



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: AUGUST 13, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: HUKL SUNNY LV, LLC - OWNER: HUKL FVBP OWNER, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0335-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 1771

PROTESTS N/A

APPROVALS N/A

**** CONDITIONS ****

24-0335-SUP1 CONDITIONS

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. 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

This is a Special Use Permit request for a proposed Alcohol, On-Premise Full use within an existing shopping center at 740 South Rampart Boulevard, Suites #8-11.

ISSUES

- An Alcohol, On-Premise Full use is permitted in the PD (Planned Development) zoning district with the approval of a Special Use Permit.

ANALYSIS

The subject site is zoned PD (Planned Development) with a TOD-1 (Transit Oriented Development – High) land use designation. The proposed Alcohol, On-Premise Full use is located within the Boca Park shopping Center where Boca Park Phase III Master Development Plan and Development Standards apply.

The submitted floor plan depicts a 5,487 square-foot restaurant where 4,022 square-feet will be dedicated for the restaurant and bar area and the remaining 1,465 square feet for outdoor seating. As the proposed use is within the Boca Park Shopping Center, parking access is shared throughout the entire 641,664 square-foot development in which 2,639 parking spaces are provided where 2,567 parking spaces are required.

While the Boca Park Phase III Master Development Plan and Development Standards do not offer a definition or requirements of the proposed use, Title 19 applies. Title 19 defines the Alcohol, On-Premise Full use 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 the definition as indicated in the applicant’s justification letter, as the proposed use would allow for on premise alcohol consumption in conjunction with a restaurant.

The Minimum Special Use Permit Requirements for this use within Title 19 include:

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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. 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.

The proposed use meets this requirement as the proposed Alcohol, On-Premise Full use is not located within 400 feet of any of the protected uses listed above.

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.

Neither of the above conditions apply to the proposed use.

Staff finds the proposed Alcohol, On-Premise Full use can be conducted in a compatible and harmonious manner within the Boca Park Shopping Center as there are similar uses; therefore, staff recommends approval of the Special Use Permit subject to conditions. If denied, the applicant would not be allowed to open an Alcohol, On-Premise Full establishment at this property.

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FINDINGS (24-0357-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 Full use could be conducted in a manner that is harmonious and compatible with the existing surrounding land uses, and with future surrounding uses as projected by the General Plan.

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

The subject site is a series of vacant commercial suites zoned PD (Planned Development). The site is physically suitable for the type and intensity of 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.**

The subject site is accessed by Rampart Boulevard, a 100-foot Primary Arterial, as defined by the Master Plan of Streets and Highways and is adequate in size to meet the requirements 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.**

If approved, this Special Use Permit will be subject to conditions of approval, business license approval, and compliance inspections to ensure it will not compromise the public health, safety and welfare.

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

The proposed Alcohol, On-Premise Full use meets all of the applicable conditions per Title 19.12.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
09/02/92	The City Council approved a Rezoning (Z-0030-92) to C-1 (Limited Commercial) on this site as part of a larger request that included a Regional Mall. The Planning Commission and staff recommended approval.
04/27/98	The City Council approved a Rezoning (Z-0012-98) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) to PD (Planned Development) on 47.40 acres at the southeast corner of Alta Drive and Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial. This action established development standards for the Peccole Town Center Master Plan area as well as the shopping area, designating the southern 49 acres (zoned C-1) as Phase 1 and the northern 47 acres (zoned PD) as Phase II. The site plan for Phase II included a five-story non-gaming hotel, 650-seat amphitheater, 592,800 square-feet of retail/office uses, 125 condominium units and two parking garages.
04/27/98	The City Council approved a request for a Rezoning (Z-0012-98) on property located on the southeast corner of Rampart Boulevard and Alta Drive, from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] Under Resolution of Intent to C-1 (Limited Commercial) to PD (Planned Development). Proposed use: 248 room, five-story, nongaming hotel, 650 seat amphitheater, 535,200 square-foot retail, 57,600 square-foot office, 125 unit condominium complex, a four-story parking garage, and a six-story parking garage. The Planning Commission recommended approval.
06/14/99	The City Council approved a request for a Site Development Plan Review [Z-0030-92(7)] for a proposed development consisting of 434,967 square feet of retail and 58,418 square feet of office uses within the previously approved Boca Park Phases I and II Shopping Center on 51.07 acres at the northeast corner of Charleston Boulevard and Rampart Boulevard. The Planning Commission denied the request and It was approved upon appeal.
04/18/01	The City Council approved a request for a Master Sign Plan Review [Z-0012-98(3)] for property located at the southeast corner of the intersection of Alta Drive and Rampart Boulevard (Boca Park, Phase III). The Planning Commission recommended approval.

