



## AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JUNE 17, 2015

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: BUFFET AT ASIA - OWNER: WRI  
CHARLESTON COMMONS, LLC

### **\*\* STAFF RECOMMENDATION(S) \*\***

| <i>CASE<br/>NUMBER</i> | <i>RECOMMENDATION</i>                             | <i>REQUIRED FOR<br/>APPROVAL</i> |
|------------------------|---------------------------------------------------|----------------------------------|
| <b>SUP-58222</b>       | Staff recommends APPROVAL, subject to conditions: | N/A                              |

### **\*\* CONDITIONS \*\***

## **SUP-58222 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. 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. The 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.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. 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 to allow a Beer/Wine/Cooler On-Sale Establishment use within an existing 6,349 square-foot restaurant located at 151 North Nellis Boulevard. The proposed use meets all Title 19.12 Special Use requirements for Beer/Wine/Cooler On-Sale use and can be conducted in a manner that is harmonious and compatible with the surrounding land uses; therefore, staff recommends approval of the Special Use Permit. If this use permit is denied, the restaurant use will be able to operate; however, no alcohol can be sold.

**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.

**BACKGROUND INFORMATION**

| <i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</b></i> |                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08/03/88                                                                  | The City Council approved Rezoning (Z-0061-88) request from R-1 (Single-Family Residence) and R-3 (Limited Multiple Residence) to C-1 (Limited Commercial) for a proposed Retail/Commercial Center located on the west side of Nellis Boulevard, between Charleston Boulevard and Stewart Avenue. The Planning Commission and staff recommended approval.                               |
| 07/19/89                                                                  | The City Council approved an Extension of Time [Z-0061-88(1)] request for a Rezoning from R-1 (Single-Family Residence) and R-3 (Limited Multiple Residence) to C-1 (Limited Commercial) for a proposed Retail/Commercial Center located on the west side of Nellis Boulevard, between Charleston Boulevard and Stewart Avenue. The Planning Commission and staff recommended approval. |
| 10/03/90                                                                  | The City Council approved a Review of Condition [Z-0061-88(2)] request for the elimination of the condition requiring the installation of 24-inch box evergreen trees along the west property line on property located on the west side of Nellis Boulevard, between Charleston and Stewart Avenue. The Planning Commission and staff recommended approval.                             |
| 03/21/00                                                                  | The Department of Planning administratively approved a Site Development Plan Review [Z-0061-88(5)] for a proposed 8,018 square-foot Retail Building on the property located on the west side of Nellis Boulevard, approximately 1,500 feet south of Stewart Avenue.                                                                                                                     |

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| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/03/91                                                                  | The City Council approved a Special Use Permit (U-0111-91) for a Tavern in conjunction with a Restaurant with a Waiver to allow the Tavern to be closer than 1,500 feet to another Tavern at 151 North Nellis Boulevard. This Special Use Permit has expired.         |
| 11/07/13                                                                  | A complaint (#135297) was filed with Code Enforcement for construction work occurring without permits. The complaint was resolved on 03/03/14.                                                                                                                        |
| 07/09/13                                                                  | The Planning Commission approved a Special Use Permit (SUP-49152) request for a Retail Establishment With Accessory Package Liquor Off-Sale Use at 201 North Nellis Boulevard. Staff recommended approval.                                                            |
| 02/19/14                                                                  | The City Council approved a Special Use Permit (SUP-51181) request for a Beer/Wine/Cooler Off-Sale Establishment use within an existing General Retail, Store Other Than Listed at 45 North Nellis Boulevard. The Planning Commission and staff recommended approval. |
| 06/10/14                                                                  | The Planning Commission approved a Special Use Permit (SUP-53829) request for a Beer/Wine/Cooler On-Sale Use at 111 North Nellis Boulevard, Suite #150. Staff recommended approval.                                                                                   |
| 05/12/14                                                                  | The Planning Commission voted (4-0) to recommend APPROVAL of a Special Use Permit (SUP-58222) request for to allow a Beer/Wine/Cooler On-Sale Establishment use within an existing 6,349 square-foot restaurant located at 151 North Nellis Boulevard.                |

