



AGENDA MEMO

CITY COUNCIL MEETING DATE: **OCTOBER 15, 2008**
DEPARTMENT: **PLANNING AND DEVELOPMENT**
ITEM DESCRIPTION: **SUP-29241 - APPLICANT: FIVE SENSES MANAGEMENT
LLC - OWNER: THE HOWARD HUGHES CORP.**

**** 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 19.04.010 for a Supper Club use, including parking requirements.
2. 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.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. 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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Special Use Permit for a proposed Supper Club at 11760 W. Charleston Boulevard. The applicant is proposing a two-level 6,019 square-foot gourmet global cuisine restaurant, with seating for 218.

The proposed location is part of a commercial shopping center (Vista Commons Shopping Center), which adequately supplies the amount of parking required for this site. The addition of a Supper Club within this commercial subdivision is compatible with the existing and future land uses as specified by the SUM (Summerlin) General Plan designation. Therefore, staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/25/05	A request for a Site Development Plan Review (CRG-6661) was approved by the City Referral Group for a proposed 56,000 square-foot grocery store at the northeast corner of Charleston Boulevard and Desert Foothills Drive.
06/20/05	Code Enforcement case #31487 for a vacant lot with large piles of tumbleweeds blowing into the neighboring properties at the northeast corner of Charleston Boulevard and Desert Foothills Drive. The case was resolved on 08/08/05.
07/06/05	The City Council approved a request for a Special Use Permit (SUP-6500) for a proposed Liquor Store adjacent to the northeast corner of Charleston Boulevard and Desert Foothills Drive. The Planning Commission recommended approval.
05/24/06	A Final Map (FMP-6056) was recorded for a one-lot commercial subdivision on 11.21 acres adjacent to the northeast corner of Desert Foothills Drive and Charleston Boulevard.
12/22/06	Code Enforcement case #48779 for construction debris blowing into neighboring properties at 11720 West Charleston Boulevard. The case was resolved on 01/11/07.
01/05/07	Code Enforcement case #49000 for no watering for dust control; trash and debris from employees; construction materials are blowing into neighboring properties; slope of property was altered at 11720 West Charleston Boulevard. The case was resolved on 01/09/07.
08/15/07	The City Council approved a request for an Extension of Time (EOT-22994) of an approved Special Use Permit (SUP-6500) for a proposed Liquor Store at 11720 West Charleston Boulevard.

09/05/07	The City Council approved a request for a Special Use Permit (SUP-22488) for a proposed Beer/Wine/Cooler On-Sale Establishment at 11710 West Charleston Boulevard, Suite #150. The Planning Commission recommended approval.		
11/21/07	The City Council approved a request for a Special Use Permit (SUP-24265) for a proposed Pub, Bar and Lounge at 11770 West Charleston Boulevard, Suite #110. The Planning Commission recommended approval.		
03/19/08	The City Council approved a request for a Special Use Permit (SUP-26267) for a Gaming Establishment, Restricted within an existing Pub, Bar and Lounge at the northeast corner of Charleston Boulevard and Desert Foothills Drive. The Planning Commission recommended approval.		
09/11/08	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #26/ne).		
Related Building Permits/Business Licenses			
09/21/06	A building permit (#6005990) was issued for shell building E at 11760 West Charleston Boulevard. The permit was finalized 12/21/07.		
07/31/08	A building permit (#118784) was issued for a tenant improvement for 11760 West Charleston Boulevard.		
Pre-Application Meeting			
07/24/08	A pre-application meeting was held where the submittal requirements for a Supper Club Special Use Permit were discussed.		
Neighborhood Meeting			
A neighborhood meeting was not required, nor was one held.			
Field Check			
08/06/07	A routine field check was performed by staff. Staff noted a newly constructed shopping center at the northeast corner of Charleston Boulevard and Desert Foothills Drive. The proposed site was vacant and well maintained. Parking appeared to be sufficient for the center.		
Details of Application Request			
Site Area			
Net Acres	6.95		
Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SUM (Summerlin)	P-C (Planned Community) [VC (Village Center) Summerlin Land Use District]
North	Single-Family Residential	SUM (Summerlin)	P-C (Planned Community) [SF3 (Single Family Detached)]
South	Single-Family Residential (Clark County)	Single Family (Clark County)	R-U [(Rural Open Land District) Clark County]

East	Single-Family Residential	SUM (Summerlin)	P-C (Planned Community) [SF3 (Single Family Detached)]
West	Single-Family Residential	SUM (Summerlin)	P-C (Planned Community) [SF3 (Single Family Detached)]

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Summerlin	X		Y
Special Districts/Zones	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
P-C Planned Community District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	102,600 s.f.	1:250	402	9	*462	*22	*Y
SubTotal			402	9	*462	*22	
TOTAL (including handicap)			411		*484		

**The proposed Supper Club will be located within the Vista Commons Shopping Center.*

ANALYSIS

This request is for a Special Use Permit for a proposed Supper Club at 11760 W. Charleston Boulevard. The applicant is proposing a two-level 6,019 square-foot gourmet global cuisine restaurant, with seating for 218. The proposed 5,031 square-foot lower level floor plan includes a circular lounge and bar area surrounded by the dining area. The lower level also includes patio seating for outdoor dining with a koi pond and water feature. The applicant has been advised to consult with the Las Vegas Valley Water District on the regulations for outdoor water features. Also located within this lower level are the kitchen, walk-in cooler, wash area, and restroom facilities. The upper level floor plan includes a storage area, a wine cellar, an office, and an additional walk-in cooler, for a total of 988 square feet. No customer seating is provided for in this upper level. A condition has been added to ensure the construction of the required barrier between the dining area and the lounge/bar area. Required by Title 19.04, this barrier is necessary to prevent minors from entering the lounge and bar area.

