



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: FAR WEST RESTAURANT GROUP - OWNER:
TEN 15 HUNTRIDGE, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-65847	Staff recommends APPROVAL, subject to conditions:	N/A

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 39

NOTICES MAILED 710

APPROVALS 0

PROTESTS 0

**** CONDITIONS ****

SUP-65847 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Beer/Wine/Cooler On-Sale Establishment.
2. All signage shall be permitted and meet minimum code requirements within 30 days of final approval.
3. 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.
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. The applicant shall meet with the Planning Department to be reassigned a new address prior to the issuance of any building 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.
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.

Staff Report Page One
September 13, 2016 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting approval of a Special Use Permit for a Beer/Wine/Cooler, On-Sale Establishment for a proposed restaurant to be located at 1120 East Charleston Boulevard, within an existing shopping center. While a Beer/Wine/Cooler, On-Sale Establishment is a conditional use in the C-2 (General Commercial) Zoning District, a special use is required when the proposed location cannot meet the required distance separation from a City Park. The proposed location of the Beer/Wine/Cooler, On-Sale Establishment use is approximately 150 feet from Huntridge Circle Park. Staff recommends approval of the requested Special Use Permit. If denied, alcohol won't be allowed to be sold for consumption on site.

ISSUES

- A Special Use Permit is required for a Beer/Wine/Cooler On-Sale Establishment when the use is within 400 feet of a City Park. Staff supports this request.

ANALYSIS

The subject site is zoned C-2 (General Commercial). Development is subject to the standards contained within Title 19.12. The Beer/Wine/Cooler On-Sale Establishment use is a conditional use within the C-2 (General Commercial) zoning district. The applicant must obtain a Special Use Permit because the subject site is located within 400 feet of a City Park. The proposed site is located approximately 150 feet from Hundtridge Circle Park. Staff supports the request as the shopping center already contains more intense uses, including a tavern and off-sale package liquor store, that operate in a compatible and harmonious manner with the surrounding uses. The addition of the proposed use will not negatively affect the area.

Per Title 19, the Beer/Wine/Cooler On-Sale Establishment use is defined 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 this definition as the applicant intends to operate a restaurant with the option to sell alcoholic beverages to be consumed on site.

The Conditional Use Requirements for this use include:

1. Except as otherwise provided, any beer/wine/cooler on-sale establishment (hereinafter “establishment”) must be more than 400 feet from any church/house of worship, school, individual care center licensed for more than 12 children, or City park. *The proposed site does not meet this requirement as it is located 150 feet from a City Park.*

Staff Report Page Two

September 13, 2016 - Planning Commission Meeting

2. Except as otherwise provided in Regulation 3 below, the distances referred to in Regulation 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 Regulation 1. *The requirements of this condition were used to determine the distance of the City Park from the proposed Beer/Wine/Cooler On-Sale Establishment.*
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 Regulation 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. *N/A*
4. The minimum distance requirements in Regulation 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. *N/A*
5. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50. *A condition of approval has been placed on the Special Use to ensure this requirement is met.*

During a routine site visit, Staff found that an incorrect address was listed on the door of the subject building. A condition of approval will be placed on the Special Use Permit requiring the applicant to get a newly reassigned address. Staff also found that an unpermitted Church was operating approximately 20 feet southwest of the subject property. The unpermitted Church is currently under investigation by Code Enforcement. As the Church is not legally established, it is not considered for the purposes of the distance separation requirements.

The subject property is located within the boundaries of the Las Vegas Redevelopment District, and has a C (Commercial) land use designation. The Commercial designation allows uses comparable to the following land use categories: SC (Service Commercial), GC (General

Staff Report Page Three
September 13, 2016 - Planning Commission Meeting

Commercial), and O (Office). The proposed Beer/Wine/Cooler On-Sale Use is consistent with the land use designation. There are also other alcohol related uses located within the subject shopping center. The approval of this Special Use Permit will only allow customers of the restaurant to purchase an alcoholic beverage to consume on site. For these reasons, staff recommends approval.

