



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: OCTOBER 23, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ABEYANCE - SUP-28990 - APPLICANT/OWNER:**  
**PROVIDENCE VILLAGE, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION:**      **APPROVAL**, subject to:

***Planning and Development***

1. Conformance to the conditions for Rezoning (ZON-2184), Special Use Permit (SUP-28989) and Site Development Plan Review (SDR-18031), if approved.
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 \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a proposed Gaming (Incidental Machines Only) use within a proposed 4,650 square-foot Tavern at 7071 North Hualapai Way, Suite #110. This application is a companion item for a Special Use Permit (SUP-28990) for a proposed Tavern located inside an approved 32,400 square-foot retail development within the Cliffs Edge Master Planned Community. The proposed use is consistent with the requirements of the Cliffs Edge Master Planned Community; therefore, staff recommends approval.

**BACKGROUND INFORMATION**

| <i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i> |  |
|--|--|
| 02/05/03   | The City Council approved a petition (A-0035-02) to Annex parcels of land generally located adjacent to the southeast corner of Grand Teton Drive and Puli Road, including this site, containing approximately 1,187 acres. The effective date was 02/14/03.   |
| 04/16/03   | The City Council approved a request for a Rezoning (ZON-1520) from U (Undeveloped) [PCD (Planned Community Development) General Plan designation] to PD (Planned Development) zone on 297.50 acres and to establish a Master Plan for the Cliff's Edge development adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.  |
| 05/05/04   | The City Council approved a Major Modification (MOD-3955) to the Cliffs Edge Master Development Plan to change land use designations from VC (Village Commercial), M (Medium Density Residential) and ML (Medium Low Density Residential) to ML (Medium Low Density Residential), M (Medium Density Residential), RCL (Residential Small Lot) and Pump & Reservoir. To modify section 6.2.3 regarding retaining walls, and to modify Table 1 (Section 2.2) to reflect changes in land use categories on 40 acres located on the south side of Grand Teton Drive, between Hualapai Way and Puli Road. |
| 05/27/04   | The Planning and Development Department Administratively approved a Minor Modification (MOD-4237) to include an exhibit depicting cross sections for private interior residential streets.   |
| 07/12/05   | Planning and Development staff approved an administrative Site Development Plan Review (SDR-6879) for a 1,582 square foot temporary information center adjacent to the southwest corner of Elkhorn Road and Hualapai Way. No timetable for removal was required.   |

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|   |  |
|---|--|
| 11/16/05  | The City Council approved a request for a Major Modification (MOD-9174) to the Cliff's Edge Master Development Plan and Design Guidelines to establish standards for rear loaded residential small lot housing products and to add section 3.2.5b to the design guidelines on 1,156 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.   |
| 05/16/07  | The City Council approved a request for a Variance (VAR-18090) of the Cliff's Edge Master Development Plan and Design Guidelines Section 3.2.1 to allow a balcony-to-balcony separation of 24 feet where 30 feet is required and to allow a setback of two feet from a living area, porch, stoop, and sidewalk where ten feet is required; and a Site Development Plan Review (SDR-18031) for a mixed-use development consisting of 218 proposed condominium units and a three-building, 32,400 square-foot retail development on 15.69 acres at the southwest corner of Hualapai Way and Elkhorn Road. The Planning Commission recommended approval. Staff recommended denial of both applications. |
| 06/14/07  | The Planning Commission approved a Tentative Map (TMP-21653) for a Mixed Use subdivision consisting of 218 residential condominium units and one commercial lot located on the southwest corner of Elkhorn Road and Hualapai Way. Staff recommended approval of this request.  |
| 02/06/08  | The City Council approved a Review Of Condition (ROC-26396) of Condition Five of an approved Site Development Plan Review (SDR-18031) which stated that a certificate of occupancy for retail buildings 1, 2, and 3, shall be obtained prior to the request for certificates of occupancy on all residential units for an approved Mixed-Use Development with 218 residential units and 32,500 square feet of retail at the southwest corner of Hualapai Way and Elkhorn Road.   |
| 09/25/08  | The Planning Commission abeyed two Special Use Permits (SUP-28989 and SUP-28990) for a Tavern and Gaming at 7071 N. Hualapai Way, Suite #110, at the applicants request, to allow the applicant time to address outstanding issues.  |
| <b><i>Related Building Permits/Business Licenses</i></b>  |  |
| 02/22/06  | A building permit (#06001379) was issued for a temporary information trailer at 7051 North Hualapai Way on the subject site. The project was finaled 08/17/06.   |
| 05/07/08  | A building permit (#25180) was issued for two retail shell buildings at 7055 North Hualapai.   |
| <b><i>Pre-Application Meeting</i></b>                     |  |
| 02/28/07  | A pre-application meeting was held to discuss the requirements of submitting a Special Use Permit for a Tavern within Cliff Edge Master Planned area.  |
| <b><i>Neighborhood Meeting</i></b>                        |  |
| A neighborhood meeting is not required, nor was one held. |  |

