



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: NOVEMBER 12, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: NEVADA BREW WORKS - OWNER: JAN SUMMERLIN, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0455-SUP1	Staff recommends APPROVAL, subject to conditions:	
24-0455-SUP2	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 1381

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0455-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol Production, Craft 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. Trash enclosures shall be provided in conformance with the provisions of Title 19.08.040.E.
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.

24-0455-SUP2 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Gaming Establishment, Restricted 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. Trash enclosures shall be provided in conformance with the provisions of Title 19.08.040.E.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One**November 12, 2024 - Planning Commission Meeting****** STAFF REPORT ******PROJECT DESCRIPTION**

The applicant is proposing a 3,281 square-foot Alcohol Production, Craft use with a 1,289 square-foot outdoor patio area and Gaming Establishment, Restricted use (1 to 5 machines) at 820 South Rampart Boulevard, Suite #110.

ISSUES

- The Alcohol Production, Craft use is allowed in the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit. Staff supports the request.
- The Gaming Establishment, Restricted use (1 to 5 machines) is allowed in the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit. Staff supports the request.

ANALYSIS

The subject site is zoned C-1 (Limited Commercial) and is subject to Title 19 development standards. The tenant suite is located within an existing shopping center that offers a variety of commercial uses and provides ample shared parking spaces. Per the submitted justification letter, the applicant intends to operate a “Nevada Brew Works” establishment.

Per Title 19.12, the Alcohol Production, Craft use is defined as “A craft distillery, craft winery or brew pub establishment, pursuant to LVMC Chapter 6.50 and State law, wherein alcohol is manufactured, and the alcohol produced at the establishment is sold for on-premise or off-premise consumption (or both). The proposed use meets the definition, as the applicant is proposing to operate a brewery that will sell alcohol manufactured at the establishment for both on-premise and off-premise consumption.

The Minimum Special Use Permit Requirements for the Alcohol Production, Craft 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 Production, Craft establishment and certain other uses that should be protected from the impacts associated with that

Staff Report Page Two

November 12, 2024 - Planning Commission Meeting

establishment. Therefore, except as otherwise provided in these Requirements, no Alcohol Production, Craft 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

This requirement is met, as there are no protected uses located within 400 feet of the proposed Alcohol Production, Craft establishment.

2. The distance separation requirement set forth in Requirement 1 does 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. An establishment located on property within the Downtown Las Vegas Overlay District, as described in LVMC 19.10.110.

This condition is not applicable, as this is not an establishment with a non-restricted gaming license in connection with a hotel having 200 or more guest rooms or located within the Downtown Las Vegas Overlay District. Therefore, the distance separation requirement set forth in Requirement 1 applies and is met.

3. The use may include the sale for on-premise consumption of alcohol that is not produced on site.

This requirement is met, as the applicant is proposing to offer alcohol for on-premise consumption that is not produced on site.

- *4. The sale of alcohol for off-premise consumption is limited to alcohol that is produced at the site, unless the sale for off-premise consumption of other beverages is approved by a means of a separate Special Use Permit for the applicable off-premise use.

This requirement is met, as the applicant intends to sell alcohol that is produced at the site for off-premise consumption.

Staff Report Page Three**November 12, 2024 - Planning Commission Meeting**

- *5. The primary use with which the use is associated under LVMC Chapter 6.50 shall not be located on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68, if alcohol is sold for off-premise consumption.

This requirement is met, as the use is not located on or adjacent to the Pedestrian Mall, therefore this requirement is met.

Per Title 19.12, the Gaming Establishment, Restricted use is defined as “An establishment which is primarily used for some business other than gaming but in which restricted gaming is permitted pursuant to Title 6. For informational purposes, this description refers to an establishment whose gaming operations are limited to not more than 15 slot machines, and no other game or gaming device.” The applicant is proposing to offer five gaming machines within the proposed brewery establishment.

The Minimum Special Use Permit Requirements for the Gaming Establishment, Restricted use include:

1. Pursuant to its general authority to regulate gaming, 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 a Gaming Establishment, Restricted use 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, the following distance separation requirements apply:
 - a. For one to five gaming machines, no less than 400 feet to the nearest:
 - i. Church/house of worship;
 - ii. School;
 - iii. Individual care center licensed for more than 12 children; or
 - iv. City park.
 - *b. For six to fifteen gaming machines, no less than 1500 feet to the nearest:
 - i. Church/house of worship;
 - ii. School;
 - iii. Individual care center licensed for more than 12 children; or
 - iv. City park.
 - v. Gaming Establishment, Restricted use with six to fifteen gaming machines; or
 - vi. Gaming Establishment, Non-restricted use.

Staff Report Page Four

November 12, 2024 - Planning Commission Meeting

- *c. For one to fifteen gaming machines, and operating independently of Requirement 1.b. above, no less than 1500 feet to the nearest Gaming Establishment, Restricted use or Gaming Establishment, Non-restricted use located within the Resort & Casino District, as described in LVMC Title 19, Appendix F.

This requirement is met, as the applicant is proposing five gamine machines, and meets requirement (a) as no protected uses are located within 400 feet of the proposed use.

