



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: APRIL 9, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
TXT-48482	Staff has NO RECOMMENDATION.	N/A

** PROPOSED AMENDMENT **

1. Title 19.12.070, Permissible Uses – Permissible Use Descriptions and Applicable Conditions and Requirements, is hereby amended by amending the description for the “Beer/Wine/Cooler On-Sale Establishment” entry as follows:

Description: 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.~~

2. Title 19.18.020, Definitions & Measures – Words and Terms Defined, is hereby amended by amending the definition of the “Beer/Wine/Cooler On-Sale Establishment” term as follows:

Beer/Wine/Cooler On-Sale Establishment. 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 thirty or more people may be served with meals at any one time at tables or stools.~~

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to amend LVMC 19.12.070 and 19.18.020 regarding the Beer/Wine/Cooler On-Sale Establishment use by revising the description, requirements and definition to update regulations associated with the use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/13/11	The Planning Commission recommended adoption of a Text Amendment (TXT-41699) regarding revising the name, description and requirements for the Supper Club use as part of a larger set of changes to the City's liquor code.
03/20/13	Bill 2013-14 was introduced to City Council to establish the Beer and Wine Room license category. A public hearing on the bill is anticipated on April 2 nd and the bill would be eligible for adoption April 17 th .

Since early 2011 the Department of Planning has been actively working to clarify and streamline the number of alcohol related uses and license categories detailed in Titles 6 (Business Taxes, Licenses and Regulations) and 19 (Unified Development Code). As part of these on-going efforts, additional proposed changes are being prepared for Planning Commission (Title 19) and City Council (Titles 6 and 19) review and consideration.

ANALYSIS

The amendment as proposed would modify the description and definition of the "Beer/Wine/Cooler On-Sale Establishment" use to allow the associated land use to apply more generally to any establishment that sells beer, wine or coolers for consumption on the premises of the establishment by elimination of the language limiting the use to a restaurant meeting certain requirements. This change will allow a number of businesses that qualify for any one of a number of alcohol related business licenses under current and in process license categories to obtain a land use entitlement for the on premise consumption of beer, wine or coolers via the Special Use Permit provisions of Title 19 to the extent that the license allows. For example, under the proposed modification to the use description/definition a location entitled as a Beer/Wine/Cooler On-Sale Establishment could get a Beer/Wine/Cooler On-Sale license, currently limited to restaurants, or, once adopted by City Council, the new Beer and Wine Room license. Each of these licenses has their own definitions and licensing requirements and limitations but would be consistent with the amended Beer/Wine/Cooler On-Sale Establishment land use.

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The current limitation encapsulated in the Beer/Wine/Cooler On-Sale Establishment use's description and definition with regard to being 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 thirty or more people may be served with meals at any one time at tables or stools" is addressed by the current Chapter 6.50 requirements for the Beer/Wine/Cooler On-Sale Establishment license as indicated below:

6.50.050 Alcoholic Beverage License – Beer/Wine/Cooler On-Sale

A beer/wine/cooler on-sale license authorizes the sale only of beer, wine and coolers for consumption only in connection with and during the consumption of a meal on the premises where the same is sold, and where such beverages are served by the licensee or an authorized employee of the licensee. Such a license may be issued only in connection with a restaurant, and the actual seating available at all times for the service of meals (whether at tables, counters or booths) must accommodate at least thirty persons.

The modified description and definition will also facilitate other changes to the use and licensing regulations being examined for the future such as consolidating the Beer/Wine/Cooler Art Event license and other on premise categories under the Beer/Wine/Cooler On-Sale Establishment land use.

FINDINGS

The proposed text amendment is intended to achieve the following:

- Generalize the Beer/Wine/Cooler On-Sale Establishment land use to any establishment that sells beer, wine, or cooler for on premise consumption while maintaining business activity limitations specific to the business via the business licensing provisions under Title 6;

<u>NOTICES MAILED</u>	NEWSPAPER ONLY
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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