



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: JULY 9, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: SIN FRONTERAS FOOD GROUP, LLC -
OWNER: FIN SQUARED, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0245-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

NOTICES MAILED 692

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0245-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. A Waiver from Title 19.12 is hereby approved, to allow a 140-foot distance separation from a city park where 400 feet is required.
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. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. 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 2,000 square-foot Alcohol, On-Premise Full use within an existing restaurant at 4012 North Tenaya Way.

ISSUES

- The Alcohol, On-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.
- A Waiver of Minimum Special Use Requirement #1 is requested to allow a 140-foot distance separation from a city park where 400 feet is required. Staff supports the request.

ANALYSIS

The subject site is zoned C-1 (Limited Commercial) and is subject to Title 19 development standards. The subject tenant space is located within an existing commercial building which offers general personal services, a pet shop, and general retail. Properties to the north, east, and west are developed with single-family residential dwellings. Property to the south is developed with a shopping center that offers several commercial uses. The subject tenant space currently operates as a restaurant and offers beer and wine for on-premise consumption. The applicant is requesting a Special Use Permit (24-0245-SUP1) to allow an Alcohol, On-Premise Full use within the existing restaurant. In conjunction with the Special Use Permit, a Waiver is requested to allow a 140-foot distance separation from a city park (W. Wayne Bunker Family Park) where 400 feet is required.

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 the definition, as the applicant is proposing to sell alcoholic beverages for on premise consumption.

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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.

The proposed use does not meet this requirement, as a city park is located within 400 feet of the subject site. Therefore, a Waiver is requested to allow a 140-foot distance separation from a city park, which staff supports as the park is not directly accessible from the 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 have a non-restricted gaming license in connection with a hotel having 200 or more guest rooms, a connection with a resort hotel, or located on property within the Pedestrian Mall, Downtown Entertainment Overlay District, or the 18b Arts District. Therefore, Requirement 1 still applies.

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The proposed use would operate within an existing restaurant which 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 (24-0245-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.**

The subject site is a commercial building with multiple tenants and adequate parking is provided on-site, therefore the site is 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.**

The subject site can be accessed by Tenaya Way, an 80-foot Collector Street, and Alexander Road, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. The streets are 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.**

The site is subject to licensing and inspection, thus protecting the public health, safety and general welfare.

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

The proposed use does not meet the minimum 400-foot distance separation requirement from a city park; therefore, a Waiver is requested. With the approval of the requested Waiver, the use will meet the applicable conditions per Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
11/18/87	The City Council approved Rezoning (Z-0106-87) for a Reclassification of Property from N-U (Non-Urban) to R-CL (Single Family Compact Lot), R-PD24 (Residential Planned Development) and C-1 (Limited Commercial) to allow a proposed use of single family homes, apartments and a shopping center on the northeast corner of Alexander Road and Tenaya Way.
03/24/92	The Board of Zoning Adjustment approved Special Use Permit (U-0035-92) to allow gasoline sales with a proposed convenience store on property located on the northeast corner of Alexander Road and Tenaya Way.
08/14/18	The Planning Commission approved Special Use Permit (SUP-73659) for a proposed 1,000 square-foot beer/wine/cooler on-sale establishment use at 4016 North Tenaya Way.

<i>Most Recent Change of Ownership</i>	
02/16/17	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
04/17/17	A business license (G65-02610) was issued for a restaurant [Sin Fronteras Tacos] at 4012 North Tenaya Way. The license is set to renew on 10/01/24.
10/11/18	A liquor license (L67-00102) was issued for beer/wine/cooler on-sale for a restaurant [Sin Fronteras Tacos] at 4012 North Tenaya Way. The license is set to renew on 10/01/24.
10/21/19	A building permit (#C19-04730) was issued for tenant improvement to combine suites 4016 and 4012 at 4012 North Tenaya Way.

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Pre-Application Meeting	
05/01/24	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	
05/28/24	Staff conducted a routine field check and observed an existing restaurant in operation. No other issues were noted.

Details of Application Request	
Site Area	
Net Acres	2.08

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
	General Personal Service		
	General Retail Store, Other Than Listed		
North	Residential, Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Residential, Single Family, Detached	M (Medium Density Residential)	R-CL (Single Family Compact-Lot)
West	Residential, Single Family, Detached	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development – 8 Units per Acre)

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<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Lone Mountain	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	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>
Tenaya Way	Collector	Master Plan of Streets and Highways Map	80	Y
Alexander Road	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	
			Alcohol, On-Premise Full	842 SF of public seating and waiting 910 remaining GFA	1 space per 50 SF of public seating and waiting, plus 1 space per 200 SF of remaining GFA	22	
General Personal Service	6 stations	3 spaces per each station	18				
General Personal Service	6 stations	2 spaces per each barber chair	12				
General Retail Store, Other Than Listed	3,000 SF	1 space per 175 SF of GFA	18				
Pet Shop	1,883 SF	1 space per 175 SF of GFA	11				
TOTAL SPACES REQUIRED			81		140		Y
Regular and Handicap Spaces Required			77	4	136	4	Y

Waivers		
Requirement	Request	Staff Recommendation
Provide a 400-foot separation from a church/house of worship; school; individual care center; or city park.	To allow a 140-foot distance separation from a city park.	Approval