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| <b>Field Check</b> |   |
|--------------------|---|
| 07/10/08           | A field check was conducted by staff and found the 32,400 square-foot retail component of this Mixed Use project is currently under construction. |

| <b>Details of Application Request</b> |       |
|---------------------------------------|-------|
| <b>Site Area</b>                      |       |
| Net Acres                             | 12.30 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>            | <b>Planned Land Use</b>             | <b>Existing Zoning</b>  |
|-----------------------------|-------------------------------------|-------------------------------------|---|
| Subject Property            | Temporary Sales/Information Trailer | PCD (Planned Community Development) | PD (Planned Development) Zone [VC (Village Commercial) Cliffs Edge Special Land Use Designation]        |
| North                       | Single-Family Residential           | PCD (Planned Community Development) | PD (Planned Development) Zone [L (Low Density Residential) Cliffs Edge Special Land Use Designation]    |
| South                       | Multi-Family Residential            | PCD (Planned Community Development) | PD (Planned Development) Zone [M (Medium Density Residential) Cliffs Edge Special Land Use Designation] |
| East                        | Undeveloped (Clark County)          | Clark County                        | R-E (Rural Estates Residential - 2 Units per Acre) - Clark County zoning                                |
| West                        | Single-Family Residential           | PCD (Planned Community Development) | PD (Planned Development) Zone [L (Low Density Residential) Cliffs Edge Special Land Use Designation]    |

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| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          |            |           |                   |
| Cliffs Edge                                       | X          |           | Y                 |
| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| <b>Special Purpose and Overlay Districts</b>      |            |           |                   |
| PD (Planned Development) District (Cliff Edge)    | X          |           | Y                 |
| <b>Trails</b>                                     | X          |           | Y                 |
| <b>Rural Preservation Overlay District</b>        |            | X         | N/A               |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.10, the following parking standards apply:*

| <b>Parking Requirement</b> |  |                               |                         |              |                         |              |                   |
|----------------------------|--|-------------------------------|-------------------------|--------------|-------------------------|--------------|-------------------|
| <i>Use</i>                 | <i>Gross Floor Area or Number of Units</i> | <i>Required Parking Ratio</i> | <i>Required Parking</i> |              | <i>Provided Parking</i> |              | <i>Compliance</i> |
|                            |  |                               | <i>Parking</i>          |              | <i>Parking</i>          |              |                   |
|                            |  |                               | Regular                 | Handi-capped | Regular                 | Handi-capped |                   |
| One bedroom unit           | 124  | 1.25 per unit                 | 155                     |              |                         |              |                   |
| Two Bedroom units          | 94   | 1.75 per unit                 | 165                     |              |                         |              |                   |
| Visitor parking            | 1 per 5 units                              | 0.2 per unit                  | 44                      |              |                         |              |                   |
| Retail Shopping center     | 32,400 SF                                  | 1 per 250 sq ft               | 130                     | 5            |                         | 8            | Y                 |
| <b>SUBTOTAL</b>            |  |                               | 494                     | 5*           | 541                     | 8            | Y                 |
| <b>TOTAL</b>               |  |                               | 499                     |              | 549                     |              | Y                 |

\* Handicap parking only required for commercial use portion.