The proposed location is part of a commercial shopping center (Vista Commons Shopping Center), which adequately supplies the amount of parking required for this site. This shopping center includes a variety of uses: banking facilities, restaurants, personal services, and a grocery store. The addition of a Supper Club within this commercial subdivision is compatible with the existing and future land uses as specified by the SUM (Summerlin) General Plan designation. Therefore, staff recommends approval.

- **General Plan**

The subject site is currently designated SUM (Summerlin), which is within the Southwest Sector of the Las Vegas Master Plan 2020.

- **Zoning**

The proposed sites P-C (Planned Community) zoning district is in conformance with the Las Vegas Master Plan 2020, and the Supper Club use is permitted in that district with the approval of a Special Use Permit.

The P-C (Planned Community) district allows for commercial, public facilities and office projects to be used as buffers within the planned community. This proposed site is located along a primary thoroughfare (Charleston Boulevard) and is part of a commercial shopping center (Vista Commons) within the master planned community of Summerlin.

- **Summerlin**

The purpose of these standards is to provide minimum requirements for development and uses within the Summerlin Planned Community. Architecture, engineering, and landscaping plans and signage programs will be reviewed by the Summerlin Design Review Committee prior to submittal for City approval.

With regard to any issue pertaining to land use and development that may arise in connection with the Summerlin Development Standards, and that are not addressed or provided for specifically in these standards or a development agreement entered into pursuant to Section 19.06.030 of the City of Las Vegas Zoning Code (Title 19 of the Las Vegas Municipal Code), the applicable regulations and standards contained in the City of Las Vegas Zoning Ordinance will apply.

- **VC (Village Center)**

The Village Center (VC) allows a mix of land uses including multi-family residential uses and commercial, cultural, recreational and meeting facilities that provide most of the daily and weekly support services and activities for a village or combination of villages. A Village Center may include a grocery store, a drugstore and the supporting commercial uses (retail, service and convenience) residents require on a regular basis. Village Centers may also include recreational facilities and businesses and professional offices.

- **Multi-Use Transportation Trail**

Adjacent to the south perimeter of the Vista Commons Shopping Center along Charleston Boulevard exist a multi-use transportation trail. This trail is intended to be used and shared by bicyclists and persons on other non-motorized vehicles and for pedestrians.

- **Use**

A Supper Club is defined by Title 19 as a restaurant and bar operation with alcoholic beverage sales in which:

1. The bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar by minors;
2. The actual seating available at all times within the restaurant area will accommodate at least one hundred twenty-five persons;
3. Alcoholic beverages are served in the restaurant area only in conjunction with the service of food;

4. Full-course meals are available during all hours the bar area is open to the public;
5. A cook and food server, other than a bartender, are available at all times the bar area is open to the public; and
6. The restaurant operation is the principal portion of the business.

- **Conditions**

Title 19.04.010 lists the following conditions for the Supper Club use.

1. No supper club use shall be located within 400-feet of any church, synagogue, school, child care 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 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 nearest property line of a leasehold or occupancy parcel in which the Supper Club will be located, without regard to intervening obstacles.
 - 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 which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

*Any condition with an asterisk cannot be waived.

The proposed use meets the minimum requirements of a Supper Club use, and staff finds that public health, safety, and welfare will not be compromised. Therefore, staff recommends approval.

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.**

The proposed Supper Club is located within a commercial shopping center that includes a variety of uses: banking facilities, restaurants, personal services, and a grocery store. The addition of a Supper Club within this commercial subdivision is compatible with the existing and future land uses as specified by the SUM (Summerlin) General Plan designation.

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

The proposed site is within a commercial shopping center that was designed to accommodate a variety of uses, including a Supper Club use, and conforms to both the General Plan and Title 19 land use designations of the site with the approval of a Special Use Permit.

- 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 proposed Supper Club is located within the Vista Commons Shopping Center that is adequately served by Charleston Boulevard, a 100-foot Primary Arterial and Desert Foothills Drive, an 80-foot Secondary Arterial as defined by the Master Plan Streets and Highways.

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 site is located within the Southwest Sector of the Las Vegas 2020 Master Plan and is designated V-C (Village Commercial) within the Master Planned Community of Summerlin. The site is in the P-C (Planned Community) zoned district, which is in conformance with the SUM (Summerlin) General Plan Designation. The Supper Club use is permitted in that district with the approval of a Special Use Permit and will not compromise the public health, safety, and welfare or overall objectives of the General Plan.

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

The proposed Supper Club use meets all of the applicable conditions per Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 1114 by City Clerk

APPROVALS 3

PROTESTS 4