



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-15058 - APPLICANT: SCOTT R. GEARING - OWNER:
MONTERREY PLAZA, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-1/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under the Town Center Development Standards Manual for Restaurant Service Bar/Supper Club use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-15055), Special Use Permit (SUP-15059), and Variance (VAR-15057) shall be required.
3. 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.
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.
7. A one year review at a Public Hearing at the Planning Commission is required.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a proposed Restaurant Service Bar/Supper Club on the south side of Azure Drive, approximately 170 feet west of Tenaya Way.

EXECUTIVE SUMMARY

While the subject property is an acceptable location for the proposed Restaurant Service Bar/Supper Club use, the design of the site does not comply with parking and landscaping requirements. An alternative design is sought that reduces the square footage of the building to accommodate parking requirements. For this reason the proposed use is considered inappropriate and denial of this request is recommended.

BACKGROUND INFORMATION

A) Related Actions

- 12/07/98 The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) on the subject property as part of a larger request.
- 04/04/01 The City Council approved requests for Special Use Permits (U000601, U000701, U-0009-01, U-0010-01, U-0012-01, U-0013-01, U-0015-01, U001601, U-0019-01, U-0020-01, U-0022-01 and U002301) for seven supper clubs, one restaurant with drive-up, two restricted gaming locations, one restaurant service bar and two requests for the sale of packaged liquor, on the subject site. The City Council approved a request for a Site Development Plan Review [Z-0076-98(20)] for the overall commercial development on this site. The Planning Commission and staff recommended approval of the items on February 22, 2001.
- 06/18/03 The City Council approved an Extension of Time (EOT-2155) of the approved Special Use Permit (U-0008-01), which allowed a restaurant with drive-up and related Extensions of Time (EOT-2153, EOT-2154, EOT-2156, EOT-2157, EOT-2158, EOT-2159, EOT-2160, EOT-2161, EOT-2162, EOT-2163, EOT-2164 and EOT-2165) for approved Special Use Permits, which allowed seven supper clubs, one restaurant with drive-up, two restricted gaming locations, one restaurant service bar and two requests for the sale of packaged liquor, on the overall site. The Planning Commission and staff recommended approval on 05/22/03.

- 06/01/05 The City Council approved related Extension of Time of requests (EOT-6561, EOT-6562, EOT-6563, EOT-6564, EOT-6565, EOT-6566, EOT-6567, EOT-6610 and EOT-6611) for approved Special Use Permits which allowed five supper clubs, one restaurant with drive-up, one restricted gaming establishment and one restaurant service bar, on the overall site.
- 08/24/06 The Planning Commission recommended approval of companion items VAR-15057, SUP-15059 and SDR-15055 concurrently with this application.
- 08/24/06 The Planning Commission voted 5-1/sd to recommend APPROVAL (PC Agenda Item #53/ng).

It is noted that of the extensive list of cases listed above are related to the Monterrey Marketplace. The previous approvals on the actual site were U-15-01 and U-23-01 for Gaming (Restricted) and Liquor Sales (off site consumption) in conjunction with a Drug Store, and the Extension of Time requests directly associated with these items. All other approvals are part of the adjacent commercial development.

B) Pre-Application Meeting

- 05/31/06 A pre-application meeting was held and elements of this project were discussed. It was noted that a neighborhood meeting would be required per Town Center Standards for the Gaming (Restricted) request.

C) Neighborhood Meetings

In accordance to Town Center requirements a neighborhood meeting was held on Tuesday, 07/25/06 at 7:00 p.m. The meeting was held at Cimarron Rose Community Center, 5591 N. Cimarron Road, Las Vegas, Nevada. No citizens were in attendance at this meeting.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.88

B) Existing Land Use

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

C) Planned Land Use

Subject Property: SX-TC (Suburban Mixed Use)
 North: GC-TC (General Commercial)
 South: ML (Medium Low Density Residential)
 East: SX-TC (Suburban Mixed Use)
 West: SX-TC (Suburban Mixed Use)

