



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MAY 21, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: JOSEPH SURACI - OWNER: SEA BREEZE VILLAGE, LLC

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-52991	Staff recommends APPROVAL, subject to conditions:	N/A

**** CONDITIONS ****

SUP-52991 CONDITIONS

Planning

1. An ADA parking space is to be added to the parking lot adjacent to the business.
2. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Restaurant with Alcohol use.
3. 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.
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. All signage shall be permitted and meet minimum code requirements with 30 days of final approval.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

Conditions Page Two
May 21, 2014 – City Council Meeting

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

Staff Report Page One
May 21, 2014 – City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting approval of a Special Use Permit to sell alcohol in a proposed 5,863 square-foot restaurant with patio seating located within an existing Shopping Center at 1780 North Buffalo Drive, Suite #101. This use meets all Title 19.12 requirements for the Restaurant with Alcohol use and is compatible with the other restaurants, retail establishments and office uses within the shopping center. For these reasons, staff recommends approval of the requested Special Use Permit, with conditions. If denied, no alcohol may be served on the premises.

ISSUES

- A Restaurant with Alcohol use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/07/90	The City Council approved a Rezoning (Z-0097-90) request from N-U (Non-Urban) to R-CL (Single Family Compact-Lot), R-PD15 (Residential Planned Development – 15 Units per Acre) and C-1 (Limited Commercial) on property located on the east side of Buffalo Drive between Vegas Drive and Lake Mead Boulevard. The Planning Commission recommended approval; staff recommended denial.
03/09/98	The City Council approved a Site Development Plan Review [Z-0097-90(5)] request for a proposed 142,352 square-foot Retail Center and a Special Use Permit (U-0138-97) to allow Packaged Liquor sales in conjunction with a proposed 17,157 square-foot General Retail Store on property located on the northeast corner of Vegas Drive and Buffalo Drive. The Planning Commission and staff recommended approval
06/06/01	The Planning and Development Department administratively approved a Site Development Plan Review [Z-0097-90(7)] to modify the approved retail commercial center by reducing the square footage from 142,352 square feet to 130,643 square feet.
10/16/02	The City Council approved a Master Sign Plan (MSP-0006-02) request for the development. The Planning Commission and staff recommended approval.

Staff Report Page Two
May 21, 2014 – City Council Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/22/03	The City Council approved a Variance (V-0054-02) request to allow 652 parking spaces where 729 parking spaces are required for a Shopping Center located adjacent to the northeast corner of Buffalo Drive and Vegas Drive. The Planning Commission recommended approval of this request; staff recommended denial.
09/17/03	The City Council approved a request for a Major Amendment (MSP-2619) of an approved Master Sign Plan (MSP-0006-02) for an existing Shopping Center at the northeast corner of Buffalo Drive and Vegas Drive. The Planning Commission and staff recommended approval.
01/21/04	The City Council approved a Required Review (RQR-3543) of an approved Variance (V-0054-02) to allow 652 parking spaces where 729 spaces are required on property located adjacent to the northeast corner of Buffalo Drive and Vegas Drive. Staff recommended approval of this request.
10/06/10	The City Council approved a Major Amendment (MSP-38116) to an approved Master Sign Plan (MSP-0006-02) for the related Shopping Center. The Planning Commission and staff recommended approval.
11/16/11	The City Council approved a Special Use Permit (SUP-42985) request for a 5,548 square-foot Supper Club at 1780 North Buffalo Drive, Suite #101. The Planning Commission and staff recommended approval of this request. The land use entitlement expired on 08/05/13.
04/08/14	The Planning Commission unanimously voted to approve a Special Use Permit (SUP-52991) request for a proposed restaurant with alcohol use within an existing 5,548 square foot restaurant with 420 square feet out outside seating.

<i>Most Recent Change of Ownership</i>	
02/12/02	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
04/01/02	A building permit (#02005632) was issued for a shell building and for a Certificate of Completion at 1780 North Buffalo Drive. The building permit was finalized on 11/22/02.
09/20/02	A building permit (#02017217) was issued for a Tenant Improvement for Certificate of Occupancy for a restaurant at 1780 North Buffalo Drive, Suite #101. The building permit was finalized on 12/16/02.
11/05/07	A building permit (#97750) was issued for a Tenant Improvement for Certificate of Occupancy for a restaurant at 1780 North Buffalo Drive, Suite #101. The building permit was finalized on 02/28/08.
01/08/09	A business license (R09-01483) was issued for a Restaurant at 1780 North Buffalo Drive, Suite #101. The license was marked out of business on 02/18/10.

Staff Report Page Three
May 21, 2014 – City Council Meeting

<i>Related Building Permits/Business Licenses</i>	
04/04/12	A business license (L21-00095) was issued for a Supper Club at 1780 North Buffalo Drive, Suite #101. The license was marked out of business on 03/09/13.
01/07/14	A business license (R09-97298) for a Restaurant at 1780 North Buffalo Drive, Suite #101 was applied for but has not been issued.

