



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JULY 13, 2021

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: LOS CUCOS MEXICAN CAFE - OWNER: FORT APACHE CAPITAL MANAGEMENT, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
21-0323-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

NOTICES MAILED 515

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

21-0323-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Restaurant with Alcohol 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 Department of Building and Safety.
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.

Staff Report Page One
July 13, 2021 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit to allow a 6,700 square-foot Restaurant with Alcohol with 1,800 square feet of outdoor seating at 1121 South Fort Apache Road.

ISSUES

- The Restaurant with Alcohol use is permitted in the C-1 (Limited Commercial) zoning district through the approval of a Special Permit.

ANALYSIS

The subject site is a vacant 6,700 square-foot commercial building located within an existing commercial center at the southwest corner of Charleston Boulevard and Fort Apache Road. The commercial building was last used as a restaurant with beer/wine/cooler on premise sales up until April 2021, when the business licenses had expired. The applicant is requesting a Special Use Permit to allow a Restaurant with Alcohol Use within the 6,700 square-foot commercial space and a new 1,800 square-foot outdoor patio space.

The Restaurant with Alcohol use is defined as “A restaurant and bar operation with alcoholic beverage sales in which:”

1. The actual seating available at all times within the dining area will accommodate at least 100 persons. For purposes of this requirement, the “dining area” does not include bar stool seating at the bar or lounge seating, but may include table or booth seating within the bar area and table seating within a patio area;
2. Alcoholic beverages are served in the restaurant area only in conjunction with the service of food;
3. Full-course meals are available during all hours the bar area is open to the public;
4. A cook and food server, other than a bartender, are available at all times the bar area is open to the public; and
5. The restaurant operation is the principal portion of the business.”

The Minimum Special Use Permit Requirements for this use include:

Staff Report Page Two
July 13, 2021 - Planning Commission Meeting

1. No restaurant with alcohol use shall be located within 400 feet of any church/house of worship, school, individual care center licensed for more than 12 children, or City park.

The proposed use meets this requirement; as there are no protected uses within 400 feet of the proposed use.

2. When considering a Special Use Permit application for a Restaurant with Alcohol which also requires a waiver of the distance separation requirement in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance separation requirement should be waived and the reasons in support of the decision.

This requirement does not apply to the proposed use, as no distance separation Waiver is necessary.

3. The minimum distance separation requirement in Requirement 1 does not apply to an establishment which:
 - a. Has a nonrestricted 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. Is operated or controlled, or is located on a parcel that is operated or controlled, by an agency or subdivision of local, state, or federal government (C-V only).

Neither of the above conditions apply to the proposed use.

4. *All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

A condition of approval has been added to ensure this requirement is met.

Staff finds that the proposed use will be an appropriate and harmonious addition to the surrounding area. The proposed Restaurant with Alcohol use will not negatively affect the site's existing uses. Therefore, staff recommends the approval of Special Use Permit, subject to conditions.

Staff Report Page Three
July 13, 2021 - Planning Commission Meeting

FINDINGS (21-0323-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 Restaurant with Alcohol use meets all of Title 19.12 Special Use Permit requirements and is therefore compatible with the existing land uses as designated by the General Plan.

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

The subject site is located within an existing commercial center that is physically suitable for the proposed Restaurant with Alcohol.

- 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 South Fort Apache Road, an 100-foot primary arterial that is adequate in size to serve the proposed use. The proposed use would not negatively affect the traffic circulation for the remainder of the commercial center.

- 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 Restaurant with Alcohol would not compromise the public health, safety, or welfare as the use would be subject to regular inspections to ensure compliance with all applicable code requirements.

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

The proposed Restaurant with Alcohol use meets all requirements of Title 19.12.