| <b><i>Most Recent Change of Ownership</i></b> |                                                |
|-----------------------------------------------|------------------------------------------------|
| 12/22/06                                      | A deed was recorded for a change in ownership. |

| <b><i>Related Building Permits/Business Licenses</i></b> |                                                                                                        |
|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| 1991                                                     | The shopping center was constructed.                                                                   |
| 06/01/10                                                 | A building permit (#164206) was issued for a tenant improvement. The permit was finalized on 11/03/10. |
| 03/15/14                                                 | A business license (R09-99989) for a Restaurant was issued. The license is active as of 04/20/15.      |
| 12/05/13                                                 | A building permit (#250288) was issued for a tenant improvement. The permit was not finalized.         |

| <b><i>Pre-Application Meeting</i></b> |                                                                                                                                                                                              |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01/14/15                              | A pre-application meeting was held with the applicant's designated representative to discuss the Special Use Permit submittal requirements for a Beer/Wine/Cooler On-Sale Establishment use. |

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

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| <b>Field Check</b> |                                                                                                           |
|--------------------|-----------------------------------------------------------------------------------------------------------|
| 04/02/15           | A site inspection was conducted on the property, which revealed the property was clean and graffiti free. |

| <b>Details of Application Request</b> |       |
|---------------------------------------|-------|
| <b>Site Area</b>                      |       |
| Net Acres                             | 17.53 |

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|------------------------------|--------------------------------------------------------------------------------------|------------------------------------------|----------------------------------------------------------------------|
| Subject Property             | Shopping Center                                                                      | SC (Service Commercial)                  | C-1 (Limited Commercial)                                             |
| North                        | Shopping Center                                                                      | GC (General Commercial)                  | C-1 (Limited Commercial)                                             |
|                              | General Retail Store, Other Than Listed                                              |                                          |                                                                      |
| South                        | General Retail Store, Other Than Listed                                              | GC (General Commercial)                  | C-2 (General Commercial)                                             |
|                              | Multi-Family Residential                                                             | RH (Residential High) – Clark County     | R-3 [Multiple-Family Residential (18 Units per Acre)] – Clark County |
| East                         | General Retail Store, Other Than Listed                                              | GC (General Commercial)                  | C-2 (General Commercial)                                             |
|                              | Shopping Center                                                                      | CG (Commercial General) – Clark County   | C-2 (General Commercial) – Clark County                              |
|                              | Restaurant with Alcohol                                                              |                                          |                                                                      |
|                              | Liquor Establishment, (Tavern)                                                       |                                          |                                                                      |
|                              | Restaurant                                                                           |                                          |                                                                      |
|                              | General Retail Store, Other Than Listed                                              |                                          | C-1 (Local Business)                                                 |
|                              | Multi-Family Residential                                                             | RH (Residential High) – Clark County     | R-3 [Multiple-Family Residential (18 Units per Acre)] – Clark County |
|                              | Government Facility                                                                  | PF (Public Facility) – Clark County      | PF (Public Facility) – Clark County                                  |
|                              | Manufacture Home (Not Qualifying for Treatment as a Single Family Detached Dwelling) | RS (Residential Suburban) – Clark County | R-T (Manufactured Home Residential) – Clark County                   |

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|----------------------------------|----------------------------------|----------------------------------|----------------------------------|-------------------------------------------|---------------------------------------------------------------------------|
|                                  |                                  |                                  |                                  | L (Low<br>Density<br>Residential)         | R-1 (Single<br>Family<br>Residential)                                     |
|                                  |                                  |                                  |                                  | ML (Medium<br>Low Density<br>Residential) | R-PD7<br>(Residential<br>Planned<br>Development –<br>7 Units per<br>Acre) |

| <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> |
| No Applicable Special Purpose or Overlay Districts | N/A               |

| <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                                           | Y                 |

