



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-16110 - APPLICANT: PECCOLE NEVADA - OWNER:
NO. 6 FAC, LLC.

**** CONDITIONS ****

The Planning Commission (5-0-2/rt/sd vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. 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.
2. Approval of this Special Use Permit does not constitute approval of a liquor license.
3. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit for a 5,000 square-foot tavern located on the southwest corner of Charleston Boulevard and Fort Apache Road, as part of the Fort Apache Commons commercial shopping center project. Because there are two taverns within the 1,500 foot separation requirement (Three Angry Wives 8820 West Charleston and Bilbos 8699 West Charleston), the applicant has also requested a waiver of the distance separation requirement in accordance with provisions of subchapter 19.04.050.B. of the Zoning Code.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/15/89	The City Council approved a request (Z-0139-88) for Reclassification of property located on the west side of Fort Apache Road, between Sahara Avenue and Charleston Boulevard, from N-U (Non Urban) Zone under Resolution of Intent to R-PD4 (Residential Planned Development - 4 Units per Acre), P-R (Professional Office & Parking), C-1 (Limited Commercial), and C-V (Civic), to R-PD7 (Residential Planned Development - 7 Units per Acre), R-3 (Limited Multiple Residence), and C-1 (Limited Commercial).
01/08/03	The City Council approved a Site Development Plan Review (SDR-1048) of a proposed tavern on this site.
01/08/03	The City Council approved a Special Use Permit (SUP-1047) for a proposed tavern on this site. Because a license was not issued, this approval expired on 01/08/05.
10/05/06	The Planning Commission voted 5-0-2/rt/sd to recommend APPROVAL (PC Agenda Item #53/ar).
<i>Related Building Permits/Business Licenses</i>	
06/04/04	A certificate of occupancy was issued for the subject building.
<i>Pre-Application Meeting</i>	
06/27/06	Staff explained the requirements for a Special Use Permit application.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this type of application.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	8.37

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Commercial center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single family dwellings	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development, 7 units per acre)
East	Commercial center	SC (Service Commercial)	C-2 (General Commercial)
	Single family dwellings	L (Low Density Residential)	R-PD8 (Residential Planned Development, 8 units per acre)
West	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Per Section 19.08 of the zoning code, the following standards apply.

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	8.37 Acres	Y
Min. Lot Width	100 Feet	294 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	
• Side	10 Feet	62 Feet	Y
• Corner	15 Feet	40 Feet	Y
• Rear	20 Feet	75 Feet	Y
Max. Lot Coverage	50 %	17 %	Y
Max. Building Height	N/A	24 Feet	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping center, greater than 25,000 square feet	75,740 square feet	1 sp. /250 sq. ft.	303 spaces	8 space			
TOTAL (including handicap)			303 spaces	8 spaces	643 spaces	21 spaces	Y

Pursuant to Title 19.04, the following standards apply to this use:

Standard	Required/Allowed	Compliance
Separation from a religious facility	1,500 feet	Y
Separation from a school	1,500 feet	Y
Separation from a commercial child care facility	1,500 feet	Y
Separation from a city park	1,500 feet	Y
Separation from another tavern	1,500 feet	N*

The zoning code allows this requirement to be waived when the proposed tavern will be separated from the existing tavern by a street or highway with a minimum right-of-way width of one hundred feet. The proposed tavern is separated from the Three Angry Wives tavern by Charleston Boulevard and from the Bilbos tavern by Fort Apache Road, and is therefore eligible for a waiver of this requirement.

ANALYSIS

Chapter 19.04.050B of the zoning code allows a waiver of the 1,500 distance separation requirement between taverns when the proposed tavern will be separated from the existing tavern by a street or highway with a minimum right-of-way width of one hundred feet. The proposed tavern is separated from the Three Angry Wives tavern by Charleston Boulevard and from the Bilbos tavern by Fort Apache Road. Because both of these streets are designated by the Master Plan of Streets and Highways as Primary (100-foot) Arterials, the proposed tavern with the requested waiver is compatible with surrounding land uses.

FINDINGS

The following findings must be made for a Special Use Permit:

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

In regard to 1:

The project is compatible with the General Plan land use designation for the area. The project, located in a substantial commercial development at an intersection where all four corners are occupied by major commercial developments, can be expected to be compatible with, and mutually supportive of, these other commercial uses.

In regard to 2:

There is no evidence of any physical constraint to location of the proposed tavern use on the subject site.

In regard to 3:

The proposed tavern use will be accessed solely through the Fort Apache Commons site from Fort Apache Road and Charleston Boulevard, which are both identified on the Master Plan of Streets and Highways as a Primary (100-foot) Arterials. These roads have adequate capacity to serve the proposed development. The project will not have any negative traffic impact on nearby residential neighborhoods.

In regard to 4:

The proposed tavern use will be subject to regular City and County inspections for licensing and will therefore not compromise the public health, safety, and welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7

ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 688 by City Clerk

APPROVALS 0

PROTESTS 0