



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: FEBRUARY 21, 2024  
DEPARTMENT: COMMUNITY DEVELOPMENT  
ITEM DESCRIPTION: APPLICANT: WILLIAM P. MIGUEL LIVING TRUST - OWNER:  
THE 1993 MIGUEL FAMILY TRUST, ET AL

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0588-SUP1	Staff recommends APPROVAL, subject to conditions:	

**\*\* NOTIFICATION \*\***

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 792 (by City Clerk)

PROTESTS 1

APPROVALS 1

**\*\* CONDITIONS \*\***

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**23-0588-SUP1 CONDITIONS**

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**Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, Off-Premise Full use, except as amended herein.
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 130-foot distance separation from an existing Alcohol, Off-Premise Full use where 1,000 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 26,917 square-foot Alcohol, Off-Premise Full use at 5831 West Craig Road.

**ISSUES**

- An Alcohol, Off-Premise Full use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit. Staff supports this request.
- A Waiver of Minimum Special Use Permit Requirement #1 is requested to allow a 130-foot distance separation from another Alcohol, Off-Premise Full use establishment where 1,000 feet is required. Staff recommends approval of the Waiver.

**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 shopping center which offers several existing commercial uses that include restaurant, general personal service, medical office, massage establishment, and general retail. Properties to the north are developed with commercial uses. Properties to the south, east and west are developed with single-family residences. The applicant requests Special Use Permit (23-0588-SUP1) to allow an Alcohol, Off-Premise Full use with a proposed 26,917 square-foot grocery store within a vacant suite of the subject shopping center. In conjunction with the Special Use Permit, the applicant is requesting a Waiver to allow a 130-foot distance separation from another Alcohol, Off-Premise Full establishment to the north of the subject site.

Per Title 19, the Alcohol, Off-Premise Full use is defined as, "An establishment licensed to sell alcoholic beverages, not limited to the sale of beer, wine and coolers, to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold."

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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, Off-Premise Full establishment and certain other uses that should be protected from the impacts associated with that establishment, or that otherwise should be separated so as to minimize impacts on surrounding areas. Therefore, except as otherwise provided in these Requirements, no Alcohol, Off-Premise Full establishment may be located:
  - a. Within 400 feet of any of the following uses:
    - i. Church/house of worship;
    - ii. School;
    - iii. Individual care center licensed for more than 12 children; or
    - iv. City park
  - b. Within 1000 feet of another Alcohol, Off-Premise Full establishment.

*The proposed use does not meet this requirement, as there is an existing Alcohol, Off-Premise Full establishment located within the required 1000-foot distance separation radius. The subject site is located 130-feet from another Alcohol, Off-Premise Full use within a grocery store to the north across Craig Road, a 120-foot Primary Arterial. A Waiver is therefore requested, which staff supports.*

2. The distance separation requirements set forth in Requirement 1 do not apply to:
  - 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. A Grocery Store with greater than 50,000 square feet of gross floor area.

*This requirement is not applicable, as the proposed land use is not associated with a non-restricted gaming license with a hotel having more than 200 rooms or a Grocery Store having more than 50,000 square feet of retail floor space.*

3. The minimum distance separation requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived in connection with an Alcohol, Off-Premise Full establishment located within a Grocery Store:
  - a. In accordance with the provisions of LVMC 19.12.050(C) for a location within the Downtown Casino Overlay District;

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- b. In accordance with the applicable provisions of the “Town Center Development Standards Manual” for a location within the T-C (Town Center) Zoning District that is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan;
- c. Having between 20,000 square feet and 50,000 square feet of retail floor space; or
- d. Having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right-of-way with a width of at least 100 feet.

*The proposed Alcohol, Off-Premise Full use will be located within a 26,917 square-foot Grocery Store, therefore the distance separation requirements set forth in Requirement #1 can be waived. A Waiver is requested, as the proposed Alcohol, Off-Premise Full use does not meet the minimum distance separation requirements set forth in Requirement #1. Staff supports the requested Waiver.*

- 4. The establishment shall not be located on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

*The proposed use is not located on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68 and therefore meets this requirement.*

The proposed use would operate within a shopping center that is designed to accommodate a variety of commercial uses, including the proposed use. Although the proposed Alcohol, Off-Premise Full use is located within 1,000 feet of another Alcohol, Off-Premise Full establishment, the proposed use will have minimal negative impact on the surrounding areas. The proposed Alcohol, Off-Premise Full use within a Grocery Store is consistent with 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 this Special Use Permit request, subject to conditions.

### **FINDINGS (23-0588-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.**

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The proposed Alcohol, Off-Premise Full use would occur within a Grocery Store located in a commercial shopping center. The proposed use can be conducted in a manner that is harmonious and compatible with the existing and future commercial land uses in the surrounding area.

