



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 6, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-33189 - APPLICANT: BIG MAMAS COOKING OR KITCHEN, INC. - OWNER: BUD HOLDINGS, LLC

**** CONDITIONS ****

The Planning Commission (6-0 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. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-33191) shall be required.
3. This approval shall be void **two years** 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. 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 Supper Club in conjunction with an existing 4,091 square-foot restaurant at 2230 West Bonanza Road. An associated request has been submitted for a Site Development Plan Review (SDR-33191) for on-site alterations. The proposed use is compatible with the surrounding adjacent uses, is allowed in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit and is consistent with the SC (Service Commercial) General Plan designation; 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 request for an approved 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 the approved vacation. Staff and the Planning Commission had recommended denial.

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 the approved vacation. Planning Commission recommended approval and staff recommended denial.
05/17/06	The City Council approved a request (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 (VAC-7679) to Vacate 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.

10/25/07	The Planning and Development Department administratively approved an Extension of Time (EOT-24421) for an approved Petition (VAC-7679) to Vacate 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.
03/26/09	The Planning Commission recommended approval of companion item SDR-33191 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #15/sg).

<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.

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)

<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 19.04, 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 per 50 SF of public waiting/ seating area, plus 1 per 200 SF for the remain- ing GFA	56	3	57	3	Y
TOTAL			59		60		Y
Loading Spaces	4,091 SF	1 / Less Than 10,000 SF	1		1		Y

ANALYSIS

This is a request for a Special Use Permit for a Supper Club in conjunction with an existing 4,091 square-foot restaurant at 2230 West Bonanza Road. An associated request has been submitted for a Site Development Plan Review (SDR-33191) for on-site alterations. The proposed use is compatible with the surrounding adjacent uses, is allowed in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit and is consistent with the SC (Service Commercial) General Plan designation; therefore, staff is recommending approval of this request.

- **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.

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.

- **Use**

A Supper Club is defined by Title 19.04 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.

- **Minimum Special Use Permit 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 the 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 can be conducted in a manner that is compatible and harmonious with the existing surrounding land uses, and with future surrounding land uses. The proposed Supper Club will be operated in conjunction with an existing restaurant, and will have minimal, if any, impact on the adjacent properties.

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

The subject site is physically suitable for the proposed Supper Club use as it will be operated in conjunction with an existing restaurant with adequate parking and access.

- 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.**

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 use will not increase the intensity of the existing use, and therefore, the roadways are adequate in size.

- 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 proposed use meets all applicable conditions of Title 19.04.

PLANNING COMMISSION ACTION

The Planning Commission amended condition #3 as shown to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 361 by City Clerk

APPROVALS 4

PROTESTS 0