



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 1, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-28998 - APPLICANT/OWNER: GREAT WASH PARK LLC**

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### **\*\* CONDITIONS \*\***

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

#### **Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Supper Club use.
2. Conformance to the conditions of the Site Development Plan Review (SDR-10770), and Variance (VAR-10773), if approved.
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 \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a proposed 14,326 square-foot Supper Club and a Waiver to allow a 141-foot distance separation from a Park where 400 feet is required at the northeast corner of Rampart Boulevard and Alta Drive within Tivoli Village at Queensridge. The Supper Club will be located in the northwest corner of a Mixed-Use development. Adequate parking spaces are available as approved in Variance (VAR-10773).

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
01/26/98	The City Council approved a request to amend a portion of the Southwest Sector of the General Plan (GPA-0067-97) on property located at the northeast corner of Alta Drive and Rampart Boulevard from M (Medium Density Residential) and SC (Service Commercial) to GC (General Commercial). The Planning Commission recommended approval on 12/18/97.
01/26/98	The City Council approved a request for Rezoning (Z-0127-97) on property located at the northeast corner of Alta Drive and Rampart Boulevard from U (Undeveloped) Zone [M (Medium Density Residential) and SC (Service Commercial) General Plan designation] under Resolution of Intent to R-PD-16 (Residential Planned Development - 16 Units per Acre) to C-2 (General Commercial): proposed use- a 40,000 square-foot, 576-room, three-story nongaming resort hotel with amphitheater. The Planning Commission recommended approval on 12/18/97.
04/04/01	The City Council approved a request for a Rezoning (Z-0003-01) from U (Undeveloped) Zone [General Commercial) General Plan designation] to C-1 (Limited Commercial) on approximately 28.69 acres located on the northeast corner of the intersection of Alta Drive and Rampart Boulevard. The Planning Commission recommended approval on 02/22/01.
04/04/01	The City Council approved a request for a Special Use Permit (U-0017-01) for a Restaurant Service Bar in conjunction with a proposed Athletic and Tennis Club, located at the northeast corner of Alta Drive and Rampart Boulevard. The Planning Commission recommended approval on 02/22/01.

01/13/05	A request for Rezoning (ZON-5655) from U (Undeveloped) Zone [GC (General Commercial) General Plan designation] to PD (Planned Development) was pulled from the Planning Commission agenda.
01/17/05	A request to Amend a portion of the Southwest Sector of the General Plan (GPA-5652) from GC (General Commercial) to H (High Density Residential) was pulled from the Planning Commission agenda since the application was no longer needed due to the adoption of the revised Mixed-Use development.
03/02/05	The City Council approved a request for Rezoning (ZON-5653) from U (Undeveloped) Zone [GC (General Commercial) General Plan designation] to C-2 (General Commercial). The Planning Commission recommended approval on 02/10/05.
03/02/05	The City Council approved a request for a Site Development Plan Review (SDR-5657) to allow a Mixed-Use development to include 700,000 square feet of commercial space and 375 residential condominium units in one (1) ten-story and two (2) five-story residential condominium buildings. The Planning Commission recommended approval on 02/10/05.
03/02/05	The City Council approved a request for a Special Use Permit (SUP-5853) to allow a proposed Mixed-Use commercial and residential development adjacent to the northeast corner of Alta Drive and Rampart Boulevard. The Planning Commission recommended approval on 02/10/05.
04/19/06	The City Council approved a request for a Site Development Plan Review (SDR-10770) for a ten-story Mixed-Use development consisting of 699,000 square feet of commercial space and 340 residential units. The Planning Commission recommended approval on 03/23/06.
04/19/06	The City Council approved a request for a Variance (VAR-10773) to allow 3,225 parking spaces where 3,540 spaces are required for a proposed Mixed-Use development. The application was amended to allow 3,955 parking spaces where 4,961 spaces is the minimum number of parking spaces required. The Planning Commission recommended approval on 02/10/05.
03/21/07	A request for an Extension of Time (EOT-19597) for an approved Special Use Permit (SUP-5853) to allow a proposed Mixed-Use commercial and residential development at 300 S. Rampart Boulevard was scheduled, but not heard by the Planning Commission or City Council.
06/06/07	The City Council approved a request for a Review of Condition (ROC-21668) to modify Condition #9 of an approved Site Development Plan Review (SDR-10770), which stated that all perimeter landscaping buffers shall comply with the minimum requirements listed in Title 19.12. Tree spacing within the buffer areas and the width of all buffers shall conform to the minimum requirements listed in Title 19.12 to allow a four-foot landscape buffer along the south property line where eight feet is the minimum required for an approved Mixed-Use development.

07/12/07	The Planning Commission approved a request for a Tentative Map (TMP-20197) for the Village at Queensridge for a 324 unit Mixed-Use development.
08/28/08	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #36/ds).

