



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: JUNE 21, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: NABIHA RIVERA - OWNER: BUFFALO ALTA CENTER, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0120-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 29

NOTICES MAILED 883 (by City Clerk)

PROTESTS 3

APPROVALS 1

**** CONDITIONS ****

23-0120-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, On-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 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. 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 an Alcohol, On-Premise Beer/Wine use at 450 South Buffalo Drive, Suite #115. The tenant space is located within an established 26,877 square-foot shopping center.

ISSUES

- The Alcohol, On-Premise Beer/Wine use is a Conditional Use in the C-1 (Limited Commercial) zoning district.
- Per Title 19.12, Conditional Use Regulation Number One (1) for an Alcohol, On-Premise Beer/Wine use a 400-foot distance separation from a Church/House of Worship, School, Individual Care Center and City Park is required. The applicant is proposing to operate on a site that is located 365 feet from Walter Johnson Junior High School, which is a Public or Private School, Primary use.
- Per LVMC 19.12.040, when a Conditional Use regulation cannot be met, a Special Use Permit application is required for the proposed use.

ANALYSIS

The subject site is located in the C-1 (Limited Commercial) zoning district with a SC (Service Commercial) Land Use Designation. The site is located within the Charleston area of the 2050 Master Plan.

The proposed Alcohol, On-Premise Beer/Wine use will be located in an existing shopping center and operated by an existing restaurant. The subject shopping center has a variety of uses, including general personal services, restaurants, an animal hospital, and a convenience store that has an existing Beer/Wine/Cooler Off-Sale Establishment use.

Per 19.12.070, the Alcohol, On-Premise Beer/Wine use is defined as “An establishment licensed to sell alcoholic beverages, limited to the sale of beer, wine and coolers only, for consumption on the premises where the same is sold.”

In the C-1 (Limited Commercial) zoning district, the Alcohol, On-Premise Beer/Wine use is allowed with approval of a Conditional Use Verification. Conditional Use Regulation One (1) for the Alcohol, On-Premise Beer/Wine use is a 400-foot distance separation from protected uses, including schools. The subject site is located 365 feet from the nearest school when measured from the closest point of the subject site parcel and nearest school. However, there is no direct access from the shopping center parcel to the school.

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Staff finds the use can be conducted in a manner that is harmonious and compatible with other commercial uses in the shopping center and with the commercial and residential uses on adjacent properties. Staff therefore recommends approval of a Special Use Permit for an Alcohol, On-Premise Beer/Wine use at this location, subject to conditions. If denied, the Alcohol, On-Premise Beer/Wine use would not be allowed at the subject site.

The Minimum Conditional Use Verification 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 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 Regulations, no Alcohol, On-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

The proposed use does not meet this requirement when measured from the closest point of the subject site parcel and nearest school. However, there is no direct access from the shopping center parcel to the school, and staff supports the requested Special Use Permit.

2. The distance separation requirement set forth in Regulation 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.
- b. Any Alcohol, On-Premise Beer/Wine 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 and is not located within the Pedestrian Mall.

FINDINGS (23-0120-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 use is located within an established shopping center with other compatible uses and is separated from the existing primary school by a primary arterial (Buffalo Drive) and a residential development. These are mitigating factors that eliminate incompatibility with the surrounding land uses.

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

The subject shopping center site is physically suitable for an Alcohol, On-Premise Beer/Wine use. No additional parking is required for the proposed 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 receives access from Alta Drive, an 80-foot Major Collector and Buffalo Drive, a 106-foot Primary Arterial as classified by the Master Plan of Streets and Highways. Both roadways are adequate in size to accommodate the proposed Alcohol, On-Premise Beer/Wine 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 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, On-Premise Beer/Wine use does not meet Conditional Use Regulation One (1), which requires a 400-foot distance separation from a Church/House of Worship, School, Individual Care Center and a City Park. Pursuant to LVMC 19.12.040, the applicant has requested a Special Use Permit as the subject site is within 400 feet of a school that staff supports.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
09/12/96	The Planning Commission approved a Plot Plan and Elevation Review [Z-0008-70(2)] for a 27,900 square-foot shopping center on the northeast corner of Buffalo Drive and Alta Drive.
10/19/11	The City Council approved a request for a Special Use Permit (SUP-42604) for a proposed Animal Hospital, Clinic or Shelter (With No Outside Pens) within an existing 2,385 square-foot building at 490 South Buffalo Drive. The Planning Commission and staff recommend approval of the request.
08/08/17	The Planning Commission approved a request for a Special Use Permit (SUP-71079) for a proposed 1,316 square-foot Beer/Wine/Cooler On-Sale Establishment use within an existing General Personal Service (instructional arts studio) with a 362-foot distance separation from an existing school where 400 feet is required at 450 South Buffalo Drive, Suite #109. Staff recommended approval of the request.
11/14/17	The Planning Commission approved a request for a Special Use Permit (SUP-71732) for a proposed Beer/Wine/Cooler Off-Sale Establishment use at 450 South Buffalo Drive, Suite #112. Staff recommended approval of the request.
05/09/23	The Planning Commission voted (7-0) to recommend APPROVAL of a request FOR A PROPOSED 2,551 SQUARE-FOOT ALCOHOL, ON-PREMISE BEER/WINE USE at 450 South Buffalo Drive, Suite #115 (APN 138-34-201-001), C-1 (Limited Commercial) Zone, Ward 1 (Knudsen.

<i>Most Recent Change of Ownership</i>	
06/30/15	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
12/09/22	A Business License (#G70-08142) was issued for a Restaurant located at 450 South Buffalo Drive, Suite #115. The license is set to renew on 06/01/23.

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Pre-Application Meeting	
03/07/23	A pre-application meeting was held with the applicant to discuss submittal requirements for application of a Special Use Permit. No major issues were discussed.

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

Field Check	
04/05/23	Staff conducted a routine site visit and observed a well maintained Shopping Center free of trash and debris.

Details of Application Request	
Site Area	
Net Acres	1.71

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
South		SC (Service Commercial)	C-1 (Limited Commercial)
East		L (Low Density Residential)	R-1 (Single Family Residential)
West		ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Charleston	Y
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

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<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

<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>
Buffalo Drive	Primary Arterial	Master Plan of Streets and Highways Map	106	Y
Alta Drive	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	Handi-capped	Regular	Handi-capped	
Shopping Center	26,877 SF	1 per 250 SF GFA	108				
TOTAL SPACES REQUIRED			108		89		*N
Regular and Handicap Spaces Required			103	5	84	5	*N

*This site has been deemed parking impaired pursuant to Title 19.18.030; no additional parking is required as a result of this request.