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
07/05/01	The City Council approved a request for a Special Use Permit (U-0054-01) for a 6,218 square-foot Supper Club on 1.15 acres on the east site of Rampart Boulevard, approximately 220 feet north of Charleston Boulevard within Boca Park Phase I. The Planning Commission and staff recommended approval.
02/20/02	The City Council approved a Special Use Permit (U-0151-01) for a Supper Club in conjunction with a proposed restaurant (Cheesecake Factory) on property located adjacent to the east side of Rampart Boulevard, approximately 750 feet south of Alta Drive. The Planning Commission and staff recommended approval.
12/22/05	The City Council approved a request for a Special Use Permit (SUP-9430) for a proposed Supper Club located along the east side of Rampart Boulevard, approximately 90 feet south of Alta Drive. The Planning Commission and staff recommended approval.
06/22/06	The City Council approved a request for a Special Use Permit (SUP-12804) for a proposed Beer/Wine/Cooler On-Sale Establishment at 750 South Rampart Boulevard, Suite #7. The Planning Commission and staff recommended approval. Staff recommended approval.
11/16/06	The City Council approved a request for a Special Use Permit (SUP-16488) for a proposed Supper Club at 740 Rampart Boulevard, Suite #4. The Planning Commission and staff recommended approval.
12/21/06	The City Council approved a request for an Extension of Time (EOT-18053) of an approved Special Use Permit (SUP-9430) that allowed a supper club, approximately 900 feet south of Alta Drive. The Planning Commission and staff recommended approval.
10/07/09	The City Council approved a request for a Special Use Permit (SUP-35154) for a proposed 3,658 square-foot Supper Club within a former restaurant at 750 Rampart Boulevard, Suite #7. The Planning Commission and staff recommended approval.
07/29/10	The Planning Commission approved a request for a Special Use Permit (SUP-38501) for a proposed 3,314 square-foot Supper Club at 740 South Rampart Boulevard Suite #7. Staff recommended approval.
10/12/16	The Planning Department administratively approved a Minor Amendment to a previously approved Special Use Permit (SUP-9430) for a 1,102 square-foot outdoor seating area to an existing Restaurant with Alcohol use at 750 South Rampart Boulevard.

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
05/19/21	The City Council approved a request (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 NMXU (Neighborhood Center Mixed Use) Within the City of Las Vegas. The Planning Commission and staff recommended approval.
05/15/22	The Planning Department administratively approved a request for a Minor Amendment to a previously approved Site Development Plan Review (Z-0012-98(1)) for a proposed 1,020 square-foot outdoor seating area at 740 South Rampart Boulevard, Suites #8 through #11.
09/13/22	The Planning Commission approved a Special Use Permit (22-0357-SUP1) for alcohol at 740 South Rampart Boulevard, Suites #8 through #11. The licensed acquired with this Special Use Permit has expired and the Special Use Permit has lapsed.

<i>Most Recent Change of Ownership</i>	
09/10/18	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
01/11/22	A Building Permit (#C21-03119) was submitted for tenant improvements for architectural, mechanical, plumbing, and electrical at 740 South Rampart Boulevard, Suite #8. The Building Permit was issued on 01/11/22
04/25/22	A Building Permit (#C22-00707) was submitted for steel framed awnings at 740 South Rampart Boulevard, Suite #8. The Building Permit was issued on 04/25/22.

<i>Pre-Application Meeting</i>	
A pre-application meeting was not required, nor was one held.	

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

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Field Check	
07/03/24	Staff conducted a field check of the subject site and noted an unoccupied and well maintained tenant space. Nothing of concern was noted.

Details of Application Request	
Site Area	
Net Acres	6.04

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	TOD-1 (Transit Oriented Development – High)	P-D (Planned Development)
North	Shopping Center	TOD-1 (Transit Oriented Development – High)	C-2 (General Commercial)
South	Shopping Center	TOD-1 (Transit Oriented Development – High)	C-1 (Limited Commercial)
East	Shopping Center	TOD-1 (Transit Oriented Development – High)	P-D (Planned Development)
West	Shopping Center	TOD-1 (Transit Oriented Development – High)	C-1 (Limited Commercial)

Master and Neighborhood Plan Areas	Compliance
Master Plan 2050 Area: Angel Park	Y
Boca Park III	Y
Special Area and Overlay Districts	Compliance
No Applicable Special Area or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
Trails (Rampart Boulevard – Shared Use Trail)	Y
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact	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 Boulevard	Primary Arterial	Master Plan of Streets and Highways	100 Feet	Y

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	Handicapped	Regular	Handicapped	
Shopping Center	641,664 Square Feet	1 : 250	2,603				
TOTAL SPACES REQUIRED			2,603		2,675		Y
Regular and Handicap Spaces Required			2,567	36	2,639	36	Y