<i>Pre-Application Meeting</i>	
01/27/14	A pre-application meeting was held with the applicant's designated representative to discuss the submittal requirement for a Restaurant with Alcohol use and the addition of an outdoor seating area.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
02/27/14	A field check was conducted of the subject site revealed that the building and landscape were well maintained.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.81

<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	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Multi-Family Residential	M (Medium Density Residential)	R-PD15 (Residential Planned Development – 15 Units per Acre)
South	General Retail Store, Other Than Listed	SC (Service Commercial)	C-1 (Limited Commercial)
	Single Family Dwelling, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
East	Single Family Dwelling, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
West	Single Family Dwelling, Detached	SF3 (Single Family Residential)	P-C (Planned Community)

Staff Report Page Four
May 21, 2014 – City Council Meeting

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) 200 FT District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	Y
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

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	132,595 SF	1/250	531				
Outdoor Seating	420	1/250	2				
TOTAL SPACES REQUIRED			533		652		Y
Regular and Handicap Spaces Required			520	11	634	18	Y

*Parking Variance (V-0054-02) is no longer required as the parking requirement for a Shopping Center Use (as defined by Title 19.12) is one parking space for every 250 square feet of gross floor area.

ANALYSIS

This application is for a Restaurant with Alcohol use within an existing 5,863 square-foot vacant suite located at 1780 North Buffalo Drive, Suite #101. The previous use was a restaurant in an existing a multi-tenant building of an existing 132,595 square-foot shopping center. The proposed restaurant is 5,548 square feet of indoor seating and 420 square feet of outdoor seating. The shopping center provides shared parking and access throughout the 13.4 acre site that can easily provide the two additional parking spaces required to accommodate the outdoor seating area. The proposed use is permissible in the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit.

The Restaurant with Alcohol use is defined as “a restaurant and bar operation with alcoholic beverage sales in which:

Staff Report Page Five
May 21, 2014 – City Council Meeting

1. The actual seating available at all times within the dining area will accommodate at least 100 persons. For purposes of this requirement, the “dining area” does not include bar stool seating at the bar or lounge seating, but may include table or booth seating within the bar area and table seating within a patio area;
2. Alcoholic beverages are served in the restaurant area only in conjunction with the service of food;
3. Full-course meals are available during all hours the bar area is open to the public;
4. A cook and food server, other than a bartender, are available at all times the bar area is open to the public; and
5. The restaurant operation is the principal portion of the business.

Per the submitted justification letter and floor plan, the proposed use meets the definition outlined above. The justification letter states that the applicant intends “to serve alcohol in conjunction with serving meals on the premises”. The floor plan illustrates a restaurant capable of seating 165 patrons.

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.

The proposed use meets this requirement, as there are no protected uses within 400 feet of the subject property.

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.

Staff Report Page Six
May 21, 2014 – City Council Meeting

The proposed use meets this requirement; measurement is taken from the existing property line of Lot 1 of Parcel Map File 71 Page 59, located at the northeast corner of Vegas Drive and Buffalo Drive.

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.

This requirement does not apply to the proposed use, as the parcel on which it is proposed is less than 80 acres in size.

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.

This requirement does not apply to the proposed use, as no distance separation waiver is necessary.

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 of the above conditions apply to the proposed use.

6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50. (Nonwaivable)

The proposed use will meet this requirement, as it is a condition of approval of the Special Use Permit.

Staff Report Page Seven
May 21, 2014 – City Council Meeting

The proposed use will be located within an established shopping center with retail and other restaurant uses along Buffalo Drive and on the site interior. Other than the two additional parking spaces required for the addition of the outdoor seating area, no additional parking is required for this use, as it is ancillary to the primary use of a restaurant. The minimum Restaurant with Alcohol use requirements in Title 19.12 are met and no special development requirements pertaining to this site. There are no protected uses located within 400 feet of the subject property and at this time there are no other similar uses within the shopping center. For these reasons, the proposed is compatible with the surrounding uses; therefore, staff recommends approval with conditions.

FINDINGS (SUP-52605)

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 subject location consists of a proposed restaurant located within an established shopping center along with other similar and compatible uses and no waiver of minimum distance separation requirements from protected uses is required.

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

The 134,595 square-foot Shopping Center that is designed to accommodate a variety of retail, restaurant and office uses. This site has adequate parking for all uses, and the proposed use does not generate the need for any additional parking spaces beyond the two parking spaces required for the addition of outdoor seating.

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 proposed Restaurant with Alcohol use can be accessed from Buffalo Drive (a 100-foot Primary Arterial), Vegas Drive (a 80-foot Major Collector) and Sea Spray Avenue (a 47-foot residential street). Buffalo Drive and Vegas Drive have adequate capacity to serve the needs of the proposed development and Sea Spray Avenue provides direct access to the shopping center for the residential development to the east.

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.

Staff Report Page Eight
May 21, 2014 – City Council Meeting

The proposed Restaurant with Alcohol use will be subject to regular inspections for licensing and will therefore not compromise the public health, safety, and general welfare or any objective of the General Plan.

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

The proposed Restaurant with Alcohol use meets all distance separation requirements per Title 19.12. Conditions of approval will ensure conformance with all other minimum requirements for this use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 38

NOTICES MAILED 2183 (By City Clerk)

APPROVALS 8

PROTESTS 1