



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: DECEMBER 21, 2022
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: AMIT ARORA - OWNER: BARRY BECKER

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0518-SUP1	Staff recommends APPROVAL, subject to conditions:	
22-0518-SUP2	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

NOTICES MAILED 892 (by City Clerk)

PROTESTS 1

APPROVALS 0

**** CONDITIONS ****

22-0518-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, Off-Premise Beer/Wine 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.

22-0518-SUP2 CONDITIONS

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Gaming Establishment, Restricted (1 to 5 Machines) 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.

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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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit for Gaming Establishment, Restricted use to allow five gaming devices, and a Special Use Permit for an Alcohol, Off-Premise Beer/Wine use for the conversion of an existing smoke shop into a convenience store at 1502 North Jones Boulevard.

ISSUES

- Title 19 requires a Special Use Permit for the Gaming Establishment, Restricted use within the C-1 (Limited Commercial) zoning district. Staff recommends approval of the requested Special Use Permit (22-0518-SUP2).
- Title 19 requires a Special Use Permit for the Alcohol, Off-Premise Beer/Wine use within the C-1 (Limited Commercial) zoning district. Staff recommends approval of the requested Special Use Permit (22-0518-SUP1).
- The proposed Convenience Store is a permitted use in the C-1 (Limited Commercial) zoning district.

ANALYSIS

The subject site is located in the 2050 Las Vegas Master Plan Area of Twin Lakes and is subject to Title 19 Development Standards. The subject site is zoned as C-1 (Limited Commercial). The applicant is requesting a Special Use Permit to allow for the Gaming Establishment, Restricted use to install five gaming devices within a proposed convenience store. The applicant is also requesting a Special Use Permit to allow for the Alcohol Off-Premise, Beer/Wine use to a proposed convenience store. The proposed convenience store is not a part of Special Use Permit (22-0518-SUP1) or Special Use Permit (22-0518-SUP2), as it is a permitted use in the C-1 (Limited Commercial) zoning district.

The requested Special Use Permit (22-0518-SUP1) is for a proposed 2,500 square-foot Alcohol, Off-Premise Beer/Wine use within the proposed Convenience Store. An Alcohol, Off-Premise Beer/Wine use is described in Title 19.12 as "An establishment licensed to sell alcoholic beverages, limited to the sale of beer, wine and coolers, to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the business is conducted." This use requires approval of a Special Use Permit within a C-1 (Limited Commercial) zoning district in Title 19.

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The Minimum Special Use Permit Requirements for the Alcohol, Off-Premise Beer/Wine 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, Off-Premise Beer/Wine 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, Off-Premise Beer/Wine 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 has been met, as there are no protected land uses within 400 feet of the subject site.

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) A proposed establishment having more than 50,000 square feet of retail gross floor area.

This requirement is not applicable, as the proposed land use is not associated with a non-restricted gaming license with a hotel having more than 200 rooms or an establishment having more than 50,000 square feet of retail floor space.

3. The minimum distance separation requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived:
- a) In accordance with the provisions of LVMC 19.12.050(C) for any establishment which is proposed to be located on a parcel within the Downtown Las Vegas Overlay District, as described in LVMC 19.10.110;
 - b) In accordance with the provisions of LVMC 19.12.050(C) for any establishment having between 15,000 square feet and 50,000 square feet of retail gross floor space, if no more than 10 percent of the retail gross floor space is regularly devoted to the display or merchandising of alcoholic beverages;
 - c) In accordance with the provisions of LVMC 19.12.050(C) for any retail establishment having less than 15,000 square feet of retail gross floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right of way with a width of at least 100 feet; or
 - d) In accordance with the applicable provisions of the "Town Center Development

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Standards Manual” for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan.

This requirement is not applicable, as the proposed land use is not located within the Downtown Las Vegas Overlay District, associated with an establishment having between 15,000 square feet and 50,000 square feet of retail gross floor space, associated with a retail establishment having less than 15,000 square feet separated by a highway or right-of-way with a width of at least 100 feet or located within the Town Center Master Plan Area.

*4. Except as otherwise permitted pursuant to LVMC 6.50.050, the establishment shall not be located on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

The proposed use will be subject to all business licensing requirements outlined in LVMC Chapter 6.50.050 if approved. In addition, the subject site is not located on or within a Pedestrian Mall.

Staff finds the proposed Special Use Permit (22-0518-SUP1) request for Alcohol Of-Premise Beer/Wine to be appropriate and compatible with the area, as the subject site meets all distance separation requirements and the 2050 Master Plan area of Twin Lakes aims to increase services. Therefore, staff recommends approval of the proposed Alcohol Of-Premise Beer/Wine use.

The applicant has also requested a Special Use Permit (22-0518-SUP2) for a proposed Gaming Establishment, Restricted (1 to 5 Machines) use in conjunction with the proposed Convenience Store. The Gaming Establishment, Restricted use is described in Title 19.12 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.” This use requires approval of a Special Use Permit within a C-1 (Limited Commercial) zoning district in Title 19.

The Minimum Special Use Permit Requirements for the Alcohol, Off-Premise Beer/Wine 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:

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- 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
- 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 has been met, as the applicant has requested one to five machines and there are no protected land uses within 400 feet of the subject site.

