



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MARCH 12, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: GALLAGHER AND ASSOCIATES, LLC -

OWNER: HUALAPAI COMMONS LTD, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-48149	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-48149 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Beer/Wine/Cooler On-Sale Establishment use.
2. Prior to issuance of a business license for the proposed use, the address of the subject tenant space shall match that of the building permit for a tenant improvement.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. Conformance to the approved conditions for Rezoning (Z-0017-90) and Site Development Plan Review [Z-0017-90(22)].
6. 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.

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7. 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.
8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
9. 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 to serve beer, wine and wine coolers with meals at a proposed 2,664 square-foot restaurant within an established Shopping Center at the southeast corner of Charleston Boulevard and Hualapai Way. The proposed use meets all applicable Title 19 requirements, and can be conducted in a manner that is harmonious and compatible with the other uses in the shopping center and on adjacent properties. Staff therefore recommends approval with conditions. If denied, the restaurant may continue, but no alcohol may be served to restaurant patrons.

ISSUES

- A Beer/Wine/Cooler On-Sale Establishment is a permitted use in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- The current posted address of the subject suite does not match the address of the tenant improvement for which a building permit has been issued. A condition of approval addresses this issue.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/24/97	The City Council approved a Site Development Plan Review [Z-0017-90(22)] for a proposed 109,195 square-foot shopping center on 11.40 acres at the southeast corner of Charleston Boulevard and Hualapai Way. The Planning Commission and staff recommended approval.
12/08/97	The City Council approved a request for a Special Use Permit (U-0101-97) for a proposed Liquor Establishment (Tavern) in conjunction with a proposed 109,195 square-foot shopping center at the southeast corner of Charleston Boulevard and Hualapai Way. The Planning Commission and staff recommended approval.
01/14/99	The Planning Commission approved a Site Development Plan Review [Z-0017-90(29)] for Phase 2 of the proposed shopping center at the southeast corner of Charleston Boulevard and Hualapai Way, containing 236,237 square feet on 16.46 acres. Staff recommended approval.
11/04/99	A four-lot Parcel Map (PM-0026-99) at the southeast corner of Charleston Boulevard and Hualapai Way was recorded.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/14/11	The Planning Commission approved a request for a Special Use Permit for a proposed 3,840 square-foot Supper Club with 2,744 square feet of outdoor dining area at 9785 West Charleston Boulevard. Staff recommended approval.
09/13/11	The Planning Commission approved a Tentative Map (TMP-42673) for a one-lot commercial subdivision on 24.96 acres at the southeast corner of Charleston Boulevard and Hualapai Way. Staff recommended approval.
11/21/12	A Final Map (FMP-43761) was recorded for a one-lot commercial subdivision on 24.95 acres at the southeast corner of Charleston Boulevard and Hualapai Way.

<i>Most Recent Change of Ownership</i>	
06/22/07	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
10/15/98	A building permit (#98020666) was issued for a retail building shell at 9921 West Charleston Boulevard. A final inspection was approved 04/13/99.
01/18/00	A building permit (#00000913) was issued for a tenant improvement for a general retail store at 9921 West Charleston Boulevard, Suite #1, which included the subject location. A final inspection was approved 03/08/00.
01/16/13	A building permit (227156) was issued for a tenant improvement for a restaurant at 9921 West Charleston Boulevard, Suite #6. A final inspection has not been completed.
02/14/13	Application was made for a business license (L09-93655) for a Beer/Wine/Cooler On-Sale Establishment at 9921 West Charleston Boulevard, Suite #6. The license has not been issued and is pending approval of the Special Use Permit.
	Application was made for a business license (R09-93656) for a 72-seat restaurant at 9921 West Charleston Boulevard, Suite #6. The license has not yet been issued.

<i>Pre-Application Meeting</i>	
01/15/13	A pre-application meeting was held with the applicant to discuss submittal requirements for a Special Use Permit for on-premise beer sales within a proposed restaurant. It was noted that the building permit in for review for a tenant improvement in the subject location had the same suite number as an existing business. Business licensing reminded the applicant that a minimum of 30 seats must be available for the license to be issued.