Staff Report Page Four
July 13, 2021 - Planning Commission Meeting

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
01/12/89	The City Council approved a Reclassification of Property (Z-139-88) from: N-U (Non Urban) under Resolution of Intent to R-PD4 (Residential Planned Development – 4 Units per Acre), P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-V (Civic), to: R-PD7 (Residential Planned Development – 7 Units per Acre), R-3 (Medium Density Residential), and C-1 (Limited Commercial) for the proposed use of Single-Family Residential, Multi-family Residential, Commercial and Mixed Use Commercial, which consists of Retail/Service Commercial, Office and Multifamily (Multi-story) Residential located on the west side of Fort Apache Road, between Sahara Avenue and Charleston Boulevard. The Planning Commission recommended approval.
01/12/98	The City Council approved a Special Use Permit (U-0122-97) for a proposed Full Service Car Wash with Auto Detailing, Gas Sales, and Minor Automotive Repair at the southwest corner of Charleston Boulevard and Fort Apache Road.
01/25/99	The City Council approved a Site Development Plan Review (Z-139-88(25)) for a proposed 73,350 square-foot commercial shopping center on 8.38 acres at the southwest corner of West Charleston Boulevard and Fort Apache Road.
11/18/99	The Planning Commission approved a Site Development Plan Review (Z-139-88(36)) for a proposed 6,700 square foot restaurant (Mimi's Café) at 1101 S. Fort Apache Road.
01/05/00	The City Council approved a Site Development Plan Review (U-0120-99) for a proposed Restaurant Service Bar (Mimi's Café) at 1121 S. Fort Apache Road. The Planning Commission recommended approval.
05/17/00	The City Council approved a Site Development Plan Review (Z-0139-88(40)) for a proposed 73,098 square foot commercial center on 8.37 acres adjacent to the southwest corner of Charleston Boulevard and Fort Apache Road.
06/13/00	The Hearings Officer approved a Variance (V-0022-00) to allow a monument sign to be located on the property line where a five-foot setback is the minimum allowed at 1101 South Fort Apache Road.
10/19/06	The Planning Commission approved a Site Development Plan Review (SDR-16500) for a 580 square-foot restaurant addition to an existing Service Station (Without Incidental Auto Repair) on 1.86 acres at 1101 South Fort Apache Road. Staff recommended approval.
12/06/06	The City Council approved a Special Use Permit (SUP-16911) for a Beer/Wine/Cooler Off-Sale Establishment at 1101 South Fort Apache Road. The Planning Commission and Staff recommended approval.

Staff Report Page Five
July 13, 2021 - Planning Commission Meeting

Related Relevant City Actions by Planning, Fire, Bldg., etc.	
11/02/11	The City Council approved a Review of Condition (ROC-43243) of a previously approved Special Use Permit (SUP-16911) to delete condition #3 that states, "The sale of individual containers of any size beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configuration as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted" at 1101 South Fort Apache Road. Staff recommended approval.

Most Recent Change of Ownership	
12/18/20	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
09/15/00	A Business License (R09-01006) was issued for a restaurant at 1121 South Fort Apache Road. The license expired on 03/01/21.
01/08/14	A Business License (L09-98922) was issued for a beer/wine/cooler on-sale establishment with a full service restaurant at 1121 South Fort Apache Road. The license expired on 10/01/14.
06/09/14	A Business License (P62-00162) was issued for a beer/wine/cooler on-sale establishment with a full service restaurant at 1121 South Fort Apache Road. The license expired on 10/01/14.
	A Business License (L62-00078) was issued for a beer/wine/cooler on-sale establishment with a full service restaurant at 1121 South Fort Apache Road. The license expired on 04/01/21.

Pre-Application Meeting	
05/13/21	A pre-application meeting was held with the applicant discuss the submittal requirements for a Special Use Permit pertaining to a proposed Restaurant with Alcohol use.

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

Field Check	
06/09/21	A routine field check was conducted of the subject site; nothing was noted of concern.

Staff Report Page Six
July 13, 2021 - Planning Commission Meeting

Details of Application Request	
Site Area	
Net Acres	1.21

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Vacant General Retail Store Car Wash Auto Smog Check	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center		
South			
East			C-2 (General Commercial)
West			C-1 (Limited Commercial)

Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Area and Overlay Districts	Compliance
No Applicable Special Area or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
South Fort Apache Road	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

Staff Report Page Seven
 July 13, 2021 - Planning Commission Meeting

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	65,960 SF	1 per 250 SF	264				
TOTAL SPACES REQUIRED			264		628		Y
Regular and Handicap Spaces Required			258	6	628	17	Y