



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: DECEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: FONG & ASSOCIATES-MEADOWS, LTD., II, ET AL

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-74836	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 38

NOTICES MAILED 1120

PROTESTS 0

APPROVALS 4

**** CONDITIONS ****

SUP-74836 CONDITIONS

Planning

1. Conformance to the approved conditions for Rezoning (Z-0003-89) and Plot Plan Review [Z-0003-89(3)].
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, as well as submitted as part of any business license application.
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

The applicant requests approval of a Special Use Permit for a proposed 1,433 square-foot Beer/Wine/Cooler On-Sale Establishment use within a proposed restaurant at 8540 West Lake Mead Boulevard, Suite #130.

ISSUES

- The proposed use is located 84 feet from an existing Individual Care Center [child care facility] where 400 feet is required by the Conditional Use Regulations for the Beer/Wine/Cooler On-Sale Establishment in Title 19.12. Therefore, pursuant to Title 19.12.040, a Special Use Permit is required for this use. Staff recommends approval.

ANALYSIS

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 sell alcoholic beverages to be consumed on site in conjunction with a proposed restaurant.

The Conditional Use Regulations 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 use does not meet this requirement, as an existing Individual Care Center is located 84 feet from the proposed use, using the measurement method described in Regulation 2 below.

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.

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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 proposed use meets this requirement. Distance is measured from the nearest property line of the parcel containing the proposed use to the nearest property line of the protected use. Both parcels were created by record of survey and are located within a recorded commercial subdivision.

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.

This requirement does not apply, as the proposed beer/wine/cooler on-sale establishment use is proposed on a 1.64-acre parcel.

4. The minimum distance requirements in Regulation 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.

This requirement does not apply. The establishment is not part of a resort hotel and contains 1,433 square feet.

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5. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

A condition of approval addresses this requirement.

The site is located within an established shopping center in the C-1 (Limited Commercial) zoning district. The Beer/Wine/Cooler On-Sale Establishment use is a conditional use in this zoning district; however, it does not meet distance separation requirements from an Individual Care Center use. Pursuant to Title 19.12.040, approval of a Special Use Permit is therefore required for operation of the use.

The proposed use would be located within a proposed restaurant on a parcel that is 84 feet from a parcel containing the Individual Care Center use. Both uses are located on the same legal lot in the commercial subdivision. The Individual Care Center has been in operation since at least 2006. It operates under an active provisional license at this time and is expected to have its regular license reinstated within the next 12 months. Primary access to the Individual Care Center care is from Harbor Island Drive, but there is secondary access through the shopping center to the rear parking lot.

The proposed use is appropriately located within a shopping center with other similar uses along two Primary Arterials and is accessory to a restaurant use. The nearby Individual Care Center is oriented away from the proposed use and takes its primary access from Harbor Island Drive. For these reasons, the proposed use can be operated compatibly with the Individual Care Center and other retail, office and restaurant uses within the shopping center. Staff recommends approval, subject to conditions. If denied, a business license to sell beer, wine or wine coolers with meals cannot be issued at this location.

FINDINGS (SUP-74836)

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 use can be conducted in a manner that is harmonious and compatible with the existing uses. The subject suite is located within an established shopping center with similar uses that include restaurants with on-premise sales and consumption of alcoholic beverages. The protected individual care center is located on a neighboring parcel whose building is oriented away from the proposed use.

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

The existing shopping center can accommodate the intensity of the proposed Beer/Wine/Cooler On-Sale Establishment use and the related restaurant use at this location.

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.

Access to the property is provided from Lake Mead Boulevard and Rampart Boulevard, classified as Primary Arterials by the Master Plan of Streets and Highways, and by Harbor Island Drive, a 52-foot wide local street. These roadways are adequate in size to meet the requirements of the proposed Beer/Wine/Cooler On-Sale Establishment 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 use will be subject to licensing review and periodic compliance for inspection, thereby protecting the public health, safety and welfare.

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

The proposed use does not meet Conditional Use Regulation 1 regarding distance separation requirements from an existing individual care center. Pursuant to Title 19.12.040, when one or more conditions of the use cannot be met, approval of a Special Use Permit is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
06/03/87	The City Council approved a Rezoning (Z-0043-87) from N-U (Non-Urban) to R-PD5 (Residential Planned Development – 5 Units per Acre) and C-1 (Limited Commercial) on 986 acres west of Buffalo Drive between Lake Mead Boulevard and Cheyenne Avenue [Desert Shores Planned Development]. The Planning Commission and staff recommended approval.

