



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: DECEMBER 20, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: XO LIQUOR RAINBOW, LLC - OWNER:
RAINBOW COMMERCIAL, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0496-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 1678

NOTICES MAILED 16

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0496-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

The applicant is requesting a 4,000 square-foot Alcohol, Off-Premise Full use at 2300 North Rainbow Boulevard, Suites #113 and 114.

ISSUES

- An Alcohol, Off-Premise Full use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit. Staff supports the request.

ANALYSIS

The subject site is zoned C-1 (Limited Commercial) and subject to Title 19 development standards. The subject tenant space is located within an existing Shopping Center that contains two buildings that total 26,000 square feet. The Shopping Center offers several existing commercial uses that include restaurants, barber shop, beauty shops, dry cleaner, tattoo shop, and general retail.

Per Title 19.12, the Alcohol, Off-Premise Full use requires approval of a Special Use Permit, as the subject site is located within the C-1 (Limited Commercial) zoning district. 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 the Alcohol Off-Premise Full 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, 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:

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- 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.

The proposed use meets this requirement, as there are no protected uses within the required 400-foot distance separation radius, and no other Alcohol, Off-Premise Full establishments within the required 1000-foot distance separation radius.

- 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.

This requirement is not applicable, as the proposed land use is not associated with a nonrestricted gaming license with a hotel having more than 200 rooms or an establishment having more than 50,000 square feet of retail floor space.

- 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 use meets the minimum 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.

This is not applicable, as the subject site is not located on or adjacent to the Pedestrian Mall.

The proposed Alcohol Off-Premise Full use within the existing Shopping Center is compatible with surrounding land uses. In addition, this use meets distance separation requirements from protected uses and another Alcohol, Off-Premise Full establishment. Therefore, staff recommends approval of the Special Use Permit request.

FINDINGS (23-0496-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, Off-Premise full use is compatible with the surrounding retail, restaurant and general personal services uses and is located at least 400 feet away from protected uses.

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

The subject site is physically suitable to accommodate the proposed Alcohol, Off-Premise Full use and provides more onsite parking than is required for the Shopping Center.

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 property is served directly by Rainbow Boulevard. Rainbow Boulevard is a 100-foot Primary Arterial, as defined by the Master Plan of Streets and Highways Map and is adequate to meet the needs of the proposed Alcohol, Off-Premise 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.**

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Approval of the Special Use Permit at the subject property will not compromise the public health, safety, and welfare or the 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, Off-Premise Full use meets all of the applicable Minimum Special Use Permit Requirements as detailed in Title 19.12.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
05/20/15	The City Council approved a Special Use Permit (SUP-58173) to allow a 2,029 square-foot Package Liquor Off-Sale Establishment use at 2300 North Rainbow Boulevard, Suite #101. The Planning Commission and staff recommended approval.
11/14/23	The Planning Commission voted (7-0) to recommend APPROVAL to request FOR A PROPOSED 4,000 SQUARE-FOOT ALCOHOL, OFF-PREMISE FULL USE at 2300 North Rainbow Boulevard, Suites #113 and 114 (APN 138-23-110-041), C-1 (Limited Commercial) Zone, Ward 5 (Cear).

<i>Most Recent Change of Ownership</i>	
08/09/12	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
02/21/23	A business license (G71-00951) was issued for a book sales at 2300 North Rainbow Boulevard, Suite #114. The license expired on 08/21/23.

<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.	

<i>Field Check</i>	
10/04/23	A routine field check was conducted by staff. No issues were noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.63

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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>
Subject Property	Shopping Center	NMX-U (Neighborhood Mixed Use Center)	C-1 (Limited Commercial)
North	General Retail, Other Than Listed	NMX-U (Neighborhood Mixed Use Center)	C-1 (Limited Commercial)
South	Liquor Establishment, Tavern	NMX-U (Neighborhood Mixed Use Center)	C-1 (Limited Commercial)
East	Residential, Single Family, Detached	ML (Medium - Low - up to 8.49 du/ac)	R-CL (Single Family Compact-Lot)
West	Shopping Center	NMX-U (Neighborhood Mixed Use Center)	C-1 (Limited Commercial)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Twin Lakes	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (140 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>
Rainbow Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	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	
Shopping Center	26,000 SF	1 per 250 SF	104				
TOTAL SPACES REQUIRED			104		157		Y
Regular and Handicap Spaces Required			99	5	151	6	Y