



AGENDA MEMO

CITY COUNCIL MEETING OF: FEBRUARY 17, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-36823 - APPLICANT/OWNER: SHREE GANESHA, INC.

**** CONDITIONS ****

The Planning Commission and staff (6-0-1/rt vote) recommend APPROVAL, subject to conditions:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Supper Club use.
2. The previously approved Special Use Permit (SUP-29017) shall be expunged, if approved.
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. 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. 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.
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 4,194 square-foot Supper Club at 4450 North Tenaya Drive, Suites 115, 120, and 125. The subject site is located within an existing 77,465 square-foot Shopping Center. The shopping center is capable of accommodating a variety of uses, and the addition of a Supper Club within this center is compatible with the existing and future land uses. Therefore, staff recommends approval. If this application is denied, a supper club use will not be allowed at the subject site.

Issues

- On 01/07/09, the applicant received approval from City Council for a Special Use Permit (SUP-29017) for a 3,312 square-foot Supper Club at 4450 North Tenaya Way, Suites 130 and 135. However, the Supper Club use is actually proposed for suites 115, 120, and 125. The applicant is required to apply for a new Special Use Permit, as the size of the correct suite numbers are 10% larger than the incorrect suite numbers in the previous approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
02/15/93	The City Council approved a request for a Zoning Reclassification (Z-0105-93) of property (22 acres) generally located at the northwest corner of Craig Road and Tenaya Way from N-U (Non-Urban) to C-2 (General Commercial) zone for a proposed retail shopping center. [Application was amended to C-1 (Limited Commercial) by condition]. The Planning Commission and staff recommended approval.
07/14/94	The Planning Commission approved (final action) a request for a Plot Plan and Building Elevation Review [Z-0105-93(1)] for a proposed 146,600 square-foot retail shopping center on the northeast corner of Craig Road and Tenaya Way. Staff recommended approval.
10/02/96	The City Council approved a request for a Reinstatement and Extension of Time [Z-0105-93(2)] on property located on the northeast corner of Craig Road and Tenaya Way for an approved 146,600 square-foot commercial center. The Planning Commission and staff recommended approval.

05/11/98	The City Council approved a request for a Special Use Permit (U-0136-97) for a car wash and the off-premise sale of alcohol in conjunction with a proposed convenience store and a request for a Site Development Plan Review [Z-0105-93(3)] for a proposed 84,279 square-foot commercial shopping center on the northeast corner of Craig Road and Tenaya Way. The Planning Commission and staff recommended approval.
10/08/98	The Planning Commission approved (final action) a request for a Site Development Plan Review [Z-0105-93(4)] for a proposed 2,862 square-foot restaurant on the northeast corner of Tenaya Way and Craig Road. Staff recommended approval.
05/24/99	The City Council approved a request for a Required One-Year Review [Z-0105-93(5)] for a Site Development Plan Review for a proposed 84,279 square-foot commercial shopping center on the northeast corner of Tenaya Way and Craig Road. Staff recommended approval.
09/09/99	The Planning Commission approved (final action) a request for a Site Development Plan Review [Z-0105-93(6)] for a proposed 26,378 square-foot retail center on the northeast corner of Craig Road and Tenaya Way. Staff recommended approval.
08/16/00	The City Council approved a request for an Extension of Time [U-0136-97(1)] for a Special Use Permit for the off-premise sale of beer and wine in conjunction with a proposed convenience store and a request for a Site Development Plan Review [Z-0105-93(7)] for a proposed 3,200 square-foot convenience store on the northeast corner of Craig Road and Tenaya Way. The Planning Commission and staff recommended approval.
12/21/00	The Planning Commission approved (final action) a request for a Site Development Plan Review [Z-0105-93(8)] for a proposed 13,903 square-foot drug store on the northeast corner of the intersection of Craig Road and Tenaya Way. Staff recommended approval.
02/15/06	The City Council approved a request for a Site Development Plan Review (SDR-10259) for a 53,531 square-foot commercial development and a Waiver of the parking lot landscape requirements on 3.67 acres adjacent to the northwest corner of Craig Road and Interstate 95. The Planning Commission and staff recommended approval.
01/07/09	The City Council approved a request for a Special Use Permit (SUP-29017) for a 3,312 square-foot Supper Club at 4450 North Tenaya Way, Suites 130 and 135. The Planning Commission and staff recommended approval.
01/14/10	The Planning Commission voted 6-0-1/rt to recommend APPROVAL (PC Agenda Item #16/gk).

