



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: RONG JIE NIA - OWNER: PK I CHEYENNE COMMONS, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-39745	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-39475 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-0114-89) and Site Development Plan Review [Z-0114-89(2)].
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. All necessary building permits shall be obtained for all unpermitted existing signage within 30 days of final approval, or the signage shall be removed.
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.

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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 within an existing restaurant at 3175 North Rainbow Boulevard. The restaurant is 2,400 square feet in size with seating for 85 people. The Beer/Wine/Cooler On-Sale use will be ancillary to the existing restaurant. The proposed use will not require additional parking beyond that which is required for the principal use on the site. This project is located within a 32.53 acre shopping center, which is able to accommodate a variety of uses. Staff recommends approval of this request and the accompanying distance separation waiver, with conditions as the use can be conducted in a manner that is compatible with the surrounding uses. If this application is denied, the restaurant would not be allowed to sell alcoholic beverages.

ISSUES

- A Beer/Wine/Cooler On-Sale Establishment use is permitted in the C-1 (Limited Commercial) zoning district with an approval of a Special Use Permit.
- A Waiver to allow a 390-foot distance separation where 400 feet is required between the proposed use and a religious facility is needed for approval of a Special Use Permit for the Beer/Wine/Cooler On-Sale Establishment.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/06/89	The City Council approved a request for Rezoning (Z-0114-89) from N-U (Non-Urban) under Resolution of Intent to R-3 (Medium Density Residential) and C-1 (Limited Commercial) to C-1 (Limited Commercial) for this property as part of a larger request that approved the overall commercial center on this site. The Planning Commission and staff recommended approval.
01/10/91	The Planning Commission approved a Site Development Plan Review [Z-0114-89(2)] for a 404,586 square-foot shopping center that includes the subject property. The Planning and Development staff recommended approval.
06/04/03	The City Council approved a Special Use Permit (SUP-2081) for a proposed Restaurant Service Bar and a Waiver of the minimum distance requirement from a protected use (Religious Facility) on property located at 3059 North Rainbow Boulevard, which is within the subject commercial center.

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01/04/06	The City Council approved a Special Use Permit (SUP-9992) for a Beer/Wine/Cooler On-Sale Establishment and a Waiver of the minimum distance requirement from a protected use (Religious Facility) at 3175 North Rainbow Boulevard. The Planning Commission recommended approval and staff recommended denial.
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Most Recent Change of Ownership

01/24/07	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

11/04/91	A building permit (91125342) was issued for on-site improvements at 3001 North Rainbow Boulevard. The permit was finalized on 03/24/93.
03/03/92	A building permit (92138042) was issued for shell building K at 3001 North Rainbow Boulevard. The permit was finalized on 10/09/92.
07/29/92	A building permit (92154729) was issued for Tenant Improvement for Certificate of Occupancy at 3175 North Rainbow Boulevard. The permit was finalized on 11/18/92.
11/19/92	A business license (L09-00026) for a Beer/Wine/Cooler On-Sale Establishment use was issued at 3175 North Rainbow Boulevard. The license was marked out of business on 08/21/08.
12/08/92	A business license (R09-01567) for a Restaurant with seating for 30 or more was issued at 3175 North Rainbow Boulevard. The license was marked out of business on 05/04/10.
07/22/10	A business license application (L09-97205) for a Beer/Wine/Cooler On-Sale Establishment use at 3175 North Rainbow Boulevard was submitted; the Planning and Development Department denied the application on 08/11/10. A Special Use Permit is required for a Beer/Wine/Cooler On-Sale Establishment use at 3175 North Rainbow Boulevard.
08/10/10	A business license (R09-01567) for a Restaurant with seating for 30 or more was issued at 3175 North Rainbow Boulevard. The license is currently active.

Pre-Application Meeting

08/11/10	A pre-application meeting was held to discuss the requirements for the submittal of a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment use. No major issues were discussed.
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Neighborhood Meeting

A neighborhood meeting is not required, nor was one held.	
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Field Check	
10/15/10	During a site visit, staff noted a Shopping Center to be clean and free of debris. The existing restaurant has an unpermitted banner and menu board.

Details of Application Request	
Site Area	
Net Acres	32.53

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	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Apartment Complex	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	US-95 Right of Way	ROW (Right of Way)	ROW (Right of Way)

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 (140 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

DEVELOPMENT STANDARDS

Functional Classification of Street(s)	Governing Document	Street Width (Feet)	Compliance with Street Section
Cheyenne Avenue: Freeway/ Expressway	Master Plan of Streets and Highways	115	Y
Rainbow Boulevard: Secondary Collector	Master Plan of Streets and Highways	80	Y

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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	374,502 SF	1/250 SF	1,499		2,426		Y
TOTAL SPACES REQUIRED			1,499		2,426		Y
Regular and Handicap Spaces Required			1,474	25	2,379	47	Y

Waivers		
Requirement	Request	Staff Recommendation
A 400-Foot minimum distance separation from a religious facility.	To allow a 390-Foot distance separation.	Approval

ANALYSIS

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 proposed use requires a Waiver of the minimum 400-foot distance separation requirement from a religious facility (Church Lutheran Holy Spirit) in order to comply with all minimum Special Use Requirements of Title 19.04 requirements for a Beer/Wine/Cooler On-Sale Establishment. No additional parking is required for the proposed use. The proposed Beer/Wine/Cooler On-Sale Establishment use is located in the A-O (Airport Overlay) District and meets the height restriction of 140 feet. A condition has been added to address the unpermitted signage. Staff recommends approval of these requests, with conditions. The proposed use will be operated in conjunction with an existing restaurant; the requested Waiver is minimal, and can it be conducted in a manner that is compatible with the surrounding uses.

FINDINGS (SUP-39745)

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

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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 2,400 square-foot restaurant and will be ancillary to the existing 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 located within a 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.

The site is accessed by Cheyenne Avenue and Rainbow Boulevard. These streets are 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 a Special Use Permit for this use at this location will not compromise the public health, safety, or welfare, as the use is subject to licensing and inspections by the City of Las Vegas.

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; which is minimal. The Beer/Wine/Cooler On-Sale Establishment use is located within a shopping center and will be operated in conjunction with an existing restaurant.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

NOTICES MAILED 759

APPROVALS 1

PROTESTS 0