



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: OCTOBER 21, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: APPLICANT: VARADERO CUBAN RESTAURANT - OWNER:
RANCHO SANTA FE ENTERPRISE, LTD**

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-39460	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-39460 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 (Z-0004-92) and Site Development Plan Review [Z-0004-92(7)].
3. All necessary building permits shall be obtained for all unpermitted existing signage within 30 days of final approval.
4. 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.
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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Beer/Wine/Cooler On-Sale Establishment Use within an existing restaurant at 5081 North Rainbow Boulevard, Suite #100. The restaurant is 2,140 square feet in size with seating for 48 people. The Beer/Wine/Cooler On-Sale Establishment use will be ancillary to the restaurant. The proposed use will not require additional parking beyond that which is required for the principal use on the site. The proposed use meets all minimum Special Use Permit requirements of Title 19.04 for a Beer/Wine/Cooler On-Sale Establishment use. The proposed use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses; therefore, staff recommends approval with conditions. If this application is denied, a Beer/Wine/Cooler On-Sale Establishment use will not be allowed at the site.

ISSUES

- A Beer/Wine/Cooler On-Sale Establishment use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- Existing window signage appears to be over 25 percent of the total area of all windows located on the building elevations, in violation of Title 19.14 standards.
- Wall signs are installed on the west and south elevations of the building above the subject suite. There is no sign permit issued for the existing signs.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
03/18/92	The City Council approved a request for reclassification of property (Z-0004-92) located on the east side of Rancho Drive and the west side of Rainbow Boulevard, from N-U (Non-Urban) and C-2 (General Commercial) to R-CL (Single Family Compact Lots), R-PD18 (Residential Planned Development – 18 Units per Acre) and C-2 (General Commercial). The Planning Commission and staff recommended approval.
11/09/95	The Planning Commission approved a request for a Plot Plan and Building Elevation Review [Z-0004-92(7)] for a proposed retail center on property located on the northwest corner of Rainbow Boulevard and Rancho Drive. Planning and Development Department staff recommended approval.

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<i>Most Recent Change of Ownership</i>	
08/20/98	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
01/22/96	A building permit (#96390832) was issued for a new Shell Building at 5081 North Rainbow Boulevard. The project was completed on 10/02/96.
12/18/96	A building permit (#96025005) was issued for Tenant Improvement for a Restaurant at 5081 North Rainbow Boulevard, Suite #100. The project was completed on 04/04/97.
04/25/07	A building permit (#07001411) was issued for Tenant Improvement for a Restaurant at 5081 North Rainbow Boulevard, Suite #100. The project was completed on 08/28/07.
09/26/07	A business license (R07-00789) was issued for a Restaurant at 5081 North Rainbow Boulevard, Suite #100. The license was marked out of business on 08/15/08.
04/08/08	A business license (R09-01442) was issued for a Café/Restaurant at 5081 North Rainbow Boulevard, Suite #100. The license is currently active.
08/06/10	A business license (L09-97442) was filed for Beer/Wine/Cooler On-Sale Establishment at 5081 North Rainbow Boulevard, Suite #100. Business License review has not been routed for Planning and Development Department review.

<i>Pre-Application Meeting</i>	
08/25/10	A pre-application meeting was held with the applicant where elements of submitting a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment use were discussed. The topics included: • Revising the site plan showing the entire Shopping Center in which the proposed use is located. In addition, the site plan is to be included the required parking table showing the total area of all existing buildings. • The applicant was informed that the parking requirement for a Shopping Center is one space per every 250 square feet of the gross floor area. • The location of the proposed use must be marked on the site plan.

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

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Field Check	
09/16/10	A site visit was conducted by staff, which noted that there is an existing restaurant where the proposed Beer/Wine/Cooler On-Sale Establishment use will be located. The window signage appeared to be over 25 percent of the total area of all windows located on the building elevations. Code Enforcement was notified on 10/06/10.

Details of Application Request	
Site Area	
Net Acres	0.92

Surrounding Property	Existing Land Use Per Title 19.04	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	GC (General Commercial)	C-2 (General Commercial)
North	Condominium	M (Medium Density Residential)	R-PD18 (Residential Planned Development – 18 Units per Acre)
South	Right-of-Way	Right-of-Way	Right-of-Way
	Casino	GC (General Commercial)	C-2 (General Commercial)
East	Single Family Residence	SC (Service Commercial)	R-E (Residence Estates)
	Undeveloped		C-1 (Limited Commercial)
West	Right-of-Way	Right-of-Way	Right-of-Way
	Casino	GC (General Commercial)	C-2 (General Commercial)

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			
A-O (Airport Overlay) District (200 feet)	X		Y
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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<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Primary Arterial – Rainbow Boulevard	Master Plan of Streets and Highways	100	Y

Pursuant to Title 19.04 and 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	118,993 SF	1:250 SF	476		629		
TOTAL SPACES REQUIRED			476		629		
Regular and Handicap Spaces Required			467	9	601	28	Y

ANALYSIS

The applicant is proposing a Beer/Wine/Cooler On-Sale Establishment use within an existing 2,140 square-foot restaurant. 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 thirty or more people may be served with meals at any one time at tables or stools.”

The existing restaurant is located within the Airport Overlay District with height restrictions of 200 feet; no addition to the height of the building is proposed. A site visit conducted by staff noted that there is an existing restaurant where the proposed Beer/Wine/Cooler On-Sale Establishment use will be located. Also, the window signage appears to be over 25 percent of the total area of all windows located on the building elevations, where Title 19.14 requires a maximum of 25 percent. Staff noted that a wall sign is installed on the building façade above the subject suite. Records show that no sign permit has been issued for the existing signs. A condition of approval has been added to address the signage issues.

The proposed use meets all minimum Special Use Permit requirements of Title 19.04 for a Beer/Wine/Cooler On-Sale Establishment use, and the proposed use can be conducted in a manner that is compatible with the surrounding uses. Staff therefore recommends approval of this request with conditions.

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FINDINGS (SUP-39460)

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 is located within a shopping center, and can be conducted in a manner that is harmonious with the existing and future land uses as projected by the General Plan.

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 the proposed Beer/Wine/Cooler On-Sale Establishment use.

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 Rainbow Boulevard; the street is of sufficient size to accommodate the needs of the proposed Beer/Wine/Cooler On-Sale Establishment 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 proposed Special Use Permit will not compromise the public health, safety and general welfare, as the use will be subject to regular inspections for business licensing.

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

The proposed Beer/Wine/Cooler On-Sale Establishment use meets all minimum requirements of the applicable conditions per Title 19.04.

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NOTICES MAILED 629

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PROTESTS 1