



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 18, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-32801 - APPLICANT: KHJ RESTAURANT
MANAGEMENT, INC. - OWNER: KHJ PROPERTY HOLDINGS, LLC

**** 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 Supper Club use, including parking requirements.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SV-0001-01) and Master Sign Plan (SV-0020-01) shall be required.
3. 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.
4. A revised floor plan and section/elevation drawings shall be submitted to and approved by the Planning and Development Department depicting a barrier sufficient to prevent access to the bar area by minors. The barrier shall be constructed between the bar and restaurant areas prior to issuance of any business license for the site.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. 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 6,725 square-foot Supper Club at 2025 Village Center Circle. The subject site is an existing Restaurant with Service Bar, and is located within an existing shopping center capable of accommodating a variety of uses. The addition of a Supper Club within this center is compatible with the existing and future land uses. Therefore, staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/03/87	The City Council, as part of a larger request, approved a Rezoning (Z-0044-87) to P-C (Planned Community) for property located on Village Center Circle between Trails Center Drive and Library Hills Drive.
02/07/01	The City Referral Group approved a Site Development Plan Review (SV-0001-01) for Phase 1 of the Plaza Commerce Center located on Village Center Circle between Trails Center Drive and Library Hills Drive.
10/31/01	The City Referral Group approved a Master Sign Plan (SV-0020-01) for the Hills Center Business Park, located at 1925 - 2095 Village Center Circle between Trails Center Drive and Library Hills Drive.
01/19/93	The City Referral Group approved a Site Development Plan Review (SV-0012-92) for the Summerlin Office Buildings, located at Village Center Circle between Town Center Drive and Golf Center Drive in Summerlin Village One.
05/02/01	The City Council approved a Special Use Permit (U-0027-01) for a proposed supper club at the southeast corner of the intersection of Village Center Circle and Trailwood Drive. Planning Commission recommended approval.
11/21/07	The City Council approved a Special Use Permit (SUP-24493) for a proposed restaurant with a service bar at 2025 Village Center Circle. Planning Commission and staff recommended approval.
02/12/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #34/sg).
<i>Related Building Permits/Business Licenses</i>	
06/20/01	A building permit (#1011201) was issued for a restaurant at 2025 Village Center Circle. The permit was finaled on 04/06/02.
09/23/02	A business license (#L21-00028) was issued for a supper club at 2025 Village Center Circle. The license was marked inactive on 12/15/06.
06/06/07	A demolition permit (#7001858) was issued for a restaurant at 2025 Village Center Circle. The permit expired on 05/24/08.
11/05/07	A building permit (#95685) was issued for a restaurant at 2025 Village Center Circle. The permit was finaled on 11/05/07.

08/20/08	A business license (#R09-01466) was issued for a restaurant at 2025 Village Center Circle. The license is still active.
09/02/08	A business license (#L19-00011) was issued for a restaurant with service bar at 2025 Village Center Circle. The license is still active.
<i>Pre-Application Meeting</i>	
12/11/08	A pre-application meeting was held to discuss the requirements for a Special Use Permit for a Supper Club, including requirements for seating and separation of bar and restaurant areas.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was neither required nor held for this application.	
<i>Field Check</i>	
01/08/09	A field check was conducted by staff. The site contains an existing Restaurant with a Service Bar. There is currently no separation of the bar area from the restaurant area.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.44 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Restaurant with Service Bar	SC (Service Commercial)	P-C (Planned Community) [VC (Village Commercial) Summerlin Special Land Use Designation]
North	Bank	SC (Service Commercial)	P-C (Planned Community) [VC (Village Commercial) Summerlin Special Land Use Designation]
South	Offices	SC (Service Commercial)	P-C (Planned Community) [VC (Village Commercial) Summerlin Special Land Use Designation]
East	Offices	SC (Service Commercial)	P-C (Planned Community) [VC (Village Commercial) Summerlin Special Land Use Designation]

