



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 9, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: AMEDEO PIZZA ITALIAN CAFE - OWNER:
1151 S. BUFFALO DRIVE, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0088-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 29

NOTICES MAILED 832

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0088-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, On-Premise Beer/Wine 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. 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.
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

This is a Special Use Permit request for a 1,459 square-foot Alcohol, On-Premise Beer/Wine use within an existing restaurant at 1181 South Buffalo Drive, Suite #115.

ISSUES

- The Alcohol, On-Premise Beer/Wine use is a Conditional Use in the C-1 (Limited Commercial) zoning district.
- A Special Use Permit (24-0088-SUP1) is requested as the subject site is located zero feet from a City Park where 400 feet is required per Title 19.12 Conditional Use Regulation #1 for an Alcohol, On-Premise Beer/Wine use. Staff supports this request.

ANALYSIS

The subject tenant space is located in the C-1 (Limited Commercial) zoning district and is subject to Title 19 development standards. It is located within an existing shopping center with restaurant, general retail, and general personal service uses. The proposed Alcohol, On-Premise Beer/Wine use will be located within a suite that is operated by an existing restaurant.

Per Title 19.12.070, 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 sell beer, wine and coolers only for restaurant patrons.

In the C-1 (Limited Commercial) zoning district, the Alcohol, On-Premise Beer/Wine use is allowed through the approval of a Conditional Use Verification. Conditional Use Regulation #1 for the Alcohol, On-Premise Beer/Wine use requires a 400-foot distance separation from protected uses, including City parks. The subject site is located zero feet from All American Park, a City park, located to the south. However, there is no direct access from the shopping center to the park.

The proposed Alcohol, On-Premise Beer/Wine use would occur within a restaurant located in an established commercial development. Staff finds that the use can be conducted in a manner that is harmonious and compatible with the surrounding land uses and therefore recommends approval of the Special Use Permit, with conditions.

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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 licenses for more than 12 children; or
 - d. City park

The proposed use does not meet this requirement as the subject site has a zero-foot distance separation from a City park to the south. However, there is no direct access from the subject site to the park, and staff supports the requested Special Use Permit (24-0088-SUP1).

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 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 Pedestrian Mall, the Downtown Entertainment Overlay District, or the 18b Arts District.

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FINDINGS (24-0088-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 the surrounding land uses in the shopping center.

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

The subject shopping center site is physically suitable for an Alcohol, On-Premise Beer/Wine use. No additional parking is required for the proposed 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.**

Site access is provided by Buffalo Drive, a 100-foot wide Primary Arterial, as classified by the Master Plan of Streets and Highways Map. This roadway is sufficient to the proposed Alcohol, On-Premise Beer/Wine 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.**

If approved, the proposed use will be subject to licensing requirements, 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, which requires a 400-foot distance separation from any Church/House of Worship, School, Individual Care Center, or City Park. Pursuant to LVMC 19.12.040, the applicant has requested a Special Use Permit (24-0088-SUP1) as the subject site is within 400 feet of a City Park. Staff supports the request.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
10/02/96	The City Council approved the request for a Plot Plan and Building Elevation Review [Z-0042-95(4)] for a proposed 38,750 square-foot retail complex located on the west side of Buffalo Drive, approximately 275 feet south of Charleston Boulevard.
06/02/21	The City Council approved General Plan Amendment (21-0029-GPA1) to adopt the City of Las Vegas 2050 Master Plan and Amend the City of Las Vegas General Plan from Various Categories to TOD-1 (Transit Oriented Development-1), TOD-2 (Transit Oriented Development-2), TOC-1 (Transit Oriented Corridor-1), TOC-2 (Transit Oriented Corridor-2), or NMUX (Neighborhood Center Mixed Use) within the City of Las Vegas.

<i>Most Recent Change of Ownership</i>	
07/06/11	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
06/30/23	A building permit (#C23-01624) was issued for tenant improvement for remodeling for a restaurant at 1181 South Buffalo Drive, Suite #115.
12/27/23	A business license (G71-07146) was issued for a Restaurant (Amedeo Pizza Italian Café) 1181 South Buffalo Drive, Suite #115. The license is set to renew on 06/01/24.

<i>Pre-Application Meeting</i>	
01/30/24	A pre-application meeting was held with the applicant and the submittal requirements for a Special Use Permit were discussed.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
02/28/24	Staff conducted a routine field check and observed an operating restaurant at the subject tenant space. No other issues were noted.

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Details of Application Request	
Site Area	
Net Acres	1.25

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Restaurant	TOC-1 (Transit Oriented Corridor – High)	C-1 (Limited Commercial)
	General Personal Service		
	General Retail Store, Other Than Listed		
North	General Retail Store, Other Than Listed	TOC-1 (Transit Oriented Corridor – High)	C-1 (Limited Commercial)
South	Public Park or Playground	PR-OS (Park/Recreation/Open Space)	C-V (Civic)
East	Residential, Multi-Family	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Office, Other than Listed	TOC-1 (Transit Oriented Corridor – High)	C-1 (Limited Commercial)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Angel Park	Y
Special Area and Overlay Districts	Compliance
No Applicable 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

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DEVELOPMENT STANDARDS

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Buffalo Drive	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

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

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	35,094 GFA	1:250	140				
TOTAL SPACES REQUIRED			140		127		Y*
Regular and Handicap Spaces Required			135	5	122	5	Y*

*This site has been deemed parking impaired pursuant to Title 19.08.030; no additional parking is required as a result of this request.