



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: APRIL 9, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: DAIKON VEGAN SUSHI - THE M LIM, LLC -
OWNER: WFM PARTNERS, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0622-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 29

NOTICES MAILED 759

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0622-SUP1 CONDITIONS

Planning

1. 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.
2. 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.
3. 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.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
April 9, 2024 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit for an Alcohol, On-Premise Beer/Wine use at 7210 West Lake Mead Boulevard, Suite #1.

ISSUES

- The Alcohol, On-Premise Beer/Wine use is a Conditional Use in the C-1 (Limited Commercial) zoning district.
- A City Park is located 80-foot away from the subject site where 400 feet is required, not meeting Conditional Use Regulation number one (1); therefore, a Special Use Permit is requested. Staff supports the request.

ANALYSIS

The applicant currently operates plant based (vegan) restaurant featuring Japanese entrees, appetizers and sushi. The applicant is requesting a Special Use Permit in order to serve beer and wine in addition to the current menu items. The subject suite is located within an established shopping center on the northeast corner of Lake Mead Boulevard and Tenaya Way.

Per Title 19, the Alcohol, On-Premise Beer/Wine use is defined as “an establishment licensed to sell alcoholic beverages, 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 offer beer and wine to be served as part of the existing restaurant business, there is also 305 square feet of outdoor patio dining. No additional parking is necessary beyond what is required for the principal use on the site.

In the C-1 (Limited Commercial) zoning district, the Alcohol, On-Premise Beer/Wine use is allowed with approval of a Conditional Use Verification. Conditional Use Regulation One (1) for the Alcohol, On-Premise Beer/Wine use is a 400-foot distance separation from protected uses, including City Park. The subject site is located 80-foot from the nearest City Park when measured parcel line to parcel line.

Staff Report Page Two
April 9, 2024 - Planning Commission Meeting

Staff finds the use can be conducted in a manner that is harmonious and compatible with other commercial uses located within the existing shopping center, and with the commercial and residential uses on adjacent properties. There is no direct access or adjacency with the neighboring park to the west as they are separated by Tenaya Way, an 85-foot wide Collector Street as defined by the Master Plan of Streets and Highways. With the City park being separated from the subject site by an 85-foot wide right-of-way, and the subject being a shopping center designed to accommodate a variety of uses such as the proposed; staff therefore recommends approval of a Special Use Permit for an Alcohol, On-Premise Beer/Wine use, subject to conditions.

The Conditional Use Requirements for this use include:

1. 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 City are best promoted and protected by generally requiring a minimum distance separation between an Alcohol, On-Premise Beer/Wine establishment and certain other uses that should be protected from the impacts associated with that establishment. Therefore, except as otherwise provided in these Regulations, no Alcohol, On-Premise Beer/Wine establishment may be located within 400 feet of any of the following uses:

- a. Church/house of worship;
- b. School;
- c. Individual care center licensed for more than 12 children; or
- d. City park

The proposed site does not meet this requirement as it is located 80 feet from a City Park, and the applicant is requesting a Special Use Permit since they are not able to meet the Conditional Use Regulations.

2. The distance separation requirement set forth in Regulation 1 does not apply to the following:

- 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.
- b. Any Alcohol, On-Premise Beer/Wine use located on property within the Pedestrian Mall, as defined in LVMC Chapter 11.68; the Downtown Entertainment Overlay District, as described in LVMC 19.10.120; or the 18b Arts District, as described in Appendix F to this Title. The Special Use Permit approval may include conditions designed to mitigate any impacts related to distance separation.

This requirement is not applicable, as the subject site does not have a non-restricted gaming license and is not located within the Shopping Mall.

Staff Report Page Three
April 9, 2024 - Planning Commission Meeting

FINDINGS (23-0622-SUP1)

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 Alcohol, On-Premise Beer/Wine use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses. .

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

The subject site is located within an existing shopping center development that is physically suitable for the intensity of the proposed land use.

