



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: AUGUST 13, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: BON APPETIT, LLC - OWNER: 1617 DECATUR, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0257-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 789

PROTESTS N/A

APPROVALS N/A

**** CONDITIONS ****

24-0257-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

This is a Special Use Permit request for a proposed 7,595 square-foot Alcohol, On-Premise Full use at 1617 South Decatur Boulevard.

ISSUES

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

ANALYSIS

The subject site is zoned C-1 (Limited Commercial) and is subject to Title 19 development standards. Currently, the subject site is developed as a vacant commercial building, which has previously operated as a restaurant establishment that served alcohol. As the commercial building has been vacant since 2019, the applicant now proposes to operate a new restaurant that serves alcohol.

The subject site is part of Charleston Heights 35-D, a commercial subdivision. Therefore, parking is shared throughout the subdivision. Per the submitted site plan, there are 255 parking spaces provided where 106 parking spaces are required.

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 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:

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- a. Church/House of Worship;
- b. School;
- c. Individual Care Center Licensed for more than 12 children; or
- d. City park.

The proposed use meets this requirement, as there are no protected uses 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
- b. Any Alcohol, On-Premise Full use located on property within the Pedestrian Mall, as defined in LVMC 11.68; the Downtown Entertainment Overlay 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 proposed use is not associated with an establishment that has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or with a resort hotel having in excess of 200 guest rooms after July 1, 1992. The proposed use is also not located within the Pedestrian Mall, as defined in LVMC 11.68 and therefore, the distance separation requirements set forth in Requirement #1 still apply, which the proposed use meets.

The subject site is located in Redevelopment Area 2 of the City of Las Vegas Redevelopment Plan. In general, the goals of the redevelopment program in Redevelopment Area 2 are as follows:

- 1. To eliminate and prevent the spread of blight and deterioration and the conservation, rehabilitation, and redevelopment of Redevelopment Area 2 in accordance with the Master Plan, the Redevelopment Plan, local codes, and ordinances.
- 2. To achieve an environment reflecting a high level of concern for architectural, landscape and urban design and land use principles appropriate for attainment of the objectives of the Redevelopment Plan.
- 3. To minimize unplanned growth by guiding revitalization activities and new development in such fashion as to meet the needs of Redevelopment Area 2, the City and its citizens.

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4. To retain existing businesses by means of redevelopment and rehabilitation activities and by encouraging cooperation and participation of owners, businesses, and public agencies in the revitalization of Redevelopment Area 2.
5. To encourage maximum participation of residents, businesspersons, property owners, and community organization in the redevelopment of Redevelopment Area 2.
6. To replan, redesign, and develop areas which are stagnant or improperly used.
7. To insure adequate utility capacity to accommodate redevelopment and new development.

Redevelopment of Redevelopment Area 2 pursuant to this Redevelopment Plan and the above goals and objectives will attain the purposes of the Nevada Revised Statutes Chapter 279 by:

1. Elimination of areas suffering from economic dislocation, and disuse in affected areas;
2. Replanning, redesign, and/or redevelopment of areas which are stagnant or improperly utilized, in ways which could not be accomplished solely by private enterprise without public participation and assistance;
3. Protection and promotion of sound development and redevelopment of blighted areas and the general welfare of the citizens of the City by remedying such injurious conditions through the employment of appropriate means;
4. Installation of new, or replacement of existing public improvements, facilities, and utilities in areas which are currently inadequately served with regard to such improvement, facilities and utilities; and
5. Other means as determined appropriate.

Staff finds the proposed Alcohol, On-Premise Full use supports the goals, policies, and objectives outlined in the City of Las Vegas Redevelopment Plan – Redevelopment Plan Area 2 by eliminating blight and deterioration of a commercial building that was previously vacant. Additionally, as the surrounding area is characterized by other commercial uses, staff finds the proposed use can be conducted in a compatible and harmonious manner with the surrounding area. Therefore, staff recommends approval of the Special Use Permit, subject to conditions.

FINDINGS (24-0257-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:

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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.**

As there are no protected uses within the immediate vicinity of the proposed Alcohol, On-Premise Full use, staff finds the proposed land use to be compatible with the surrounding commercial land uses and with future land uses as projected by the General Plan.

