



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: AUGUST 14, 2012

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: EATS, LLC - OWNER: GREAT WASH PARK, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-45933	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-45933 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Beer/Wine/Cooler On- and Off-Sale use.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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 Department of Building and Safety.
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 beer and wine coolers shall remain in the original manufacturer's configuration intended for off-sale resale.

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8. The off-sale of single beers, malt beverages, or wine coolers of any size with alcohol by volume greater than 6% shall be prohibited. The sale of wines with an alcohol by volume of greater than 16% shall be prohibited.

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

The applicant is proposing a restaurant with a Beer/Wine/Cooler On- and Off-Sale Establishment use within a previously approved 21,239 square-foot swap meet located within the Tivoli Shopping Center at 420 South Rampart Boulevard. The proposed uses are allowed in a C-2 (General Commercial) district with an approved Special Use Permit. Staff recommends approval with conditions, since the use can be conducted in a manner that is harmonious with the existing uses within the shopping center. If denied, no alcohol sales or tasting would be permitted.

ISSUES

- A Beer/Wine/Cooler On-and Off-Sale Establishment is allowed in C-2 (General Commercial) district with an approved Special Use Permit. Staff supports the request.
- A Waiver is required to allow a 141-foot distance separation from a City Park where a minimum of 400 feet is required. This waiver may be requested for establishments with more than 20,000 square feet of floor area. Staff supports the request as the use is located within a large mixed-use development that is designed to accommodate similar uses, and the proposed use will not negatively affect the adjacent uses.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
04/19/06	The City Council approved 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 and a related Variance (VAR-10773) to allow 3,955 parking spaces where 4,961 parking spaces are required on 28.69 acres at the northeast corner of Rampart and Alta.
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) for an approved Mixed-Use development on 28.69 acres at 420 South Rampart Boulevard. Staff recommended approval of the request.
10/01/08	The City Council approved 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.

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12/17/08	The City Council approved 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 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.
09/23/10	The Planning Commission approved 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 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 and 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 Special Use Permit (SUP-40087) for a proposed Supper Club with a waiver to allow a 141-foot separation distance from a City Park where 400 feet is required. Staff recommended approval.
04/12/11	The Planning Commission approved a Special Use Permit (SUP-41030) for a proposed 2,946 square-foot Beer/Wine/Cooler On-Sale Establishment use with a waiver to allow a 141-foot distance separation from a city park where 400 feet is required at 410 South Rampart Boulevard, Suite #120. Staff recommended approval of the request.
05/10/11	The Planning Commission approved a Special Use Permit (SUP-40748) for a Liquor Establishment (Tavern), located at located at 430 South Rampart Boulevard, Suites #B160, B170 and B181 and a Special Use Permit (SUP-40748) for a Liquor Establishment (Tavern) at 430 South Rampart Boulevard, Suite #B130. Staff recommended approval.
03/15/12	A Minor Amendment (SUP-44718) to an approved Special Use Permit (SUP-41030) was administratively approved for the temporary relocation of an outdoor dining area.

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05/08/12	The Planning Commission approved a Special Use Permit (SUP-43957) for a proposed Indoor Swap Meet at 420 South Rampart Boulevard, Suite #140. Staff recommended approval.
07/10/12	The Planning Commission approved a Special Use Permit (SUP-45533) for a Major Amendment of a Special Use Permit (SUP-40748) to reduce the building area of an approved liquor establishment (Tavern) within a 28.44-acre mixed-use development from 9,330 square feet to 3,285 square feet at 430 South Rampart Boulevard, Suite #170. Staff recommended approval.

<i>Most Recent Change of Ownership</i>	
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01/06/04	A deed was recorded for a change in ownership.
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<i>Related Building Permits/Business Licenses</i>	
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02/29/12	A building permit (203260) for a Tenant Improvement was issued for 420 S. Rampart Boulevard, Suite 150. The permit was finalized on 06/27/12.
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<i>Pre-Application Meeting</i>	
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06/04/12	Staff met with the applicant and reviewed the requirements for a Restaurant with Beer/Wine/Cooler On-Sale & Off-Sale Special Use Permit.
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<i>Neighborhood Meeting</i>	
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A neighborhood meeting is not required, nor was one held.	
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<i>Field Check</i>	
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07/09/12	Staff visited the site and found a vacant suite in a newly constructed building.
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<i>Details of Application Request</i>	
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<i>Site Area</i>	
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Net Acres	28.43
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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Mixed-Use Development	GC (General Commercial)	C-2 (General Commercial)
North	City Park (Angel Park)	PR-OS (Parks/Recreation and Open Space)	C-V (Civic)
South	Shopping Center	SC (Service Commercial)	PD (Planned Development)
East	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Gaming Establishment, Non-Restricted (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>Actual 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

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Pursuant to Title 19.08 and 19.12, 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	794,482 SF Commercial	1:250 SF	3,178				
TOTAL SPACES REQUIRED			3,178		3,955		Y
Regular and Handicap Spaces Required			3,118	60	3,895	60	Y

Waivers		
Requirement	Request	Staff Recommendation
To maintain a 400-foot separation distance from a City Park.	To allow a 141-foot separation distance from a City Park.	Approval

ANALYSIS

The applicant is proposing a restaurant with a Beer/Wine/Cooler On- and Off-Sale Establishment within a swap meet located at 420 South Rampart Boulevard, Suite 150. The location is within the Tivoli Shopping Center and can be operated in a harmonious and compatible manner with existing uses in the area.

The Beer/Wine/Cooler On- and Off-Sale Establishment use is defined as “An establishment:

1. Whose license to sell alcoholic beverages is limited to:
 - a. The sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold; and
 - b. The sale of beer, wine and coolers to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold; and
2. Is operated in connection with a restaurant, grocery store or convenience store in which 30 or more people may be served with meals at any one time at tables or stools.”

The proposed use meets the definition, since the use is in conjunction with a proposed restaurant.

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The Minimum Special Use Permit Requirements for this use include:

- * 1. Except as otherwise provided, no beer/wine/cooler off-sale establishment (hereinafter “establishment”) shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.
- * 2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:
 - a. Any leasehold parcel; or
 - b. Any parcel which lacks access to a public street or has no area for on site parking and which has been created so as to avoid the distance limitation described in Requirement 1.
- * 3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
 - a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
 - b. In the case of a proposed establishment which will be located within a shopping center or other multiple tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
- 4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
- 5. The minimum distance requirements in Requirement 1 do not apply to:
 - a. An establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
 - b. A proposed establishment having more than 50,000 square feet of retail floor space.
- * 6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.
- 7. The minimum distance requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived:
 - a. In accordance with the provisions of LVMC 19.12.050(C) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;

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- b. In accordance with the applicable provisions of the “Town Center Development Standards Manual” for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan;
- c. In connection with a proposed establishment having between 20,000 square feet and 50,000 square feet of retail floor space, if no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages; or
- d. In connection with a retail establishment having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right of way with a width of at least 100 feet.

All minimum Special Use Permit requirements are being met with this proposal. This project has more than 20,000 square feet and will utilize less than 10 percent of the retail floor space for the display and merchandising of alcohol. For this reason, the distance separation from a City Park is allowed and staff supports the request.

Staff recommends approval.

FINDINGS (SUP-45933)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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 use can be conducted in a manner that is compatible with existing adjacent commercial and residential uses within the approved Mixed-Use development, as well as the surrounding future 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.

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.

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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 this Special Use Permit remains 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 19.12.

With the exception of the waiver, the project meets the conditions of Title 19.12.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED 742

APPROVALS 6

PROTESTS 4