



# AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: DECEMBER 21, 2022

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: DEVARIM 18, LLC

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>22-0478-SUP1</b>	Staff recommends APPROVAL, subject to conditions:	

## **\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 14

**NOTICES MAILED** 800 (by City Clerk)

**PROTESTS** 0

**APPROVALS** 2

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

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**22-0478-SUP1 CONDITIONS**

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**Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, On-Premise Full use.
2. All signage shall be permitted and meet minimum code requirements within 30 days of final approval.
3. 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.
4. A Waiver from Title 19.12 is hereby approved, to allow a 360-foot distance to a Church/House of Worship, where 400 feet is required.
5. A Waiver from Title 19.12 is hereby approved, to allow a 140-foot distance to a City Park, where 400 feet is required.
6. 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.
7. 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.
8. Approval of this Special Use Permit does not constitute approval of a liquor license.
9. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
10. 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**

The applicant is applying for a 6,723 Alcohol, On-Premise Full use for an existing banquet hall/event space at 921 West Owens Avenue, Suite 170.

**ISSUES**

- The applicant is requesting an entitlement for a 6,723 square foot Alcohol, On-Premise Full use in an existing shopping center with Waivers of the minimum distance separation requirements. Staff supports this request.
- A Waiver is requested to allow a 360-foot distance to a Church/House of Worship, where 400 feet is required. Staff support this request.
- A Waiver is requested to allow a 140-foot distance to a City Park, where 400 feet is required. Staff support this request.

**ANALYSIS**

The subject site is located in the Downtown Las Vegas Overlay Area 2 (Historic Westside), within the Downtown Las Vegas 2050 Master Plan Area. The property has Form-Based Code land use and T-4C (T4 Corridor) zoning. The purpose of the Form-Based Code and transect based zoning is to develop an urban morphology that fits the character and place of the neighborhood within the context of the broader city. The transects are essentially representations of a continuum of urban development intensity from the city core (T6) to low density residential neighborhoods (T3). The T4-C zoning district envisions midrise mixed-use transit supportive development with active pedestrian friendly building facades.

The tenant space at 921 West Owens Avenue, Suite 170 is part of an existing shopping center that includes retail, services, a bank, and a grocery store. It is located approximately a quarter mile east of Martin L. King Boulevard. Surrounding uses include multi-family and single-family residential uses, some duplexes, general personal services, and retail on the north side of West Owens Avenue.

In all zoning districts where it is permitted, the Alcohol, On-Premise Full use requires a Special Use Permit. 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 the definition because the banquet hall at 921 West Owens Avenue, Suite 170 is an establishment that will sell alcoholic beverages as part of an event space.

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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, 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 this requirement as it is located within 400 feet of a city park (Fitzgerald Tot Lot Park) and church/house of worship.*

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.

*Requirement 2 is not applicable to this property, as it is not a hotel having 200 or more guest rooms and it is not located in any overlay or special districts.*

Though the property where the proposed site of the Alcohol, On-Premise Full use is located is within 360 feet of a church and 140 feet of a City park (Fitzgerald Tot Lot Park), there is no direct access to the subject site from the park or the church. Instead the tenant space is accessed through the other side of the building not facing the church and park. Due to the tenant space itself not being directly accessible to the park or church, staff recommends approval of the Special Use Permit application for an Alcohol, On-Premise Full use at 921 West Owens Avenue, Suite 170.

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**FINDINGS (22-0316-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 surrounding uses are compatible and harmonious with the proposed land use, and it is supported by the General Plan.

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

The tenant space and location is suitable for the proposed use as it is located within a shopping center with similar commercial uses.

- 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 property is served directly by West Owens Avenue, a 100-foot Primary Arterial. The streets have sufficient capacity to serve 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.**

Approval of the Special Use Permit at the subject property will not jeopardize the public health, safety, and welfare or the objectives of the General Plan. The proposed use is subject to business licensing requirements and regular inspections to ensure compliance.

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

The use does not meet all of the applicable conditions of Title 19.12, which includes a distance separation of 400 feet to protected uses. But due to the configuration of the site and the tenant space being embedded in a shopping center, staff supports the requested Waivers of the distance separation requirements to protected land uses.

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**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
06/12/18	The Planning Commission approved a request for a Special Use Permit (73255-SUP) for a 5,327 square-foot Restaurant with Alcohol use with Waivers to allow a 303-foot distance separation from a Church/House of Worship and a 146-foot distance separation from a City park where 400 feet is required at 921 West Owens Avenue, Suite #110. Staff recommended approval.
01/20/21	The City Council approved a request to rezone (20-0166-ZON1) many zoning designations to T3-N (T3 Neighborhood), T3-N-O (T3 Neighborhood-Open), T4-N (T4 Neighborhood), T4-Ms (T4 Main Street), T4-C (T4 Corridor), T4-M (T4 Maker), T5-N (T5 Neighborhood), T5-C (T5 Corridor) And T5-M (T5 Maker). The Planning Commission and Staff recommended approval.
01/20/21	The City Council approved a request for a General Plan Amendment (20-0166-GPA1) from L (Low Density Residential), MI (Medium Low Density Residential, M (Medium Density Residential), H (High Density Residential), MXU (Mixed Use), C (Commercial), LI/R (Light Industry/Research) And PF (Public Facilities) To: FBC (Form-Based Code). The Planning Commission and Staff recommended approval.
11/15/22	The Planning Commission voted (6-0) to recommend APPROVAL of a request FOR A 6,723 SQUARE-FOOT ALCOHOL, ON-PREMISE FULL USE WITH A 140-FOOT DISTANCE SEPARATION FROM A CITY PARK AND A 360-FOOT DISTANCE SEPARATION FROM A CHURCH WHERE 400 FEET IS REQUIRED at 921 West Owens Avenue, Suite #170 (APN 139-28-517-001), C-1 (Limited Commercial) Zone, Ward 5 (Crear).

<b><i>Most Recent Change of Ownership</i></b>	
09/12/16	A deed was recorded for a change in ownership.

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<b>Related Building Permits/Business Licenses</b>	
12/31/19	A business license (G67-08821) was issued for a Banquet Hall at 921 West Owens Avenue, Suite 170. The license was marked inactive on 12/05/20.
12/24/20	A business license (G68-08765) was issued for a Banquet Hall Facility at 921 West Owens Avenue, Suite 170. The license was marked inactive at 12/07/21.
04/19/22	A business license (G70-01796) was issued for a Banquet Hall - GFL at 921 West Owens Avenue, Suite 170. The license is active.

<b>Pre-Application Meeting</b>	
08/17/22	Staff held a meeting with the applicant to discuss the requirements for an Alcohol, On-Premise Full use

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

<b>Field Check</b>	
10/04/22	Staff conducted a routine field check and found the site to be well-maintained. Staff did observe an unpermitted temporary sign, which will be required to be removed or permitted.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	20.81

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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	FBC (Form-based Code)	T-4 (T-4 Corridor)
North	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
South	Multi-Family Residential	FBC (Form-based Code)	T5N (T-5 Neighborhood)
East	Office, Other than Listed	FBC (Form-based Code)	T-4N (T-4 Neighborhood)
West	Single-Family Residential	FBC (Form-based Code)	T-3N (T-3 Neighborhood)

<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
2050 Master Plan Area: Downtown Las Vegas	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
A-O (Airport Overlay) District (140 Feet)	Y
DTLV-O (Downtown Las Vegas Overlay) District – Area 2	Y
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A