



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: AUGUST 17, 2022

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: RAINBOW SEAFOOD GROUP, LLC - OWNER:
VESTAR BEST IN THE WEST PROPERTY, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0248-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

NOTICES MAILED 1775 (by City Clerk)

PROTESTS 0

APPROVALS 6

**** CONDITIONS ****

22-0248-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 100-foot distance separation from a School and a 162-foot distance separation from a Church/House of Worship use 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 Department of Building and Safety.
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 Alcohol, On-Premise Full use within an existing restaurant at 2080 North Rainbow Boulevard.

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.
- Waivers are requested to allow a 100-foot distance separation from a School and a 162-foot distance separation from a Church/House of Worship use where 400 feet is required. Staff supports the requests.

ANALYSIS

The subject site is an existing shopping center that is zoned C-1 (Limited Commercial) and subject to Title 19 development standards. Per the submitted justification letter, the applicant requests a Special Use Permit to allow an Alcohol, On-Premise Full use within an existing 3,842 square-foot restaurant.

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 this definition as the applicant intends to offer alcoholic beverages in conjunction with meals served onsite.

Minimum Special Use Permit Regulations:

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:

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- a. Church/house of worship;
- b. School;
- c. Individual care center licensed for more than 12 children; or
- d. City park.

This requirement is not met as Waivers are requested to allow 100-foot distance separation from a School and a 162-foot distance separation from a Church/House of Worship use where 400 feet is required. Staff supports the requests.

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 conjunction with a hotel and is not located on property within the Pedestrian Mall.

While distance separation Waivers are requested, the proposed use is located within a shopping center with other similar uses and is separated from the protected uses by an 80-foot Collector Street and a 100-foot Primary Arterial Street. Therefore, staff finds the proposed use can be conducted in a harmonious and compatible manner with the surrounding area and recommends approval, subject to conditions.

FINDINGS (22-0248-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 other existing commercial uses in the surrounding area.

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

The subject site is located within a Shopping Center, located on the northeast corner of Rainbow Boulevard and Lake Mead Boulevard. The shopping center was designed to accommodate a variety of uses such as restaurants and retail stores and is physically suitable for the intensity of the proposed land 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.**

The subject site is accessed by Lake Mead Boulevard, a 100-foot Primary Arterial as defined by the Master Plan of Streets and Highways; and Rainbow Boulevard, a Major Collector as defined by the Master Plan of Streets and Highways. Both Lake Mead Boulevard and Rainbow Boulevard provide adequate access to the subject site for 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.**

If approved, the Special Use Permit will be subject to licensure requirements, thereby protecting the public health, safety and welfare.

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

Waivers are requested to allow 100-foot distance separation from a School and a 162-foot distance separation from a Church/House of Worship use where 400 feet is required. Staff supports the requests as the proposed land use is separated from the protected uses by an 80-foot Collector Street and a 100-foot Primary Arterial Street.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
06/20/90	The City Council approved a Reclassification of Property (Z-61-90) from N-U (Non-Urban) to C-1 (Limited Commercial) for a proposed commercial shopping center on property located on the northeast corner of Rainbow Boulevard and Lake Mead Boulevard.
07/12/22	The Planning Commission (5-0-1 vote) recommends APPROVAL on a Land Use Entitlement project request FOR A PROPOSED 3,482 SQUARE-FOOT ALCOHOL, ON-PREMISE FULL USE WITH A WAIVER TO ALLOW A 100-FOOT DISTANCE SEPARATION FROM A SCHOOL AND A 162-FOOT DISTANCE SEPARATION FROM A CHURCH/HOUSE OF WORSHIP USE WHERE 400 FEET IS REQUIRED at 2080 North Rainbow Boulevard (APN 138-23-215-012), C-1 (Limited Commercial) Zone, Ward 5 (Crear)

<i>Most Recent Change of Ownership</i>	
02/09/18	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
02/16/22	Business License (#G70-00375) was issued for a seafood restaurant use at 2080 North Rainbow. The license remains active.

<i>Pre-Application Meeting</i>	
04/27/22	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Special Use Permit.

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

<i>Field Check</i>	
06/07/22	Staff conducted a routine field check and found an existing shopping center. No issues were noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.26

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
	Tavern		
North	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
	Multi-family		R-PD15 (Residential Planned Development – 15 Units per Acre)
South	Financial Institution, Specified / General Retail / Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
East	Multi-Family Residential	M (Medium Density Residential)	R-PD14 (Residential Planned Development – 14 Units per Acre)
			R-PD15 (Residential Planned Development – 15 Units per Acre)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
2050 Master Plan Twin Lakes Area	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (140 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

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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>
Lake Mead Boulevard	Primary Arterial	Master Plan of Streets and Highways	100	Y
Rainbow Boulevard	Major Collector	Master Plan of Streets and Highways	80	Y

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	ADA	Regular	ADA	
Shopping Center	427,683 SF	1:250 SF	1,711				
TOTAL SPACES REQUIRED			1,711		1,853		Y
Regular and Handicap Spaces Required			1,690	21	1,803	50	Y