was finalized on 02/24/97.
01/14/97	A business license (T07-00539) at 9101 West Sahara Avenue Suite #108 was issued for a Travel & Ticket Agency. The license was marked out of business on 08/04/09.
12/02/99	A building permit (99023059) for 9101 West Sahara Avenue Suite #109 was issued for a Tenant Improvement. The permit was finalized on 02/04/00.
06/07/07	A business license (M21-00814) at 9101 West Sahara Avenue Suite #109 was issued for a Merchandise Broker. The license has not been marked out of business, but the suite is being combined with suite #108.
06/07/07	A business license (T18-00666) at 9101 West Sahara Avenue Suite #109 was issued for Miscellaneous Telephone sales. The license has not been marked out of business, but the suite is being combined with suite #108.
01/12/10	A building permit (154508) was issued for 9101 West Sahara Avenue Suite #109 for demolition of the demising walls to combine suite #108 and #109.
04/01/10	A building permit (159794) for 9101 West Sahara Avenue Suite #109 was issued for a Tenant Improvement for a Certificate of Occupancy. The permit is still open.
04/05/10	A building permit (160129) was issued for 9101 West Sahara Avenue Suite #109 for four wall signs. The permit is still open.

<i>Pre-Application Meeting</i>	
04/15/10	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment within a Restaurant. The topics included: • The submittal of application materials, meeting dates, and deadlines were discussed. • The proposed use is within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City Park. • A Waiver for the distance separation is required. • There shall be no outdoor seating.

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<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
05/20/10	A field inspection was conducted by staff. The subject property was noted as a well maintained commercial center.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.07

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single-Family Residential	ML (Medium-Low Density Residential)	R-CL (Single Family Compact-Lot)
East	General Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	General Retail	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
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	142,242 SF	1:250 SF	569		673		Y
TOTAL SPACES REQUIRED			569		673		Y
TOTAL (With Handicapped)			557	12	646	27	Y

Waivers		
Requirement	Request	Staff Recommendation
400-foot distance separation from a Child Care Facility.	Allow a 120-foot distance separation from a Child Care Facility.	Approval

ANALYSIS

The applicant is proposing a Beer/Wine/Cooler On-Sale Establishment within a proposed 2,186 square-foot restaurant at 9101 West Sahara Avenue, Suite #109. A Beer/Wine/Cooler On-Sale Establishment use is defined by Title 19.20.020 as “an establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers to consumers 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.”

The proposed Beer/Wine/Cooler On-Sale Establishment use meets all minimum Special Use Requirements of Title 19.04 requirements, with the exception of the 400-foot distance separation from a child care facility licensed for more than 12 children. The applicant is requesting a Waiver to allow a 120-foot distance separation from a child care facility licensed for more than 12 children. Staff recommends approval of this request, as conditioned as it can be conducted in a manner that is compatible with the surrounding uses. The Beer/Wine/Cooler On-Sale Establishment use is separated from the child care facility by Fort Apache Road, which is a 100-foot Primary Arterial Street, and conditions have been added regarding outdoor seating and exterior signage to ensure that all activities related to the sale of alcoholic beverages are contained within the building.

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FINDINGS (SUP-38244)

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 use will be located within a 2,186 square-foot restaurant and will be ancillary to the proposed restaurant. The proposed use can be conducted in a manner that is harmonious and compatible with the uses on the existing site and with the commercial uses on the adjacent properties.

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

The subject site is a 142,242 square-foot commercial shopping center, and is suitable for the type and intensity of land use proposed. The proposed use will not require additional parking beyond that which is required for the principal use on the site.

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 Fort Apache Road, a 100-foot Primary Arterial, and Sahara Avenue, 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.

Approval of a Special Use Permit for this use 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 meets the applicable conditions per Title 19.04, with the exception of the requested Waiver. Conditions have been added to mitigate any negative effects of the requested Waiver.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 1,248

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