

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: MARCH 26, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-33191 APPLICANT: BIG MAMAS****COOKING OR KITCHEN, INC. - OWNER: BUD HOLDINGS, LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL**, subject to:**Planning and Development**

1. Conformance to the conditions for Special Use Permit (SUP-33189), 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 development shall be in conformance with the site plan and floor plans, date stamped 01/28/09, and the landscape plan and building elevations, date stamped 02/09/09, except as amended by conditions herein.
4. The trash enclosure shall be gated and roofed to meet the minimum requirements of Title 19.08, and shall be placed in a location at least 50 feet from residentially zoned property, as required by the Residential Adjacency standards.
5. Permits and a final inspection shall be required for all signage located on the subject site.
6. The applicant shall work with city staff to determine the most appropriate mapping action necessary to consolidate the three existing parcels. The mapping action shall be completed and recorded prior to the adoption of the zoning ordinance.
7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

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9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Submit a Petition of Vacation to vacate existing rightofway beyond back of sidewalk along the eastern edge of Dike Lane adjacent to this site and extending northward to Van Busch Way; such vacation application shall be acted upon by the City Council prior to the issuance of any permits for this site. Alternatively, submit an encroachment agreement for all landscaping and private improvements within the public rightofway adjacent to this site.
16. Coordinate with the City Surveyor to determine the appropriate mapping method for this site prior to the issuance of any permits; comply with the recommendations of the City Surveyor.
17. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.

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18. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
19. All landscaping and private improvements installed with this project shall be situated and maintained so as not to create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
20. As appropriate, submit an Encroachment Agreement to the City of Las Vegas and/or obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Bonanza Road public rightofway adjacent to this site.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for on-site alterations for an existing 4,091 square-foot restaurant at 2230 West Bonanza Road. An Exception to allow zero parking lot landscape islands and trees is requested for the existing parking lot. An associated request has been submitted for a Special Use Permit (SUP-33189) for a Supper Club in conjunction with the existing restaurant. The proposed changes to the site are minor in nature, will aid in site circulation, add landscaping and generally improve the aesthetic appearance of the site; therefore, staff is recommending approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/28/97	The City Council approved a request for a Rezoning (Z-0046-97) on property located at 706 Dike Lane, from R-1 (Single Family Residential) to R-2 (Medium-Low Density Residential). The Planning Commission and staff recommended approval.
07/06/99	The Board of Zoning Adjustment approved a request for a Variance (V-0051-99) on property located at 2230 West Bonanza Road to allow an existing 90-foot high freestanding ground sign where 40 feet is the maximum height allowed in conjunction with an existing restaurant.
10/05/05	The City Council approved a petition of Vacation (VAC-7679) to vacate the east five feet of a portion of Dike Lane north of Bonanza Road. The Planning Commission and Staff recommended denial.
10/05/05	The City Council approved the following cases: A General Plan Amendment (GPA-6273) to amend the land-use designation on a portion of the subject property from ML (Medium Low Density Residential) to SC (Service Commercial); a Rezoning (ZON-6510) from R-1 (Single Family Residential) and R-1 (Single Family Residential) under Resolution of Intent to R-2 (Medium-Low Density Residential) to C-1 (Limited Commercial); a Variance (VAR-6506) from the step-back requirements listed in Title 19.08.030(C); a Variance (VAR-7665) to allow a reduction in the number of parking spaces provided; a Special Use Permit (SUP-6504) for a proposed Mixed-Use Development; a Special Use Permit (SUP-8067) to allow a 350-foot tall building where 140 feet is the maximum height allowed in the Airport Overlay Zone; and a Site Development Plan Review (SDR-6507) for a proposed mixed-use development including: a 38-story tower containing 311 residential units, a 32-story tower containing 160 residential units and 40,000 square feet of commercial space adjacent to an approved Vacation (VAC-7679) located at the northeast corner of Bonanza Road and Dike Lane. Staff and the Planning Commission had recommended denial.