## DEVELOPMENT STANDARDS

| 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                      | 359,679 SF                          | 1/250 SF      | 1,439   |              |          |              |            |
| TOTAL SPACES REQUIRED                |                                     |               | 1,439   |              | 1694     |              | Y          |
| Regular and Handicap Spaces Required |                                     |               | 1,414   | 25           | 1638     | 56           | Y          |

## ANALYSIS

The Beer/Wine/Cooler On-Sale Establishment use is defined in Title 19.18 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 stated in the justification letter, the applicant's intent to offer Beer/Wine/Cooler to restaurant customers.

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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 licenses for more than 12 children, or City park.

*The use complies with this requirement, as there are no protected uses within 400 feet of the proposed use.*

2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in Requirement 1 shall be determine with reference to the shortest distance between two property lines, one being the property line of the proposed restaurant service bar which is closes 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 restaurant service bar. 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 parcels; 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 Requirement1.

*The proposed use meets this requirement; measurement is taken from the existing property line of Lot A of Parcel Map File 115 Page 77, located at the northwest corner of Charleston Boulevard and Nellis Boulevard.*

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 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.

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*This requirement does not apply to the proposed use, as the subject property contains an area less than 80 acres in size.*

5. 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 reason in support of the decision.

*This requirement does not apply as there are no protected uses within 400 feet of the proposed use.*

6. 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.

*This requirement does not apply to this application.*

7. All businesses which sell alcoholic beverages shall conform to the provision of LVMC 6.50.

*The proposed Beer/Wine/Cooler On-Sale use meets this requirement. The proposed use will be in conjunction with the service of food. LVMC 6.50 is a standard condition of approval that cannot be waived.*

The proposed Beer/Wine/Cooler On-Sale Establishment use will be located within an existing 6,349 square-foot restaurant in a C-1 (Limited Commercial) zoning district. The applicant would like to sell beer wine or wine coolers for on premise consumption. The site is an existing Shopping Center, as defined by Title 19.12 and meets the minimum on-site parking requirements for a Shopping Center.

The subject property is within 500 feet of the County of Clark's jurisdiction; therefore, this request qualifies as a Project of Regional Significance. All the proper documents were completed and distributed to the required departments and agencies. The Las Vegas Valley Water District returned the comment below.



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“This parcel is currently served by LVVWD but the existing fire line does not have the required backflow prevention per NAC 445A.67195. Civil plans will need to be submitted to LVVWD for meter sizing, available fire flow, and installation of required backflow prevention.”

The proposed use meets all the minimum requirements detail in Title 19.12 for the Beer/Wine/Cooler On-Sale Establishment use and can be conducted in a manner that is compatible and harmonious with the surrounding uses; therefore, staff recommends approval.

**FINDINGS (SUP-58222)**

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 an existing shopping center. This use is consistent with the other retail uses in the center and is consistent with uses generally found in shopping centers throughout the valley. There are no waivers of minimum distance separation requirements from protected uses and the use can be conducted in a harmonious and compatible manner with surrounding land uses.

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

The proposed use will operate within an existing restaurant within an existing Shopping Center that is physically suitable for Beer/Wine/Cooler On-Sale Establishment use. The Shopping Center can accommodate a variety of uses such as restaurants, retail stores and offices.

**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 subject property is accessible from Nellis Boulevard and from Charleston Boulevard, both are 100-foot wide Primary Arterials that can provide adequate capacity to meet the requirements of the 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.**

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The proposed use will be subject to regular inspections by business licensing and will 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 propose use meets all minimum Special Use Permit requirements per Title 19.12.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 14

**NOTICES MAILED** 1,239 (By City Clerk)

**APPROVALS** 6

**PROTESTS** 1