D) Existing Zoning

Subject Property: TC (Town Center)
 North: TC (Town Center)
 South: Clark County
 East: TC (Town Center)
 West: TC (Town Center)

E) General Plan Compliance

The subject property is located in the Centennial Hills Sector Plan of the General Plan. The governing land use on the property is SX-TC (Suburban Mixed Use Town Center) as the property is also located in Town Center. The proposed project is in compliance with the SX-TC land use designation and the General Plan.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Town Center	X	
Special Overlay District		X
Trails	X	
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance	X	

Town Center

The subject property is located in Town Center. The land use on the property is SX-TC (Suburban Mixed Use Town Center). The proposed restaurant is in compliance with the SX-TC land use designation.

Trails

There is a multi-use transportation trail located along the southern portion of this development. This trail is already developed and no action is required of the applicant at this time.

Project of Regional Significance

The project is deemed a Project of Regional Significance as it required Special Use Permits within 500 feet of the boundary with Clark County. A Development Impact Notice and Assessment was routed accordingly.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a Project of Regional Significance for the following reasons:

- 1) Any Special Use Permit within 500 of the boundary with Clark County.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. A summary of the comments received, including recommendation for mitigation measures is as follows:

- 1) No comments have been received to date.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

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	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Office	964 SF	1:300 SF	4			
Restaurant (Seating)	2,547 SF	1:50 SF	51			
Restaurant (other area)	2,006 SF	1:200 SF	11			
Sub Total			66	3	61	3
Total			66		61	

The proposed development does not meet Title 19.10 parking requirements and a Variance is required. The applicant has requested a Variance (VAR-15057) to permit this deviation from standards.

A2) Minimum Distance Separation Requirements

Pursuant to the Town Center Development Standards Manual, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Restaurant Service Bar/Supper Club	Shall be located a minimum of 400 Feet from any church, synagogue, school, child care facility licensed for more than 12 children, or City Park	Yes

B) General Analysis and Discussion

•Zoning

The subject property is zoned T-C (Town Center). The properties within this area are subject to the guidelines in the Town Center Development Standards Manual. The land use on the property is SX-TC (Suburban Mixed Use Town Center). The Town Center area encourages imaginative development with a mixture of uses. The proposed development meets the intent of the Town Center area.

•Use

Restaurant Service Bar/Supper Club

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 Town Center are best promoted and protected by requiring that:

- a. No restaurant service bar or Supper Club shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than twelve children, or City Park.
- b. Uses licensed as Service Bar/Supper Club or other comparable establishments, shall have no specific spacing requirements between similar uses. However, the Las Vegas City Council may consider the concentration and spacing of such uses as part of its deliberation and approval of any requests for such establishments.
- c.

- d. The distances referred to in Paragraphs a. and b. shall be measured in a straight line from the property line of the church, synagogue, school, child care facility, or from the nearest property line of a City Park to the property line of the proposed Restaurant Service Bar/Supper Club to the property line of an existing Restaurant Service Bar/Supper Club or comparable establishment, disregarding all intervening obstacles.
- e. All businesses that 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 request.

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 land use as a Restaurant Service Bar/Supper Club cannot be conducted in a manner that is harmonious and compatible with surrounding development due to the lack of required parking on the site an overflow into adjacent lots may result during peak hours. Therefore, denial of this request is recommended.

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

The subject site is physically suitable for this type of use. It is noted that as designed the site does not accommodate the proposed use and allow for the necessary parking and landscaping. An alternative design meeting parking requirements is a desired alternative.

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 site gains access from Azure Drive a 70-foot right-of-way. The proposed project will share a driveway with the parcel to the east. This parcel is not yet developed. Site access and circulation are acceptable.

- 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 proposed use as a Restaurant Service Bar/Supper Club will not compromise the public health, safety, or general welfare.

PLANNING COMMISSION ACTION

The Planning Commission added condition #7.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 340 by City Clerk

APPROVALS 0

PROTESTS 0