



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JULY 8, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: RACHEL ROBERTS - OWNER: P K I
CHEYENNE COMMONS, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-54308	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-54308 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Beer/Wine/Cooler On-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, as well as submitted as part of any business license application.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.

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6. Minors shall only be permitted in such areas wherein spirituous, malt or fermented liquors or wines are served only in conjunction with regular meals and where dining tables or booths are provided separate from the bar in conformance with Title 6.50.
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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Beer/Wine/Cooler On-Sale Establishment within a proposed Restaurant and Instructional Art Studio located in an existing shopping center at 3175 North Rainbow Boulevard. The proposed establishment is 2,323 square feet in size with seating for 30 people. The Beer/Wine/Cooler On-Sale use will be ancillary to the proposed restaurant and instructional art studio. As this request can be conducted in a compatible and harmonious manner within the existing shopping center, staff recommends approval of this application. If denied, the applicant will not be allowed to conduct the Beer/Wine/Cooler On-Sale establishment at this location.

ISSUES

- The Beer/Wine/Cooler On-Sale use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- A distance separation Waiver is required to allow the Beer/Wine/Cooler On-Sale use 382 feet from a Church/House of Worship where 400 feet is the minimum required. Staff supports the Waiver for distance separation as the proposed Beer/Wine/Cooler On-Sale use is separated from the existing church by a 80' and 150' right-of way.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/06/89	The City Council approved a Rezoning (Z-0114-89) request from N-U (Non-Urban) under Resolution of Intent to R-3 (Medium Density Residential) and C-1 (Limited Commercial) to C-1 (Limited Commercial) with the intended use of a Shopping Center. The Planning Commission recommended approval.
01/10/89	The Planning Commission approved a Plot Plan Review (Z-0144-89) request for a 404,566 square-foot Shopping Center on 36.00 acres.
01/04/06	The City Council approved a Special Use Permit (SUP-9992) request for a Beer/Wine/cooler On-Sale Establishment with distance separation waiver from a religious facility at 3175 North Rainbow Boulevard. The Planning Commission recommended approval.

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<i>Most Recent Change of Ownership</i>	
01/24/07	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
09/03/92	A building permit (#92159009) was issued for a tenant improvement and certificate of occupancy at 3175 North Rainbow Boulevard. The permit was finalized on 11/12/92.
07/23/10	A building permit (#167393) was issued for a sign (Bangkok 9) at 3175 North Rainbow Boulevard. The permit was finalized on 04/28/11.
8/24/10	A building permit (#170692) was issued for a sign (Bangkok 9) at 3175 North Rainbow Boulevard. The permit was finalized on 04/28/11.
08/10/10	A business license (R09-01567) was issued for a restaurant at 3175 North Rainbow Boulevard. The business license was marked out on 01/01/13.
12/22/10	A business license (L09-00308) was issued for a Beer/Wine/Cooler On Sale at 3175 North Rainbow Boulevard. The business license was marked out on 04/01/13.
05/12/14	A business license (P62-00131) was applied for a Beer/Wine/Cooler On Sale at 3051 North Rainbow Boulevard; however, no business license has been issued.
	A business license (G62-04462) was issued for a restaurant at 3051 North Rainbow Boulevard; however, no business license has been issued.

<i>Pre-Application Meeting</i>	
05/20/14	A pre-application meeting was conducted with the applicant to go over the application materials and submittal requirements for a Special Use Permit for a proposed Beer/Wine/Cooler On-Sale establishment use.

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

<i>Field Check</i>	
05/29/14	A routine field check was conducted by staff and found a well maintained shopping center.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	32.53

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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	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Single-Family Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	US 95	ROW (US 95)	ROW (US 95)

<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) District (140 Feet)	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

<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>
Cheyenne Avenue	Expressway	Master Plan of Streets & Highways	120	Y
Rainbow Boulevard	Major Collector	Master Plan of Streets & Highways	80	Y

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

<i>Parking Requirement</i>							
<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	374,502 SF	1:250 SF	1,499				
TOTAL SPACES REQUIRED			1,499		2,379		Y
Regular and Handicap Spaces Required			1,474	25	2,332	47	Y

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<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
A 400-foot minimum separation distance is required from any Church/House of Worship.	To allow a 382-foot separation distance from a Church/House of Worship	Approval

