



**AGENDA MEMO - COMMUNITY DEVELOPMENT**

**PLANNING COMMISSION MEETING DATE: NOVEMBER 14, 2023**

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT: STUFF MY TURKEY WITH SOUL - OWNER:  
SAHARA 3D, LLC**

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>23-0454-SUP1</b>	Staff recommends APPROVAL, subject to conditions:	

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

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      17

**NOTICES MAILED**                      1016

**PROTESTS**                      0

**APPROVALS**                      0

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

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**23-0454-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. 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**

The applicant is requesting a Special Use Permit for an Alcohol, On-Premise Full use at 4760 West Sahara Avenue, Suite #20. The tenant space is located within an established 24,259 square-foot shopping center.

**ISSUES**

- The Alcohol, On-Premise Full use requires a Special Use Permit within the C-1 (Limited Commercial) zoning district. Staff supports the request.

**ANALYSIS**

The subject site is located in the C-1 (Limited Commercial) zoning district with a TOD-1 (Transit Oriented Development - High) Land Use Designation. The site is located within the Charleston area of the 2050 Master Plan.

The submitted floor plan, date stamped 10/24/23, depicts a proposed 3,163 square-foot Alcohol, On-Premise Full use with a 200 square-foot outdoor patio and will be located in an existing shopping center and operated by an existing restaurant. The subject shopping center has a variety of uses, including general personal services, restaurants, general retail and other alcohol uses. The subject site is currently in operation as a restaurant that goes by "Stuff My Turkey", and will be the same operator for the proposed Alcohol, On-Premise Full use.

Per 19.12.070, 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 Minimum Special Use Permit 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 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:

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

*The subject site meets the requirement, as there are no protected uses located within 400 feet from the subject site.*

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.

*The subject site meets the requirement, as it is not an establishment with non-restricted gaming and it is not located within the Pedestrian Mall.*

Staff finds the use can be conducted in a manner that is harmonious and compatible with other commercial uses in the shopping center. The proposed subject site is not located within 400 feet of any protected uses outlined under Title 19.12. Staff therefore recommends approval of this Special Use Permit for an Alcohol, On-Premise Full use at this location, subject to conditions. If denied, the Alcohol, On-Premise Full use would not be allowed at the subject site.

**FINDINGS (23-0454-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 use is located within an established shopping center with other compatible uses including, services, restaurants, and retail. Due to an array of uses and existing alcohol uses within the shopping center, the proposed use is compatible with the surrounding land uses.

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- 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 Full 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.**

The subject site receives access from Sahara Avenue, a 100-foot Primary Arterial as classified by the Master Plan of Streets and Highways that is adequate in size to accommodate the proposed Alcohol, On-Premise Full 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 proposed use will be subject to business license review and periodic inspection, thereby safeguarding the public health, safety and general welfare.

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

The proposed Alcohol, On-Premise Full use meets all Special Use Requirements outlined under Title 19.12.

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**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
08/05/87	The City Council approved a Rezoning (Z-0057-87) request from R-1 (Single Family Residential), R-3 (Limited Multiple Residence) and C-1 (Limited Commercial) to C-1 (Limited Commercial) on 38.5 acres, including this property, as part of a larger request. The Board of Zoning Adjustment and staff recommended approval.
05/31/91	The Planning Commission approved a Plot Plan Review (Z-0057-87) request for a proposed shopping center on this site. Staff recommended approval.
06/17/92	The City Council approved a Special Use Permit (U-0084-92) request for the sale of beer and wine in conjunction with an existing restaurant at 4750 West Sahara Avenue, Suites #23 and #24. The Board of Zoning Adjustment recommended approval.
08/05/92	The City Council granted an appeal, of an approved a Special Use Permit (U-0126-92) request to add five (5) additional slot machines to the existing fifteen (15) slot machines for a total of twenty (20) slot machines in conjunction with an existing grocery store at 4610 West Sahara Avenue. The Board of Zoning Adjustment denied the request. This use permit expired on 07/13/12.
12/16/92	The City Council approved a Special Use Permit (U-0281-92) request for a Service Bar in conjunction with a proposed restaurant at 4604 West Sahara Avenue. The Board of Zoning Adjustment recommended approval.
07/21/93	The City Council approved a Special Use Permit (U-0108-93) request for the sale of beer and wine within a proposed restaurant at 4712 West Sahara Avenue, and a Special Use Permit (U-0107-93) for the sale of beer and wine within a proposed restaurant at 4760 West Sahara Avenue. The Board of Zoning Adjustment recommended approval of both applications.
05/18/94	The City Council approved a Special Use Permit (U-0063-94) for a Supper Club at 4760 West Sahara Avenue. The Board of Zoning Adjustment recommended approval.
12/17/14	The City Council approved a Special Use Permit (SUP-56127) to allow a Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 53,336 square-foot General Retail Store, Other Than Listed located at 4610 West Sahara Avenue. The Planning Commission and staff recommended approval.

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<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
11/15/17	The City Council approved a Special Use Permit (SUP-71235) to allow a 4,945 square-foot Restaurant with Alcohol use at 4760 West Sahara Avenue, Suites #13-18. The Planning Commission and staff recommended approval.
10/20/21	The City Council approved a Special Use Permit (21-0476-SUP1) to allow a 4,900 square-foot Restaurant with Alcohol use with a waiver to allow a 150-foot distance separation from a church/house of worship where 400 feet is required at 4760 West Sahara Avenue. The Planning Commission and staff recommended approval.

<b><i>Most Recent Change of Ownership</i></b>	
04/02/15	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
07/13/21	A business license (G69-04793) was issued for a restaurant at 4760 West Sahara Avenue, Suite #20. The license is inactive as of 06/30/22.
07/06/22	A business license (G70-04471) was issued for a restaurant at 4760 West Sahara Avenue, Suite #20. The license is set to renew on 01/01/24.

<b><i>Pre-Application Meeting</i></b>	
08/23/23	A pre-application meeting was held with applicant to discuss the submittal requirements for a Special Use Permit.

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

<b><i>Field Check</i></b>	
10/04/23	Staff conducted a routine field check of the subject site and did not note any issues.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	29.37

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<b><i>Surrounding Property</i></b>	<b><i>Existing Land Use Per Title 19.12</i></b>	<b><i>Planned or Special Land Use Designation</i></b>	<b><i>Existing Zoning District</i></b>
Subject Property	General Personal Service	TOD-1 (Transit Oriented Development - High)	C-1 (Limited Commercial)
	Restaurant		
	General Retail Store, Other Than Listed		
	Restaurant with Alcohol use		
	Package Liquor Off-Sale		
North	Vacant	TOD-1 (Transit Oriented Development - High)	C-2 (General Commercial)
West	Office, Medical or Dental		C-2 (General Commercial)
East	Restaurant		C-1 (Limited Commercial)
	General Personal Service		
	General Retail Store, Other Than Listed		
South	Restaurant	CM (Corridor Mixed-Use) [Clark County]	C-2 (General Commercial) [Clark County]
	General Personal Service		
	Office, Other Than Listed		

<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
Las Vegas 2050 Master Plan Area: Charleston	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
No Applicable Special Area or Overlay Districts	N/A
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 2	Y
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

<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Rainbow Boulevard	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	336,829 SF	1 per 250 SF	1,348				
TOTAL SPACES REQUIRED			1,348		1,408		Y
Regular and Handicap Spaces Required			1,321	2% of total required spaces (27)	1,354	54	Y