

10/03/23 PC AGENDA SHEET

ALCOHOL SALES  
(TITLE 30)

FLAMINGO RD/RED ROCK ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-23-0524-POLIS BROTHERS, LLC:**

**USE PERMIT** for proposed alcohol sales, liquor-packaged only as a principal use.

**WAIVER OF DEVELOPMENT STANDARDS** for reduced parking.

**DESIGN REVIEW** for a parking lot within an existing commercial complex on 1.8 acres in a C-1 (Local Business) Zone.

Generally located on the north side of Flamingo Road and the east side of Red Rock Street within Spring Valley. JJ/tpd/syp (For possible action)

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RELATED INFORMATION:

**APN:**

163-13-404-002

**USE PERMIT:**

Allow alcohol sales, liquor-packaged only as a principal use per Table 30.44-1.

**WAIVER OF DEVELOPMENT STANDARDS:**

Reduce parking to 81 spaces where 110 spaces are required per Table 30.60-1 (a 27% reduction).

**LAND USE PLAN:**

SPRING VALLEY - NEIGHBORHOOD COMMERCIAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 5940 W. Flamingo Road
- Site Acreage: 1.8
- Number of Lots: 1
- Project Type: Alcohol sales
- Number of Stories: 1
- Square Feet: 3,892
- Parking Required/Provided: 110/81

Site Plan

The plan depicts an existing commercial complex with 3 buildings. An existing dispensary is located on the southwest corner of the subject site, approximately 20 feet east of the west

property line, and an existing restaurant is located on the southeast corner of the subject site, approximately 54 feet west of the east property line. The 2 business (Units 1-2) are separated by approximately 70 feet consisting of parking spaces, landscaping, and drive aisle. The building for this specific request is located on the north side of the site, approximately 65 feet north of the dispensary and 70 feet north of the restaurant, as well as being approximately 50 feet west of the east property line and 60 feet east the west property line. The property is accessible via 2 drive aisles on the south (Flamingo Road) and west (Red Rock Street) property lines. The existing north side building has 7 units that are leased by various businesses. Units 7 and 8 are for this request. The site was originally approved under a prior Code. Since the commercial center does not meet the definition of “shopping center” each use must be calculated separately.

Landscaping

The suites for this request are in an existing commercial complex. The applicant is not proposing any changes to the existing landscaping.

Elevations

The existing building is a single story structure that has a white stucco finish with tempered glass windows and doors. There is an existing patio area on the west side of the building that is used for an existing restaurant. There is a single blue colored, wood shingle awning that extends the entire length of the building from east to west. The roofline is completely flat from east to west along the entire length of the structure.

Floor Plans

The plan depicts an open design with 2 restrooms, 1 on the east side of the suites and 1 on the west side. There is a walk-in cooler on the west side of the suites adjacent to the restroom. A storage area is located between the restrooms on the north side of the suites. A sales area is located on the east side, directly adjacent to the restroom. A merchandise area is located on the south side, directly adjacent to the entrance/exit.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant would like to offer their customers the choice of alcoholic beverages in conjunction with the merchandise they already sell at their business. The reason that a reduction in parking should be allowed is because of the different operating hours of the existing businesses within this complex. Furthermore, it is stated that these different operating hours will provide ample parking for all businesses without compromising accessibility. It is mentioned that all employees will receive the proper training for the sale of alcohol and that strict rules will be enforced to avoid the sale of alcohol to minors or visibly intoxicated individuals.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-21-0006	Cannabis establishment within an existing commercial complex	Approved by BCC	March 2021

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-1217-07	Supper club and reduced separation from a residential use for on-premises consumption of alcohol - expired	Approved by PC	November 2007
UC-0734-06	Outside dining in conjunction with a restaurant within an existing commercial complex	Approved by PC	July 2006
UC-0355-06	Massage establishment as a principal use within an existing commercial complex - expired	Approved by PC	May 2006
UC-0850-05	Service bar in conjunction with a restaurant within a commercial complex	Approved by PC	July 2005
VC-1553-94	Allowed 92 parking spaces where a minimum of 101 spaces are required - expired	Approved by PC	November 1994

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-E	Undeveloped & single family residential
South	Corridor Mixed-Use	C-2	Vehicle repair, vehicle wash, & mini warehouse
East	Neighborhood Commercial	C-1	Office facility
West	Corridor Mixed-Use	C-2	Commercial complex

**STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

**Analysis**

**Comprehensive Planning**

Use Permit

A use permit is a discretionary land use application that is considered on a case-by-case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

The applicant is permitted to sell packaged beer and wine within this commercial complex with approval of a special use permit per Table 30.44-1. The request to sell packaged liquor in conjunction with a retail store is harmonious to what is already existing and should not have a negative impact on the surrounding area. For these reasons, staff can support the use permit request.

Waiver of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to

modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

#### Waiver of Development Standards & Design Review

Retail sales do not seem to impact this complex as no complaints have been filed regarding parking, and aerial photos throughout the recent years show there is adequate parking. The existing layout of the parking appears to be adequate, even considering the drive-thru on the southeast corner of the site. Staff is concerned that a reduction in parking may affect future businesses that accommodate a more intense use, such as restaurants. It is advised that future tenants provide a parking calculation prior to business licenses or tenant improvements to confirm the requirements are met at the time of application, as an additional waiver for required parking may be needed for future businesses. Staff can support the current request for a retail use with a waiver to reduce the required parking.

#### **Staff Recommendation**

Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

#### **PRELIMINARY STAFF CONDITIONS:**

##### **Comprehensive Planning**

- Applicant is advised that approval of this application does not constitute or imply approval of a liquor or gaming license or any other County issued permit, license or approval; the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

##### **Public Works - Development Review**

- No comment.

##### **Clark County Water Reclamation District (CCWRD)**

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

**TAB/CAC:** Spring Valley - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** HAILE ARAYA

**CONTACT:** HAILE ARAYA, 6570 W. CAMERO AVE, LAS VEGAS, NV 89139