



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: FEBRUARY 21, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: NORMS RESTAURANT, LLC - OWNER:
WESTLAND FAIR, LP

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0479-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 27

NOTICES MAILED 1071 (by City Clerk)

PROTESTS 1

APPROVALS 3

**** CONDITIONS ****

23-0479-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 approved conditions for Site Development Plan Review (23-0479-SDR1).
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. Waivers from Title 19.12 are hereby approved, to allow a 66-foot distance separation from a Church/House of Worship and a 359-foot distance separation from a School/Individual Care Center where 400 feet is required.
5. 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.
6. 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.
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.

Fire & Rescue

10. Applicant shall install an approved fire sprinkler system in all buildings / dwelling units in accordance with 2021 IFC Section 903 as amended.
11. Applicant shall add fire hydrant(s) and water line(s) as required.

Conditions Page Two
February 21, 2024 - City Council Meeting

12. Minimum fire flow requirements shall be in accordance with IFC Appendix B based on type of construction, required fire protection systems and similar.

Staff Report Page One
February 21, 2024 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Special Use Permit request for a proposed Alcohol, On-Premise Full use within a proposed Restaurant located on the south side of Charleston Boulevard, approximately 800 feet east of the intersection of Charleston Boulevard and South Decatur Boulevard.

ISSUES

- An Alcohol, On-Premise Full use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- Waivers are requested to allow a 66-foot distance separation from a Church/House of Worship and a 359-foot distance separation from a School/Individual Care Center use where 400 feet is required. Staff supports the requests.
- The subject site is part of a commercial subdivision.

ANALYSIS

The subject site is an existing shopping center that is zoned C-1 (Limited Commercial) and subject to Title 19 development standards. Per the submitted justification letter, the applicant requests a Special Use Permit to allow an Alcohol, On-Premise Full use within a proposed 5,727 square-foot restaurant with a 596 square-foot patio area. The applicant will be taking over an existing vacant restaurant building with the expected tenant being Norms Restaurant.

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 proposed use meets this definition as the applicant intends to offer alcoholic beverages in conjunction with meals served onsite.

Minimum Special Use Permit Regulations:

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:

Staff Report Page Two
February 21, 2024 - City Council Meeting

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

This requirement is not met as Waivers are requested to allow a 66-foot distance separation from a church/house of worship and a 359-foot distance separation from a school/individual care center where 400 feet is required. The subject site is located within an established shopping center and the proposed Alcohol, On-Premise Full use is appropriate for a restaurant at this location. Staff supports the requests.

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 have a non-restricted gaming license in conjunction with a hotel and is not located on property within the Pedestrian Mall.

While distance separation Waivers are requested, the proposed use is located within a shopping center of a commercial subdivision with other similar uses. The actual distance between the subject restaurant and the protected uses is over 1,000 feet. Therefore, staff finds the proposed use can be conducted in a harmonious and compatible manner with the surrounding area and recommends approval, subject to conditions.

FINDINGS (23-0479-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 other existing commercial uses in the surrounding area.

Staff Report Page Three
February 21, 2024 - City Council Meeting

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

The subject site is developed with an existing shopping center was designed to accommodate a variety of uses such as restaurants and retail stores and is physically suitable for the intensity of the proposed land 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 is accessed by Charleston Boulevard, a 100-foot Primary Arterial, which 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.**

If approved, the Special Use Permit will be subject to licensure requirements, thereby protecting the public health, safety and welfare.

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

Waivers are requested to allow a 66-foot distance separation from a church/house of worship and a 359-foot distance separation from a school/individual care center where 400 feet is required. Staff supports the requests as the subject use is located within a commercial subdivision where the actual distance from the protected uses is over 1,000 feet.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
08/22/62	The City Council approved a request for reclassification of property (Z-0075-62) from R-E (Residence Estate) to C-1 (Limited Commercial), generally located south of Charleston Boulevard and west of Arville Street. The Planning Commission recommended approval.
06/21/00	The City Council approved a Site Development Plan Review [Z-0075-62(16)] and [Z-0048-61(6)] for a proposed 564,476 square-foot commercial center on the southeast corner of Charleston Boulevard and Decatur Boulevard. The Planning Commission recommended approval.

Staff Report Page Four
February 21, 2024 - City Council Meeting

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
10/04/00	The City Council approved a request for a Site Development Plan Review [Z-0075-62(17)] for a proposed 571,410 square-foot commercial center on the south side of Charleston Boulevard, east of Decatur Boulevard. The Planning Commission also recommended approval.
07/07/04	The City Council approved Special Use Permit (SUP-4287) for a Supper Club with Alcohol use adjacent to the south side of Charleston Boulevard, approximately 480 feet east of Decatur Boulevard.
11/21/23	Department of Community Development Staff administratively approved Minor Site Development Plan Review (23-0479-SDR1) for proposed building facade upgrades and a patio cover addition to an existing restaurant building on a portion of 4.40 acres at 4605 West Charleston Boulevard.
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 5,727 SQUARE-FOOT ALCOHOL, ON-PREMISE FULL USE WITH A 596 SQUARE-FOOT PATIO AREA WITH A 66-FOOT DISTANCE SEPARATION FROM A CHURCH/HOUSE OF WORSHIP AND A 359-FOOT DISTANCE SEPARATION FROM A SCHOOL/INDIVIDUAL CARE CENTER WHERE 400 FEET IS REQUIRED located on the south side of Charleston Boulevard, approximately 800 feet east of the intersection of Charleston Boulevard and South Decatur Boulevard (APN 162-06-112-016), C-1 (Limited Commercial) Zone, Ward 1 (Knudsen).

<i>Most Recent Change of Ownership</i>	
10/31/19	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
04/15/05	Building License (#R09-01289) was issued for a restaurant use at 4605 West Charleston Boulevard. The license is listed as inactive as of 05/22/23.
09/25/08	Building License (#L21-00065) was issued for a restaurant with alcohol use at 4605 West Charleston Boulevard. The license is listed as expired as of 10/01/23.

Staff Report Page Five
February 21, 2024 - City Council Meeting

Pre-Application Meeting

09/11/23	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Restaurant with alcohol use.
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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 and found a vacant restaurant building within a shopping center. No issues were noted.
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Details of Application Request

Site Area

Net Acres	4.40
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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	TOD-1 (Transit Oriented Development - High)	C-1 (Limited Commercial)
North	General Retail	TOD-1 (Transit Oriented Development - High)	C-1 (Limited Commercial)
	Office		P-O (Professional Office)
South	Shopping Center	TOD-1 (Transit Oriented Development - High)	C-1 (Limited Commercial)
East	Tavern	TOD-1 (Transit Oriented Development - High)	C-1 (Limited Commercial)
	Mini Storage		C-D (Commercial Development)
	Child Care		P-O (Professional Office)
West	Shopping Center	TOD-1 (Transit Oriented Development - High)	C-1 (Limited Commercial)

Staff Report Page Six
February 21, 2024 - City Council Meeting

<i>aster 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 (175 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>
Charleston 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	599,340 SF	1:250 SF	2,398				
TOTAL SPACES REQUIRED			2,398		2,880		Y
Regular and Handicap Spaces Required			2,340	58	2,818	62	Y

Staff Report Page Seven
February 21, 2024 - City Council Meeting

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
Provide a 400-foot distance separation from protected properties	To allow a 66-foot distance separation from a church/house of worship and a 359-foot distance separation from a school/individual care center where 400 feet is required.	Approval