



Planning Commission Agenda Item

Date: August 9, 2023

Item No: 10

TO: Planning Commission

FROM: Alfredo Melesio, Jr., AICP, EDFP, Director of Land Development & Community Services
Prepared By: Sharianne Dotson, Planner

SUBJECT: SUP-40-2023 LEGACY EVENTS (Public Hearing). Applicant: Legacy Events, LLC-Selina Montano. Request: A special use permit in a C-2 (General Commercial District) to allow a Beer-Wine-Spirit based product "On-Sale" liquor license in conjunction with a community center or meeting hall (banquet hall) and a request for a waiver from the required 400-foot separation from a church and daycare. Location: 4040 West Craig Road, Suites 107-110. (APN 139-06-615-005) Ward 3. (For Possible Action)

RECOMMENDATION: APPROVE WITH CONDITIONS

PROJECT DESCRIPTION:

The applicant is requesting Planning Commission consideration of a special use permit to allow a Beer-Wine-Spirit based product "On-Sale" liquor license in conjunction with a community center or meeting hall (banquet hall) and a request for a waiver from the required 400-foot separation from a church and daycare. The site is located at 4040 West Craig Road, Suites 107-110, and has a zoning classification of C-2, General Commercial District. The Comprehensive Master Plan Land Use designation for the subject site is Mixed-Use Commercial.

BACKGROUND INFORMATION:

Previous Action
On January 9, 2019 Planning Commission approved a special use permit (UN-06-19) to allow the "On-Sale" liquor license (Beer, Wine, and Spirit-Based products) for a banquet/meeting hall.

RELATED APPLICATIONS:

Application #	Application Request
SUP-39-2023	To allow a Beer-Wine-Spirit based product "On-Sale" liquor license in conjunction with a restaurant and a request for a waiver from the required 400-foot separation from a church

GENERAL INFORMATION:

	Land Use	Zoning	Existing Use
Subject Property	Mixed-Use Commercial	C-2, General Commercial District	Existing Commercial Development (Desert Oaks Plaza)
North	Single-Family Low	R-1, Single-Family Low Density	Existing Residential
South	Mixed-Use Commercial	C-1, Neighborhood Commercial District and PUD, Planned Unit Development District	Self-Storage Facility and a Day Care facility (with a ghost kitchen)
East	Mixed-Use Commercial	C-2, General Commercial District	Existing Commercial Development (Desert Oaks Plaza)
West	Mixed-Use Commercial	C-2, General Commercial District	Existing Commercial Development (Craig Valley Plaza)

DEPARTMENT COMMENTS:

Department	Comments
Public Works:	No Comment.
Police:	No Comment.
Fire:	No Comment.
Clark County School District	No Comment.
Clark County Department of Aviation	No Comment.

ANALYSIS:

The applicant is requesting Planning Commission consideration of a special use permit allow a Beer-Wine-Spirit based product "On-Sale" liquor license in conjunction with a community center or meeting hall (banquet hall) and a request for a waiver from the required 400-foot separation from a church and daycare. The proposed establishment is located in the Desert Oaks Plaza shopping center at 4040 W. Craig Road, Suites 107-110. The proposed banquet/meeting hall will occupy four (4) suites and is approximately 8,232 square feet. The proposed location is within the existing Desert Oaks Plaza commercial development in the C-2, General Commercial District. Access to the subject site is provided from three (3) existing entrances from Craig Road.

According to the letter of intent, the building owner and the landlord for the community center or meeting hall (banquet hall) are proposing improvements to help mitigate any noise impact on the neighbors to the north. The letter indicates soundproofing the wall and doors on the north side of the suites, all north side doors will be required to stay closed at all times and any speakers used for events shall face the south parking lot area. The community center or meeting hall (banquet hall) facility would host baby showers, weddings, proms, birthdays, baptisms and quinceaneras as well as other like uses. The letter of intent did not state the banquet/meeting hall hours of operation, however, due to past nuisance calls to PD within these suites staff would propose the hours of operation be daily from 5:00 pm to 11:00pm. Additionally, outdoor events should be limited to one per quarter-year.

