

ARGENTUM LAW

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City of Las Vegas
Planning Department
495 S. Main St., 3rd Floor
Las Vegas, Nevada 89101

Re: Special Use Permit for Alcohol, On-Premise Full and to Reduce the Distance Separation to Protected Uses

To Whom It May Concern:

This law firm represents BYC Summerlin LLC, a Nevada limited liability company (the “**Applicant**”), with regard to its request for a Special Use Permit (“**SUP**”) to allow Alcohol, On-Premise Full (the “**Proposed Use**”) in conjunction with an approximate 4,494 square foot restaurant and to reduce the distance separation to protected uses. The Proposed Use will be located upon that certain real property zoned Limited Commercial (C-1) and at 9480 W. Sahara Ave., Las Vegas, Nevada, more particularly described as Assessor’s Parcel Number 163-06-816-009 (the “**Property**”).

The Applicant is in the process of completing its tenant improvements to operate an approximate 4,494 square foot restaurant, which is comprised of an approximate 2,394 square foot dining area, 154 square foot bar service area, 1,564 square foot kitchen area, and 382 square foot of restroom area. The proposed restaurant will be known as “Broken Yolk Café”, which is taking over the space on the Property formerly occupied by the International House of Pancakes (IHOP). The proposed hours of operation for the restaurant, including the Proposed Use, will be Monday through Friday from 7:00am to 2:00pm and Saturday and Sunday from 7:00am to 3:00pm, subject to change. Other than replacing the signage on the building (not part of this application), there are no proposed changes to the exterior of the building and no proposed changes to the landscaping on the Property. In conjunction with the meals prepared for and served to its customers, the Applicant desires to have the on-premise consumption of full alcohol for the restaurant.

As shown on the plans submitted herewith, the actual seating available within the dining area will accommodate more than 100 people. For purposes of this section, the “dining area” does not include bar stool seating at the bar, but does include table or booth seating around the bar area. In addition to the seating in the dining area, the bar stool seating will accommodate

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approximately 14 people. The Proposed Use is part of the Village Square Shopping Center (the “**Shopping Center**”) that has cross access parking and there is adequate parking available for all uses within the Shopping Center, including the Proposed Use.

Pursuant to LVMC Title 19, an alcohol, on-premise full use is permitted on the Property with the approval of a Special Use Permit, subject to there being no churches/houses of worship, schools, individual care centers licensed for more than 12 children, or City parks (collectively, the “**Protected Uses**”) within 400 feet of the Property. In reviewing the areas surrounding the Property, there is one church and one daycare within 400 feet of the Proposed Use and the church and daycare are both located at 9590 W. Sahara Ave., Las Vegas, NV. Since the church/daycare and Proposed Use are within the Shopping Center, there is a zero-foot distance separation between the uses. Accordingly, the Applicant is requesting a special use permit to reduce the distance separation from a church/daycare to zero feet where 400 feet is required. It should be noted, however, it is approximately 850 feet when measured in a direct line from the front door of the church/daycare to the front door of the Proposed Use, which exceeds the required distance separation. Furthermore, several other locations within the Shopping Center have been previously approved for on-premise alcohol, including two locations that are closer than the Proposed Use to the church/daycare.

Based upon the foregoing, the Proposed Use can be conducted in a harmonious and compatible manner with surrounding uses and will not compromise the public health, safety and general welfare. Therefore, the Applicant hereby respectfully requests the approval of the SUP to allow the Proposed Use to be conducted upon the Property and to reduce the distance separation to a church/daycare.

Thank you in advance for your consideration. If you should have any questions, please do not hesitate to contact me.

Sincerely,

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