



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-13884 - APPLICANT: ETHOS THREE ARCHITECTURE -
OWNER: AAMAX ENTERPRISES LLC

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-13880), Variance (VAR-13881), Variance (VAR-14355), and Special Use Permits (SUP-13877 and SUP-13882) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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 Restricted Gaming Establishment within a proposed restaurant on 2.07 acres on the east side of Eastern Avenue, approximately 153 feet north of Mesquite Avenue. VAR-13881, VAR-14355, SDR-13880, SUP-13882, and SUP-13877 were filed as companion items.

EXECUTIVE SUMMARY

The applicant proposes to locate the use in a building too large for the site as part of a proposed restaurant, therefore the companion Variance for parking is required. The applicant has not indicated any justification for a deviation from the code. The recommendation is for denial of the proposed use.

BACKGROUND INFORMATION

A) Related Actions

- 08/06/52 The subject property was Annexed (Ordinance Number 498) into the City of Las Vegas as part of larger request.
- 01/18/67 The City Council approved a Rezoning (Z-0072-66) to C-1 (Limited Commercial) on an adjacent site.
- 09/18/02 The City Council approved a request for a Rezoning (Z-0062-02) FROM: R-E (Residence Estates) TO: C-1 (Limited Commercial) on 1.79 acres at 540 North Eastern Avenue. The Planning Commission and staff recommended approval.
- 09/18/02 The City Council approved a request for a Site Development Plan Review [Z-0062-02(1)] and a Reduction of the Perimeter Landscaping Requirements to allow a five foot wide landscape planter on the north property line where an eight foot wide landscape planter is required for a proposed 25,200 square foot commercial center on 1.79 acres at 530 and 540 North Eastern Avenue. The Planning Commission recommended approval. Staff recommended denial.
- 03/17/04 The City Council approved a request for a Special Use Permit (SUP-3636) for a Liquor Establishment (Off-premise Consumption) in conjunction with a proposed grocery store adjacent to the east side of Eastern Avenue 150 feet north of Mesquite Avenue.

- 03/16/05 The City Council approved a request for a Reinstatement and Extension of Time (EOT-6043) for an approved Rezoning (Z-0062-02) FROM: R-E (Residence Estates) TO: C-1 (Limited Commercial) on 1.79 acres at 540 North Eastern Avenue.
- 08/10/06 The Planning Commission recommended denial of companion items VAR-13881, VAR-14355, SUP-13882 and SDR-13880 concurrently with this application.
- 08/10/06 The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #51/dr).

B) Pre-Application Meeting

- 05/10/06 The elements of a complete application for a Special Use Permit were discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.0

B) Existing Land Use

Subject Property: Undeveloped/ Commercial
North: Commercial/Retail Center
South: Commercial/Retail and Apartments
East: Undeveloped and Single Family Residences
West: Commercial/Retail

C) Planned Land Use

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

D) Existing Zoning

Subject Property: R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial) and C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: R-3 (Medium Density Residential) and C-1 (Limited Commercial)
East: R-3 (Medium Density Residential)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The site is designated as SC (Service Commercial) on the Southeast Sector map of the General Plan. The approved C-1 (Limited Commercial) zoning is in compliance with this land use designation.

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

This site is not affected by any special plan areas or districts.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Financial Institution	1,360 SF.	1/200 GFA	7			
Restaurant	2,500S F 846 SF	1/50 GFA	50			
		1/200 GFA	5			
General Retail	26,198 SF	1/250 GFA	105			
TOTALS	30904 SF		167	6 of total	103	5 of total

The proposal needs a Variance (VAR-13881) from the requirements. In addition the applicant will need to provide for one additional handicap space, an if approved condition has been added for this requirement. This request represents a deviation of 38 %.

Metro expressed concerns about how insufficient parking will contribute to onsite congestion and unsafe conditions for pedestrians.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed restricted gaming use.

B) General Analysis and Discussion

•Zoning

The Restricted Gaming Establishment use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

•Use

A Restricted Gaming Establishment is a use in a building or structure, which is primarily used for some business other than gaming but in which restricted gaming is permitted pursuant to Chapter 6 of the Las Vegas Municipal Code. The restaurant shown on the floor plan is the primary use and the gaming operation is permitted in association with the restaurant subject only to the approval of a Special Use Permit.

•Conditions

There are no special conditions of Title 19.04.050 that are applicable to a Restricted Gaming Establishment use.

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 Restricted Gaming Establishment use is proposed to be located within a restaurant. Such gaming operations contained within a restaurant are customary to not only restaurants but to numerous other types of businesses as well. By reason of its containment within the store, the use is harmonious and compatible to uses surrounding the site.

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

The subject site is too small for the proposed development, thus necessitating the companion variance application for parking. Therefore the site is not physically suitable for the proposed use.

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 subject location is accessible from Eastern Avenue, a 100-foot Primary Arterial as indicated on the Master Plan of Streets and Highways, which is of adequate in size and capacity to accommodate the proposed use.

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.

The public health, safety, and welfare and the objectives of the General Plan would not be compromised as a result of the approval of a Special Use Permit, because the use would be subject to inspections for a Certificate of Occupancy.

PLANNING COMMISSION ACTION

Note: In condition #1 reference to SUP-13877 needs to be deleted.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 11

SENATE DISTRICT 2

NOTICES MAILED 465 by City Clerk

APPROVALS 0

PROTESTS 0