



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: DECEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: ISAIAH 55:11 SERIES MICHAH 6:8

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-74837	Staff recommends APPROVAL, subject to conditions:	N/A
SUP-74838	Staff recommends APPROVAL, subject to conditions:	N/A

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 28

NOTICES MAILED 375 - SUP-74837 and SUP-74838

PROTESTS 1 - SUP-74837 and SUP-74838

APPROVALS 0 - SUP-74837 and SUP-74838

**** CONDITIONS ****

SUP-74837 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under the Town Center Development Standards Manual for a Liquor Establishment (Tavern) use, except as waived herein.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-74838) shall be required.
3. Conformance to the Conditions of Approval for Site Development Review (SDR-72808) shall be required.
4. 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.
5. A Waiver from the Town Center Development Standards Manual is hereby approved, to allow a Liquor Establishment (Tavern) use on 41.13 acres in the SC-TC District where a minimum of 50 acres is required.
6. 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.
7. 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.
8. Approval of this Special Use Permit does not constitute approval of a liquor license.
9. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
10. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-74838 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under the Town Center Development Standards Manual for a Liquor Establishment (Tavern) use, except as waived herein.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-74838) shall be required.
3. Conformance to the Conditions of Approval for Site Development Review (SDR-72808) shall be required.
4. 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.
5. A Waiver from the Town Center Development Standards Manual is hereby approved, to allow a 114-foot distance separation from a single-family detached dwelling where 330 feet is required.
6. 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.
7. 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.
8. 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 build-out a new 3,347 square-foot restaurant in an approved commercial building at the southwest corner of Rome Boulevard and Riley Street. Special Use Permits for a tavern and restricted gaming are requested in conjunction with the operation of the restaurant.

ISSUES

- Per the Town Center Development Standards Manual, a Liquor Establishment (Tavern) use is not permitted in the SC-TC (Service Commercial – Town Center) Special Land Use Designation unless it is part of a development with an aggregate acreage exceeding 50 acres with a majority of the acreage located within a zone that allows taverns. As the shopping center site is 41.13 acres in size, the applicant requests a Waiver of this use requirement as part of the Special Use Permit request. Staff supports this request.
- A Gaming Establishment, Restricted License use is permitted in the SC-TC Special Land Use Designation with the approval of a Special Use Permit.
- A Waiver of the Minimum Special Use Permit Requirements for the Gaming Establishment, Restricted License use is required to allow a 114-foot distance separation from single-family detached dwelling where 330 feet is required. Staff supports this request.

ANALYSIS

The applicant has proposed a Liquor Establishment (Tavern) with a Gaming Establishment, Restricted License in a 3,347 square-foot suite within an approved 15,779 square-foot commercial building at the southwest corner of Rome Boulevard and Riley Street. Due to an existing residential neighborhood to the northeast of the site, a Waiver is required to allow a 114-foot distance separation where 330 feet is the minimum distance required when measured parcel line-to-parcel line. The site is designed to accommodate the requested land uses and there is no direct access to the subject site from the residential neighborhood. For these reasons, staff is supporting the Waiver request.

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The proposed floor plan depicts an open concept with areas designed for both gaming and dining in addition to a linear bar with gaming machines. There are restrooms accessible from the main floor area, adjacent to outdoor seating. The back of house area includes a kitchen.

The proposed land uses are subject to the minimum requirements of the Town Center Development Standards Manual and Title 19 where the Town Center Development Manual is silent.

A Liquor Establishment (Tavern) is defined by Title 19 as a “facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off premises where the same are sold.”

Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the Town Center are best promoted and protected by requiring that:

- a. No tavern shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than twelve children or City park.

There is not a church, synagogue, school, child care facility licensed for more than twelve children or City park within 400 feet of the subject site.

- b. Uses licensed as taverns or other comparable establishments, shall have no specific spacing requirements between similar uses. However, the Las Vegas City Council may consider the concentration and spacing of such uses as part of its deliberation and approval of any requests for such establishments.

When measured in a straight line, parcel line to parcel line, the nearest Liquor Establishment (Tavern) is located at 6640 North Durango Drive, Suite #110, approximately 30 feet away from the subject site.

- c. The distances referred to in paragraphs a. and b. shall be measured in a straight line from the property line of the church, synagogue, school, child care facility or from the nearest property line of a city park to the property line of the proposed liquor premises, and in a straight line from the property line of the proposed tavern to the property line of any existing tavern or comparable establishment, disregarding all intervening obstacles.

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All measurements have been taken in a straight line from the property line of the proposed tavern to the property line of any protected uses and existing tavern, disregarding all intervening obstacles.

- d. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC 6.50.

If approved, the Business Licensing Division of Planning will monitor the proposed use once a business license is issued, ensuring compliance with the provisions of LVMC 6.50.

- e. No tavern shall be located within any Service Commercial District unless it is part of a development with an aggregate acreage exceeding 50 acres with a majority of the acreage located within a zone which allows taverns.

The subject site is within the Service Commercial District of Town Center on a 5.68 acre site.

The Gaming Establishment, Restricted use is defined by Title 19 as “an establishment which is used or intended to be used for gaming activities for which a restricted gaming license is required pursuant to Title 6. For informational purposes, this description refers to an establishment whose gaming operations are limited to not more than 15 slot machines, incidental to the primary business at the establishment, and no other game or gaming device.

In accordance with the Town Center Development Standards:

- a. A Special Use Permit is required for any new gaming establishment.

The applicant has requested a Special Use Permit with a Waiver of the distance separation requirement in order to satisfy this requirement.

