



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: JANUARY 17, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: ANTWANN BINION - OWNER: NEDA PROPERTIES, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0532-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 24

NOTICES MAILED 1422 (by City Clerk)

PROTESTS 5

APPROVALS 2

**** CONDITIONS ****

23-0532-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 zero-foot distance separation from an individual care center licensed for more than 12 children 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.

Public Works

9. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-6594 or emailed at ece@lasvegasnevada.gov.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Special Use Permit request for a proposed Alcohol, On-Premise Full use within a restaurant at 3858 West Sahara Avenue.

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. Staff supports the request.
- The subject site has a zero-foot distance separation from an individual care center licensed for more than 12 children where 400 feet is required. A Waiver has been requested in conjunction with the Special Use Permit request (23-0532-SUP1). Staff supports the request.

ANALYSIS

The subject site is zoned C-1 (Limited Commercial) with a General Plan Designation of NMX-U (Neighborhood Mixed Use Center). The proposed Alcohol On-Premise, Full use will be located in an existing tenant space within a shopping center that includes restaurants, laundry cleaning, and retail services.

The subject site is located within an existing shopping center that has a zero-foot separation from an individual care center where 400 feet is the minimum required. As a result, the applicant has requested a waiver to provide relief from this requirement. The licensed individual care center is "Happy Days," which is located at 2301 Las Verdes Street. Staff supports the Waiver, as there is no direct access from the subject site to the individual care center, and the subject site is located within a commercial subdivision that is designed to accommodate a variety of uses, including a restaurant that sells full alcohol. Therefore, staff supports the requested Waiver in an on-sale capacity.

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Per Title 19.12, an 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.” Per the submitted justification letter, the applicant is requesting a Special Use Permit to allow an Alcohol On-Premise, Full use to expand their customer base with more services. The subject restaurant is not currently in operation as of 11/20/23, and is pending a business license (G71-07001). Per the submitted justification letter, the restaurant is named “Just Chicken.”

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 the requirement, as it has a zero-foot distance separation from an individual care center licensed for more than 12 children where 400 feet is required when measured from the nearest point of the commercial subdivision to the individual care center. However, there is no direct access from the subject site to the individual care center located adjacent to the north, as a block wall is between the subject commercial subdivision and the individual care center.

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.

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This requirement is not applicable, as it is not located within the described locations of the requirement.

Staff finds the proposed Alcohol On-Premise Full use can be operated in a manner that is harmonious and compatible with the surrounding land uses, as the intended purpose of the subject commercial subdivision is to provide an array of uses. Therefore, staff is recommending approval with conditions.

FINDINGS (23-0532-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 existing surrounding land uses and future surrounding land uses, as the subject parcel includes several restaurants. Although a Waiver is requested to allow the subject use to operate with a zero-foot distance separation of an individual care center licensed for more than 12 children where 400 feet is required, there is no direct access from the subject site to the park located adjacent to the north.

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

The subject site is physically suitable for the proposed Alcohol, On-Premise Full use, as it is located in a lot with sufficient parking and space.

- 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 receives access from Sahara Avenue, a 100-foot Primary Arterial as classified by the Master Plan of Streets and Highways that is adequate in size to accommodate the proposed Alcohol, On-Premise Full 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 proposed use will be subject to business license review and periodic inspection, thereby safeguarding the public health, safety and general welfare.

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

The proposed Alcohol, On-Premise Full use does not meet Condition number one for the use, as it is located zero feet away from an individual care center licensed for more than 12 children where 400 feet is required. However, staff supports the request as the subject shopping center is intended to provide an array of uses and there is a block wall that separates the individual care center and the shopping center.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
01/20/60	The City Council approved a Rezoning request (Z-0044-59) from R-1 (Single Family Residential) to C-C (Neighborhood Commercial Center) for a proposed neighborhood commercial center located at the northwest corner of Sahara Avenue and Valley View Boulevard.
12/12/23	The Planning Commission voted (6-0) to recommend APPROVAL of the following Land Use Entitlement project request for a Petition to Vacate public drainage easements generally located on the west and east side of Red Granite Street, between Rising Raven Avenue and Hillrise Avenue, Ward 2 (Seaman).

<i>Most Recent Change of Ownership</i>	
12/29/14	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
06/28/23	A business license (G71-03883) was issued for a clothing store at 3846 West Sahara Avenue.
11/02/23	A business license (G71-07001) was processed for a restaurant with full alcohol services at 3858 West Sahara Avenue. The license has not been issued and is awaiting results from this request (23-0532-SUP1).

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Pre-Application Meeting	
10/03/23	A pre-application meeting was held with the applicant to review the submittal requirements for a Special Use Permit.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
11/01/23	A routine field check was conducted by staff in which a shopping center was observed. No issues were noted.

Details of Application Request	
Site Area	
Net Acres	3.84

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	NMX-U (Neighborhood Mixed Use Center)	C-1 (Limited Commercial)
North	Residential, Single Family, Detached	L (Low - up to 5.49 du/ac)	R-1 (Single Family Residential)
South	Shopping Center	NMX-U (Neighborhood Mixed Use Center)	C-1 (Limited Commercial)
East	Shopping Center	NMX-U (Neighborhood Mixed Use Center)	C-1 (Limited Commercial)
West	Shopping Center	NMX-U (Neighborhood Mixed Use Center)	C-1 (Limited Commercial)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Charleston	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (200 Feet)	Y

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<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 2	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required Parking Ratio</i>	<i>Required Parking</i>		<i>Provided Parking</i>		<i>Compliance</i>
			Regular	Handi-capped	Regular	Handi-capped	
			Shopping Center	104,588 SF	1 per 250 SF	418	
TOTAL SPACES REQUIRED			418		351		N*
Regular and Handicap Spaces Required			409	9	327	24	N*

*The subject site is a parking-impaired development pursuant to Title 19.18.030.D. No additional parking spaces would be required as a result of the proposed use.