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

The proposed use would be operated in a vacant commercial building that has previously been operated as a restaurant with liquor service. Therefore, the subject site will remain physically suitable for the type and intensity of land use proposed.

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 by Decatur Boulevard, a 100-foot Primary Arterial, as defined by the Master Plan of Streets and Highways and is adequate in size to meet the requirements 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.**

Approval of this Special Use Permit will be subject to business license review and periodic inspections, which thereby protects the public health, safety, and welfare and objectives of the General Plan.

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

The proposed Alcohol, On-Premise Full use meets all of the applicable conditions per Title 19.12.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
05/08/86	The City Council approved a Reclassification of Property (Z-0058-85) from R-1 (Single Family Residence) and R-3 (Limited Multiple Residence), to R-3 (Limited Multiple Residence) and C-1 (Limited Commercial) for proposed restaurants, offices, commercial, and access to an apartment development located on the northeast corner of Decatur Boulevard and Oakey Boulevard.
05/27/86	The Board of Zoning Adjustment approved a Variance (V-0050-86) to allow a restaurant with 104 parking spaces where 184 parking spaces are required on property generally located on the east side of Decatur Boulevard, 200 feet north of Oakey Boulevard.
08/23/90	The Board of Zoning Adjustment approved a Special Use Permit (U-0160-90) to allow a tavern license for the sale of alcoholic beverages in conjunction with a proposed restaurant (The Fresh Katch) at 1617 South Decatur Boulevard.
07/07/04	The City Council approved a Site Development Plan Review (SDR-4286) and a Waiver of the Landscaping Requirements for a restaurant on 8.99 acres adjacent to the south side of Charleston Boulevard, approximately 480 feet east of Decatur Boulevard.
07/07/04	The City Council approved a Special Use Permit (SUP-4287) for a supper club adjacent to the south side of Charleston Boulevard, approximately 480 feet east of Decatur Boulevard.
06/02/21	The City Council approved a General Plan Amendment (21-0029-GPA1) to adopt the City of Las Vegas 2050 Master Plan and amend the City of Las Vegas General Plan from Various Categories to TOD-1 (Transit Oriented Development -1), TOD-2 (Transit Oriented Development -2), TOC-1 (Transit Oriented Corridor -1), TOC-2 (Transit Oriented Corridor -2), or NMXU (Neighborhood Center Mixed Use) within the City of Las Vegas.
12/15/23	The Department of Community Development administratively approved a Site Development Plan Review (23-0621-SDR1) for a billboard embellishment located at 1617 South Decatur Boulevard.
07/09/24	The Planning Commission voted (7-0) to HOLD IN ABEYANCE on a Land Use Entitlement project request FOR A PROPOSED 7,595 SQUARE-FOOT ALCOHOL, ON-PREMISE FULL USE at 1617 South Decatur Boulevard.

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<i>Most Recent Change of Ownership</i>	
03/29/12	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
10/05/17	A business license (G65-06916) was issued for a buffet restaurant at 1617 South Decatur Boulevard. The license is no longer active as of 05/09/18.
05/01/24	A business license (G72-02760) was submitted for a bar and restaurant at 1617 South Decatur Boulevard. The license has not been issued.

<i>Pre-Application Meeting</i>	
05/08/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Special Use Permit.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
05/28/24	A routine field check of the subject site was conducted where staff observed a vacant commercial building. Nothing of concern was noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.32

<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	Vacant	TOD-1 (Transit Oriented Development – High)	C-1 (Limited Commercial)
North	Auto Parts (New and Rebuilt)	TOD-1 (Transit Oriented Development – High)	C-1 (Limited Commercial)
South	General Retail Store, Other than Listed	TOD-1 (Transit Oriented Development – High)	C-1 (Limited Commercial)

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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>
East	Motor Vehicle Sales (Used)	TOD-1 (Transit Oriented Development – High)	R-3 (Medium Density Residential)
West	Motor Vehicle Sales (Used)	TOD-1 (Transit Oriented Development – High)	C-2 (General Commercial)

<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 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>
Oakey Boulevard	Collector Street	Master Plan of Streets and Highways	80 Feet	Y
Decatur Boulevard	Primary Arterial	Master Plan of Streets and Highways	100 Feet	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	26,347 SF	1: 250 SF	110				
TOTAL SPACES REQUIRED			106		203		Y
Regular and Handicap Spaces Required			101	5	210	7	Y