The applicant is required to submit a survey plat stamped by a Nevada-licensed surveyor or a notarized statement indicating that the proximity distance requirements have been met. In this instance, the applicant has submitted a stamped survey plat indicating the proposed establishment is not within 400 feet of any school or park. However, the survey does indicate that there is a church located at 4090 W. Craig Road, Suite 104 and a daycare located at 4095 W. Craig Road. Both existing uses are within the 400-foot radius. While there are no adequate barriers preventing pedestrian access between the proposed use and the church, the commercial center was designed for commercial uses and the church is an allowable use within the C-2, General Commercial District. The daycare is located on the south side of Craig Road and has an "adequate barrier". The definition of an "adequate barrier" can be a right-of-way with a minimum width of a 100 feet, Craig Road is a 120 feet right-of-way. As a result, staff does not anticipate that the proposed use would have a negative impact on the existing church or daycare. Therefore, staff has no objections to the waiver request to allow a Beer-Wine-Spirit based product "On-Sale" liquor license in conjunction with a restaurant.

Architecturally, the existing building meets the Commercial Design Standards for building materials and design. The applicant is not proposing any exterior modifications to the front of the building. The existing onsite landscaping areas shown in the submitted photos consist only of decorative rock and dead shrubs. The required parking lot and foundation landscaping should include shrubs and decorative rock. Shrubs should be planted within the rock areas along the pathway directly in front of the proposed suites. In addition, shrubs should be added and any dead landscaping should be removed and replaced to

ensure that there is 50% ground coverage within the parking islands. The landscaping should be brought up to code before a business license will be issued.

The overall commercial center has a total of 324 parking spaces where 316 parking spaces were required. The proposed use is within existing suites and is not required to add additional parking. Therefore, the required parking spaces is in compliance.

On June 14, 2023, the Planning Commission approved a special use permit (SUP-14-2023) My Garage to allow a Beer-Wine-Spirit based product "On-Sale" liquor license in conjunction with a restaurant located at 4040 West Craig Road, Suite 117, in addition on this agenda is a special use permit (SUP-39-2023) to allow a Beer-Wine-Spirit based product "On-Sale" liquor license in conjunction with a restaurant and a request for a waiver from the required 400-foot separation from a church located at 3960 West Craig Road, Suites 116 - 117.

The proposed use is consistent with the current land use designation and the uses within the commercial center. The proposed Beer-Wine-Spirit based product "On-Sale" liquor license in the C-2, General Commercial District is compatible with the surrounding neighborhood and the community and should not pose a negative impact on the surrounding uses or properties with the proper soundproofing and hours of operation. Staff has no objections to the proposed use and recommends approval with conditions.

Requirements for Approval of a Special Use Permit

In accordance with the Zoning Ordinance, the Planning Commission may, by motion, grant a special use permit if the Planning Commission finds, from the evidence presented, that all of the following facts exist:

1. The proposed use is consistent with the Comprehensive Master Plan and all applicable provisions of this Code and applicable State and Federal regulations;
2. The proposed use is consistent with the purpose and intent of the zoning district in which it is located and any applicable use-specific standards and criteria in Chapter 17.20 of this Code;
3. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (such as, but not limited to, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
4. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable; and
5. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of

service for existing development.

CONDITIONS:

Planning and Zoning:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The "On-Sale" of alcoholic beverages shall only be allowed in conjunction with events held in the banquet/meeting hall. A stand-alone bar is not permitted.
3. The banquet/meeting hall hours of operation shall be daily from 5:00 pm to 11:00pm.
4. Shrubs shall be planted within the rock areas along the walking pathway directly in front of the proposed suites. In addition, shrubs shall be added and any dead landscaping shall be removed and replaced to ensure that there is 50% ground coverage.
5. Signage for the banquet/meeting hall shall be in compliance with the Title 17 requirements.
6. Applicant shall install proper soundproofing on the wall and doors on the north side of the suites.
7. Outdoor events shall should be limited to one per quarter-year.

ATTACHMENTS:

Letter of Intent
Site Plan
Floor Plan
Elevations
Notarized Statement for Distance Requirements
Clark County Assessor's Map
Location and Zoning Map