



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: SEPTEMBER 9, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: TENAYA CREEK BREWERY - OWNER: RANK BREWING, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-55212	Staff recommends APPROVAL, subject to conditions:	N/A
SUP-55214	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-55212 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. 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. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-55214 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Beer/Wine/Cooler Off-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. 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. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
September 9, 2014 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting approval of a Special Use Permit to serve beer and sell beer within a 1,877 square-foot portion of a proposed 13,170 square-foot Manufacturing, Heavy use (a brewery) at 831 West Bonanza Road. This use meets all the minimum Title 19.12 requirements for the Beer/Wine/Cooler On-Sale Establishment use and the Beer/Wine/Cooler Off-Sale Establishment use. Both requested uses are compatible with the existing and future land uses. 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 Beer/Wine/Cooler On-Sale Establishment use is permitted in the M (Industrial) zoning district with the approval of a Special Use Permit.
- A Beer/Wine/Cooler Off-Sale Establishment use is permitted in the M (Industrial) zoning district with the approval of a Special Use Permit.
- The site has an existing non-permitted chain link and razor wire perimeter fence. The applicant is requesting to retain and permit the chain link and razor wire perimeter fence along the east and south property lines. This material is permitted if approved in conjunction with a development plan.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/15/86	The City Council approved a Special Use Permit (U-0086-86) request for a double-faced 14-foot by 48-foot Off-Premise Sign (Billboard) to a height of 30 feet above the adjacent freeway road surface (65 feet total) at 831 West Bonanza Road. The Board of Zoning Adjustment recommended approval on 09/25/86.
06/03/05	A complaint (#30763) was file with Code Enforcement for vagrant setting up camp in the rear of the property. The complaint was resolved on 06/16/05.
04/16/07	A complaint (#52185) was file with Code Enforcement for damaged barbed wire fencing in the right-of-way. The complaint was resolved on 04/20/07.
03/13/09	A complaint (#75565) was file with Code Enforcement for barbed wire and chain link fencing. The complaint was resolved on 07/16/09.
10/11/10	A complaint (#95314) was file with Code Enforcement for high weed. The complaint was resolved on 10/24/10.
06/11/14	A complaint (#142435) was file with Code Enforcement for graffiti. The complaint was resolved on 06/26/14.

Staff Report Page Two
September 9, 2014 - Planning Commission Meeting

<i>Most Recent Change of Ownership</i>	
06/02/14	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
1954	The building on the subject site constructed.
10/29/08	A business license (A01-01381) was issued for administrative or corporate office space. The business license was marked out of business on 09/25/13.
06/11/14	A building permit (#262397) was issued for a building investigation. The permit has not been finalized as 07/21/14.
06/23/14	A building permit (#263358) was issued for an interior demo. The permit has not been finalized as 07/21/14.

<i>Pre-Application Meeting</i>	
07/22/14	A pre-application meeting was held with the applicant to discuss the Special Use Permit submittal requirements for Beer/Wine/Cooler On-Sale Establishment use and a Beer/Wine/Cooler Off-Sale Establishment use.

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

<i>Field Check</i>	
07/31/14	A field inspection was conducted on the subject site, which revealed the site has a vacant building. Also, the site has a chain link and razor wire fence around the exterior of the site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.57

<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	Vacant	LI/R (Light Industry/Research)	M (Industrial)
North	Vacant	MXU (Mixed Use)	C-2 (General Commercial)

Staff Report Page Three

September 9, 2014 - Planning Commission Meeting

<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>	
		Freeway	Right-Of-Way	N/A
		Trucking Company	LI/R (Light Industry/Research)	M (Industrial)
East		Freeway	Right-Of-Way	N/A
West		Retail	LI/R (Light Industry/Research)	M (Industrial)

<i>Master Plan Areas</i>	<i>Compliance</i>
West Las Vegas Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (175 Feet)	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails (Bonanza Trail)	Y
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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	
Manufacturing, Heavy	13,170 SF	1/1,000 SF	14				
TOTAL SPACES REQUIRED			14		40		Y
Regular and Handicap Spaces Required			13	1	38	2	Y
Loading Spaces			2		2		Y

ANALYSIS

The Beer/Wine/Cooler On-Sale Establishment use is defined by 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, as the applicant will serve beer for consumption on the premises.

MR

Staff Report Page Four
September 9, 2014 - Planning Commission Meeting

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.

The proposed use meets this requirement; measurement is taken from the existing property line of part of the southeast quarter of the southeast quarter of Section 28, Township 20, Range 61, located west of the southeast corner of Bonanza Road and H Street.

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.

