



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: DECEMBER 10, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: PRACHATOUCH, LLC - OWNER: THREE JS, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0459-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

NOTICES MAILED 1,111

PROTESTS 1

APPROVALS 0

**** CONDITIONS ****

24-0459-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, On-Premise Full use, except as amended herein.
2. Conformance to the Conditions of Approval for Variance (VAR-61754), except as amended herein.
3. 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.
4. 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.
5. 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.
6. Trash enclosures shall be provided in conformance with the provisions of Title 19.08.040.E.
7. Approval of this Special Use Permit does not constitute approval of a liquor license.
8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
9. 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 2,925 square-foot Alcohol, On-Premise Full use within an existing restaurant at 3839 West Sahara Avenue, Suite #9.

ISSUES

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

ANALYSIS

The subject site is zoned C-1 (Limited Commercial) and is subject to Title 19 development standards. The existing restaurant, Weera Thai, is located within an existing commercial building. The restaurant currently offers beer and wine for on-premise consumption and now a Special Use Permit is requested to allow an Alcohol, On-Premise Full use. The subject site provides 41 parking spaces, which was approved by a Variance (VAR-61754), and this request does not intensify the existing restaurant use.

Per Title 19, 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:
 - 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 use meets this requirement, as no protected uses are located within 400 feet of 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.

This requirement is not applicable, as the subject site does not meet (a) or (b). Therefore, Requirement 1 still applies, which the proposed use meets.

The proposed use would operate within an existing restaurant that currently serves beer and wine. The proposed Alcohol, On-Premise Full use would allow the sale of alcoholic beverages not limited to beer and wine. This proposed use is consistent with the uses allowed in the C-1 (Limited Commercial) zoning district and can be conducted in a compatible and harmonious manner with the surrounding land uses. Therefore, staff recommends approval of the Special Use Permit request, subject to conditions.

FINDINGS (24-0459-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 would occur within an existing restaurant within a commercial building. The proposed use can be conducted in a manner that is harmonious and compatible with existing and future surrounding land uses.

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

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The subject site is a commercial building that is deemed parking impaired with an approved Variance (VAR-61754) to allow 41 parking spaces. This request does not require additional parking.

- 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 can be accessed from Sahara Avenue, a 100-foot wide Primary Arterial, as designated by the Master Plan of Streets and Highways. The street is adequate in size to meet 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 site is subject to licensing and inspection, thus protecting the public health, safety, and general welfare.

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

The proposed 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>	
08/03/05	The City Council approved a Special Use Permit (SUP-6393) for a Restaurant Service Bar and a Waiver of the 400-foot distance separation requirement from an existing school at 3839 West Sahara Avenue, Suite #9. The Special Use Permit was limited to the sale of beer and wine only.
11/23/15	The Department of Community Development - Planning Division administratively approved a Conditional Use Verification (CUV-62256) for a 1,382 square-foot expansion of a Beer/Wine/Cooler On-Sale use at 3839 West Sahara Avenue, Suite #9.
12/08/15	The Planning Commission approved a Variance (VAR-61754) to allow 41 parking spaces where 63 parking spaces are required for an existing restaurant at 3839 West Sahara Avenue, Suite #9.
11/12/24	The Planning Commission voted (7-0) to HOLD IN ABEYANCE the following Land Use Entitlement project request FOR A PROPOSED 2,925 SQUARE-FOOT ALCOHOL, ON-PREMISE FULL USE at 3839 West Sahara Avenue, Suite #9 (APNs 162-07-512-002 and 003), C-1 (Limited Commercial) Zone, Ward 3 (Diaz).

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Most Recent Change of Ownership	
12/30/91	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
07/10/92	A business license (R09-00418) was issued for a Thai restaurant at 3839 West Sahara Avenue, Suite #9. The license is active and set to renew on 12/01/24.
11/18/10	A business license (L09-00323) was issued for on-premise beer and wine at 3839 West Sahara Avenue, Suite #9. The license is active and set to renew on 04/01/25.
12/28/15	A building permit (#C-294959) was issued for tenant improvements for a restaurant expansion at 3839 West Sahara Avenue, Suite #9. The permit was final on 03/24/16.

Pre-Application Meeting	
09/04/24	A pre-application meeting was held with the applicant and the submittal requirements for a Special Use Permit were discussed.

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

Field Check	
10/03/24	Staff conducted a routine field check and observed an existing restaurant.

Details of Application Request	
Site Area	
Net Acres	0.30

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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	Restaurant	NMX-U (Neighborhood Mixed Use Center)	C-1 (Limited Commercial)
	Alcohol, On-Premise Beer/Wine		
North	Auto Title Loan		
South	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	General Retail Store, Other Than Listed	NMX-U (Neighborhood Mixed Use Center)	C-1 (Limited Commercial)
West	Restaurant		

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Charleston	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District - 200 Feet	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
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

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>
Sahara Avenue	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 Parking Ratio	Required Parking		Provided Parking		Compliance
			Regular	Handi-capped	Regular	Handi-capped	
			Restaurant with Alcohol, On-Premise Full	972 SF 1,950 SF GFA	1 space per 50 SF of public seating and waiting plus 1 space per 200 remaining GFA	20 10	
General Personal Service	10 chairs 4 stations	3 spaces per chair and 2 spaces per station	38				
TOTAL SPACES REQUIRED			65		41		Y*
Regular and Handicap Spaces Required			62	3	40	1	Y*

**The subject site is parking-impaired pursuant to Title 19.18.030.D.1 and approved Variance (VAR-61754). No additional parking spaces are required.*