



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 14, 2013
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT: SUNS BEEF JERKY (THAI STYLE), LLC -
OWNER: SUSA PROPERTIES, LLC

**** STAFF RECOMMENDATION ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-48695	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** CONDITIONS ****

SUP-48965 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Beer/Wine/Cooler On-sale Establishment 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. A Waiver from Title 19.12 is hereby approved, to allow a zero-foot separation distance from a child care facility licensed for more than 12 children where a 400-foot separation distance is required.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

Conditions Page Two
May 14, 2013 - Planning Commission Meeting

6. Approval of this Special Use Permit does not constitute approval of an alcoholic beverage license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit for a proposed Beer/Wine/Cooler On-Sale Establishment within an existing 1,800 square-foot restaurant located at 4941 West Craig Road. This request is accompanied with a waiver to allow a zero-foot distance separation from a Child Care Facility where a 400-foot separation is required. Staff recommends denial of this request due to the close proximity of the child care facility located at 5001 West Craig Road.

ISSUES

- The Beer/Wine/Cooler On-Sale Establishment use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- This request requires a waiver to allow a zero-foot separation distance from a child care facility licensed for 12 or more children) adjacent to the west property line where a 400-foot distance separation is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/21/90	The City Council approved a Rezoning (Z-0115-90) from R-E (Residence Estates) to C-1 (Limited Commercial) on the subject site as part of a larger request. The Planning Commission recommended approval.
05/19/93	The City Council approved a Special Use Permit (U-0321-91) to allow the sale of beer and wine and granted an appeal of a Board of Zoning Adjustment denial thereby allowing gasoline sales in conjunction with a convenience store on this site.
03/25/97	The City Council approved a Special Use Permit (U-0015-97) for the sale of beer and wine in conjunction with a proposed restaurant at 4941 West Craig Road. The Board of Zoning Adjustment recommended approval.

<i>Most Recent Change of Ownership</i>	
05/27/04	A deed was recorded for a change in ownership.

Staff Report Page Two
 May 14, 2013 - Planning Commission Meeting

Related Building Permits/Business Licenses	
10/10/12	A business license (#R09-01713) was issued for a restaurant at 4941 West Craig Road and is still active. This license was reclassified from #R10-01170 on 03/20/13.

Pre-Application Meeting	
03/11/13	A pre-application meeting was held with the applicant to discuss the submittal requirements for a proposed Special Use Permit to add the Beer/Wine/Cooler On-Sale Establishment use to operate within the existing restaurant.

Neighborhood Meeting	
A neighborhood meeting is not required, nor was one held.	
Field Check	
04/09/13	A field check was conducted by staff and the subject site was found to be an existing restaurant operating within a clean and orderly shopping center.

Details of Application Request	
Site Area	
Net Acres	1.10

Surrounding Property	Existing Land Use Per Title 19.12	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)
	Single Family, Detached	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units Per Acre)
South	Single Family, Detached	DR (Desert Rural Residential)	R-E (Residential Estates)
East	City of North Las Vegas Retail, Other th	City of North Las Vegas C (Commercial)	City of North Las Vegas C-1 (Neighborhood Commercial)
	City of North Las Vegas	City of North Las Vegas C (Commercial)	City of North Las Vegas C-P (Professional Office)
West	Individual Care Center (Child Care Facility)	SC (Service Commercial)	C-1 (Limited Commercial)

Staff Report Page Three
 May 14, 2013 - Planning Commission Meeting

Master Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Purpose and Overlay Districts	Compliance
A-O (Airport Overlay) District – 105 Feet	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
<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	
Shopping Center	110,791 SF	1:250 SF					
TOTAL SPACES REQUIRED			444		518		Y or N
Regular and Handicap Spaces Required					500	18	Y or N

Waivers		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
A 400-foot separation distance from a child care facility licensed for more than 12 children.	To allow a zero-foot separation distance from a child care facility licensed for more than 12 children.	Denial

ANALYSIS

The Beer/Wine/Cooler On-Sale Establishment use is described in Title 19.12 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 30 or more people may be served with meals at any one time at tables or stools.”

Staff Report Page Four
May 14, 2013 - Planning Commission Meeting

The proposed use meets the definition above, as the applicant has stated in the justification letter the intent to provide customers the option of ordering beer/wine/cooler service in connection with the meals at the existing restaurant.

The Minimum Special Use Permit Requirements for this use include:

1. Except as otherwise provided, no beer/wine/cooler on-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.

Staff Report Page Five
May 14, 2013 - Planning Commission Meeting

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.

Neither condition of this requirement applies; therefore the 400-foot separation distance from a protected use is required.

*6. All businesses which sell alcoholic beverages shall conform to the provision of LVMC Chapter 6.50.

The proposed use does not meet Minimum Special Use Permit Requirement Number 1, as there is a child care facility licensed for more than 12 children adjacent to the west property line behind the subject site where a 400 foot distance separation is required.

The proposed Beer/Wine/Cooler On-Sale Establishment use has been determined to be a Project of Regional Significance (PRS) since the requested Special Use Permit is located within 500 feet of the City of North Las Vegas limits. The applicant has submitted a completed PRS report, which was routed to participating agencies. To date, no comments have been received regarding the proposed use. The applicant states that he will operate Beer/Wine/Cooler On-Sale Establishment use within an established 1,800 square foot restaurant located within a Shopping Center and accessed from east side of the building, opposite from the child care facility behind the tenant suite. There is no additional required parking for the proposed use beyond that which is required for the principal use on the site and no changes to the site circulation are proposed. Staff recommends denial of this request, as the requested waiver to the Minimum Special use Permit Requirement #1 demonstrates the incompatibility of the use for the proposed location. If denied, the applicant would be allowed to continue operating the restaurant, but would not be allowed to serve beer/wine/cooler alcoholic beverages.

FINDINGS (SUP-48695)

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.**

**Staff Report Page Six
May 14, 2013 - Planning Commission Meeting**

The proposed location for the Beer/Wine/Cooler On-Sale Establishment is not compatible with the existing surrounding land uses, as demonstrated by the requested waiver for a reduction in the required separation distance from a child care facility.

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

The proposed use will operate within an established restaurant situated in an existing shopping center. There is no evidence of a physical constraint to the proposed use on the subject site; however, the location of the proposed use necessitates a waiver to the required 400-foot separation distance from a child care facility located directly west of 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.

Primary site access is from Craig Road to the north, a 120-foot wide Parkway Arterial, and Decatur Boulevard to the east, a 100-foot wide Primary Arterial. Both roadways provide adequate capacity to serve 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.

The proposed Beer/Wine/Cooler On-Sale Establishment will be subject to regular inspections by regulatory agencies for business licensing and will therefore not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

5. The use meets all of the applicable conditions per Title 19.12.

The proposed use in does meet all of conditions per Title 19.12. Specifically, the applicant is requesting a waiver to allow a zero-foot separation from a child care facility where a 400-foot separation is required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

NOTICES MAILED 596

APPROVALS 1

PROTESTS 1