



**AGENDA MEMO - COMMUNITY DEVELOPMENT**

**PLANNING COMMISSION MEETING DATE: NOVEMBER 12, 2024**

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT: BYC SUMMERLIN, LLC - OWNER: WANDERLUST, LLC, ET AL**

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
24-0470-SUP1	Staff recommends APPROVAL, subject to conditions:	

**\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 12

**NOTICES MAILED** 1439

**PROTESTS** 0

**APPROVALS** 0

**\*\* CONDITIONS \*\***

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**24-0470-SUP1 CONDITIONS**

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**Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, On-Premise Full 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. A Waiver from Title 19.12 is hereby approved, to allow a zero-foot distance separation from a church/house of worship and an individual care center licensed for more than 12 children where 400 feet is required.
4. 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 Building and Safety Division.
5. 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.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
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**

This is a Special Use Permit request for an Alcohol, On-Premise Full use within a proposed Restaurant at 9480 West Sahara Avenue.

**ISSUES**

- An Alcohol, On-Premise Full use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit. Staff supports the request.
- A Waiver is requested to allow a zero-foot distance separation from a Church/House of Worship and an Individual Care Center licensed for more than 12 children [child care/day care] where 400 feet is required. Staff supports the request.
- The subject tenant space is located within a shopping center of a commercial subdivision.

**ANALYSIS**

The subject site is zoned C-1 (Limited Commercial) and subject to Title 19 development standards. It is developed with an existing shopping center. The applicant requests a Special Use Permit to allow a proposed Alcohol, On-Premise Full use within a proposed Restaurant. The subject tenant space is currently vacant but was previously utilized as a Restaurant (IHOP).

Per Title 19, the Alcohol, On-Premise Full use is defined as, "An establishment licensed to sell alcoholic beverages, not limited to the sale of beer, wine and coolers, for consumption on the premises where the same are sold." The proposed use meets this definition as the applicant intends to offer alcoholic beverages in conjunction with meals at their proposed Restaurant (Broken Yolk Café).

**Minimum Special Use Permit Regulations:**

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 Full establishment and certain other uses that should be protected from the impacts associated with that establishment.

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Therefore, except as otherwise provided in these Requirements, no Alcohol, On-Premise Full 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.

*This requirement is not met a Waiver is requested to allow a zero-foot distance separation from a church/house of worship and an individual care center licensed for more than 12 children where 400 feet is required. The subject tenant space is located within an established shopping center that is designed to accommodate a variety of commercial uses. There is no direct access to the protected uses and staff thereby supports the request.*

2. The distance separation requirement set forth in Requirement 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; or
- b. Any Alcohol, On-Premise Full 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 in conjunction with a hotel and is not located on property within the Pedestrian Mall.*

While a distance separation Waiver is requested, the proposed use is located within a shopping center of a commercial subdivision with other similar uses. The actual distance between the subject tenant space and the protected uses is over 700 feet. Therefore, staff finds the proposed use can be conducted in a harmonious and compatible manner with the surrounding area and recommends approval, subject to conditions.

**FINDINGS (24-0470-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.**

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The proposed Alcohol, On-Premise Full use would occur within a restaurant located in a commercial shopping center. The proposed use can be conducted in a manner that is harmonious and compatible with the existing and future commercial land uses in the surrounding area.

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

The subject site is located within an established commercial shopping center, which was designed to accommodate a wide variety of commercial uses, making it physically suitable for the type and intensity of 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.**

The subject site can be accessed from Sahara Avenue, a 100-foot Primary Arterial, which is adequate in size to service 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.**

The site is subject to licensing and inspection, thus protecting the public health, safety and general welfare.

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

A Waiver is requested to allow a zero-foot distance separation from a church/house of worship and an individual care center licensed for more than 12 children where 400 feet is required. Staff supports the request.