- b. May not locate within 330 feet of any single-family detached dwelling.

To the northeast of the subject site is an existing residential neighborhood creating a 114-foot distance separation between the proposed Gaming Establishment, Restricted and the single-family detached dwellings. The applicant has requested a Waiver of this requirement, which staff supports.

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Staff finds the subject site to be physically suitable for the proposed uses and capable of operating in a harmonious and compatible manner with the existing surrounding uses; therefore, staff is recommending approval of both requests.

FINDINGS (SUP-74837 and SUP-74838)

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 land uses will be located within an approved 61,142 square-foot Shopping Center. The proposed Shopping Center was designed to accommodate such land uses as a Liquor Establishment (Tavern) with a Gaming Establishment, Restricted License and can be conducted in a manner that is harmonious and compatible with the existing shopping center to the north as well as the residential neighborhood to the northeast.

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

The subject land uses have been proposed for a 61,142 square-foot Shopping Center within the Master Plan area Town Center. The proposed Shopping Center was designed to accommodate such land uses as a Liquor Establishment (Tavern) with a Gaming Establishment, Restricted License.

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.

Rome Boulevard, a 60-foot wide local street, provides access to the site and is adequate in size to accommodate the proposed Liquor Establishment (Tavern) and Gaming Establishment, Restricted License uses.

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.

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The subject site is located within the SC-TC (Service Commercial – Town Center) district, which allows for such uses as low to medium intensity retail, office and other general business uses of a less intense commercial character. The proposed land uses are also subject to business license requirements and regular inspections to protect the public health, safety, and welfare. Approval of this request will not be inconsistent with the overall objectives of the General Plan.

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

The proposed uses meet all of the applicable conditions set forth by the Town Center Development Standards Manual except for the distance separation requirement for the Gaming Establishment, Restricted License which requires a 330-foot distance separation. The applicant has requested a Waiver to allow for a 114-foot distance separation when measured parcel line to parcel line. With the subject site being a shopping center specifically designed to accommodate such uses as the proposed Liquor Establishment (Tavern) with a Gaming Establishment, Restricted License with no direct access to the nearby residential neighborhood, staff supports this Waiver request. The applicant has also requested a Waiver to allow a tavern on a 41.13 acre development where 50 acres is the minimum required. The subject site is designed to allow the proposed use; staff therefore supports this waiver request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc</i>	
03/03/10	The City Council approved a request for a Site Development Plan Review (SDR-36953) for a proposed 6,126 square-foot Auto Repair Garage (Minor) with Waivers of the Town Center Development Standards to allow zero percent build-to-line where 80 percent is required, to allow the parking area to encroach seven feet into the front landscape planter where a maximum of five feet is allowed, a Waiver of Town Center Parking Lot Standards and Waivers of Title 19 landscape buffer standards to allow a zero-foot landscape buffer along portions of the side property lines where eight feet is required on a portion of 5.93 acres on the south side of Rome Boulevard, approximately 640 feet west of Riley Street. The Planning Commission recommended approval, staff recommended denial.
05/16/18	The City Council approved a request for a Site Development Review (SDR-72808) for a proposed 61,142 square-foot shopping center at the southwest corner of Rome Boulevard and Riley Street.

Most Recent Change of Ownership	
03/29/12	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
No building permits or business licenses were on file at the time of review.	

Pre-Application Meeting	
10/18/18	A pre-application meeting was held with the applicant via e-mail where the submittal requirements for Special Use Permits were discussed.

Neighborhood Meeting	
11/26/18	<p>Date: Monday, November 26, 2018 Start Time: 5:30 p.m. End Time: 6:00 p.m.</p> <p>Attendees: Three representatives for the applicant. No representatives from the Ward 6 Council office. One representative from the Department of Planning. One members of the public (neighbors).</p> <p>Meeting Results:</p> <ul style="list-style-type: none"> One neighbor expressed concerned the Tavern was going to be close to single family dwellings.

Field Check	
11/01/18	During a routine site visit, staff observed a vacant lot with no trash or debris.

Details of Application Request	
Site Area	
Net Acres	5.68

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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Small parking lot, Undeveloped	SC-TC (General Commercial – Town Center)	T-C (Town Center)
North	Shopping Center	MC-TC (Montecito - Town Center)	T-C (Town Center)
South	CC 215	Right-of-Way	Right-of-Way
East	Convalescent Care Facility (Under Construction)	MC-TC (Montecito - Town Center)	T-C (Town Center)
West	Auto Repair Garage (Minor)	SC-TC (General Commercial – Town Center)	T-C (Town Center)

Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Area and Overlay Districts	Compliance
T-C (Town Center) District	N*
Other Plans or Special Requirements	Compliance
Centennial Hills Sector Plan	Y
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

**The applicant is requesting Waivers of the Town Center Development Standards.*

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>
Rome Boulevard	Town Center Collector	Town Center Development Standards Manual	31	N*
Riley Street	Local Street	Title 13	Zero	N*

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	61,130 SF	1:250	245				
TOTAL SPACES REQUIRED			245		295		Y
Regular and Handicap Spaces Required			238	7	287	8	Y

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
A Gaming Establishment, Restricted License use may not locate within 330 feet of any single-family detached dwelling.	The applicant is requesting a Gaming Establishment, Restricted License use 114 feet from a single-family detached dwelling.	Approval
No tavern shall be located within any Service Commercial District unless it is part of a development with an aggregate acreage exceeding 50 acres with a majority of the acreage located within a zone which allows taverns.	The applicant is requesting a tavern on a development 41.13 acres in size.	Approval