



## AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: AUGUST 12, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: ALEXANDER ALEXANDROV - OWNER:  
GREAT WASH PARK, LLC

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

| <i>CASE<br/>NUMBER</i> | <i>RECOMMENDATION</i>                             | <i>REQUIRED FOR<br/>APPROVAL</i> |
|------------------------|---|----------------------------------|
| SUP-54786              | Staff recommends APPROVAL, subject to conditions: |                                  |

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

## SUP-54786 CONDITIONS

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### 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.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a proposed Beer/Wine/Cooler On-Sale Establishment for an existing restaurant located in an existing mixed-use development at 420 South Rampart Boulevard, Suite #150. The restaurant establishment is 2,161 square feet in size with a 65 square-foot outdoor seating area. The Beer/Wine/Cooler On-Sale use will be ancillary to the existing restaurant. As this request can be conducted in a compatible and harmonious manner within the existing mixed-use development, 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-2 (General 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 141 feet from a City park where 400 feet is the minimum required. Staff supports the Waiver for distance separation as the proposed Beer/Wine/Cooler On-Sale use has no pedestrian access to the existing park.

**BACKGROUND INFORMATION**

| <i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i> |   |
|---|---|
| 04/19/06  | The City Council approved a Site Development Plan Review (SDR-10770) for a 10-story Mixed-Use Development consisting of 699,000 square feet of commercial space and 340 residential units and a Variance (VAR-10773) to allow 3,995 parking spaces where 4,961 parking spaces are required at the northeast corner of Rampart Boulevard and Alta Drive. Planning Commission recommended approval. Staff recommended denial. |
| 10/01/08  | The City Council approved a Special Use Permit (SUP-28998) for a Supper Club and a Waiver to allow a 141-foot separation from a City Park where 400 feet is the minimum required at the northeast corner of Rampart Boulevard and Alta Drive. The Planning Commission and staff recommended approval.   |

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| <i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i> |   |
|---|---|
| 12/17/08  | The City Council approved a Special Use Permit (SUP-30583) for a proposed 12,195 square-foot Supper Club with a waiver to allow a 141-foot distance separation from a city park where 400 feet is required at 440 South Rampart Boulevard, Suite #120. The Planning Commission and staff recommended approval.  |
| 07/01/09  | The City Council approved a Special Use Permit (SUP-34175) for a proposed Liquor Establishment (Tavern) with waivers to allow a distance separation of 141 feet from a City Park and to allow no distance separation from a similar use where 1,500 feet is required at 330 South Rampart Boulevard, Suite #215. Staff recommended approval.  |
| 09/23/10  | The Planning Commission approved a Special Use Permit (SUP-39146) for a Liquor Establishment (Tavern) with waivers to allow a distance separation of 141 feet from a City Park and to allow no distance separation from a similar use where 1,500 feet is required at 440 South Rampart Boulevard, Suite #180. Staff recommended approval.  |
| 10/21/10  | The Planning Commission approved a Special Use Permit (SUP-39440) for a Supper Club with a waiver to allow a 141-foot distance separation from a City Park where 400 feet is required at 420 South Boulevard, Suite #180 and a Special Use Permit (SUP-39441) for a Liquor Establishment (Tavern) with waivers to allow a distance separation of 141 feet from a City Park and to allow no distance separation from a similar use where 1,500 feet is required at 440 South Rampart Boulevard, Suite #B190. Staff recommended approval. |
| 12/16/10  | The Planning Commission approved a Special Use Permit (SUP-40087) for a proposed Supper Club with a waiver to allow a 141-foot separation distance from a City Park where 400 feet is required at 400 South Rampart Boulevard, Suite #190. Staff recommended approval.  |
| 04/12/11  | The Planning Commission approved a Special Use Permit (SUP-41030) for a proposed 2,946 square-foot Beer/Wine/Cooler On-Sale Establishment use with a waiver to allow a 141-foot distance separation from a City Park where 400 feet is required at 410 South Rampart Boulevard, Suite #120. Staff recommended approval.   |
| 05/10/11  | The Planning Commission approved a Special Use Permit (SUP-40748) for a Liquor Establishment (Tavern), located at located at 430 South Rampart Boulevard, Suites #B160, B170 and B181 and a Special Use Permit (SUP-40749) for a Liquor Establishment (Tavern) at 430 South Rampart Boulevard, Suite #B130. Staff recommended approval.   |
| 05/08/12  | The Planning Commission approved a request for a Special Use Permit (SUP-43957) to allow an Indoor Swap Meet at 420 South Rampart Boulevard, Suite #150. Staff recommended approval.  |

