



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JULY 16, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: MARISCOS PLAYA ESCONDIDA, LLC -
OWNER: GARDNER & ASSOCIATES

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-53827	Staff recommends APPROVAL, subject to conditions:	

**** CONDITIONS ****

SUP-53827 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 signage shall be permitted and meet minimum code requirements within 30 days of final approval.
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. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining item or devices shall be displayed upon the subject property or in the parking lot of the subject property without the appropriate permits.
6. 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.

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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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit to add a Beer/Wine/Cooler On-Sale establishment to an existing restaurant located at 1203 East Charleston Boulevard, Suite #140. The subject site is an existing shopping center, which provides cross-access and shared parking throughout the entire commercial center. The proposed use would be incorporated within a 1,035 square-foot restaurant. The proposed use meets all Title 19.12 requirements and is compatible with the other restaurant, retail and office uses located within the existing shopping center. Staff recommends approval of the requested Special Use Permit, with conditions. If denied, no alcohol may be served on the premises.

ISSUES

- The Beer/Wine/Cooler On-Sale use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- There are no protected uses within 400 feet of the subject property.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
There is no history of relevant actions related to the proposed use.	

<i>Most Recent Change of Ownership</i>	
09/24/04	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
c. 1959	The existing 27,854 square-foot shopping center was constructed.
07/08/97	A building permit was issued for a non-work certificate of occupancy for a restaurant at 1203 East Charleston Boulevard, Suite #140. The permit was finalized on 08/13/97.
07/25/13	A business license (R09-01738) was issued for a restaurant at 1203 East Charleston Boulevard, Suite #140. The license is still active.
06/10/14	The Planning Commission unanimously voted to recommend APPROVAL of a Special Use Permit request for a beer/wine/cooler on-sale establishment within an existing 1,035 square-foot restaurant.

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<i>Pre-Application Meeting</i>	
04/09/14	Staff met with the applicant to discuss the proposal to establish a Beer/Wine/Cooler On-Sale establishment in conjunction with an existing restaurant. Staff concluded that a Special Use Permit would be required to do so. The submittal requirements for a Special Use Permit were discussed.

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

<i>Field Check</i>	
05/01/14	Staff conducted a routine field check and noted several illegal banner signs and flags at 1203 East Charleston Boulevard, Suite #140. A condition of approval has been added to address the illegal signs.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.07

<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	C (Commercial)	C-2 (General Commercial)
North	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)
South	General Retail	C (Commercial)	C-2 (General Commercial)
East	Auto Repair, Minor	C (Commercial)	C-2 (General Commercial)
West	General Retail	C (Commercial)	C-2 (General Commercial)
	Restaurant		

<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>
Live/Work Overlay District	Y

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<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>
Charleston Boulevard	Primary Arterial	Master Plan of Streets and Highways	100 Feet	Y
Maryland Parkway	Primary Arterial	Master Plan of Streets and Highways	100 Feet	Y

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	27,854 SF	1:250	112				
TOTAL SPACES REQUIRED			112		130		Y
Regular and Handicap Spaces Required			107	5	124	6	Y

ANALYSIS

The Beer/Wine/Cooler On-Sale use is defined by 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. The proposed use meets the definition above, as the provided floor plan and justification letter detail the sale of beer, wine and coolers in conjunction with a restaurant to be consumed on the premises only.

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/house of worship, school, individual care center licensed for more than 12 children, or City park.

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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.

The proposed use meets this requirement; measurement is taken from the existing property line of the commercial subdivision located at the northeast corner of Charleston Boulevard and Maryland Parkway.

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 separation 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 separation requirements in Requirement 1 do not apply to:

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- 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 applies to the proposed use.

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

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

The proposed use would be located within an established shopping center with retail and restaurant uses located on the site interior. The existing shopping center provides cross-access and shared parking throughout the entire commercial center. No additional parking is required beyond that which is required for the principal use on the site, as parking requirements were addressed during the original development of the site. There are no protected uses located within 400 feet of the subject property. The proposed use is compatible with the surrounding uses; therefore, staff recommends approval with conditions.

FINDINGS (SUP-53827)

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 location for the Beer/Wine/Cooler On-Sale Establishment is compatible with the surrounding land uses. 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 proposed use will operate within an existing 1,035 square-foot restaurant located within an existing shopping center. The proposed use will not increase parking demands of the site.

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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.

Access to the site is provided from Charleston Boulevard and Maryland Parkway. Both streets have been classified as 100-foot wide Primary Arterials by the Master Plan of Streets and Highways. The proposed use will be in addition to an existing restaurant and will have a negligible increase in traffic and parking to the site.

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 general welfare, or the overall objectives of the General Plan.

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

The proposed Beer/Wine/Cooler On-Sale Establishment meets all distance separation requirements per Title 19.12. Conditions of approval ensure conformance with all other minimum requirements for the use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

36

NOTICES MAILED

561 (By City Clerk)

APPROVALS

5

PROTESTS

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