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03/23/06	The City Council approved a Site Development Plan Review (SDR-11707) for a proposed 12-story Mixed-Use development consisting of 300 residential units and 10,000 square feet of commercial space, with Waivers to allow a reduction of perimeter landscape requirements, and to allow a 2.3-foot Residential Adjacency setback where 540 feet is the minimum setback required, a Variance (VAR-11712) to allow 400 parking spaces where 493 are required, and a Variance (VAR-11714) to allow a 6.8-foot rear-yard setback where 20 feet is the minimum setback required, to allow a 2.3-foot side-yard setback where ten feet is the minimum setback required, to allow a five-foot corner-yard setback where 15 feet is the minimum setback allowed, to allow a maximum lot coverage of 83.6 percent where 50 percent is the maximum lot coverage allowed, and to allow a reduction of building step-back requirements adjacent to an approved Vacation (VAC-7679) located at the northeast corner of Bonanza Road and Dike Lane. Planning Commission recommended approval and staff recommended denial.
05/17/06	The City Council approved a General Plan Amendment (GPA-9219) to amend the future land use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. Planning Commission recommended approval.
12/07/06	The Planning and Development Department administratively approved a request for an Extension of Time (EOT-17438) of an approved Petition to Vacate (VAC-7679) the east five feet of a portion of Dike Lane, north of Bonanza Road.
10/17/07	The City Council approved requests for Extensions of Time (EOT-24417, EOT-24419, EOT-24420 and EOT-24422, respectively) for an approved Rezoning (ZON-6510) from R-1 (Single Family Residential), and R-1 (Single Family Residential) under resolution of intent to R-2 (Medium-Low Density Residential) to C-1 (Limited Commercial); a Site Development Plan Review (SDR-11707) for a proposed 12-story mixed-use development consisting of 300 residential units and 10,000 square feet of commercial space, with Waivers to allow a reduction of perimeter landscape requirements, and to allow a ten-foot residential adjacency setback where 540 feet is the minimum setback required; an approved Variance (VAR-11712) to allow 400 parking spaces where 493 parking spaces is the minimum number of parking spaces required for a proposed mixed-use development; and an approved Variance (VAR-11714) to allow a 6.8-foot rear-yard setback where 20 feet is the minimum setback required, to allow a 2.3-foot side-yard setback where ten feet is the minimum setback required, to allow a five-foot corner-yard setback where 15 feet is the minimum setback allowed, to allow a maximum lot coverage of 83.6 percent where 50 percent is the maximum lot coverage allowed, and to allow a reduction of building step-back requirements for a proposed mixed-use development on 1.88 acres at 2228 and 2230 West Bonanza Road, and 704, 706, 708, and 710 Dike Lane. Staff recommended approval for all requests.

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10/25/07	The Planning and Development Department administratively approved an Extension of Time (EOT-24421) for an approved Petition to Vacate (VAC-7679) the east five feet of a portion of Dike Lane, north of Bonanza Road. The Vacation expired on 10/05/08 as no additional Extension of Time was requested.
02/05/08	A Code Enforcement complaint was processed for trash and debris at 2230 W. Bonanza Road. The complaint was resolved on 02/15/08.
06/04/08	The City Council approved requests for Extensions of Time (EOT-27831, EOT-27832 and EOT-27833, respectively) for an approved Site Development Plan Review (SDR-11707) for a proposed 12-story mixed-use development consisting of 300 residential units and 10,000 square feet of commercial space, with Waivers to allow a reduction of perimeter landscape requirements, and to allow a ten-foot residential adjacency setback where 540 feet is the minimum setback required; an approved Variance (VAR-11712) to allow 400 parking spaces where 493 parking spaces is the minimum number of parking spaces required for a proposed mixed-use development; and an approved Variance (VAR-11714) to allow a 6.8-foot rear-yard setback where 20 feet is the minimum setback required, to allow a 2.3-foot side-yard setback where ten feet is the minimum setback required, to allow a five-foot corner-yard setback where 15 feet is the minimum setback allowed, to allow a maximum lot coverage of 83.6 percent where 50 percent is the maximum lot coverage allowed, and to allow a reduction of building step-back requirements for a proposed mixed-use development on 1.88 acres at 2228 and 2230 West Bonanza Road, and 704, 706, 708, and 710 Dike Lane. Staff recommended approval for all requests.
03/12/09	The Planning Commission held in abeyance requests for a Special Use Permit (SUP-33189) for a Supper Club in conjunction with an existing 4,091 square-foot restaurant and a Site Development Plan Review (SDR-33191) for on-site alterations at 2230 West Bonanza Road.

<i>Related Building Permits/Business Licenses</i>	
c. 1967	Original construction for the existing structure at 2230 W. Bonanza Road.
05/21/98	A building permit (#98010772) was issued for a non-work certificate of occupancy for a restaurant at 2230 W. Bonanza Road. The permit expired on 03/25/00.
07/09/98	A building permit (#98014137) was issued for demolition at a restaurant at 2230 W. Bonanza Road. The permit expired on 03/25/00.
12/11/98	A building permit (#98024166) was issued for an interior remodel for a restaurant at 2230 W. Bonanza Road. The permit was finaled on 10/20/99.
12/29/98	Building permits (#98025183 and 4) were issued for interior remodels for a restaurant at 2230 W. Bonanza Road. The permits expired on 03/25/00.
03/22/99	A building permit (#99005583) was issued for an interior remodel for a restaurant at 2230 W. Bonanza Road. The permit was finaled on 10/20/99.

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07/20/99	A building permit (#99014171) was issued for a pole sign (tag #3865) for a restaurant at 2230 W. Bonanza Road. The permit was finalized on 10/20/99.
03/27/02	A business license (R09-00934) was issued for a restaurant at 2230 W. Bonanza Road. The license was expired on 01/15/09.