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| <i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i> |  |
|---|--|
| 07/10/12  | The City Council approved a request for a Special Use Permit (SUP-45533) to allow a Supper Club at 430 South Rampart Boulevard, Suite 170. Staff recommended approval.   |
| 08/14/12  | The City Council approved a request for a Special Use Permit (SUP-45933) to allow a Beer/Wine/Cooler On- And Off-Sale Establishment use at 420 South Rampart Boulevard, Suite #150. Staff recommended approval.  |
| 09/11/12  | The Planning Commission approved a request for a Special Use Permit (SUP-46271) to allow a Supper Club at 430 South Rampart Boulevard, Suite 110. Staff recommended approval of the request.   |
| 02/12/13  | The Planning Commission approved a request for a Special Use Permit (SUP-47802) for a supper club in conjunction with an existing 21,239 square-foot restaurant and beer/wine/cooler on and off-sale establishment with a waiver to allow a 141-foot distance separation from a city park where 400 feet is the minimum required at 420 South Rampart Boulevard, Suite #150.   |
| 07/09/13  | The Planning Commission approved a request for an Extension of Time (EOT-49284) of an approved Special Use Permit (SUP-41304) for a proposed 13,122 square-foot liquor establishment (tavern) within a 28.44-acre mixed-use development with waivers to allow a distance separation of 141 feet from a park where 1,500 feet is required and no distance separation from a similar use where 1,500 feet is required at 430 South Rampart Boulevard, Suites #150 and #230. Staff recommended approval of the request. |
| 08/01/13  | The Planning Department administratively approved a request for Special Use Permit (SUP-50286) for a Minor Amendment to an approved Special Use Permit (SUP-30583) for a proposed reduction in floor area to a supper club at 440 South Rampart Boulevard, Suites #120.  |
| 12/18/13  | The City Council approved a request for a Master Sign Plan (MSP-50954) for a Major Amendment of an approved Master Sign Plan (MSP-40230) for an existing mixed-use development on 28.43 acres at the northeast corner of Alta Drive and Rampart Boulevard. Staff recommended denial of the request.  |
|   | The City Council approved a request for a Variance (VAR-50955) to allow 10 proposed freestanding signs to be spaced 35 feet apart where six signs spaced at least 100 feet apart are allowed on 28.43 acres at the northeast corner of Alta Drive and Rampart Boulevard. Staff recommended denial of the request.  |
| 01/14/14  | The Planning Commission approved a request for a Site Development Plan Review (SDR-52089) for a Major Amendment of an approved Site Development Plan Review (SDR-10770) to reduce the southeast side yard setback from 115 feet to 65 feet and to reduce the number of residential units from 340 to 300 of an existing mixed-use development on 28.43 acres at 330, 340, 350 and 360 South Rampart Boulevard. Staff recommended approval of the request.  |

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| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i></b> |   |
|--|---|
| 07/08/14   | The Planning Department administratively approved a request for Site Development Plan Review (SDR-54397) for a Minor Amendment of an approved Site Development Plan Review (SDR-10770) to remove building 13, incorporate building 14 into building 15, decrease total net floor area from 793,925 square feet to 775,890 square feet and allow minor façade improvements at an existing mixed use development on a portion of 28.43 acres at 280, 320 and 340 South Rampart Boulevard. |

| <b><i>Most Recent Change of Ownership</i></b> |  |
|---|--|
| 01/16/04                                      | A deed was recorded for a change in ownership. |

| <b><i>Related Building Permits/Business Licenses</i></b> |  |
|--|--|
| 09/12/13   | A business license (#R10-01311) was issued for food services (The Crepe) at 420 South Rampart Boulevard, Suite #150. The license is still active |

| <b><i>Pre-Application Meeting</i></b> |  |
|---------------------------------------|--|
| 06/25/14                              | 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. |

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

| <b><i>Field Check</i></b> |  |
|---------------------------|--|
| 07/03/14                  | The site contains an existing well maintained mixed-use development, with six buildings currently existing on the south side of the development. |

| <b><i>Details of Application Request</i></b> |       |
|--|-------|
| <b><i>Site Area</i></b>                      |       |
| Net Acres                                    | 28.43 |