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**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
12/22/80	The City Council approved a request for Annexation (A-0018-80) of a parcel of land generally bounded by Sahara Avenue on the south, Hualapai Way on the west, Ducharme Avenue on the north and Durango Drive on the east, containing approximately 2,246 acres of land. Planning Commission and staff recommended approval.
02/15/89	The City Council approved a Rezoning (Z-0139-88) application for the reclassification of property from N-U (Non Urban) under Resolution of Intent to R-PD4 (Residential Planned Development - 4 Units Per Acre), P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-V (Civic), to R-PD7 (Residential Planned Development- 7 Units Per Acre), R-3 (Medium Density Residence), and C-1 (Limited Commercial) for property generally located on the west side of Fort Apache Road, between Sahara Avenue and Charleston Boulevard. The Planning Commission and staff recommended approval.
10/27/97	The City Council approved a request for a Site Development Plan Review [Z-0139-88(19)] for a proposed 8,400 square-foot one-story retail building at the north side of Sahara Avenue, west of Fort Apache Road. The Planning Commission recommended approval.
11/24/97	The City Council approved a request for a Site Development Plan Review [Z-0139-88(21)] for a proposed 16,708 square-foot one-story building with drive-through at the northwest corner of Sahara Avenue and Fort Apache Road. The Planning Commission recommended approval.
03/23/98	The City Council approved a request for a Site Development Plan Review [Z-0139-88(23)] for a proposed 4,716 square-foot restaurant at the northwest corner of Sahara Avenue and Fort Apache Road. The Planning Commission recommended approval.
06/08/98	The City Council approved a request for a Site Development Plan Review [Z-0139-88(24)] for a proposed 27,418 square-foot two-story retail and office building and a 33,207 square-foot two-story retail and office building at the north side of Sahara Avenue, west of Fort Apache Road. The Planning Commission recommended approval.
09/28/98	The City Council approved a request for a Site Development Plan Review [Z-0139-88(27)] for a proposed 4,212 square-foot commercial retail building at the northwest corner of Sahara Avenue and Fort Apache Road. The Planning Commission recommended approval.
10/12/98	The City Council approved a request for a Site Development Plan Review [Z-0139-88(29)] for a proposed 3,190 square-foot restaurant at the northwest corner of Sahara Avenue and Fort Apache Road. The Planning Commission recommended approval.

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<b>Related Relevant City Actions by Planning, Fire, Bldg., etc., (cont.)</b>	
06/14/99	The City Council approved a request for a Site Development Plan Review [Z-0139-88(32)] for a proposed 2637 square-foot restaurant with drive through on the west side of Fort Apache Road, approximately 800 feet north of Sahara Avenue. The Planning Commission recommended approval.
03/22/07	The Planning Commission approved a request for a Site Development Plan Review (SDR-19658) for an 8,500 square-foot retail building and an 18,000 square-foot retail building in an existing shopping center on 36.5 acres at 9400 West Sahara Avenue. Staff recommended approval.
07/17/12	The Planning Department administratively approved a request for a Minor Site Development Plan Review (SDR-45538) for site modifications and building exterior, parking lot and landscaping improvements to an existing shopping center on 19.62 acres at 9326, 9330, 9340, 9350, 9400, 9410, 9420 and 9440 West Sahara Avenue.
05/28/19	The Planning Commission approved Special Use Permit (SUP-76223) for a proposed 2,750 square-foot beer/wine/cooler on-sale establishment use with a waiver to allow a zero-foot distance separation from a church/house of worship where 400 feet is required at 9340 West Sahara Avenue, Suite #100.
09/10/24	The Planning Commission approved Special Use Permit (24-0348-SUP1) for a proposed 2,750 square-foot Alcohol, On-Premise Full use with a zero-foot distance separation from a church/house of worship and an individual care center licensed for more than 12 children at 9340 West Sahara Avenue, Suite #100.

**Most Recent Change of Ownership**

02/06/20	A deed was recorded for a change in ownership.
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**Related Building Permits/Business Licenses**

08/28/24	Building Permit (#C24-00875) was issued for a tenant improvement of an existing restaurant building at 9480 West Sahara Avenue. The permit remains active.
08/03/16	Business License (#G64-02823) was issued for a Restaurant use at 9480 West Sahara Avenue. The license is listed as inactive as of 10/25/23.

**Pre-Application Meeting**

09/10/24	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Special Use Permit.
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<b>Neighborhood Meeting</b>	
A neighborhood meeting was not required, nor was one held.	

<b>Field Check</b>	
10/03/24	Staff conducted a routine field check and found an existing shopping center. No issues were noted.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.73 (part of a 36.73 acre commercial subdivision)

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Multi-Family	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Multi-Family	M (Medium Density Residential)	R-PD20 (Residential Planned Development – 20 Units per Acre)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Government Facility (Library)	PF (Public Facility)	C-V (Civic)

<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
Las Vegas 2050 Master Plan Area: Angel Park	Y
Sahara West	Y
Peccole Ranch Phase 1 and 2	Y
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
No Applicable Special Area or Overlay Districts	N/A
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
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

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**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>
Sahara Avenue	Primary Arterial	Master Plan of Streets and Highways	152	Y
Fort Apache Road	Primary Arterial	Master Plan of Streets and Highways	100	Y

**Pursuant to Title 19.08 and 19.12, the following parking standards apply:**

<b>Parking Requirement</b>							
<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	425,720 SF	1:250	1,703				
<b>TOTAL SPACES REQUIRED</b>			1,703		2,112		Y
<b>Regular and Handicap Spaces Required</b>			1,675	28	2,034	78	Y

<b>Waivers</b>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
The use may not be located within 400 feet of any church/house of worship, school, City park, individual care center licensed for more than 12 children, or any parcel zoned for residential use.	To allow a zero-foot distance separation from a Church/House of Worship and an individual care center licensed for more than 12 children	Approval