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

The subject site is located within an established commercial shopping center, which was designed to accommodate a wide variety of commercial uses, making it 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 Craig Road, a 120-foot Primary Arterial, and Jones Boulevard, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways, which are both adequate in size to accommodate 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 will be 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 does not meet the minimum 1000-foot distance separation requirement from another Alcohol, Off-Premise Full establishment, therefore a Waiver is requested. With the approval of the requested Waiver, the use will meet the applicable conditions per Title 19.12.

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**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
03/07/90	The City Council approved the request for Reclassification of Property (Z-0140-89) located on the southeast corner of Jones Boulevard and Craig Road from R-E (Residence Estates) to C-1 (Limited Commercial), for a proposed Shopping Center.
03/10/94	The Planning Commission approved the request for a Plot Plan and Building Elevation Review [Z-0140-89(5)] for a proposed convenience store with gasoline sales on property located on the southeast corner of Craig Road and Jones Boulevard.
03/16/94	The City Council approved the request for a Special Use Permit (U-0009-94) to allow the sale of beer and wine within a proposed convenience store; and to allow the sale of gasoline on property located on the southeast corner of Craig Road and Jones Boulevard.
10/12/98	The City Council approved the request for a Site Development Plan Review [Z-0140-89(10)] for a proposed 79,578 square-foot Shopping Center on property located south of Craig Road and east of Jones Boulevard. The Planning Commission recommended approval.
11/17/99	The City Council approved the request for a Special Use Permit (U-0102-99) for the sale of packaged liquor in conjunction with a proposed 26,498 square-foot grocery store on property located on the southeast corner of Jones Boulevard and Craig Road.
07/19/00	The City Council approved the request for a Special Use Permit (U-0070-00) for secondhand sales (children's furniture and clothing) at 5845 West Craig Road. The Planning Commission recommended approval.
01/17/01	The City Council approved the request for a Site Development Plan Review [Z-0140-89(11)] and a Waiver of the required landscaping for a proposed 6,800 square-foot retail building on a 0.65 acre pad site on the southeast corner of Craig Road and Jones Boulevard.
10/20/04	The City Council approved the request for a Special Use Permit (SUP-4953) for a tavern and Waiver from the 1,500 foot distance separation requirement from an existing tavern located adjacent to the southeast corner of Craig Road and Jones Boulevard. The Planning Commission recommended approval.
05/26/05	The Planning Commission approved the request for a Site Development Plan Review (SDR-6465) for a proposed 5,500 square-foot, single-story retail building and a Waiver of the foundation landscaping standards.
11/17/05	The Planning Commission approved the request for a Site Development Plan Review (SDR-9636) for a proposed 2,448 square-foot fast food restaurant and Waivers of the perimeter and foundation landscape requirements and the building placement requirement on 0.6 acres at the southeast corner of Jones Boulevard and Craig Road.

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<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
05/10/07	The Planning Commission approved a Site Development Plan Review (SDR-20711) for a proposed 5,500 square-foot commercial building with a Waiver to allow perimeter landscape buffer widths of zero feet on the south and east property lines where eight feet is the minimum required on 0.55 acres on the south side of Craig Road, approximately 400 feet east of Jones Boulevard.
11/20/08	The Planning Commission approved the request for a Variance (VAR-30271) to allow a proposed 10-foot tall, 435 square-foot roof sign where an eight-foot tall, 150 square-foot roof sign is the maximum allowed at 5831 West Craig Road.
08/13/09	The Planning Commission approved the request for a Major Amendment (SDR-34464) of a previously approved Site Development Plan Review (SDR-20711) for the addition of a restaurant with drive-through to an existing 5,566 square-foot retail building with a Waiver of Title 19.12.040 utility box and installation screening standards on 8.16 acres at the southeast corner of Craig Road and Jones Boulevard.
06/02/10	The City Council approved the request for a Special Use Permit (SUP-37625) to add a jewelry store, class III use to an existing 2,010 square-foot auto title loan establishment at 5861 West Craig Road, Suite #104.
01/10/17	The Planning Commission approved the request for a Special Use Permit (SUP-67830) for a proposed 1,337 square-foot massage establishment with a Waiver to allow a zero-foot distance separation from a residentially zoned parcel where 400 feet is the minimum distance required at 5803 West Craig Road, Suite #101.
06/02/21	The City Council approved the request to adopt the City of Las Vegas 2050 Master Plan and amend (21-0029-GPA1) 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 NMUX (Neighborhood Center Mixed Use) within the City of Las Vegas.