2. The distance separation requirement set forth in Requirement 1.b. may be waived in accordance with the provisions of LVMC 19.12.050(C) for the following:
 - a. An establishment located on property within one or more of the following Special Area and Overlay Districts:
 - i. The Civic District, as described in LVMC 19.10.010;
 - ii. The Market District or the Symphony Park District within the Downtown Las Vegas Overlay District, as described in LVMC Title 19, Appendix F; or
 - iii. The Gaming Enterprise Overlay District, as described in LVMC 19.10.130, except for any portion of the Gaming Enterprise Overlay District that falls entirely within the Resort & Casino District, as described in LVMC Title 19, Appendix F.
 - b. An establishment located within a Regional Mall, as defined by LVMC 19.18.020;
 - c. An establishment located within a Mixed-Use development, as defined by LVMC 19.18.020;
 - d. An establishment that will be separated from an existing protected use by a street or highway with a minimum right-of-way width of 100 feet; or
 - e. An establishment that is located on a site, or within a building or structure, that is designated on the City of Las Vegas Historic Property Register.

The distance separation requirement 1.b. does not apply, as the applicant is proposing five gaming machines and meets the distance separation requirements of 1.a. Therefore this requirement does not apply.

- *3. The use shall conform to, and is subject to, the provisions of LVMC Chapter 6.40.

This requirement cannot be waived. If approved, the proposed use will conform to, and be subject to, the provisions of LVMC Chapter 6.40.

Staff Report Page Five**November 12, 2024 - Planning Commission Meeting**

Staff finds the proposed uses will be compatible with the existing uses offered within the shopping center. The proposed uses meet their respective Special Use Permit requirements outlined above. Therefore, staff finds the proposed Alcohol Production, Craft and Gaming Establishment, Restricted uses can be conducted in a harmonious manner and recommends approval of the Special Use Permits, with conditions.

FINDINGS (24-0455-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 Production, Craft use would be located within an existing shopping center with restaurant, retail, and other similar uses and can be conducted in a manner that is compatible and harmonious with surrounding land uses.

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 Production, Craft use and sufficient parking is provided to meet the needs of the use.

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.**

Access to the subject site is provided from Rampart Boulevard and Charleston Boulevard, both 100-foot Primary Arterials, as designated by the Master Plan of Streets and Highways. Both streets are adequate in size to support all existing uses and 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 proposed use will be subject to licensing review and inspection to ensure the public health, safety and welfare of the public.

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

The proposed Alcohol Production, Craft use meets all of the applicable conditions per Title 19.12.

FINDINGS (24-0455-SUP2)

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 Gaming Establishment, Restricted use (1 to 5 Machines) would be located within an existing shopping center and can be conducted in a manner that is compatible and harmonious with surrounding land uses.

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 Gaming Establishment, Restricted use (1 to 5 Machines) use, as the tenant suite is located within an established shopping center.

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.

Access to the subject site is provided from Rampart Boulevard and Charleston Boulevard, both 100-foot Primary Arterials, as designated by the Master Plan of Streets and Highways. Both streets are adequate in size to support all existing uses and 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 proposed use will be subject to licensing review and inspection to ensure the public health, safety and welfare of the public.

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

Staff Report Page Seven

November 12, 2024 - Planning Commission Meeting

The proposed Gaming Establishment, Restricted use (1 to 5 Machines) meets all of the applicable conditions per Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
04/27/98	The City Council approved the request for a Site Development Plan Review [Z-0030-92(5)] on property located on the northeast corner of Rampart Boulevard and Charleston Boulevard for a proposed 433,240 square-foot retail shopping center including 21 retail pad sites. The Planning Commission recommended approval.
06/14/99	The City Council granted an Appeal [Z-0030-92(7)]; thereby approving the Site Development Plan Review on property located on the northeast corner of Charleston Boulevard and Rampart Boulevard for a proposed commercial development consisting of 434,967 square feet of retail and 58,418 square feet of office uses within Phase I of the previously approved Boca Park Phase I shopping center. The Planning Commission recommended denial.
06/18/24	The Planning Commission approved the request for a Special Use Permit (24-0215-SUP1) for a proposed 49,883 square-foot Alcohol, Off-Premise Full use in conjunction with a proposed grocery store with a Waiver to allow a zero-foot separation from another Alcohol, Off-Premise Full establishment where 1,000 feet is required at 820 South Rampart Boulevard. Staff recommended approval.

<i>Most Recent Change of Ownership</i>	
07/29/21	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
07/11/24	A building permit (#C23-03095) was issued for tenant improvements at 820 South Rampart Boulevard, Suite #110.

<i>Pre-Application Meeting</i>	
08/29/24	A pre-application meeting was held with the applicant and the submittal requirements for a Special Use Permit were discussed.

Staff Report Page Eight

November 12, 2024 - Planning Commission Meeting

Neighborhood Meeting

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

Field Check

10/03/24

Staff conducted a routine field check and observed a vacant commercial building. No issues were noted.

Details of Application Request**Site Area**

Net Acres

6.03

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	TOD-1 (Transit Oriented Development - High)	C-1 (Limited Commercial)
North	General Retail Store, Other Than Listed	TOD-1 (Transit Oriented Development - High)	PD (Planned Development)
	Financial Institution, General		
	Restaurant		
	Alcohol, Off-Premise Full		
South	General Personal Service	TOD-1 (Transit Oriented Development - High)	C-1 (Limited Commercial)
	Pet Shop		
	General Retail Store, Other Than Listed		
East	General Retail Store, Other Than Listed		
West	Restaurant		
	Animal Hospital, Clinic, or Shelter (with No Outside Pens)		

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Angel Park	Y
Boca Park Master Development Plan Phase I/II	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Area or Overlay Districts	N/A
<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>
Rampart Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	Y
Charleston 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:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	51,172 GFA	1:250 GFA	205				
TOTAL SPACES REQUIRED			205		407		Y
Regular and Handicap Spaces Required			198	7	399	8	Y