Staff Report Page Five
September 9, 2014 - Planning Commission Meeting

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 condition applies 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.

The Beer/Wine/Cooler Off-Sale use is defined in Title 19.18 as:

“A retail establishment whose license to sell alcoholic beverage is limited to the sale of beer, wine, and coolers to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold, and is operated in connection with a grocery store, drug store, convenience store or specialty merchandise store.”

The proposed use meets the definition, as the applicant intends to sell beer that will be consumed off- premise.

The Minimum Special Use Permit Requirements for this use include:

- *1. Except as otherwise provided, no retail beer/wine/cooler off-sale (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.

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

Staff Report Page Six
September 9, 2014 - Planning Commission Meeting

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:
 - Any leasehold parcel; or
 - a. 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 part of the southeast quarter of the southeast quarter of Section 28, Township 20, Range 61, located west of the southeast corner of Bonanza Road and H Street.

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.

Staff Report Page Seven
September 9, 2014 - Planning Commission Meeting

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 condition applies to the proposed use.

6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50 [Non-Waivable].

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

The proposed Beer/Wine/Cooler On-Sale Establishment use and Beer/Wine/Cooler Off-Sale Establishment use will be located within a proposed 13,170 square-foot Manufacturing, Heavy use (a brewery) in a M (Industrial) zoning district. Per site plan date stamped 08/20/14, there is adequate parking for the primary use and no additional parking is required for a Beer/Wine/Cooler On-Sale Establishment use or Beer/Wine/Cooler Off-Sale Establishment use.

The applicant has requested that the existing chain link and razor wire fencing along the east and south property lines be permitted in conjunction with this application. The chain link and razor wire fencing along the northern property line will be removed and replaced with wrought iron fencing. Title 19.08.040 (F) prohibits the use of razor wire or chain link as fencing material, unless approved in an overall development plan. A Special Use Permit application fulfills this requirement. Staff supports the request for the chain link fence and razor wire fencing along the south and east property lines, as this site has a history of vagrant activity.

This application has been properly noticed to governmental and outside agencies. The Las Vegas Valley Water District (LVVWD) was the only agency that responded with the comments below:

“This parcel does have service but does not have the backflow prevention that is required per NAC 445A.67195. Civil plans will need to be submitted to LVVWD.”

The proposed Beer/Wine/Cooler On-Sale and Off-Sale uses meet all the minimum requirements detailed in Title 19.12 for said uses and can be conducted in a manner that is compatible and harmonious with the existing land uses and neighborhood; therefore, staff recommends approval of both Special Use Permits.

Staff Report Page Eight
September 9, 2014 - Planning Commission Meeting

FINDINGS (SUP-55212) (Beer/Wine Cooler On-Sale Establishment)

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 13,170 square-foot Manufacturing, Heavy use (a brewery) within an industrial section of town. The accessory sale of beer on-site is within a tasting room within the front of the building and should not have any adverse effects on the surrounding area. No waiver of minimum distance separation requirements from protected uses is required and this use can be conducted in a harmonious and compatible manner with the existing and future land uses.

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

The existing building has adequate space to handle the proposed manufacturing use and accessory sale of beer for on-site consumption. This site has adequate parking for the primary use of Manufacturing, Heavy (a brewery), and the proposed use does not generate the need for any additional parking spaces.

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 Beer/Wine/Cooler On-Sale Establishment can be accessed from Bonanza Road, a 100-foot Primary Arterial that has adequate capacity to serve the proposed development.

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

Staff Report Page Nine
September 9, 2014 - Planning Commission Meeting

FINDINGS (SUP-55214) (Beer/Wine Cooler Off-Sale Establishment)

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 13,170 square-foot Manufacturing, Heavy use (a brewery) within an industrial section of town. The accessory sale of beer for off-site consumption within a tasting room in front of the building should not have any adverse effects on the surrounding area. No waiver of minimum distance separation requirements from protected uses is required and this use can be conducted in a harmonious and compatible manner with the existing and future land uses.

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

The existing building has adequate space to handle the proposed manufacturing use and accessory sale of beer for off-site consumption. This site has adequate parking for the primary use of Manufacturing, Heavy (a brewery), and the proposed use does not generate the need for any additional parking spaces.

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 Beer/Wine/Cooler Off-Sale Establishment can be accessed from Bonanza Road, a 100-foot Primary Arterial that has adequate capacity to serve the proposed development.

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 Off-Sale Establishment 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.

Staff Report Page Ten
September 9, 2014 - Planning Commission Meeting

The proposed Beer/Wine/Cooler Off-Sale Establishment 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 22

NOTICES MAILED 132

APPROVALS 0

PROTESTS 0