Pre-Application Meeting

01/13/09	A pre-application meeting was held to discuss the requirements for a Special Use Permit for a Supper Club. Also discussed were issues related to preserving existing entitlements for a mixed-use project at the subject site.
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Neighborhood Meeting

A neighborhood meeting was neither required nor held for this application request.

Field Check

02/05/09	A field check was conducted by staff. The site is an existing restaurant with parking lot. There was some trash and debris, unpermitted signage attached to the patio structure, sign pole, and in the landscape buffers along Bonanza Road, and a catering trailer with flat tires at the site.
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Details of Application Request

Site Area

Gross Acres	1.12 Acres
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Restaurant	SC (Service Commercial) and MXU (Mixed Use)	C-1 (Limited Commercial)
North	Single-Family Residences	MXU (Mixed Use)	R-1 (Single Family Residential) Under Resolution of Intent to C-1 (Limited Commercial)
	Apartments	ML (Medium Low Density Residential)	R-PD16) Residential Planned Development 16 Units per Acre)
South	Shopping Center	LI/R (Light Industry / Research)	C-2 (General Commercial)
	Condominiums	MXU (Mixed Use)	R-PD46) Residential Planned Development 46 Units per Acre)
East	Commercial	MXU (Mixed Use)	C-1 (Limited Commercial)
West	Las Vegas Indian Center	SC (Service Commercial)	C-V (Civic)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
West Las Vegas Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (140 Feet)	X		Y
Trails	X		Y*
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

**A Pedestrian Path is required along the north side of Bonanza Road, and consists of the existing five-foot sidewalk and five feet of the required landscape buffer. This proposal will add landscaping along the sidewalk in front of the existing patio, and will complete the Pedestrian Path for the segment fronting the subject site.*

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	46,019 SF	Y
Min. Lot Width	100 Feet	230 Feet	Y
Min. Setbacks Principle Structure			
• Front	20 Feet	23 Feet	Y
• Side	10 Feet	129 Feet	Y
• Corner	15 Feet	45 Feet	Y
• Rear	20 Feet	72 Feet	Y
Max. Lot Coverage	50%	8.4%	Y
Max. Building Height	N/A	16.5 Feet	Y
Min. Setbacks Accessory Structures			
• Front	20 Feet	151 Feet	Y
• Side	8 Feet	145 Feet	Y
• Corner	15 Feet	65 Feet	Y
• Rear	8 Feet	44 Feet	Y
Trash Enclosure	Roofed, Gated	Not Indicated	N*
Mech. Equipment	Screened	Not Indicated	N**

**A condition has been added to require that the proposed trash enclosure meet the minimum requirements of Title 19.08.*

***A condition has been added to require that any proposed mechanical equipment must comply with the minimum requirements of Title 19.08.*

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<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	20 Feet	72 Feet	Y
Adjacent development matching setback	5 Feet	72 Feet	Y
Trash Enclosure	50 Feet	44 Feet	N*

**A condition has been added to relocate the proposed trash enclosure to meet the minimum Residential Adjacency requirements of Title 19.08.060.*

Pursuant to Title 19.12, the following standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree / 6 Spaces	10 Trees	Zero Trees	N*
Buffer:				
Min. Trees	1 Tree / 20 Linear Feet	6 Trees	6 trees	Y**
TOTAL		16 Trees	6 Trees	N*
Min. Zone Width				
• North	8 Feet		Zero Feet	N**
• South	15 Feet		6 Feet	N**
• East	8 Feet		Zero Feet	N**
• West	15 Feet		Zero Feet	N**
Wall Height	6 to 8 Feet		Existing	Y

**There are no existing parking lot trees / landscape islands, nor are any proposed. An Exception to Title 19.10 Parking Lot Landscape Island and Planting standards has been requested.*

***The perimeter landscape buffers are existing. The proposed reduction of the patio area will result in additional perimeter buffer area, which will require two 24-inch box trees and four 5-gallon shrubs.*

Pursuant to Title 19.04, 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	
Restaurant	2,394 SF Public Waiting / Seating, plus 1,984 SF Remaining GFA	1 / 50 SF of public waiting/ seating area, plus 1 / 200 SF for the remain- ing GFA	56	3	57	3	Y

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TOTAL			59	60	Y
Loading Spaces	4,091 SF	1 / Less Than 10,000 SF	1	1	Y

Exceptions		
Request	Requirement	Staff Recommendation
To allow zero landscape islands and trees.	10 Landscape islands and trees.	Approval

ANALYSIS

This is a request for a Site Development Plan Review for on-site alterations for an existing 4,091 square-foot restaurant at 2230 West Bonanza Road. An Exception to allow zero parking lot landscape islands and trees is requested for the existing parking lot. An associated request has been submitted for a Special Use Permit (SUP-33189) for a Supper Club in conjunction with the existing restaurant. The proposed changes to the site are minor in nature, will aid in site circulation, add landscaping and generally improve the aesthetic appearance of the site; therefore, staff is recommending approval of this request.