FINDINGS (SUP-65847)

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 shopping center. Although a Special Use Permit is required due to failure to meet the required minimum distance separation from a City Park, 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 2,100 square-foot Beer/Wine/Cooler On-Sale Establishment within a restaurant is suitable for the subject site. Although the site is parking impaired, this site has adequate parking for all uses, 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 use can be accessed from Charleston Boulevard and Maryland Parkway (both are 100-foot wide Primary Arterials). Both roadways have adequate capacity to serve the needs 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.**

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 welfare, or the overall objectives of the General Plan.

Staff Report Page Four
September 13, 2016 - Planning Commission Meeting

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

Other than the required distance separation, all code requirements of Title 19.12 are being met.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
07/21/93	The City Council approved a Variance (V-0052-93) to allow the second hand sale of clothing, furniture and household items where a secondhand dealer use is not permitted on property located at 1110 East Charleston Boulevard. Board of Zoning Adjustment recommended approval while staff recommended denial.
10/19/94	The City Council approved a Special Use Permit (U-0205-94) for the sale of Beer/Wine/Cooler Off-Sale Establishment use within an existing grocery store on property located at 1110 East Charleston Boulevard. Planning Commission and staff recommended approval. This use has since expired.

<i>Most Recent Change of Ownership</i>	
10/07/15	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
06/19/03	A business license (#01974) for Interactive Gaming was issued at 1110 East Charleston Boulevard. The business was designated as inactive on 03/31/11.
03/12/08	A building permit (#108116) for a Tenant Improvement for a Grocery Store at 1110 East Charleston Boulevard was issued. The permit was final on 06/21/10.
05/24/10	A business license (#02718) for beer, wine and cooler off sale was issued at 1140 East Charleston Boulevard. The license was listed active as of 08/16/16.
08/31/10	A business license (#02718) for a Tabaco Sales was issued at 1110 East Charleston Boulevard. The business was designated as inactive on 03/31/11.
12/31/14	A building permit (#276585) for a Tenant Improvement for a Grocery Store at 1110 East Charleston Boulevard was applied for. The permit has not been finalized.
02/26/14	A business license (#L62-00073) for a Tavern with gaming was issued at 1116 East Charleston Boulevard. The business was listed as active as of 08/16/16.

Staff Report Page Five
September 13, 2016 - Planning Commission Meeting

<i>Related Building Permits/Business Licenses</i>	
01/20/15	A building permit (#226997) for a Tenant Improvement for a Pharmacy retail remodel was issued at 1120 E Charleston Boulevard was issued.
08/10/15	A business license (#168716) for a Retail Grocery store with meat department and produce department; retail beer, wine and spirits based on products sales. at 1110 East Charleston Boulevard. The license was active as of 08/16/16.

<i>Pre-Application Meeting</i>	
07/28/16	A Pre-Application Meeting was held with the applicant to review the application materials and submittal requirements. It was determined that a Special Use Permit would be required since the proposed site is located within 400 feet of a city park.

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

<i>Field Check</i>	
08/04/06	Staff visited the site and found an active shopping center. An unpermitted church/house of worship was found to be located approximately 20 feet southwest of the subject property on South Maryland Parkway.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	4.3

<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	Shopping Center	C (Commercial)	C-2 (General Commercial)
South	Single Family, Detached	SC (Service Commercial)	R-1 (Single Family Residential)
	Church/House of Worship (Unpermitted)	L (Low-up to 5.49)	C-D (Designed Commercial)

Staff Report Page Six
September 13, 2016 - 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>
East	Shopping Center	C (Commercial)	C-2 (General Commercial)
West	Single Family, Detached	C (Commercial)	R-1 (Single Family Residential)
	Office, Other than listed		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	N/A
Las Vegas Redevelopment Plan Area	Y
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>
Charleston Boulevard	Primary Arterial	Planned Streets and Highways Map	100	Y
Maryland Parkway	Primary Arterial	Planned Streets and Highways Map	100	Y

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	
Shopping Center	64,379 SF	1/250 SF	258				
TOTAL SPACES REQUIRED			258		173		Y *
Regular and Handicap Spaces Required			251	7	167	6	Y *

*The shopping center is parking impaired by 85 parking spaces.