

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 19, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-13289 - APPLICANT: MP PARTNERS - SUMMERLIN, LLC
- OWNER: ERON ELI ELI, ET AL

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Prior to obtaining a Certificate of Occupancy, a barrier sufficient to prevent access to the bar area by minors shall be constructed between the bar area and the restaurant.
2. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Supper Club use.
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.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a proposed Supper Club at 1225 South Fort Apache Road, Suite #100.

EXECUTIVE SUMMARY

The proposed Supper Club meets the 400-foot distance separation requirement from protected properties and is located within an established shopping center. Adequate parking is provided on site to meet Title 19 requirements for the restaurant. The recommendation is for approval of the Special Use Permit, subject to construction of a barrier or redesign of the bar area sufficient to prevent access to the bar area by minors, in accordance with licensing requirements.

BACKGROUND INFORMATION

A) Related Actions

- 02/15/89 The City Council approved a Rezoning to C-1 (Limited Commercial) on the subject site as part of a larger request (Z-0139-88). The Planning Commission and staff recommended approval.
- 05/17/00 The City Council approved a Site Development Plan Review [Z-0139-88(40)] for a proposed 73,098 square-foot commercial center on 8.37 acres adjacent to the southwest corner of Charleston Boulevard and Fort Apache Road. The Planning Commission and staff recommended approval.
- 01/08/03 The City Council approved a Special Use Permit (SUP-1047) for a Tavern use and a waiver of the separation distance requirements for taverns and a Site Development Plan Review (SDR-1048) for a proposed 6,472 square-foot Tavern on the subject site. The Planning Commission and staff recommended approval.
- 02/05/03 The City Council approved a Site Development Plan Review (SDR-1318) for a proposed 20,430 square foot retail addition and 32,610 square-foot office addition to the existing shopping center on the subject site. The Planning Commission and staff recommended approval.
- 04/16/03 The City Council approved a Master Sign Plan (MSP-1717) for an approved 58,040 square-foot retail center on this site. Staff recommended approval.

- 09/09/04 The Planning Commission approved a Tentative Map (TMP-4913) for a one-lot commercial subdivision (Fort Apache Commons) on the subject site. Staff recommended approval.
- 03/24/06 An application (#736230-9) for a building permit for a tenant improvement build-out (Makino Seafood Buffet and Lounge) at 1225 South Fort Apache Road, Suite #100 was submitted to the Building and Safety Department. The application is still under review.
- 06/22/06 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #6/ss).

B) Pre-Application Meeting

- 03/27/06 As the applicant indicated that there may be outdoor dining in the future, the applicant was asked to provide an updated parking analysis to show that the restaurant could meet parking requirements. Lunch hours will be from 11:30 a.m. to 2:30 p.m.; dinner hours will be from 5:30 p.m. to 11:00 p.m. The applicant was asked to break out the floor area of the restaurant into public seating and other areas for the parking analysis.

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: 5.58

B) Existing Land Use

Subject Property: Retail and Commercial
North: Retail and Commercial
South: Park/Trail
Single-Family Dwellings
East: Single Family Dwellings
West: Multi-Family Residential (Apartments)

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: PR-OS (Parks/Recreation/Open Space)
ML (Medium-Low Density Residential)
East: L (Low Density Residential)
West: M (Medium Density Residential)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
 North: C-1 (Limited Commercial)
 South: R-PD7 (Residential Planned Development 7 Units Per Acre)
 East: R-PD8 (Residential Planned Development 8 Units Per Acre)
 West: R-3 (Medium Density Residential)

E) General Plan Compliance

The subject site is designated SC (Service Commercial) on the Southwest Sector Map of the Master Plan. This use category allows low to medium intensity retail, office or other commercial uses serving primarily local patrons, and may also include mixed-use developments. The site is zoned C-1 (Limited Commercial) in conformance with the SC designation and meets other policy goals of the Master Plan. A Supper Club use is permitted in the C-1 (Limited Commercial) district with approval of a Special Use Permit.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special 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

No special area plans, districts, or trails are associated with the subject site.

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
Proposed Supper Club	9,618 SF (4,530 SF public)	1/50 SF GFA public seating/waiting + 1/200 SF GFA remaining area	117			
Tavern	5,000 SF (4,000 SF public)	1/50 SF GFA public seating/waiting + 1/200 SF GFA remaining area	85			
Beauty Salon	5,545 SF	1/200 SF GFA	28			
Retail	6,032 SF	1/250 SF GFA (center greater than 25,000 SF)	25			
Office	32,515 SF	1/300 SF	109			
Subtotal	58,710 SF		356	8	416	10
TOTAL			364		426	

The shopping center where the proposed Supper Club is proposed to be located will provide 426 parking spaces, meeting Title 19 requirements for the current uses.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the Supper Club use requires a minimum of 400 feet of separation from any church, synagogue, school, child care facility licensed for more than 12 children, or City park. None of these uses are located within the minimum separation distance. Therefore, the use is permissible on the subject site.

B) *General Analysis and Discussion*

•Zoning

The subject site is zoned C-1 (Limited Commercial), which allows most retail and personal services, including restaurants. A Supper Club is a permitted use within this district with approval of a Special Use Permit.

•Use

The subject Supper Club will be located at the southeast corner of the shopping center. It encompasses all of Assessors Parcel Number 163-05-116-003 and a portion of APN 163-05-116-004 for a total of 9,618 square feet.

By definition, a Supper Club allows the on-premise sale of alcoholic beverages within a restaurant wherein the bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar by minors; wherein the actual seating available at all times within the restaurant area will accommodate at least 125 persons; wherein alcoholic beverages are served in the restaurant area only in conjunction with the service of food; wherein full course meals are available during all hours the bar area is open to the public; wherein a cook and food server, other than a bartender, are available at all times the bar area is open to the public; and wherein the restaurant operation is the principal portion of the business. The floor plan shows that no barrier is proposed between the bar area and the restaurant area. A condition of approval is added requiring the construction of such a barrier or redesign of the bar area sufficient to prevent access to the bar area by minors.

As the Supper Club is located on a commercial subdivision with legal cross access, parking is available on the entire site. Sufficient parking is available for all uses on site, including the proposed Supper Club.

•Conditions

Per Title 19.04.050, certain base conditions must be met for approval of a Special Use Permit for the Supper Club use. These conditions include the following:

- (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.

The proposed Supper Club meets the distance separation requirement of Condition 1.

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 use meets the minimum distance separation requirements from protected uses and is located within an established retail and commercial center that meets Master Plan land use policies.

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

The subject site provides sufficient floor area and parking to accommodate the proposed Supper Club 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.**

Access to the site is provided from Charleston Boulevard and Fort Apache Road, both designated Primary (100-foot) Arterials on the Master Plan of Streets and Highways. These roadways are adequate in size to handle the traffic generated by the retail and commercial center, including the proposed restaurant/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.**

The subject site will be subject to regular inspection and will therefore not compromise the public health, safety, and general welfare, or the overall objectives of the General Plan.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 691 by City Clerk

APPROVALS 0

PROTESTS 1