



# Planning Commission Agenda Item

Date: May 11, 2022

Item No: 14.

**TO:** Planning Commission

**FROM:** Marc Jordan, Director Land Development & Community Services  
Prepared By: Johanna Murphy

**SUBJECT: SUP-06-2022 PIER 88 BOILING SEAFOOD AND BAR (Public Hearing).**  
Applicant: NLV Seafood Group LLC. Request: A special use permit in a C-2 (General Commercial District) to allow a Full "On-Sale" liquor license in conjunction with a restaurant with a waiver from the required 400-foot separation from a park. Location: 865 West Craig Road. Ward 4. (For Possible Action).

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

**PROJECT DESCRIPTION:** (APN 139-04-713-010).

The applicant is requesting Planning Commission consideration of a special use permit to allow a Full "On-Sale" liquor license in conjunction with a restaurant with a request for a waiver from the required 400-foot separation from a park. The site is located at 865 West Craig. The location 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
Planning Commission approved UN-69-05 on July 27, 2005 to allow an "On-Sale" supper club liquor license for Ruby Tuesday's.

## RELATED APPLICATIONS:

Application #	Application Request
N/A	

**GENERAL INFORMATION:**

	Land Use	Zoning	Existing Use
<b>Subject Property</b>	Mixed-Use Commercial	C-2, General Commercial District	Restaurant
<b>North</b>	Open Space	Public/Semi-Public	Craig Ranch Regional Park
<b>South</b>	Mixed-Use Commercial	C-2, General Commercial District	Retail Commercial
<b>East</b>	Mixed-Use Commercial	C-2, General Commercial District	Retail Commercial
<b>West</b>	Mixed-Use Commercial	C-2, General Commercial District	Restaurant

**DEPARTMENT COMMENTS:**

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

**ANALYSIS:**

The applicant is requesting Planning Commission consideration of a special use permit to allow a Full "On-Sale" liquor license in conjunction with a restaurant with a request for a waiver from the required 400-foot separation from a park. The subject site is located at 865 West Craig Road. The restaurant and bar formerly operated as Ruby Tuesday's for approximately 14 years. The building is 4,600 square feet and located in a C-2, General Commercial District. The applicant is also requesting a waiver from the required 400-foot separation from Craig Ranch Regional Park in conjunction with the special use permit. The proposed restaurant is identified as Pier 88 Boiling Seafood and Bar. According to the letter of intent, the restaurant and bar are proposed to be open from 11:00 a.m. to 10:00 p.m., 7 days a week.

The subject site is located within the Revere Marketplace (commercial center). Other establishments operating with liquor licenses within the Revere Marketplace include Las Pupusas Restaurant ("On-Sale" Beer, Wine, and Spirit Based Products); Lumber Jacks Restaurant ("On-Sale" Beer, Wine, and Spirit Based Products); El Nopal Mexican Grill ("On-Sale" Beer, Wine, and Spirit Based Products); and Carniceria Guadalajara Supermarket ("Off-Sale" Beer-Wine). In addition to the establishments with liquor licenses, the commercial center also contains fast food restaurants, an automobile service facility and other retail uses.

Access to the existing commercial center is from one (1) entrance off of Revere Street, three (3) entrances off of Craig Road, and one (1) entrance off of Home Depot Drive. When the retail center was constructed 377 parking spaces were required and 475 parking spaces were provided. The use for this building has not changed, therefore the parking provided should be sufficient.

A landscape plan was not submitted with the application. The restaurant is located within an existing commercial center and the perimeter landscaping along Craig Road was installed when the commercial center was constructed. There is existing foundation landscaping along the north, east and west sides of the building and existing landscape within the parking lot islands. The landscaping appears to be well maintained.

The applicant provided photographs of the existing building as part of their application. The stucco exterior is painted tan with stacked stone wainscoting and columns. There are black awnings over the windows and main entrance. The building is in compliance with the commercial design standards and the applicant is not proposing any changes to the exterior of the building. The trash enclosures are existing at the back of the buildings and appear to be in compliance with the commercial design standards.

The original special use permit at this location was for an "On-Sale" supper club liquor license. Since the approval of the original special use permit, the municipal code has been revised and the comparable request is for a Full "On-Sale" liquor license in conjunction with a restaurant. This special use permit does not include gaming.

When the Ruby Tuesday's restaurant was originally constructed in 2006, it was located across the street from the then city-owned Craig Ranch Golf Course. At the time of construction of the restaurant, the golf course was proposed to be converted to a regional park. Craig Ranch Regional Park opened to the public in 2013.

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 for a Full "On-Sale" liquor license have been met. The applicant has submitted a survey plat indicating the proposed establishment does not comply with the 400-foot separation requirement from a park. The restaurant is located approximately 234 feet from Craig Ranch Regional Park.

A waiver request of the 400 foot proximity distance may be considered with a special use permit if an adequate barrier exists between the two uses. Section 17.20.020.C.14.d(i)(1) defines an adequate barrier as an improved drainage facility, Interstate 215, Interstate 15, other roadway with a minimum width 100 feet as shown on the Master Plan of Streets and Highways, railroad right-of-way, physical feature, or a topographical feature that prevents vehicular and pedestrian access between a church, school, City-owned park, child care facility licensed for more than twelve children, existing Restricted Gaming Liquor location and the proposed Restricted Gaming Liquor location.

Craig Ranch Regional Park is located north of Craig Road and the proposed use is located south of Craig Road. Craig Road, is identified on the Master Plan of Streets and Highways, as a 120-foot right-of-way and provides an adequate barrier between the park and the proposed use.

Section 17.20.020.C.14.d(ii) also allows for a waiver of the distance separation if the location was previously approved, developed and operated as an "On-Sale" Establishment in accordance with the current or a previous Zoning Ordinance. The following criteria shall be met:

1. A Special use permit was granted by the appropriate governing body for the use.
2. A business license was issued for the approved use.
3. A certificate of occupancy was issued for the approved use.
4. Upon termination of the special use, either through the special use expiring or business closure, no other use occupied the location where the special use was approved.
5. The new use is the same as the previously approved use.
6. The new use occupies the same space as the previous use with no expansion proposed.

Planning Commission originally approved an “On-Sale” supper club liquor license for Ruby Tuesday’s on July 27, 2005 (UN-69-05). Ruby Tuesday’s continued to operate until it closed during the COVID-19 Pandemic. The liquor license ceased on August 25, 2020. Since Ruby Tuesday’s closed in 2020, no other establishment has occupied this location. Pier 88 Boiling Seafood and Bar is proposed to occupy the same space as Ruby Tuesday’s and does not propose any expansions to the existing building.

Staff supports the waiver request for the 400-foot distance separation from Craig Ranch Regional Park. An adequate barrier separates the park from the “On-Sale” use (Craig Road) and all the criteria for the use to occupy the same location has been met.

The proposed Full "On-Sale" liquor license in conjunction with a restaurant is consistent with the previous use, the current zoning classification and land use designation. The “On-Sale” use permit associated with this application would only apply to the restaurant at the subject location. The proposed use is compatible with the existing retail center and surrounding neighborhood. The proposed use should not create a negative impact on the surrounding uses or properties. Staff has no objections to the proposed Full “On-Sale” liquor license in conjunction with a restaurant.

#### **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.

**ATTACHMENTS:**

Letter of Intent  
Site Plan  
Floor Plan  
Photographs of Building Elevations  
Distance Survey  
Clark County Assessor's Map  
Location and Zoning Map