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

<i>Field Check</i>	
01/31/13	The site is located on the west side of an existing Shopping Center within a multitenant building. It was noted that the address of the tenant space was Suite #4.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	14.69

<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	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family, Detached	PCD (Planned Community Development)	R-PD7 (Residential Planned Development – 7 Units per Acre)
South	Community Amenity (Trail/Flood Channel)	PR-OS (Parks/Recreation/Open Space)	ROW (Right of Way)
East	Multi-Family Residential (Condominiums)	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Financial Institution, General	SC (Service Commercial)	C-1 (Limited Commercial)
	Animal Hospital or Clinic		

<i>Master Plan Areas</i>	<i>Compliance</i>
Peccole Ranch Master Plan	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
<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

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DEVELOPMENT STANDARDS

Pursuant to Title 19.13, the following standards apply:

<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 Blvd.	Primary Arterial	Master Plan of Streets and Highways Map	130	Y
Hualapai Way	Primary Arterial	Master Plan of Streets and Highways Map	110	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	261,982 SF	1:250 SF	1,048				
TOTAL SPACES REQUIRED			1,048		1,203		Y
Regular and Handicap Spaces Required			1,027	21	1,166	37	Y

ANALYSIS

The subject site is located within the Peccole Ranch Master Plan Area; however, it is not subject to any additional zoning requirements beyond those contained within Title 19.08 for the C-1 (Limited Commercial) District.

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 for consumption only in connection with a meal on the premises where the same is sold, and is operated in connection with a restaurant in which 30 or more people may be served with meals at any one time at tables or stools.” The proposed use meets the definition, as the restaurant may seat up to 72 persons and only beer, wine and coolers will be served with meals in the restaurant. The floor plan indicates that seating will be accommodated by nine large tables with bench seating for four persons on each side. If the requested Special Use Permit is approved, alcoholic drinks may only be served in conformance with Title 6.50 requirements in addition to the Title 19.12 use requirements listed below.

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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, synagogue, school, child care facility licensed for more than 12 children, or City park.

The proposed use meets this requirement, as there are no houses of worship, schools, Individual Care Centers or City parks within 400 feet of the subject property. A private school is located 408 feet from the property line 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, as the subject fee simple parcel has direct access to both Charleston Boulevard and Hualapai Way. The site was recently remapped to exclude the flood channel and greenbelt area to the south that separates the commercial center from single family dwellings. However, the greenbelt area had already been mapped as a separate lot and would not have affected calculation of distance separation as stipulated by Requirement 2.

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 existing Shopping Center property in which it is proposed is less than 80 acres in size.

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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 [Non-Waivable].

The proposed use meets this requirement, as beer, wine and wine coolers would be served to patrons by employees of the establishment only where meals would be served in the restaurant area. A standard condition of approval requires conformance to this section of the code.

The proposed use would be located within a proposed 2,664 square-foot restaurant that is within an established Shopping Center equipped to handle commercial uses of various intensities. The Shopping Center contains several similar uses that have operated harmoniously with each other and with uses on surrounding properties.

Pursuant to Title 19.16.010, the Special Use Permit request has been deemed a “Project of Regional Significance.” An assessment of potential impacts this use may have to area utilities and services and to jurisdictions outside the boundary of the City of Las Vegas was sent to various agencies for review. No comments were received.

As the use can be conducted in a manner that is harmonious and compatible with surrounding uses and all minimum Title 19 requirements are met by the use, staff recommends approval with conditions.

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FINDINGS (SUP-48149)

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 proposed Beer/Wine/Cooler On-Sale Establishment will be part of a restaurant in an established multitenant building with various uses that are compatible. The existing Shopping Center is buffered from single family residential uses by a Primary Arterial on the north and a flood channel/recreational path on the south.

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

The proposed use will be located within a Shopping Center that contains uses of similar intensity, all of which are permitted uses in the C-1 (Limited Commercial) zoning district. Sufficient parking is available throughout the site for use by patrons of the proposed establishment.

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.

Charleston Boulevard and Hualapai Way, both 100-foot Primary Arterials as classified by the Master Plan of Streets and Highways Map, provide multiple access points to the property.

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 licensing and regular inspection and thus will not compromise the public health, safety and general welfare.

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

All minimum distance separation requirements and licensing requirements listed in Title 19.12 are satisfied by the proposal.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 1,078

APPROVALS 0

PROTESTS 0