



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: GREAT WASH PARK, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-39146	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-39146 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Liquor Establishment (Tavern) use.
2. Conformance to the conditions for Rezoning (ZON-5653), Special Use Permit (SUP-5853) and Site Development Plan Review (SDR-10770) if approved.
3. This approval shall be void two years from the date of final approval, unless a business license has been issued to conduct the activity. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
September 23, 2010 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a 6,630 square-foot Liquor Establishment (Tavern) use at 440 South Rampart Boulevard, Suite #180. The proposed use will be located in a Mixed-Use Development that is currently under construction. The Liquor Establishment (Tavern) use complies with all Title 19.04 requirements and can be conducted in a manner that is harmonious and compatible with existing surrounding development and land uses; therefore, staff recommends approval with conditions. If this application is denied, the proposed Liquor Establishment (Tavern) use cannot be located within the subject site, nor can a business license be obtained for the use at this location.

ISSUES

- A Liquor Establishment (Tavern) use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- Waivers to allow distance separations of zero feet from another Liquor Establishment (Tavern) and 141 feet from a City Park where 1,500 feet and 400 feet is required, respectively, are required for approved of the Special Use Permit for the Liquor Establishment (Tavern) use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/26/98	The City Council approved a Rezoning (Z-0127-97) from U (Undeveloped) zone, M (Medium Density Residential) and SC (Service Commercial) General Plan Designation), under Resolution of Intent to R-PD16 (Residential Planned Development – 16 Units per Acre), to C-2 (General Commercial) at the northeast corner of the intersection of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval of the request.
03/02/05	The City Council approved a request for a Site Development Plan Review (SDR-5657) to allow a Mixed-Use development to include 700,000 square feet of commercial space and 375 residential condominium units in one 10-story and two five-story residential condominium buildings on 30.21 acres adjacent to the northeast corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval of the request.
	The City Council approved a request for a Special Use Permit (SUP-5853) to allow a proposed Mixed-Use commercial and residential development adjacent to the northeast corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval of the request.

Staff Report Page Two
September 23, 2010 - Planning Commission Meeting

04/19/06	The City Council approved a request for a Variance (VAR-10773) to allow 3,955 parking spaces where 4,961 parking spaces is the minimum number of parking spaces required for a proposed Mixed-Use development on 28.69 acres at 8750 Alta Drive. The Planning Commission recommended approval, but staff recommended denial of the request.
	The City Council approved a request for a Site Development Plan Review (SDR-10770) for a 10-story Mixed-Use development consisting of 699,000 square feet of commercial space and 340 residential units on 28.69 acres 8750 Alta Drive. The Planning Commission recommended approval, but staff recommended denial of the request.
06/06/07	The City Council approved a Review of Condition (ROC-21668) to modify Condition Number 9 of an approved Site Development Plan Review (SDR-10770) which stated that all perimeter landscape buffers shall comply with the minimum requirements listed in Title 19.12. Tree spacing within the buffers shall conform to the minimum requirements listed in Title 19.12. To allow a four-foot landscape buffer along the south property line where eight feet is the minimum required for an approved mixed-use development on 28.69 acres at 420 South Rampart Boulevard. Staff recommended approval of the request.
07/12/07	The Planning Commission approved a Tentative Parcel Map (TMP-20197) for a 324 unit Mixed-Use development on 28.62 acres at 302 South Rampart Boulevard. Staff recommended approval of the request.
10/01/08	The City Council approved a request for a Special Use Permit (SUP-28998) for a Supper Club and a Waiver to allow a 141-foot separation from a City Park where 400 feet is the minimum required at the northeast corner of Rampart Boulevard and Alta Drive. The Planning Commission and staff recommended approval of the request.
12/17/08	The City Council approved a request for a Special Use Permit (SUP-30583) for a proposed 12,195 square-foot Supper Club and a Waiver to allow a distance separation from a City Park where 400 feet is the minimum required at 440 South Rampart Boulevard, Suite #8120. The Planning Commission and staff recommended approval of the request.
07/01/09	The City Council approved a request for a Special Use Permit (SUP-34175) for a proposed Liquor Establishment, Tavern with a Waiver to allow a zero-foot distance separation from a similar use and a 141-foot distance separation from a City park where 1,500 feet is the minimum required at 330 South Rampart Boulevard, Suite #215. The Planning Commission and staff recommended approval of the request.

