



Planning Commission Agenda Item

Date: August 9, 2023

Item No: 9

TO: Planning Commission

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

SUBJECT: SUP-39-2023 EL ANCA (Public Hearing). Applicant: Eduardo Ortiz. 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 restaurant and a request for a waiver from the required 400-foot separation from a church. Location: 3960 West Craig Road, Suites 116 - 117. (APN 139-06-615-006) 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 restaurant and a request for a waiver from the required 400-foot separation from a church. The site is located at 3960 West Craig Road, Suites 116 - 117, 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
N/A

RELATED APPLICATIONS:

Application #	Application Request
SUP-40-2023	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 and daycare.

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	Self-Storage Facility
East	Mixed-Use Commercial	C-2, General Commercial District	(Proposed Self-Storage)
West	Mixed-Use Commercial	C-2, General Commercial District	Existing Commercial Development (Desert Oaks 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 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. The site is located at 3960 West Craig Road, Suites 116 - 117. The proposed restaurant has approximately 2,617 square feet indoor with a 266 square foot outdoor dining area. 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. The restaurant's hours of operation will be daily from 10:00 am to 11:00 pm.

The letter of intent indicates the proposed site will be located adjacent to My Garage which was approved by the Planning Commission on June 14, 2023 to allow Beer-Wine-Spirit based product "On-Sale" liquor (SUP-14-2023) at 4040 W. Craig Road, suite 117. 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. However, they are proposing an approximately 266 (5 x 51) square foot fenced outdoor dining area that will be adjacent to the proposed outdoor seating for My Garage with a five (5) foot wide breeze way between the two (2) seating areas.

The existing onsite landscaping areas shown in the submitted photos consist only of decorative rock. The required parking lot and foundation landscaping should include trees and shrubs with decorative rock. In the past the breezeway area had two (2) trees. The trees have been removed and the tree well areas are still present and a hazard for pedestrians. The missing trees should be relocated to the two (2) parking islands in front of the breezeway and pavers installed in the breezeway area to fill in the two (2) tree wells. Additional shrubs should be planted to ensure that there is 50% ground coverage is met in the parking islands and the existing landscaping areas at the end of the breezeway by the electrical boxes. 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 an existing suite and is not required to add additional parking. Therefore, the required number of parking spaces is in compliance.

The applicant is also requesting a waiver from the required 400 foot separation from an existing church that occupies a suite within the development. A survey plat stamped by a Nevada-licensed surveyor or a notarized statement indicating that the proximity distance requirements has been met is required as part of the application. In this instance the applicant has submitted a stamped survey plat indicating the proposed establishment is not within 400 feet of any school, daycare, or park. However, the survey does indicate that there is a church within the 400 foot radius. While there are no adequate barriers preventing pedestrian access between the two uses, the commercial center was designed for commercial uses and the church is an allowable use within the C-2, General Commercial District. 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 within 400 feet of the church.

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. 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 restaurant's hours of operation will be daily from 10:00 am to 11:00 pm.
3. The two (2) missing trees shall be relocated to the two (2) parking islands in front of the breezeway. Additional shrubs shall be planted to ensure that there is 50% ground coverage is met in the parking islands and the existing landscaping areas at the end of the breezeway by the electrical boxes.
4. Pavers shall be installed in the breezeway area to fill in the two (2) tree wells.

ATTACHMENTS:

Letter of Intent

Revised Site Plan

Floor Plan

Elevations

Notarized Statement for Distance Requirements

Clark County Assessor's Map

Location and Zoning Map