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.**

Street access to the property will remain from Tenaya Way, an 85-foot Collector Street and Lake Mead Boulevard, a 100-foot Primary Arterial Street as classified by the Master Plan of Street and Highways. These street facilities are adequate in size to meet the needs of the proposed 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.**

Approval of this Special Use Permit will not compromise the public health, safety or welfare of the general public. The use will be subject to regular inspections and is subject to licensing requirements.

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

There are no Special Use Permit requirements for this use.

Staff Report Page Four
April 9, 2024 - Planning Commission Meeting

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/21/90	The City Council approved a request for a Rezoning (Z-0116-90) from N-U (Non-Urban) under Resolution of Intent to R-3 (Medium Density Residential) to C-1 (Limited Commercial) at the northeast corner of Lake Mead Boulevard and Tenaya Way. The Planning Commission and staff recommended approval.
12/19/96	The Planning Commission approved a Plot Plan and Building Elevation Review [Z-0116-90(5)] for a proposed 93,175 square-foot Shopping Center at the northeast corner of Lake Mead Boulevard and Tenaya Way. Staff recommended approval.
11/09/98	The City Council approved a request for a Special Use Permit (U-0112-98) for the sale of beer and wine in conjunction with a proposed 2,280 square-foot Restaurant Service Bar at the northeast corner of Lake Mead Boulevard and Tenaya Way. The Planning Commission and staff recommended approval.
11/23/98	The City Council approved a Special Use Permit (U-0121-98) for the off-premise sale of beer and wine in conjunction with a proposed grocery store at the northeast corner of Lake Mead Boulevard and Tenaya Way. The Planning Commission recommended approval.
01/11/99	The City Council approved a Special Use Permit (U-0138-98) in conjunction with a Supper Club at the northeast corner of Lake Mead Boulevard and Tenaya Way. The Planning Commission recommended approval.
04/12/99	The City Council approved a Special Use Permit (U-0018-99) for the sale of beer and wine in conjunction with a Restaurant Service Bar at the northeast corner of Lake Mead Boulevard and Tenaya Way. The Planning Commission recommended approval.
06/19/02	The City Council approved a request for a Special Use Permit (U-0046-02) for a Restaurant Service Bar use in conjunction with a proposed restaurant with a waiver of the 400-foot minimum separation requirement from a City Park at 7290 West Lake Mead Boulevard, Suite #2. The Planning Commission and staff recommended approval.
10/29/03	The City Council approved a request for a Special Use Permit (SUP-2844) for a For A Gaming Establishment, General Business Related in conjunction with an existing Supper Club at 7290 West Lake Mead Boulevard Suite 1. The Planning Commission and staff recommended approval.

Staff Report Page Five
 April 9, 2024 - Planning Commission Meeting

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
01/20/21	The City Council approved a request for a Special Use Permit (20-0114-SUP1) for a proposed 2,380 square-foot Beer/Wine/Cooler On-Sale Establishment use with a waiver to allow an 80-foot distance separation from a city park where 400 feet is required at 7210 West Lake Mead Boulevard, Suites #7 and #8. The Planning Commission and staff recommended approval.

Most Recent Change of Ownership	
12/11/96	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
10/05/10	A Business License (G68-08510) was issued for a restaurant at 7210 West Lake Mead Boulevard, Suite #1. The license is active as of 03/18/24.

Pre-Application Meeting	
11/21/23	Staff conducted a pre-application meeting where the submittal requirements and deadlines were reviewed for a proposed Special Use Permit.

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

Field Check	
02/29/24	Staff conducted a routine field check and found an existing shopping center. No issues were noted.

Details of Application Request	
Site Area	
Net Acres	8.49

Staff Report Page Six
 April 9, 2024 - Planning Commission Meeting

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	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	City Park	PR-OS (Park/Recreation/Open Space)	C-V (Civic)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Twin Lakes	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (175 Feet)	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

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Tenaya Way	Collector	Master Plan of Streets and Highways Map	85	Y
Lake Mead Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

Staff Report Page Seven
 April 9, 2024 - Planning Commission Meeting

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	369,800 SF	1 per 250 SF GFA	362				
TOTAL SPACES REQUIRED			362		436		Y
Regular and Handicap Spaces Required			354	8	420	16	Y