**Related Building Permits/Business Licenses**

12/01/06	A building permit (#18396) was issued for early grading. The permit was finalized 12/05/06.
12/21/06	Civil improvement plans (#17805) were submitted for a Mixed-Use commercial and residential development. The plans were finalized 12/21/06.
01/24/07	A building permit (#79916) was issued for a southeast perimeter screen wall.
08/07/07	Plans submitted on 6/20/07 (C-214-07) were approved by the Planning and Development Department for the Village at Queensridge.
05/12/08	A business license (#C11-09174) was issued to Hardstone Construction for 302 S. Rampart Boulevard.
06/09/08	A building permit (#117268) was issued for tenant improvements for the Grand Lux Café at 310 S. Rampart Boulevard.

**Pre-Application Meeting**

06/13/08	A pre-application meeting with the applicant was held to discuss Title 19 and Special Use Permit submittal requirements for a Supper Club.
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**Neighborhood Meeting**

A neighborhood meeting was not required, nor was one held.

**Field Check**

08/08/08	A field check of the site revealed the entire area under construction.
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**Details of Application Request**

**Site Area**

Gross Acres	29.70
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Mixed Use	GC (General Commercial)	U (Undeveloped) Zone [GC (General Commercial) General Plan designation] under Resolution of Intent to C-2 (General Commercial)
North	Golf Course	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)
	Park	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)

South	Shopping Center	SC (Service Commercial)	PD (Planned Development)
East	Single-Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
West	Casino/Hotel	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<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:*

<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Base Parking Requirement</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Mixed Use	794,482 sq. ft and 340 residential units	Case-by-case basis*					Y
<b>TOTAL</b>			4,961		3,955		Y*

\* Title 19.04 sets required parking for Mixed-Use development on a case-by-case basis, depending on the requirements of the individual uses represented on the site. The City Council approved a Variance (VAR-10773) to allow 3,955 parking spaces when 4,961 spaces were required based on the uses outlined in the Site Development Plan Review (SDR-10770).

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
141-foot separation from a City Park	400-foot separation from a City Park	Approval

## ANALYSIS

- **Zoning**

The subject property is located in a U (Undeveloped) zone under a Resolution of Intent to a C-2 (General Commercial) zoning district. The C-2 (General Commercial) District is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office, and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) District is also appropriate along commercial corridors. The C-2 (General Commercial) District is consistent with the General Commercial category of the General Plan. The proposed Supper Club use is permissible in a C-2 (General Commercial) District with approval of a Special Use Permit. This application is intended to satisfy this requirement.

- **Use**

Supper Club is defined as a restaurant and bar operation with alcoholic beverage sales in which the bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar by minors; the actual seating available at all times within the restaurant area will accommodate at least 125 persons; alcoholic beverages are served in the restaurant area only in conjunction with the service of food; full course meals are available during all hours the bar area is open to the public; a cook and food server, other than a bartender, are available at all times the bar area is open to the public; and the restaurant operation is the principal portion of the business.

The proposed 14,326 square-foot Supper Club meets Title 19.04 requirements pertaining to seating capacity, kitchen hours, staffing levels, and restaurant/lounge separation.

- **Minimum Special Use Requirements**

1. No supper club use shall be located within 400 feet of any church, synagogue, school, childcare facility licensed for more than 12 children, or City Park.
2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in Requirement 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 the 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 Requirement 1.
3. In the case of a supper club proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 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 Requirement 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 that sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

The proposed 14,326 square-foot Supper Club does not meet the Minimum Special Use Permit Requirements set forth in requirement #1: the subject property has a 141-foot distance separation from the property line of a City Park located northeast of the site. Though the property lines have a 141-foot distance separation, the Supper Club is located in the western portion of the parcel, which is more than 600 feet from the park. In addition, there will be at least two mid-rise residential developments situated between the proposed use and the property line of the Park.

## **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 C-2 (General Commercial) zoning district is complimentary to the General Plan designation of GC (General Commercial). The proposed Supper Club is a compatible use with neighboring commercial and residential uses within the Mixed-Use development. Therefore, the proposed use will be compatible and harmonious with the existing use and future surrounding land uses.

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

The site is physically suitable for this type of use and the intensity is appropriate in this area. Ample site access is provided and adequate parking is being provided in accordance with the approved Variance (VAR-10773) for the Mixed-Use development. Though the distance separation of the proposed Supper Club is less than the Minimum Special Use Permit Requirement of 400 feet from a City Park, the actual proximity to the protected use is more than 600 feet with several residential structures positioned between the two uses.

- 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 can be accessed by Rampart Boulevard, a 100-foot Primary Arterial, or by Alta Drive, an 80-foot Collector Street, as depicted within the Master Plan for Streets and Highways. Both 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.**

The proposed use will not result in detrimental effects to the human health and public safety as the project must comply with Chapter 6.50 of the Municipal Code, as well as section 268.090 of the Nevada Revised Statutes, which further governs the sale and distribution of alcoholic beverages.

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

The proposed use does not meet all the Minimum Special Use Permit Requirements per Title 19.04 due to the proximity to a City park. A Waiver to allow a 141-foot distance separation from the protected use, where 400 feet is required has been requested.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 10

**ASSEMBLY DISTRICT** 34

**SENATE DISTRICT** 8

**NOTICES MAILED** 729 by City Clerk

**APPROVALS** 8

**PROTESTS** 22