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Related Relevant City Actions by Planning, Fire, Bldg., etc.	
03/01/89	The City Council approved a request for a Rezoning (Z-0003-89) from N-U (Non-Urban) under Resolution of Intent to R-PD5 and C-1, to C-1 (Limited Commercial) as part of a larger request [South Shores Planned Development] on 304 acres located on the north side of Lake Mead Boulevard, between Buffalo Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.
03/27/90	The Planning Commission approved a request for a Plot Plan and Building Elevation Review [Z-0003-89(3)] for a proposed Shopping Center at the northeast corner of Lake Mead Boulevard and Rampart Boulevard. Staff recommended approval.
11/15/91	A Final Map for a one-lot commercial subdivision (South Shores Center) on 20.14 acres at the northeast corner of Lake Mead Boulevard and Rampart Boulevard was recorded.
04/05/06	The City Council approved a request for a Special Use Permit (SUP-11434) for a Beer/Wine/Cooler On-Sale Establishment use within a proposed restaurant and a Waiver of the 400-foot distance separation requirement from a child care facility at 8540 West Lake Mead Boulevard, Suite #120. The Planning Commission recommended approval; staff recommended denial.

Most Recent Change of Ownership	
05/23/06	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
08/02/94	A building permit (#94342497) was issued for a commercial building at 8540 West Lake Mead Boulevard. The permit was finalized on 08/17/94.
12/21/11	A business license (L09-00328) was issued for a Beer/Wine/Cooler On-Sale Establishment within a restaurant at 8540 West Lake Mead Boulevard, Suite #120. The license is still active.
03/27/12	A business license (T50-97988) was issued for a hookah lounge at 8540 West Lake Mead Boulevard, Suite #130. The license was marked out of business on 09/12/14.
11/01/13	The State of Nevada Division of Public and Behavioral Health issued a child care license (#991-17) at 2121 Harbor Island Drive. The license expired 10/31/18; however, an active, provisional license has been issued and the facility remains in operation.

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Related Building Permits/Business Licenses	
08/08/18	A building plan check (C18-03401) was submitted for a tenant improvement for a restaurant at 8540 West Lake Mead Boulevard, Suite #130. A building permit has not been issued.
10/10/18	Application for a business license (P66-00305) was submitted for a Beer/Wine/Cooler On-Sale Establishment at 8540 West Lake Mead Boulevard, Suite #130. A license has not been issued and is pending action on a Special Use Permit.
	Application for a business license (G66-07217) was submitted for a Restaurant at 8540 West Lake Mead Boulevard, Suite #130. A license has not been issued.

Pre-Application Meeting	
10/15/18	A pre-application meeting was held with the applicant to discuss submittal requirements for a Special Use Permit.

Neighborhood Meeting	
A neighborhood meeting is not required, nor was one held.	

Field Check	
11/01/18	The subject location is a vacant suite within a shopping center. It is located next to a restaurant that sells alcoholic beverages for on-premise consumption.

Details of Application Request	
Site Area	
Net Acres	1.64

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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family, Detached	ML (Medium Low Density Residential)	R-PD5 (Residential Planned Development – 5 Units per Acre)
South	Shopping Center	VC (Village Center) – Summerlin North	P-C (Planned Community)
East	Single Family, Detached	ML (Medium Low Density Residential)	R-PD5 (Residential Planned Development – 5 Units per Acre)
West	Shopping Center	Commercial [Sun City Summerlin]	P-C (Planned Community)

Master and Neighborhood Plan Areas	Compliance
South Shores Planned Development (conforms to Title 19)	Y
Special Area and Overlay Districts	Compliance
No Special Area or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Rampart Blvd	Primary Arterial	Planned Streets and Highways Map	118-125	Y
Lake Mead Blvd	Primary Arterial	Planned Streets and Highways Map	94-104	Y
Harbor Island Dr	Local Street	Title 13	52	N/A

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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	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	131,280 SF	1 space per 250 SF GFA	526				
TOTAL SPACES REQUIRED			526		653		Y
Regular and Handicap Spaces Required			515	11	638	15	Y

Waivers		
Requirement	Request	Staff Recommendation
400-foot distance separation from a church/house of worship, school, individual care center licensed for more than 12 children, or City park	To allow a 30-foot separation from an existing individual care center at 2121 Harbor Island Drive	Approval