<i>Related Building Permits/Business Licenses</i>	
10/01/07	A building permit (#07002797) was issued for onsite improvements/hardscape at 4450 North Tenaya Way. The permit expired on 03/29/08.
10/01/07	A building permit (#07002796) was issued for an office/retail shell building #1 at 4450 North Tenaya Way. The building was completed on 03/06/09.
10/01/07	A building permit (#07002795) was issued for an office/retail shell building #2 at 4450 North Tenaya Way. The building was completed on 03/06/09.
10/01/07	A building permit (#07002798) was issued for two (2) trash enclosures at 4450 North Tenaya Way. The permit was completed on 10/24/08.
01/22/08	A building permit (#106359) was issued for a masonry wall – rear only at 4450 North Tenaya Way. The permit was completed on 05/08/08.
06/16/09	A business license (R07-00875) was issued for a restaurant use at 4450 North Rancho Drive, Suite 155. The license is still active.
09/03/09	A business license (B05-03144) was issued for a Nail Salon at 4450 North Rancho Drive, Suite 130. The license is still active.
<i>Pre-Application Meeting</i>	
11/25/09	The Planning & Development Department met with the applicant and reviewed the requirements for a Special Use Permit application.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
12/08/09	Staff conducted a field check and noted a well maintained, vacant suite within a shopping center.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.42

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Vacant	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Vacant	SC (Service Commercial)	C-1 (Limited Commercial)

West	Vacant Lot	L (Low Density Residential)	R-E (Residence Estates)
	Pet Cemetery	DR (Desert Rural) Clark County	R-E (Rural Estates) Clark County

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Centennial Hills Sector Plan	X		Y
Northwest Open Space 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 – 175 Feet	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		Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, 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	
Shopping Center	77,465 SF	1:250	302	8	553	12	Y
SubTotal			302	8	553	12	
TOTAL			310		565		
Loading Spaces	77,465 SF	3			4		Y

ANALYSIS

On 01/07/09, the applicant received approval from City Council for a Special Use Permit (SUP-29017) for a 3,312 square-foot Supper Club at 4450 North Tenaya Way, Suites 130 and 135. However, the Supper Club use is actually proposed for suites 115, 120, and 125. The applicant is required to apply for a new Special Use Permit, as the size of the correct suite numbers is 10% larger than the previous approval.

The applicant is proposing a 4,194 square-foot Supper Club located within an existing 77,465 square-foot shopping center. The proposed use is consistent with the conditions of approval for a Supper Club use as conditioned. Also, the proposed use is consistent with the adjacent uses within the shopping center.

The proposed floor plan depicts a dining room capable of seating 158 guests, with a 2,802 square-foot interior dining room with seating available for 136 guests and a 488 square-foot interior bar area available for 22 guests. The floor plan is in compliance with Title 19, which requires the site to have a minimum capacity of 125 seats. The indoor bar area is separated from the indoor dining room by a glass wall, which meets the Title 19 requirement that the bar area be separated from the restaurant area by a barrier sufficient enough to prevent access to the bar by minors. The addition of the Supper Club will be compatible with similar uses as conditioned; therefore, staff recommends approval of this request.

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 including retail sales, medical and professional offices, personal services, and restaurants. The addition of a Supper Club within this shopping center 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 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 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 a shopping center that is adequately served by Craig Road, a 100-foot Primary Arterial, and Tenaya Way, a 60-foot Collector Street, as designated 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 Special Use Permit will not be inconsistent with or comprise the public health, safety or welfare as a Supper Club is subject to licensing and inspections by the City of Las Vegas. The proposed use is consistent with the existing SC (Service Commercial) General Plan designation.

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

The site meets all applicable conditions per Title 19.04 for a Supper Club. The use conforms to Title 19 as conditioned.

PC ACTION

The applicant agreed to all conditions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

778 by City Clerk

<u>APPROVALS</u>	6
<u>PROTESTS</u>	13