**ANALYSIS**

This is a request for a Special Use Permit for a proposed Gaming (Incidental Machines Only) use within a proposed Tavern at 7071 North Hualapai Way, Suite #110. This application is a companion item for a Special Use Permit (SUP-28990) for a proposed Tavern located inside an approved 32,400 square-foot retail development within the Cliffs Edge Master Planned Community. The proposed use is consistent with the requirements of the Cliffs Edge Master Planned Community; therefore, staff recommends approval to allow a Gaming (Incidental Machines Only) within a proposed 4,650 square-foot Tavern at the subject location.

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•Zoning

The subject site is zoned PD (Planned Development). The PD (Planned Development) district is intended to be a flexible district which may be applied to individual properties, larger planning areas or areas with multiple properties for redevelopment, economic development and cultural enrichment. The PD (Planned Development) district may be used for office, retail, entertainment or commercial uses or for mixed-use developments where commercial and residential uses are combined. The Planned Development (PD) District allows for the implementation of master planned communities such as the Cliffs Edge Master Development Plan.

This proposal is located within the PCD (Planned Community Development) General Plan designation. The Planned Community Development category allows for a mix of residential uses that maintains an average overall density ranging from two to eight dwelling units per gross acre, depending upon compatibility with adjacent uses. In addition, commercial, public facilities and office projects may be used as buffers within the PCD (Planned Community Development).

This property is within the Cliffs Edge Master Development Planned area with a land use designation of VC (Village Commercial). The Village Commercial land use category allows medium intensity retail, office or other commercial uses that serve not only local area patrons, but also patrons from neighborhoods surrounding Cliffs Edge. In addition, Medium Residential Uses (up to 25 dwelling units per acres) are allowed when in conjunction with a horizontally or vertically mixed use project. Neighborhood Family Services Centers which include, but are not limited to, facilities that provide a variety of child and family services to the community such as child protective services, foster care, juvenile probation services, adoptions, early intervention services, and childrens clinical services are allowed with approval of a Special Use Permit. Village Commercial is typically located on the periphery of residential neighborhoods and should be confined to the intersections of major arterials and major freeways. The maximum lot coverage will not exceed 40 percent.

•Use

The VC (Village Commercial) land use designation allows for a Gaming (Incidental Machines Only) use with approval of a Special Use Permit. Within the Cliffs Edge Master Development Plan there are no minimum conditions for a Gaming (Incidental Machines Only) use, other than the approval of a Special Use Permit.

•**Floor Plan**

The submitted floor plan depicts a typical Tavern as found throughout the City of Las Vegas. This particular Tavern has three main areas for customer use, including the Bar, Lounge and Dining areas. The Bar area includes a total of 15 bar top slot machines, seating and a full service bar. The Dining area includes six booths, six tables and six single seats for patrons. The Lounge area includes a variety of movable seating, so that patrons can adjust this area to their needs. Additionally, the floor plan depicts restrooms, the kitchen, an office and storage areas located within the rear of this suite.

**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 Gaming (Incidental Machines Only) use is a permitted with an approval of a Special Use Permit in the VC (Village Commercial) Cliffs Edge designation. This use is within a 32,400 square-foot retail center and will be conducted in a manner that is harmonious and compatible with the existing and surrounding land uses.

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

This Gaming (Incidental Machines Only) use will be established within a Tavern at a retail center that has adequate parking and facilities for the proposed use; therefore the 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.**

The subject site is accessed by Elkhorn Road and Hualapai Way, both 100-foot Primary Arterials as designated by the Master Plan of Streets and Highways. These streets are sufficient to accommodate the amount of vehicular trips associated with 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.**

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The proposed Gaming (Incidental Machines Only) use will be subject to inspections, compliance with business licensing requirements and will not compromise the public health, safety and welfare.

**5. The use meets all of the applicable conditions per Title 19.04.**

This application is located within the Cliffs Edge Master Development Plan and does not have any applicable conditions.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 11

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 177

**APPROVALS** 3

**PROTESTS** 16