West	Convenience Store and Auto Repair Garage	SC (Service Commercial)	P-C (Planned Community) [VC (Village Commercial) Summerlin Special Land Use Designation]
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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Summerlin	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
P-C Planned Community District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

The setbacks, building heights and general development criteria for non-residential development will be determined during the Site Plan Review Process. The City Referral Group will evaluate each proposal to determine if the proposed development conforms to the intent of the PC zoning district and properly provides for the protection of surrounding properties. There are no new structures associated with this request for a Special Use Permit; all development standards for this site were approved as part of a previous Site Development Plan Review (SV-0001-01).

Pursuant to the Summerlin Development Standards, 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	
Office	81,840 SF	1:300	270		425	26	Y
Restaurant	6,700 SF	1:50 SF public seating/ waiting, plus 1:200 SF remaining GFA	79				
SubTotal			341	8	425	26	Y

TOTAL			349	451	Y
Landing Spaces	6,700SF	Less than 10,000 SF	1	1	Y

ANALYSIS

This is a request for a Special Use Permit for a proposed 6,725 square-foot Supper Club at 2025 Village Center Circle. The subject site is an existing Restaurant with Service Bar, and is located within an existing shopping center capable of accommodating a variety of uses. A previous Special Use Permit (U-0027-01) for a Supper Club was approved at the site, but has since expired as the business license was marked inactive in 2006. The addition of a Supper Club within this center is compatible with the existing and future land uses. Therefore, staff recommends approval.

- **Zoning**

The subject site has an existing General Plan designation of SC (Service Commercial), which is intended to allow 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.

The subject site is located within the Summerlin Master Plan area, is currently zoned P-C (Planned Community), and has a Special Land Use designation of VC (Village Commercial). The VC (Village Commercial) designation 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 business and professional offices. Within the VC (Village Commercial) land use designation, Pubs, Bars and Lounges, including a Supper Club, are permitted with the approval of a Special Use Permit, per the Summerlin Development Standards.

- **Use**

Per the Summerlin Development Standards, with regard to any issue pertaining to land use and development that may arise in connection with these 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. 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.

The floor plan for the proposed Supper Club indicates the use of a fabric curtain to provide separation between the restaurant and bar areas, but staff has determined that this is not sufficient to meet the requirement. The applicant has since proposed a pony wall, approximately six feet in height, to provide the required separation. A condition has been added to require submittal of a new floor plan and section/elevation drawings as needed for approval by the Planning and Development Department, with the installation of the wall to occur prior to issuance of any business license for the use. There are approximately 200 seats available in the restaurant area. The City of Las Vegas Business Services - Licensing will do annual inspections to ensure compliance with the remaining conditions, three through six.

- **Minimum Special Use Requirements**

Title 19.04.010 lists the following Minimum Special Use Requirements 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 marked 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.

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 shopping center that can accommodate a variety of uses. The addition of a Supper Club within this commercial subdivision is compatible with the existing and future land uses as specified by the SC (Service Commercial) General Plan designation.

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

The proposed site is located within a shopping center that was designed to accommodate a variety of uses, including a Supper Club use, and conforms to both the General Plan and Summerlin Development Standards, 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 subject site has shared access to existing driveways onto Village Center Circle, a 100-foot Primary Arterial, and Library Hills Drive, a Local Street, as designated by the Master Plan of Streets and Highways. Library Hills Drive provides direct access to Village Center Circle. These facilities are adequate for 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 site will be subject to permitting, annual inspections and licensing by the City of Las Vegas, and will not compromise the public health, safety, and welfare, or the overall objectives of the General Plan.

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

The use meets all applicable conditions of Title 19.04, with the added condition to ensure the separation of the restaurant and bar areas.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

6

ASSEMBLY DISTRICT

4

SENATE DISTRICT

6

NOTICES MAILED

132 by City Clerk

APPROVALS

6

PROTESTS

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