

City of Las Vegas

AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: DECEMBER 10, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: RAQUEL GONZALEZ - OWNER: DOWNTOWN RENTAL INC.

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
24-0025-SUP1	Staff recommends APPROVAL, subject to conditions	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 31

NOTICES MAILED 482

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0025-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 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 a proposed Alcohol, On-Premise Full use in the existing restaurant at 1203 East Charleston Boulevard, Suite #140.

ISSUES

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

ANALYSIS

The applicant has proposed to operate 1,265 square-foot Alcohol, On-Premise Full use at 1203 East Charleston Boulevard, Suite #140, with 230 square feet of that being an outdoor patio on-site. The subject site is zoned C-2 (General Commercial) and is subject to Title 19 development standards. The tenant space is an existing restaurant with an active license for Alcohol, On-Premise Beer/Wine.

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. An approved Special Use Permit is required for any establishment proposing an Alcohol, On-Premise Full use.

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

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

2. The distance separation requirement set forth in Requirement 1 does not apply to the following: 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 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 requirement set forth in Requirement 1 is applicable, but the subject site meets that distance separation requirement.

The proposed Alcohol, On-Premise Full is compatible with surrounding land uses. The surrounding land uses include retail and restaurant uses. 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. Therefore, staff recommends approval of the requested Special Use Permit.

FINDINGS (24-0025-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 can be conducted in a manner that is harmonious and compatible with the existing surrounding uses.

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

The subject site can physically accommodate the proposed Alcohol, On-Premise Full use and is in close proximity to retail and restaurant uses in a strip mall development.

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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 from Charleston Boulevard, a 100-foot wide Major Collector, and Maryland Parkway, a 95-foot wide Major Collector. These roads are sufficient in size to accommodate 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 proposed Alcohol, On-Premise Full use will be subject to regular inspections during rehabilitation of the building itself by the Department of Building and Safety, and regular inspections by the Department of Community Development – Business Licensing Division once a business license has been issued thus protecting 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 has met the requirements set forth by both Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
06/10/2014	The Planning Commission approved a Special Use Permit (SUP-53827) to add a Beer/Wine/Cooler On-Sale establishment to an existing restaurant located at 1203 East Charleston Boulevard, Suite #140. Staff recommended approval.

<i>Most Recent Change of Ownership</i>	
09/24/04	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
c. 1959	The existing 27,854 square-foot shopping center was constructed.
07/08/97	A building permit was issued for a non-work certificate of occupancy for a restaurant at 1203 East Charleston Boulevard, Suite #140. The permit was finalized on 08/13/97.
07/25/13	A business license (R09-01738) was issued for a restaurant at 1203 East Charleston Boulevard, Suite #140. The license is still active.

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Pre-Application Meeting	
01/10/24	A pre-application meeting was held to discuss the submittal requirements for a Special Use Permit.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
10/30/24	During a routine Site Visit, staff observed an operating restaurant tenant suite.

Details of Application Request	
Site Area	
Gross Acres	1.63

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	C (Commercial)	C-2 (General Commercial)
North	Residential, Multi-family	MXU (Mixed-Use)	R-4 (High Density Residential)
South	Theatre	C (Commercial)	C-2 (General Commercial)
East	Motor Vehicle Repair, Minor	C (Commercial)	C-2 (General Commercial)
West	Shopping Center	C (Commercial)	C-2 (General Commercial)

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Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Vision 2045 Downtown Las Vegas Master Plan: Founders District	Y
Special Area and Overlay Districts	Compliance
DTLV-O (Downtown Las Vegas Overlay) District - Area 2 (Founders District)	Y
LW-O (Live/Work Overlay) District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area - Area 1	Y
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
Charleston Boulevard	Major Collector	Master Plan of Streets and Highways	100	Y
Maryland Parkway	Major Collector	Master Plan of Streets and Highways	95	Y

Pursuant to Special Use Permit [SUP-53827], the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-cappe d	Regular	Handi-cappe d	
Shopping Center	27,854 SF	1:250	112				
TOTAL SPACES REQUIRED			112		130		Y
Regular and Handicap Spaces Required			107	5	124	6	Y