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<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
10/18/23	Code Enforcement cases (CE23-07425, CE23-07426, CE23-07427, and CE23-07428) were processed for reported suites demolished to create one suite at 5855 West Craig Road, Suites #102, 103, 104 and 105. The case remains unresolved.
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 26,917 SQUARE-FOOT ALCOHOL, OFF-PREMISE FULL USE IN CONJUNCTION WITH A PROPOSED GROCERY STORE WITH A WAIVER TO ALLOW A 130-FOOT DISTANCE SEPARATION FROM AN EXISTING ALCOHOL, OFF-PREMISE FULL USE WHERE 1,000 FEET IS REQUIRED at 5831 West Craig Road (APN 138-01-312-002), C-1 (Limited Commercial) Zone, Ward 5 (Crear)

<b><i>Most Recent Change of Ownership</i></b>	
04/26/22	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
04/04/01	A Building Permit (#1005705) was issued for a 6,800 square-foot shell building at 5861 West Craig Road.
07/26/06	A Building Permit (#6004905) was issued for a 5,500 square-foot retail building at 5871 West Craig Road.
08/22/06	A Building Permit (#6005438) was issued for a 2,472 square-foot building for a restaurant with a drive through at 5881 West Craig Road.
04/15/08	A Building Permit (C-107695) was issued for a 5,445 square-foot office/retail shell building at 5801 West Craig Road.
01/11/16	A Business License (G63-09238) was issued for behavioral health services at 5803 West Craig Road, Suite #106. The license is set to renew on 01/01/24.
03/21/17	A Business License (G65-01727) was issued for facial and skincare services at 5803 West Craig Road, Suite #101. The license is set to renew on 03/01/24.
03/21/17	A Business License (P65-00055) was issued for a massage establishment at 5803 West Craig Road, Suite #101. The license is set to renew on 03/01/24.
10/31/18	A Business License (G66-07269) was issued for a training center at 5831 West Craig Road, Suite #102. The license was deemed inactive on 09/28/20.

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<b>Related Building Permits/Business Licenses</b>	
07/26/20	A Business License (G68-05015) was issued for a distance learning study hall at 5831 West Craig Road, Suite #103. The license was deemed inactive on 08/30/22.
09/01/20	A Business License (G68-06144) was issued for general retail sales at 5855 West Craig Road, Suite #108. The license is set to renew on 03/01/24.
09/15/20	A Business License (G68-06443) was issued for a dance studio at 5803 West Craig Road, Suite #107. The license is set to renew on 03/01/24.
02/17/21	A Business License (G69-00787) was issued for surgical skill practice training at 5831 West Craig Road, Suite #102. The license was deemed inactive on 04/25/23.
06/28/21	A Building Permit (C21-01964) was issued for Posare Salon tenant improvement at 5803 West Craig Road, Suite #105.
01/02/22	A Building Permit (C21-04323) was issued for Creative Behavioral tenant improvement at 5803 West Craig Road, Suite #105.
04/03/23	A Building Permit (C23-00999) was issued for interior remodel to combine suites #101, 102, and 103 to the address 5831 West Craig Road.

<b>Pre-Application Meeting</b>	
11/02/23	A pre-application meeting was held with the applicant and submittal requirements for a Special Use Permit were discussed.

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

<b>Field Check</b>	
12/05/23	Staff conducted a field visit of the subject property. Staff observed an existing vacant commercial building. Nothing of concern was noted.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	5.72

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<b><i>Surrounding Property</i></b>	<b><i>Existing Land Use Per Title 19.12</i></b>	<b><i>Planned or Special Land Use Designation</i></b>	<b><i>Existing Zoning District</i></b>
Subject Property	Shopping Center	NMX-U (Neighborhood Mixed Use Center)	C-1 (Limited Commercial)
North	General Retail Store, Other than Listed	NMX-U (Neighborhood Mixed Use Center)	C-1 (Limited Commercial)
South	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development - 2 Units per Acre)
East	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	General Retail Store, Other than Listed	GC (General Commercial)	C-2 (General Commercial)
	Residential, Single Family, Detached	ML (Medium-Low Density Residential)	R-CL (Single Family Compact-Lot)

<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
Las Vegas 2050 Master Plan Area: Rancho	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
A-O (Airport Overlay) District - 140 Feet	Y
RP-O (Rural Preservation Overlay) District	N/A
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
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

<b><i>Street Name</i></b>	<b><i>Functional Classification of Street(s)</i></b>	<b><i>Governing Document</i></b>	<b><i>Actual Street Width (Feet)</i></b>	<b><i>Compliance with Street Section</i></b>
Craig Road	Primary Arterial	Master Plan of Streets and Highways Map	120	Y

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<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Jones 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:**

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>	
		<b>Parking Ratio</b>	<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	75,850 GFA	1:250 GFA	304				
<b>TOTAL SPACES REQUIRED</b>			304		417		Y
<b>Regular and Handicap Spaces Required</b>			296	8	400	17	Y

<b>Waivers</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
1000-foot distance separation from another Alcohol, Off-Premise Full establishment	To allow a 130-foot distance separation from another Alcohol, Off-Premise Full establishment	Approval