



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: APRIL 12, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: GREAT WASH PARK, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-41030	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-41030 CONDITIONS

Planning

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 (ZON-5653), Special Use Permit (SUP-5853) and Site Development Plan Review (SDR-10770).
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to Las Vegas Municipal Code Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit to allow a Beer/Wine/Cooler On-Sale Establishment use within a proposed 2,946 square-foot Restaurant at 410 South Rampart Boulevard, Suite #120. The proposed use will be located within the Tivoli Village at Queensridge Mixed-Use development that is currently under construction. The Restaurant with a Beer/Wine/Cooler On-Sale Establishment use complies with all Title 19.04 requirements with the exception of the requested waiver, which staff supports, 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 Beer/Wine/Cooler On-Sale Establishment use cannot be located within the proposed restaurant, nor can a business license for alcohol use be obtained for the use at this location.

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.
- A Waiver is required to allow a distance separation of 141 feet from a City Park where 400 feet is required for the Beer/Wine/Cooler On-Sale Establishment use. A Waiver of this requirement is possible due to the location of the proposed use within a mixed-use development in excess of 15 acres and 250,000 square feet of nonresidential floor space.

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 on 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.

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03/02/05	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.
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 no distance separation from a similar use and a 141-foot distance separation from a City Park where 1,500 feet is the allowed at 330 South Rampart Boulevard, Suite #215. The Planning Commission and staff recommended approval of the request.

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09/23/10	The Planning Commission approved a request for a Special Use Permit (SUP-39146) for a Liquor Establishment (Tavern) within a 28.69-acre Mixed-Use development with waivers to allow a distance separation of 141 feet from a City Park and to allow no distance separation from a similar use where 1,500 feet is required at 440 South Rampart Boulevard, Suite #180. The Planning and Development Department staff recommended approval of the request.
10/21/10	The Planning Commission approved a request for a Special Use Permit (SUP-39440) for a Supper Club with a waiver to allow a 141-foot distance separation from a City Park where 400 feet is the minimum required at 420 South Boulevard, Suite #180. The Planning and Development Department staff recommended approval of the request.
10/21/10	The Planning Commission approved a request for a Special Use Permit (SUP-39441) for a Liquor Establishment (Tavern) within a 28.69-acre Mixed-Use development with waivers to allow a distance separation of 141 feet from a City Park and to allow no distance separation from a similar use where 1,500 feet is required at 440 South Rampart Boulevard, Suite #B190. The Planning and Development Department staff recommended approval of the request.
12/16/10	The Planning Commission approved a request for a Special Use Permit (SUP-40087) for a Supper Club with a waiver to allow a 141-foot distance separation from a City Park where 400 feet is the minimum required at 400 South Boulevard, Suite #190. The Planning and Development Department staff recommended approval of the request.
	The Planning Commission approved a request for a Master Sign Plan (MSP-40230) for an approved Mixed-Use development on 28.44 acres at the northeast corner of Alta Drive and Rampart Boulevard. The Planning and Development Department staff recommended approval of the request.
03/08/11	The Planning Commission abeyed a Special Use Permit (SUP-40748) for a Liquor Establishment (Tavern), located at 430 South Rampart Boulevard, Suite #B160 to the 04/12/11 Planning Commission meeting.
	The Planning Commission abeyed a Special Use Permit (SUP-40749) for a Liquor Establishment (Tavern), located at 430 South Rampart Boulevard, Suite #B130 to the 04/12/11 Planning Commission meeting.

<i>Most Recent Change of Ownership</i>	
01/16/04	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
There is no business license history at 410 South Rampart Boulevard, Suite #120, since the building has not received its final certificate of completion.	
02/23/09	A building permit (7002966) was issued for Shell Building #17 located at 410 South Rampart Boulevard. The permit has not been finalized.

<i>Pre-Application Meeting</i>	
02/15/11	<p>A pre-application meeting was held with the applicant, where elements of submitting a Special Use Permit for a Restaurant with Beer/Wine/Cooler On-Sale Establishment use were discussed. The topics included:</p> <ul style="list-style-type: none"> • A waiver is required due to the proximity of the proposed use within 400 feet from a City Park, pursuant to Minimum Special Use Permit requirement Number 1. • 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>	
03/03/11	A site visit was conducted by staff, at which time it was noted that the subject site is currently under construction.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	28.44

<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)

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

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

Parking Requirement, Per approved Variance (VAR-10773)							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</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

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<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
400-foot distance separation from City Park.	To allow a 141-foot distance separation.	Approval

ANALYSIS

A Beer/Wine/Cooler On-Sale Establishment use is defined by Title 19.20 as “an establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers for consumption 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 applicant is proposing a 2,946 square-foot Gourmet Pizzeria with Beer/Wine/Cooler On-Sale Establishment use. The proposed floor plan indicates seating at the bar, dining area and an outdoor terrace that will accommodate 87 patrons.

Tivoli Village at Queensridge Mixed-Use development is located adjacent to a Pedestrian Path Trail along Rampart Boulevard as designated within the Transportation Trails Element of the Las Vegas 2020 Master Plan. The trail is currently under construction.

The proposed use is compatible with the neighboring commercial and residential uses within the approved Mixed-Use development. The proposed use will be compatible and harmonious with the existing and future surrounding land uses; therefore, staff recommends approval with conditions.

FINDINGS (SUP-41030)

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 Restaurant with a Beer/Wine/Cooler On-Sale Establishment use is compatible use with the neighboring commercial and residential uses within the approved Mixed-Use development.

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

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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 Restaurant with Beer/Wine/Cooler On-Sale Establishment 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. The requested Waiver of the minimum distance separation requirement is appropriate for the proposed use within a Mixed-Use development.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

NOTICES MAILED 732

APPROVALS 1

PROTESTS 0