



City of Las Vegas

Agenda Item No.: 30.

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: MAY 13, 2014**

DEPARTMENT: PLANNING
DIRECTOR: FLINN BAGO

Consent Discussion

SUBJECT: UP-5346 - SPECIAL USE PERMIT PUBLIC HEARING - APPLICANT: SI YOUNG YI - OWNER: MARGUEL FAMILIA TRUST ET AL - For possible action on a request for a Special Use Permit FOR A PROPOSED BEER/WINE COOLER ON-SALE ESTABLISHMENT USE WITHIN AN ALSO REQUIRE 100 FOOT PORTION OF AN EXISTING 63,883 SQUARE-FOOT SWAP MEET WITH A WAIVER TO ALLOW A 100-FOOT DISTANCE SEPARATION FROM A HOUSE OF WORSHIP WHERE 400 FEET IS REQUIRED at 1560 North Eastern Avenue (APN 130-25-101-020), C-1 (Limited Commercial) Zone, Ward 3 (Coffin) [PRJ-53321]. Staff recommends DENIAL.

**MAY GO TO CITY COUNCIL ON 6/18/2014
OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

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| <u>PROTESTS RECEIVED BEFORE:</u> | | <u>APPROVALS RECEIVED BEFORE:</u> | |
| Planning Commission Mtg. | 4 | Planning Commission Mtg. | 2 |
| City Council Meeting | 0 | City Council Meeting | 0 |

RECOMMENDATION:
Staff recommends DENIAL, if approved, subject to conditions:

- BACKUP DOCUMENTATION:**
1. Location, Aerial and Special Maps
 2. Conditions and Staff Report
 3. Supporting Documentation
 4. Photos
 5. Justification Letter
 6. Protest and Support Postcards
 7. Submitted after Final Agenda - Protest Postcards

Motion made by TRINITY HAVEN SCHLOTTMAN to Deny

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
TRINITY HAVEN SCHLOTTMAN, VICKI QUINN, BYRON GOYNES, GUS FLANGAS, RICHARD TRUESDELL, RICHARD P. BONAR; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-TODD L. MOODY)

Minutes:
CHAIR FLANGAS declared the Public Hearing open.

PLANNING COMMISSION MEETING OF: MAY 13, 2014

DOUG RANKIN, Planning, explained that the applicant desires to sell beer, wine and wine coolers in a proposed 1,484 square-foot restaurant within a portion of an existing 63,883 square-foot swap meet. A distance separation waiver is required for such a request, as the establishment would be 107 feet from a church where 400 feet is required. The need for a distance separation Waiver reinforces the unsuitability of this use at this location; therefore, staff recommended denial.

JEFF YI appeared on behalf of the applicant and explained the project and their efforts to revitalize the area swap meet and provide music and entertainment to the families. He used a diagram to show there is a 100-foot distance between his area and two churches; the restaurant is located within the swap meet. He submitted a petition from vendors located within the swap meet who support the request, as they believe this proposal will generate traffic and business from the public.

COMMISSIONER SCHLOTTMAN appreciated the applicants efforts but the use would be located right in the middle of a swap meet. Consistently, there have been approximately 15 code violations per year, which demonstrates a track record of no one ensuring compliance from any of these business owners. In addition, it is more than likely that individuals will be walking around the site drinking liquor which is another area of concern to him.

MR. YI pointed out the applicants additional business located on Charleston Boulevard and Lamb Boulevard. He has been at that location for 15 years and everyone has been compliant. The previous owner of the subject business is now deceased, and it is his intentions to replicate what he has done at the Charleston Boulevard establishment for the subject business. The restaurant will be in an enclosed area and alcohol will be limited to two 12 ounce beverages with meal.

COMMISSIONER SCHLOTTMAN believed that applicant maintained compliance with this site for a few years, then he may be more comfortable in possibly supporting such a request.

CHAIR FLANGAS declared the Public Hearing closed.