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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            | Mixed-Use Development   | GC (General Commercial)                        | C-2 (General Commercial)        |
| North                       | Commercial Recreation and Amusement (Outdoor)                       | PR-OS (Parks/Recreation/Open Space)            | C-V (Civic)                     |
| South                       | Undeveloped [approved Shopping Center and Multi-Family Development] | SC (Service Commercial)                        | PD (Planned Development)        |
| East                        | Single-Family, Detached   | L (Low Density Residential)                    | R-1 (Single Family Residential) |
| West                        | Hotel/Casino  | SC (Service Commercial)                        | C-1 (Limited Commercial)        |

|  |                   |
|--|-------------------|
| <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 (Pedestrian Path)   | 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**

| <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> |
|--------------------|---|-----------------------------------|-----------------------------------|---------------------------------------|
| Rampart Boulevard  | Primary Arterial                              | Master Plan of Streets & Highways | 100                               | Y                                     |
| Alta Drive         | Major Collector                               | Master Plan of Streets & Highways | 80                                | Y                                     |

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*Pursuant to SDR-54397, the following parking standards apply:*

| <b>Parking Requirement</b>                  |  |  |                |              |                 |              |                   |
|---|--|--|----------------|--------------|-----------------|--------------|-------------------|
| <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 |                   |
| Mixed-Use                                   | 775,890 SF                                 | Shared parking model as originally approved by SDR-10770 | 3,760          |              |                 |              |                   |
| <b>TOTAL SPACES REQUIRED</b>                |  |  | 3,760          |              | 3,877           |              | Y                 |
| <b>Regular and Handicap Spaces Required</b> |  |  | 3,712          | 48           | 3,817           | 60           | Y                 |

| <b>Waivers</b>   |  |                             |
|--|--|-----------------------------|
| <i>Requirement</i>   | <i>Request</i>   | <i>Staff Recommendation</i> |
| A 400-foot minimum separation distance is required from any City park. | To allow a 141-foot separation distance from a City park | Approval                    |

**ANALYSIS**

The applicant is proposing to establish a Beer/Wine/Cooler On-Sale use for an existing restaurant located in an existing mixed-use development at 420 South Rampart Boulevard, Suite #150. The subject site is located with the C-2 (General Commercial) zoning district. The existing restaurant is 2,161 square feet in size with a 65 square-foot outdoor seating area and has seating for 60 people. The restaurant is located within a portion of a suite which has been approved as an indoor swap meet per Special Use Permit (SUP-43957). The Beer/Wine/Cooler On-Sale use will be ancillary to the existing restaurant. The applicant has indicated in the justification letter that the proposed Beer/Wine/Cooler On-Sale use will allow the existing restaurant to attract more customers and provide better service to its patrons.

The subject site is located within an existing 775,890 square-foot mixed-use development. The existing development provides shares access and parking throughout the subject site. The proposal adheres to all minimum parking requirements.

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A Beer/Wine/Cooler On-Sale use is described in Tile 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 141 feet away of from a City park 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:

- 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 Plat Book 143, Page 49.*

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 28.43 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.

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*The proposed site is located 141 feet away of a City park, where 400 feet is required, which represents a 65% reduction from code requirements. In addition, the subject property is separated from the existing City park land use and provides no pedestrian access. Staff has determined that since there is no pedestrian access there is ample separation from the existing City park 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.

*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 141 feet of City park 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 141-foot distance separation from a City park use represents a 65% reduction from the required 400-foot separation mandated by Title 19. Staff has determined that since there is no reasonable means of access from the City Park to the Mixed-Use development within the 141-foot distance separation there is ample separation from the existing City park 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 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-54786)**

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.**

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The subject suite was previously approved to operate as an Indoor Swap meet, Beer/Wine/Cooler On-Sale and Off-Sale use, and Supper Club. This request is for one tenant within the overall suite which functions as a restaurant. The proposed Beer/Wine/Cooler On-Sale use will be ancillary to the existing 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 mixed-use development 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.**

Access to the site will not change. Vehicles may enter the property from Rampart Boulevard a 100-foot Primary Arterial; and Alta Drive 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.**

With the exception of the Waiver, the project meets the conditions of Title 19.12.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 31**

**NOTICES MAILED 802**

**APPROVALS 6**

**PROTESTS 1**