ANALYSIS

The applicant is proposing to establish a Beer/Wine/Cooler On-Sale use within a proposed 2,323 square-foot restaurant/instructional arts studio at 3175 North Rainbow Boulevard. The subject site is located within the C-1 (Limited Commercial) zoning district. The proposed establishment is 2,323 square feet in size with seating for 30 people. The Beer/Wine/Cooler On-Sale use will be ancillary to the proposed restaurant/instructional arts studio. The applicant has indicated in the justification letter that the proposed establishment will also be utilized as an instructional arts studio holding painting classes throughout the day. The restaurant and beer/wine operations will only operate in conjunction with “Adult Classes”, which are held Tuesday through Saturday between the hours of 6:30pm – 9:30pm.

The subject site is located within an existing 374,502 square-foot shopping center. The existing shopping center provides shared access and parking throughout the subject site. The proposal adheres to all minimum parking requirements.

A Beer/Wine/Cooler On-Sale 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 only for consumption on the premises where the same is sold.”

Minimum Special Use Permit Requirements:

1. Except as otherwise provided, no beer/wine/cooler on-sale establishment (hereinafter “establishment”) shall be located within 400 feet of any church/house of worship, school, individual care center licensed for more than 12 children, or City park.

The proposed use does meet this requirement, as the proposed site is located 382 feet away from a church/house of worship land use. The applicant has requested a Waiver to this distance separation requirement.

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:

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- 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.

Distances have been measured from Parcel Map File 81, Page 56 Lot 1A.

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.

Not applicable, the subject site is not located on a parcel of at least 80 acres of size, the assessor list the subject property at 32.53 acres.

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.

The proposed site is located 382 feet away of any church/house of worship, where 400 feet is required, which represents a 4.5% reduction from code requirements. In addition, the subject property is separated from the existing church/house of worship land use by an existing 80-foot and 120-foot right-of-way. Staff has determined that the existing rights-of-way provide ample separation from the existing church/house of worship land use.

5. The minimum distance requirements in Requirement 1 do not apply to:
- a. An establishment which has a non-restricted 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.

This condition is not applicable as the subject site is not located within a an establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms or 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.

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The proposed use will be subject to all business licensing requirements outlined in LVMC Chapter 6.50 if approved.

The proposed use is located within 382 feet of Church/House of Worship to the northeast where a 400-foot minimum distance separation is required. The proposed location of this use fails to comply with the minimum distance separation requirements for a Special Use Permit. The requested Waiver to allow a 382-foot distance separation from a Church/House of Worship use represents a 4.5% reduction from the required 400-foot separation mandated by Title 19. However, the subject property is separated from the existing church/house of worship land use by Rainbow Boulevard and Cheyenne Avenue an 80-foot and 120-foot right-of-way, respectively. Staff has determined that the existing rights-of-way provide ample separation from the existing church/house of worship land use. Staff has added a condition of approval requiring the business conform to all provisions of LVMC Chapter 6.50 with regards to running a restaurant/instructional arts studio and alcohol license. It has been determined that the proposed Beer/Wine/Cooler On-Sale use can be conducted in a manner that is compatible with the surrounding land uses, therefore, staff is recommending approval, as the use is considered appropriate for the surrounding area.

FINDINGS (SUP-54308)

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 site was previously approved to operate as a Beer/Wine/Cooler On-Sale use. The proposed Beer/Wine/Cooler On-Sale use will be ancillary to the proposed instructional art studio and restaurant use at the subject site. The proposed use is compatible with the surrounding land uses and can be conducted in a manner that is harmonious with surrounding land uses.

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

The subject site is located within an existing commercial shopping center that is physically suitable for the intensity of the proposed land 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.

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Access to the site will not change. Vehicles may enter the property from Cheyenne Avenue a 120-foot expressway; and Rainbow Boulevard a 80-foot Major Collector, as classified by the Master Plan of Streets and Highways

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 this Special Use Permit will not compromise the public health safety and general welfare of the public. The use will be subject to regular inspections and is subject to licensing restrictions.

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

The proposed use meets all applicable conditions of approval for a Beer/Wine/Cooler On-Sale use per Title 19.12.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 33

NOTICES MAILED 760

APPROVALS 3

PROTESTS 0