



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: FEBRUARY 21, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: SAIFALDIN S BAJI - OWNER: 4631 WSM, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0552-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

NOTICES MAILED 568 (by City Clerk)

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0552-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, Off-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

This is a Special Use Permit request for a proposed Alcohol, Off-Premise Full use at 3900 North Rancho Drive, Suite #104.

ISSUES

- An Alcohol, Off-Premise Full use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit. Staff supports this request.

ANALYSIS

The subject property is zoned C-2 (General Commercial) with a TOC-2 (Transit-Oriented Corridor - Low) land use designation. The applicant proposes to operate a liquor/convenience store in a vacant suite at 3900 North Rancho Drive, Suite #104. Per the submitted justification letter, the applicant indicates that the proposed business would operate from 8 a.m. to midnight, offering a variety of liquors, wine, beer, snacks, and soft drinks.

Per Title 19, The Alcohol, Off-Premise Full use is defined as, “An establishment licensed to sell alcoholic beverages, not limited to the sale of beer, wine and coolers, to consumers only and not for resale, in original sealed or corked containers, for consumption off 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, and general welfare of the City are best promoted and protected by generally requiring a minimum distance separation between an Alcohol, Off-Premise Full establishment and certain other uses that should be protected from the impacts associated with that establishment, or that otherwise should be separated so as to minimize impacts on surrounding areas. Therefore, except as otherwise provided in these Requirements, no Alcohol, Off-Premise Full establishment may be located:
 - a. Within 400 feet of any of the following uses:
 - i. Church/House of Worship
 - ii. School;
 - iii. Individual Care Center licensed for more than 12 children; or
 - iv. City Park.
 - b. Within 1000 feet of another Alcohol, Off-Premise Full establishment.

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The proposed Alcohol, Off-Premise Full use meets this requirement as there is no protected use within 400 feet of the subject site. Additionally, there is no other Alcohol, Off-Premise Full use within 1000 feet of the proposed use.

2. The distance separation requirements set forth in Requirement 1 do not apply to:

- 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. A Grocery Store with greater than 50,000 square feet of gross floor area.

The proposed use does not have 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 is not located within a Grocery Store with greater than 50,000 square feet of gross floor area. Therefore, the distance separation requirements set forth in Requirement 1 still apply, which the proposed use meets.

3. The minimum distance separation requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived in connection with an Alcohol, Off-Premise Full establishment located within a Grocery Store:

- a. In accordance with the provisions of LVMC 19.12.050(C) for a location within the Downtown Casino Overlay District;
- b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for a location within the T-C (Town Center) Zoning District that is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan;
- c. Having between 20,000 square feet and 50,000 square feet of retail floor space; or
- d. Having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right-of-way with a width of at least 100 feet

The proposed Alcohol, Off-Premise Full use is not located within a Grocery Store. Therefore, the distance separation requirements set forth in Requirement 1 cannot be waived. The proposed use meets the distance separation requirements set forth in Requirement 1.

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4. The establishment shall not be located on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

The proposed use is not located on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68 and therefore, meets this requirement.

The proposed use is located within an existing commercial development. Every land use established and every existing use is required to provide off-street parking and loading spaces in accordance with the minimum standards set forth in Title 19.12.060. The submitted site plan indicates the existing commercial building provides 80 parking spaces where 49 are required given the existing land uses within the existing commercial building. The original commercial development was approved by way of Aesthetic Review (AR-13-96) on July 25, 1996 with no on-site loading space.

Staff finds the proposed Alcohol, Off-Premise Full use can be conducted in a manner that is harmonious and compatible with the existing surrounding commercial land uses and future, surrounding land uses. There are no protected uses within 400 feet of the subject site, nor any Alcohol, Off-Premise Full establishments within 1,000 feet of the subject site. Therefore, staff recommends approval of the requested Special Use Permit (23-0552-SUP1), subject to conditions.

FINDINGS (23-0552-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 land use can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses, and with future surrounding land 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 physically suitable for the type and intensity of the proposed Alcohol, Off-Premise Full land use.

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- 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 Rancho Boulevard, a 150-foot Freeway/Expressway 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.**

Approval of this Special Use Permit (23-0552-SUP1) is 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, Off-Premise Full use meets all of the applicable conditions per Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
05/06/64	The Board of City Commissioners approved a Petition for Annexation (A-0002-64) of approximately 290 acres located east of Tonopah Highway, south of Craig Road and west of Decatur Boulevard. This included the subject property. The Planning Commission and staff recommended approval. The effective date was 05/20/64.
07/25/96	The Planning Commission approved an Aesthetic Review (AR-0013-96) for a 15,000 square-foot, retail building at 3900 North Rancho Drive. The Planning Commission and staff recommended approval.
04/27/98	The City Council approved a Special Use Permit (U-0021-98) for an Automobile Rental Business at 3900 North Rancho Drive. The Planning Commission and Staff recommended approval.
01/09/24	The Planning Commission voted (7-0) to recommend APPROVAL for possible action on a Land Use Entitlement Project request FOR A PROPOSED 1,500 SQUARE-FOOT ALCOHOL, OFF-PREMISE FULL USE at 3900 North Rancho Drive, Suite #104 (APN 138-12-110-012), C-2 (General Commercial) Zone, Ward 5 (Crear).

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Most Recent Change of Ownership

04/19/12	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

04/25/97	A Building Permit (#97008519) was issued for a Certificate of Completion for a 12,000 square-foot shell building at 3900 North Rancho Drive The permit was finalized on 07/01/98.
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Pre-Application Meeting

10/11/23	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Special Use Permit.
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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.
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Field Check

11/30/23	Staff conducted a routine field check of the subject site and observed a vacant commercial suite. Nothing of concern was noted.
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Details of Application Request
Site Area

Net Acres	2.22
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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Vacant	TOC-2 (Transit Oriented Corridor - Low)	C-2 (General Commercial)
	General Retail Store, Other Than Listed		
	General Personal Service		
North	Undeveloped	O (Office)	O (Office)
South	Auto Sales, New	TOC-2 (Transit Oriented Corridor - Low)	C-1 (Limited Commercial)

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
East	Storage Yard	SC (Service Commercial)	C-2 (General Commercial)
West	Medical Office	TOC-2 (Transit Oriented Corridor -Low)	C-2 (General Commercial)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Rancho	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (105 Feet)	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
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

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>
Rancho Drive	Freeway/Expressway	Master Plan of Streets and Highways Map	150 Feet	Y

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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	
Alcohol, Off-Premise Full (Suite #104)**	1,500 SF	1:175 SF	9				
General Personal Service (Suite #105)**	7 Stations	2 per Station	4				
General Retail, Other than Listed (Suite #103)**	1,500 SF	1:175 SF	9				
General Retail, Other than Listed (Suite #101/#102)	1,500 SF	1:175 SF	9				
General Retail, Other than Listed (Suite #108)	1,500 SF	1:175 SF	9				
Suite #107 General Personal Service)	1,500 SF	1:175 SF	9				
TOTAL SPACES REQUIRED			49			80	
Regular and Handicap Spaces Required			47	2	76	4	Y