- 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.

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This requirement is not applicable, as there are no protected land uses within 400 feet of the subject site.

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

The proposed use will be subject to all business licensing requirements outlined in LVMC Chapter 6.40 if approved.

Staff finds the proposed Special Use Permit (22-0518-SUP2) request for Gaming Establishment, Restricted use to be appropriate and compatible with the area as the subject site meets all distance separation requirements and the 2050 Master Plan area of Twin Lakes aims to increase services.

FINDINGS (22-0518-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, Off-Premise Beer/Wine use is compatible with the existing adjacent land uses. Adjacent land uses include multi-family residential, restaurant, general personal service, financial institution specified, and a convenience store with Beer/Wine/Cooler Off-Premise use.

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

The subject site is physically suitable for the Alcohol, Off-Premise Beer/Wine 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.**

Primary access for the proposed use will be from Jones Boulevard, an 80-foot Major Collector Street as designated in the Master Plan of Streets and Highways, which has sufficient capacity to serve the development.

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.**

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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, Off-Premise Beer/Wine use meets the minimum requirements set forth by Title 19.12.

FINDINGS (22-0518-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 is compatible with the existing adjacent land uses. Adjacent land uses include multi-family residential, restaurant, general personal service, financial institution specified, and a convenience store with Beer/Wine/Cooler Off-Premise use.

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

The subject site is physically suitable for the Gaming Establishment, Restricted 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.

Primary access for the proposed use will be from Jones Boulevard, an 80-foot Major Collector Street as designated in the Master Plan of Streets and Highways, which has sufficient capacity to serve the development.

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.

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The proposed Gaming Establishment, Restricted use meets the minimum requirements set forth by Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
04/07/10	The City Council approved a Special Use Permit request (SUP-37152) to allow a Financial Institution, Specified at 1532 North Jones Boulevard. The Planning Commission and staff recommended approval.
11/15/22	<p>The Planning Commission voted (6-0) to recommend APPROVAL of the following Land Use Entitlement project requests on 0.90 acres at the southeast corner of Jones Boulevard and Vegas Drive (APN 138-25-101-001, C-1 (Limited Commercial) Zone, Ward 5 (Crear)</p> <p>22-0518-SUP1 - SPECIAL USE PERMIT - FOR A PROPOSED 2,500 SQUARE-FOOT ALCOHOL, OFF-PREMISE BEER/WINE USE</p> <p>22-0518-SUP2 - SPECIAL USE PERMIT - FOR A PROPOSED GAMING ESTABLISHMENT, RESTRICTED USE (1 TO 5 MACHINES)</p>

<i>Most Recent Change of Ownership</i>	
03/29/12	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
04/07/16	A business license (#P64-00079) was issued for a smoke shop located at 1502 North Jones Boulevard. The business license is set to renew on 04/01/23.

<i>Pre-Application Meeting</i>	
08/31/22	A pre-application meeting was held with the applicant to review the submittal process for a Gaming Establishment, Restricted Special Use Permit and Alcohol, Off-Premise Beer/Wine Special Use Permit.

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

<i>Field Check</i>	
10/04/22	Staff conducted a routine field check of the subject site and did not note anything of concern.

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Details of Application Request	
Site Area	
Net Acres	0.90

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Financial Institution, Specified	NMX-U (Neighborhood Mixed Use Center)	C-1 (Limited Commercial)
	General Personal Service		
	General Retail, Other Than Listed		
North	Vacant	NMX-U (Neighborhood Mixed Use Center)	C-1 (Limited Commercial)
South	Multi-Family Residential, Attached	M (Medium - up to 25.49 du/ac)	R-PD15 (Residential Planned Development - 15 Unit per Acre)
East	General Retail, Other Than Listed	NMX-U (Neighborhood Mixed Use Center)	C-1 (Limited Commercial)
	Beer/Wine/Cooler Off-Premise		
	Restaurant		
West	Multi-Family Residential	M (Medium - up to 25.49 du/ac)	R-PD15 (Residential Planned Development - 15 Unit per Acre)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Twin Lakes	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (140 Feet)	Y
Other Plans or Special Requirements	Compliance
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

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Jones Boulevard	Major Collector	Master Plan of Streets and Highways Map	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	
Alcohol, Off-Premise Beer/Wine (Proposed for 1502 N. Jones Blvd.)	2,500 SF	1 per 175 SF of GFA	14				
Gaming Establishment , Restricted (Proposed for 1502 N. Jones Blvd.)	2,500 SF	No additional parking required beyond that which is required for the principal use(s) on the site.					
General Retail, Other Than Listed (Proposed for 1502 N. Jones Blvd.)	2,500 SF	1 per 175 SF of GFA					
Office, Other Than Listed (1508 N. Jones Blvd.)	1,008 SF	1 per 300 SF of GFA	3				

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Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	ADA	Regular	ADA	
Financial Institution, Specified (1532 N. Jones Blvd.)	2,400 SF	1 per 250 SF of GFA	10				
General Retail, Other Than Listed 1506 N. Jones Blvd.)	1,008 SF	1 per 175 SF of GFA	6				
TOTAL SPACES REQUIRED			33		49		Y
Regular and Handicap Spaces Required			31	2	45	4	Y