



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MARCH 12, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: PUBLICUS, LLC - OWNER: MISSION SPRING PROPERTIES, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-48179	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-48179 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.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. 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

This is a request for a Special Use Permit to allow for a Beer/Wine/Cooler On-Sale Establishment within a proposed restaurant at 1126 Fremont Street. The restaurant is 3,310 square feet in size with seating for 59 people. The Beer/Wine/Cooler On-Sale use will be ancillary to the proposed restaurant. As this request meets all the Minimum Special Use Requirements and can be conducted in a compatible and harmonious manner within the existing retail center, staff is recommending approval of this application.

ISSUES

- A Beer/Wine/Cooler On-Sale Establishment use requires a Special Use Permit in a C-2 (General Commercial) zone. Staff supports this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/16/64	The City Council approved a Rezoning (Z-0100-64) to reclassify property, including the subject parcels, in the area generally bounded by Main Street, Bonanza Road, Las Vegas Boulevard and Charleston Boulevard from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial) and C-V (Civic) to C-2 (General Commercial).

<i>Most Recent Change of Ownership</i>	
07/03/99	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
11/28/12	A Building Permit (#224755) was issued for interior demolition at 1126 Fremont Street. The permit remains open.
12/24/12	A Business License (R10-92618) for a restaurant at 1126 Fremont Street was marked as Out-of-Business.

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<i>Pre-Application Meeting</i>	
01/14/13	Staff met with the applicant and reviewed the requirements for a Beer/Wine/Cooler On-Sale Establishment in conjunction with a proposed restaurant Special Use Permit. It was noted that detailed floor plans showing the entire square footage of the project, including the outside dining area, needs to be provided with the application.

<i>Neighborhood Meeting</i>
No neighborhood meeting was required, nor was one held.

<i>Field Check</i>	
01/31/13	Staff visited the site and found a vacant space in a retail building. The space was secure and the parking lot was clean. It was noted that the existing free standing sign on the site appeared to be used as an Off-Premise sign.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.72

<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	General Retail	C (Commercial)	C-2 (General Commercial)
			C-1 (Limited Commercial)
North	Motel	C (Commercial)	C-2 (General Commercial)
South	Multi-Family Residential	C (Commercial)	C-1 (Limited Commercial)
East	Vacant	C (Commercial)	C-2 (General Commercial)
West	Tavern	C (Commercial)	C-2 (General Commercial)
	General Retail		C-2 (General Commercial)
	Multi-Family Residential		R-4 (High Density Residential)

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<i>Master Plan Areas</i>	<i>Compliance</i>
Downtown Centennial Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Downtown Centennial Plan Overlay District	Y
Live/Work Overlay District	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>
Fremont Street	Secondary Collector	Master Plan Streets and Highways Map	80	Y
Maryland Parkway	Secondary Collector	Master Plan Streets and Highways Map	80	Y

ANALYSIS

The Beer\Wine\Cooler On-Sale Establishment use is defined by Title 19.12 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 applicant has indicated that they will be performing the proposed use in conjunction with an existing restaurant.

Minimum Special Use Permit Requirements for a Beer\Wine\Cooler On-Sale Establishment use in a C-2 (Limited Commercial) zoning district are:

- 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. *There are no protected uses within 400 feet of the proposed location.*

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- 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.

This condition does not apply.
- 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 condition does not apply.
- 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. *No waivers are required for this application.*
- 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 does not apply for this application.
- *6.) All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50. *The applicant states that they will maintain all appropriate licenses.*

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Pursuant to Title 19.12, these are the Minimum Special Use Permit Requirements. The proposed Beer\Wine\Cooler On-Sale Establishment use meets the Minimum Special Use Permit Requirements per Title 19.12. There are no outstanding issues with the request therefore; staff is recommending approval of this Special Use Permit.

FINDINGS (SUP-48179)

The following findings must be made for a Special Use Permit:

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 land use is compatible with the C (Commercial) General Plan designation and is located within an existing retail center. The Beer\Wine\Cooler On-Sale Establishment use can be conducted in a manner that is harmonious and compatible with the surrounding uses.

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

The proposed Beer\Wine\Cooler On-Sale Establishment use will be accessory to a proposed restaurant within an existing retail center. The subject site is physically suitable for the type and intensity of the land use proposed.

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.”

Site access is provided from Fremont Street and Maryland Parkway, both 80-foot Secondary Collectors, as designated in the Master Plan of Streets and Highways. These streets provide adequate access to and from the subject 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.”

Approval of this Special Use Permit should not compromise public health, safety, or welfare as the proposed Beer\Wine\Cooler On-Sale Establishment use will be subject to regular inspections.

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

The proposed Beer\Wine\Cooler On-Sale Establishment use complies with the minimum Special Use Permit requirements set forth by Title 19.12.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 38

NOTICES MAILED 389

APPROVALS 0

PROTESTS 0