

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-14281 - APPLICANT: EBRAHIM IMANI - OWNER: SEA
BREEZE VILLAGE, LLC

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Supper Club use.
2. Approval of and conformance to the Conditions of Approval for Variance (V-0054-02) shall be required.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a proposed Supper Club at 1780 North Buffalo Drive, Suite #101.

EXECUTIVE SUMMARY

The proposed Supper Club is in compliance with all applicable plans and policies. The proposed location in a shopping center is suitable for this type of development. Approval of this request is recommended.

BACKGROUND INFORMATION

A) Related Actions

- 06/16/93 The City Council approved a Rezoning (Z-0097-90) from N-U (Non-Urban) to C-1 (Limited Commercial) on this site as part of a larger request. The Planning Commission recommended approval.
- 03/09/98 The City Council approved a Site Development Plan Review [Z-0097-90(5)] for a 142,352 square-foot retail center on the subject site as part of a larger request. The City Council approved a Special Use Permit (U-0138-97) to allow packaged liquor sales in conjunction with a proposed drug store. The Planning Commission recommended approval of these applications.
- 03/23/98 The City Council approved a Special Use Permit (U-0012-98) for a Liquor Establishment (Off-premise Consumption - Package Liquor) in conjunction with a proposed grocery store. The Planning Commission recommended approval.
- 12/18/02 The City Council approved a Special Use Permit (U-0041-02) for a Tavern within the commercial retail center on this site. The Planning Commission recommended approval of this request on 11/21/03. Planning and Development staff recommended approval of this request.
- 01/22/03 The City Council approved a Variance (V-0054-02) to allow 652 Parking Spaces where 729 Parking Spaces are required for the commercial retail center. The Planning Commission recommended approval of this request on December 19, 2002. Planning Commission and staff recommended denial of this request.

- 01/21/04 The City Council approved a Required One-Year Review of an approved Variance (V-0054-02) to allow 652 parking spaces where 729 spaces are required on this property. Planning Commission and staff recommended approval of this request.
- 03/16/05 The City Council approved a request for a Special Use Permit (SUP-5895) to allow a proposed Restaurant Service Bar on property located at 1750 North Buffalo Drive. The Restaurant Service Bar is in conjunction with a 5,850 square-foot Cocos Restaurant, which already exists on this site. This Special Use Permit will result in an internal remodeling of the building, as no expansion will take place. The Planning Commission and staff recommended approval.
- Cocos Restaurant has an active business license on the site (R09-01184). This restaurant is not currently open despite the active business license.
- 07/27/06 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #17/ng).

B) Pre-Application Meeting

- 05/18/06 A pre-application meeting was held and elements of a Special Use Permit were discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Special Use Permit, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 3.82

B) Existing Land Use

Subject Property: Shopping Center
North: Condominiums
South: Shopping Center
East: Single Family Residential
West: Single Family Residential

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: M (Medium Density Residential)
South: SC (Service Commercial)
East: ML (Medium-Low Density Residential)
West: M (Medium Density Residential)
ML (Medium-Low Density Residential)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
 North: R-PD15 (Residential Planned Development 15 Units Per Acre)
 South: C-1 (Limited Commercial)
 East: R-CL (Single Family Compact Lot)
 West: P-C (Planned Community)

E) General Plan Compliance

The subject property is designated as SC (Service Commercial) under the Southwest Sector Plan of the General Plan. The Service Commercial land use designation permits a variety of commercial uses including the proposed use as a Supper Club. The proposed Supper Club is in compliance with the General Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District	X	
Airport Overlay District	X	
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Airport Overlay District

The subject property is located in the Airport Overlay District 200-foot notification zone. The building is single story and is not affected by this standard.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

The site is currently under a parking Variance (V-0054-02) to allow 652 parking spaces where 729 spaces are required on this property. The proposal will not change the parking requirements on site as the change is from a Restaurant/Service Bar to a Supper Club. The floor plans will remain the same and the two uses have the same parking requirements.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Supper Club	400 Feet from a Church, Synagogue, School, Child Care Facility, or City Park.	Y

The proposed Supper Club is in compliance with the minimum distance separation requirements of Title 19.04.

B) General Analysis and Discussion

•Zoning

The subject property is Zoned C-1 (Limited Commercial). The C-1 District is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 District is consistent with the Service Commercial, and the Neighborhood Center categories of the General Plan. The proposed Supper Club is in compliance with the Limited Commercial District.

•Use

SUPPER CLUB [N-S THROUGH M]

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 requiring that:

(1) No supper club use shall be located within four hundred feet of any church, synagogue, school, child care facility licensed for more than twelve children or City park.

(2) Except as otherwise provided in Subsection (3) below, the minimum distances referred to in Subsection (1) shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed supper club which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed supper club. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term property line refers to property lines of fee interest parcels and does not include the property line of:

(a) Any leasehold parcel; or

(b) Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Subsection (1).

(3) In the case of a supper club proposed to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Subsection (1) shall be measured in a straight line:

(a) From the nearest property line of the existing use to the nearest portion of the structure in which the supper club will be located, without regard to intervening obstacles; or

(b) In the case of a proposed supper club which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the supper club will be located, without regard to intervening obstacles.

(4) When considering a Special Use Permit application for a supper club which also requires a waiver of the distance limitation in Subsection (1), the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

(*5) In the O District, a supper club is permitted only as an accessory use.

(*6) All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

•Conditions

There are no special conditions related to this Special Use Permit.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 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 proposed Supper Club will be located in a shopping center that contains a mix of uses and is suitable for this type of development. The proposed Supper Club can be conducted in a manner that is harmonious and compatible with surrounding development and approval is recommended.

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

The proposed location in a shopping center is physically suitable for handling this type of use. The existing parking Variance on the site is a concern, however the proposed use will not increase the number of required spaces on the site; therefore, approval of this request is recommended.

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 primary access for this development is provided from Buffalo Drive a 100-foot Primary Arterial. Secondary access is also available from both Vegas Drive an 80-foot Secondary Collector and Sea Spray Avenue. These streets provide adequate access to the shopping center including the proposed Supper Club.

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.

Approval of this Special Use Permit will not compromise the public health or general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 1,462 by City Clerk

APPROVALS 0

PROTESTS 0