- Existing Entitlements**

There are existing entitlements that are associated with subject site for a mixed-use development. The applicant has submitted this application to make interim improvements to the subject site that are needed to better utilize the existing facility while the necessary financing is sought for the proposed mixed-use development. If approved, this application will not impact the existing entitlements, which shall remain in effect until exercised or allowed to expire.

- Zoning**

The subject site is located within the Southeast Sector Plan of the General Plan with land use designations of MXU (Mixed Use) and SC (Service Commercial). The MXU (Mixed Use) category allows for a mix of uses that are normally allowed within the L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), and GC (General Commercial) General Plan land use categories. The SC (Service Commercial) category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate.

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The subject site is currently zoned C-1 (Limited Commercial), which is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) district is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

- **Site Plan**

Minor changes are proposed for the existing site, and include restriping of the parking lot to add three handicap parking spaces that comply with the current Title 19.10 standards, the relocation of the trash enclosure, the addition of an accessory structure, and the reduction of the patio area. The proposed accessory structure is located 18 feet to the north of the restaurant, across the drive-through aisle. The proposed location of the trash enclosure will not meet the minimum 50-foot separation from residentially zoned property as required by Title 19.08.060 Residential Adjacency Standards; a condition has been added to require that the enclosure be placed in an appropriate location.

- **Landscape Plan**

Although perimeter landscape buffer areas are existing and will not be increased in size (with the exception of the area created by reducing the patio area), the landscape plan indicates that all existing landscaping will be removed and replaced with 24-inch box size Shoestring Acacia trees and five-gallon shrubs to include Sago Palms, Regal Mist Fountain Grass and Creeping Jasmine. Additional landscaping consisting of the listed shrubs will also be added to areas around the perimeters of the existing restaurant building. The proposed landscaping materials will meet the minimum requirements of Title 19.12.

An Exception to Title 19.10 Parking Lot Landscape Island and Planting standards has been requested to allow zero landscape islands and trees where 10 are required. Staff can support the request as the parking lot is existing and the addition of the required islands and trees would result in a parking deficiency for the site.

- **Elevations**

Elevations indicate that no changes will be made to the existing building itself, but a 14-6 architectural wall will be constructed within the buildable area of the site to wrap around the front and both sides of the structure, creating a more aesthetically pleasing street façade. Indicated on the architectural wall are areas for additional signage. Signs are permitted separately from other structures and must meet the size and coverage restrictions of Title 19.14. A condition has been added to require that all signage located on the site have the appropriate permits and inspections. No elevations were submitted for the accessory structure; however, the structure will require permitting, and it will have to meet the minimum development standards of Title 19.08, including the requirement to be

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architecturally compatible in color and materials with the primary structure. The structure over the existing patio will be removed, and the patio will be reduced in size to create a landscape area. A stone veneer is indicated on the new patio wall, which is depicted at three feet in height. As it is located within the front yard setback area, it must meet the requirements of Title 19.12.075, which limits walls in the front yard area to no more than five feet in height, with the top three feet open to permit visibility. As walls are permitted separately from other structures, the applicant may choose to revise the design of the wall to pilasters with wrought iron inserts, or pursue a request for a Variance to allow the additional solid wall height prior to obtaining the appropriate building permits.

- **Floor Plan**

The floor plan depicts an existing 4,091 square-foot structure that will be remodeled to include: an 884 square-foot bar area at the rear, with seating for 46; two restrooms; a 1,197 square-foot kitchen/service/order and pick-up area; storage; a 1,203 square-foot main dining room with seating for 126; and a patio area with seating for 14 at the front of the building.

FINDINGS

The following findings must be made for an SDR:

1. **The proposed development is compatible with adjacent development and development in the area;**

The existing restaurant is compatible with the adjacent development and development in the area. The proposed on-site alterations will improve the utility and visual aesthetics of the site.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is consistent with the General Plan, Title 19 and the West Las Vegas Plan.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Site access is existing, with two driveways onto Bonanza Road, designated as a 100-foot Primary Arterial, and Dike Lane, designated a Local street by the Master Plan of Streets and Highways. The proposed on-site alterations will aid on-site circulation.

4. **Building and landscape materials are appropriate for the area and for the City;**

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The building and landscape materials are appropriate for the area and the city, and meet the minimum requirements of Title 19.

- 5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The existing building façade will not be altered; however, the addition of the architectural wall in front of the building will improve the visual aesthetics of the building.

- 6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 371

APPROVALS 4

PROTESTS 0