



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: NOVEMBER 4, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: SOFIA'S RESTAURANT, LLC - OWNER:
JEANNY THU HUYNH

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-56138	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-56138 CONDITIONS

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 signage shall be permitted and meet minimum code requirements with 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. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit and business license.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
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

The applicant is requesting approval of a Special Use Permit to serve beer, wine and wine coolers in an existing 2,951 square-foot restaurant located within an existing retail center at 821 North Lamb Boulevard, Suite #1. This use meets all Title 19.12 requirements for the Beer/Wine/Cooler On-Sale Establishment use and is compatible with the other restaurant, retail and office uses within the shopping center. 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 C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- A complaint was forwarded to Code Enforcement regarding graffiti and non-permitted signage in the retail center.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/19/86	The City Council approved Rezoning (Z-0077-86) request from R-HMP (Residential Mobile Home Park) to C-1 (Limited Commercial) on the east side of Lamb Boulevard, south of Washington Avenue. The Planning Commission and staff recommended approval.
10/18/95	The City Council approved a Special Use Permit (U-0108-95) request for Restricted Gaming at 821 North Lamb Boulevard, Suite #9. The Board of Zoning Adjustment and staff recommended approval.
02/09/98	The City Council approved a Special Use Permit (U-0123-97) request for the Sale of Beer and Wine for Off-Premise Consumption in conjunction with a mini-market at 821 North Lamb Boulevard, Suite #10. The Planning Commission and staff recommended approval.
08/13/98	The Planning Commission approved a Site Development Plan Review [Z-0077-86(1)] request for a 2,650 square-foot addition to an existing shopping center at 821 North Lamb Boulevard. Staff recommended approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
08/12/99	The City Council approved Variance (V-0046-99) request to allow 81 existing parking spaces where 87 are the minimum required in conjunction with a proposed addition (Bakery) to an existing Commercial Center at 821 North Lamb Boulevard. The Board of Zoning Adjustment and staff recommended approval.
10/16/02	The City Council approved a Special Use Permit (U-0109-02) request for a Restaurant Service Bar, located at 821 North Lamb Boulevard, Suite #14. The Planning Commission and staff recommended approval.
08/26/10	The Planning Commission approved a Variance (VAR-38827) request to allow 74 parking spaces where 91 are required at 821 North Lamb Boulevard. Staff recommended denial.
10/16/14	A complaint was forwarded to Code Enforcement for graffiti and non-permitted signage.

<i>Most Recent Change of Ownership</i>	
08/23/07	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
06/13/98	A business license (R09-01583) was issued for a Restaurant at 821 North Lamb Boulevard, Suite #1. The license expired on 06/01/14.
1988	The shopping center was constructed.
09/17/10	A building permit (#172366) was issued for a tenant improvement certificate of occupancy at 821 North Lamb Boulevard, Suite #1. The permit was finalized on 10/07/10.

<i>Pre-Application Meeting</i>	
09/02/14	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.
09/09/14	A pre-application meeting was held with the applicant and designated representative to discuss the Special Use Permit submittal requirements for Beer/Wine/Cooler On-Sale Establishment use.

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

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Field Check	
10/06/14	Staff conducted a field check of the site and found a commercial building with graffiti on it and non-permitted signage throughout the retail center.

Details of Application Request	
Site Area	
Net Acres	1.49

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
	Liquor Establishment (Tavern)		
	General Retail Store, Other Than Listed		
	General Personal Service		
	General Retail Store, Other Than Listed		
North	Mobile Home Park	ML (Medium Low Density Residential)	R-MHP (Residential Mobile/ Manufactured Home Park)
South	Thrift Shop	SC (Service Commercial)	C-1 (Limited Commercial)
East	Mobile Home Park	ML (Medium Low Density Residential)	R-MHP (Residential Mobile/ Manufactured Home Park)
West	Office, Other than Listed	SC (Service Commercial)	C-1 (Limited Commercial)

Master Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Purpose and Overlay Districts	Compliance
No Applicable Special Purpose or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
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

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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				
Restaurant	2,605 SF	1:50 SF of Seating Area	53							
	3,296 SF	1:200 SF of Remaining Area	17							
Liquor Establishment (Tavern)	200 SF	1:50 SF of Seating Area	4							
	2,091 SF	1:200 SF of Remaining Area	11							
General Retail Store, Other Than Listed	4,270 SF	1:175 SF	25							
General Personal Service	6 Barber Chairs	2 SP Per Chair	3							
Office, Other than Listed	2,100 SF	1:300 SF	7							
TOTAL SPACES REQUIRED			120*					77		Y*
Regular and Handicap Spaces Required					73	4	Y*			

* There are two parking Variances (V-0046-99 and VAR-38827) that allow the reduction of 23 parking spaces and another 7 parking spaces were removed for utility installation and other site improvements.

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, wine, and wine coolers only with meals for consumption on the premises.

The minimum Special Use Permit requirements for this use include:

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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 Part of the Northwest Quarter of the Southwest Quarter of Section 29 Township 20 Range 62, located north of the northeast corner of Harris Avenue and Lamb 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 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.

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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 proposed use would be located within an established commercial center with other retail and restaurant uses. No additional parking is required for this use, as it is ancillary to the primary use, an existing Restaurant. Other than the minimum use requirements in Title 19.12, there are no additional requirements for this proposal. There are no protected uses located within 400 feet of the subject property and there are similar uses within the existing retail center. For these reasons, the proposed use is compatible with the surrounding uses in the area and staff recommends approval with conditions.

FINDINGS (SUP-56138)

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 restaurant located within an established commercial center along with other similar and compatible uses, and 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.

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The 21,268 square-foot commercial center is designed to accommodate a variety of retail, restaurant and office uses. This site has two parking Variances and a number of the parking spaces were removed for utility and other improvements. The existing restaurant use has operated for more than four year and there is adequate parking for this use and all other uses with the retail center. The Beer/Wine/Cooler On-Sale Establishment 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 Lamb Boulevard, a 100-foot Primary Arterial that has adequate capacity to serve the entire shopping center.

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.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

28

NOTICES MAILED

1489

APPROVALS

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PROTESTS

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