Most Recent Change of Ownership

01/16/04	A deed was recorded for a change in ownership.
----------	--

Staff Report Page Three
September 23, 2010 - Planning Commission Meeting

<i>Related Building Permits/Business Licenses</i>	
There is no business license history at 440 South Rampart Boulevard, Suite #180, since the building has not received its final certificate of occupancy.	
02/23/09	A Building Permit (#07002891) was issued for a renewal of a permit for a certificate of occupancy for Building #8 at 440 South Rampart Boulevard.

<i>Pre-Application Meeting</i>	
07/28/10	A pre-application meeting was held with the applicant where elements of submitting a Special Use Permit for a Liquor Establishment (Tavern) were discussed. The topic included: • A waiver is required due to the proximity of the similar use and a City Park, pursuant to Minimum Special Use Permit requirement Number 5d. • The proposed use is located within a mixed-use development.

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

<i>Field Check</i>	
08/19/10	A site visit was conducted by staff and noted that the subject site for this application is currently under construction.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	28.69

<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	Mixed-Use Development (under construction)	GC (General Commercial)	C-2 (General Commercial)
North	Angel Park	PR-OS (Parks/Recreation and Open Space)	C-V (Civic)
South	Shopping Center	SC (Service Commercial)	PD (Planned Development)

Staff Report Page Four
September 23, 2010 - Planning Commission Meeting

East	Single-Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
West	Casino	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	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails	X		Y
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

DEVELOPMENT STANDARDS

<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Primary Arterial – Rampart Boulevard	Master Plan of Streets and Highways	100	Y
Secondary Collector – Alta Drive		80	Y

Pursuant to Title 19.04 and 19.10, the following parking standards apply:

<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	
Mixed-Use	794,482 SF & 340 Residential Units	Case-by case basis (when originally approved)					
TOTAL SPACES REQUIRED			4,961		3,955		
Regular and Handicap Spaces Required			4,891	70	3,895	60	Y*

*Per approved Variance (VAR-10773).

Staff Report Page Five
September 23, 2010 - Planning Commission Meeting

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
1,500-foot distance separation from other Liquor Establishment (Tavern) and City Park	To allow distance separation of zero feet from other Liquor Establishment and 141 feet from City Park.	Approval

ANALYSIS

The Liquor Establishment (Tavern) use is defined by Title 19.20 as a facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold.

The applicant is requesting Waivers of the required 1,500-foot distance separation from a similar use and from a City Park, pursuant to Minimum Special Use Permit requirement Number 5d. The first Waiver is from a similar use and requires a zero-foot distance separation, as there are taverns located at the adjacent Angel Park Golf Club and also within the subject Mixed-Use development, as approved through Special Use Permit (SUP-34175). The second Waiver is from a City Park, which is approximately 141 feet from the proposed Tavern. There was a previous Special Use Permit (SUP-34175) for a Liquor Establishment (Tavern) use within the Mixed-Use development.

As the proposed Liquor Establishment (Tavern) will be located within the Mixed-Use development, the distance separation requirement can be waived per Title 19.04. The development has a minimum net site area of 28.69 acres and the minimum is 15 acres. The Mixed-Use development has a gross floor area of nonresidential space greater than 250,000 square feet. The proposed Liquor Establishment (Tavern) is a compatible use with neighboring commercial and residential uses within the approved Mixed-Use development. The proposed use will be compatible and harmonious with the existing uses and future surrounding land uses; therefore, staff recommends approval with conditions.

FINDINGS (SUP-39146)

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.**

Staff Report Page Six
September 23, 2010 - Planning Commission Meeting

The proposed Supper Club is a compatible use with neighboring commercial and residential uses within the approved Mixed-Use development. Therefore, the proposed use will be compatible and harmonious with the existing uses and future surrounding land uses.

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

The site is physically suitable for this type of use and the intensity is appropriate in this area of the City. Ample site access is provided and adequate parking is being provided in accordance with the approved Variance (VAR-10773) for the Mixed-Use development. The proposed Liquor Establishment, Tavern is appropriate in these types of Mixed-Use developments.

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 Rampart Boulevard and Alta Drive. Both streets are sufficient to accommodate the amount of vehicular trips associated with 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.

Approval of the Special Use Permit is consistent with the General Plan, and will not compromise the public health, safety, or welfare.

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

The proposed use does not meet all Minimum Special Use Permit Requirements pursuant to Title 19.04 due to the proximity to a City Park and another Liquor Establishment (Tavern). The requested Waivers of the minimum distance separation requirement are appropriate for the proposed use within a Mixed-Use development.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

12

NOTICES MAILED

732

APPROVALS

4

PROTESTS

2