

**AGENDA MEMO****CITY COUNCIL MEETING DATE: APRIL 21, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: APPLICANT: LOVETT COMPANIES - OWNER: SPANISH VILLAS AT SAHARA, LLC**

**** CONDITIONS ****

The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends 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. 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. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit to allow a Supper Club use within an existing 17,425 square-foot building located at 3190 West Sahara Avenue. The Supper Club use meets the minimum requirements of Title 19.04. The building was previously utilized as a nonconforming Liquor Establishment (Tavern), but the business license became inactive as of June 30, 2008, and the nonconforming status subsequently expired. The proposed Supper Club use meets all Title 19.04 Minimum Special Use Permit Requirements and can be conducted in a manner that is compatible with the surrounding uses; therefore, staff recommends approval. If denied, a Supper Club use cannot be conducted on this site without approval of another Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
09/26/73	The Board of City Commissioners approved a Rezoning (Z-0066-73) application for the reclassification of property generally located between Oakey Boulevard on the north, Sahara Avenue on the south, South Valley View Boulevard on the west, and Richfield Boulevard on the east, south of Westwood Village Tract and west of Springhurst Townhouses, from R-1 (Single-Family Residential) and R 3 (Medium Density Residential) to R-PD6 (Residential Planned Development - 6 Units per Acre), R-4 (High Density Residential) and C-1 (Limited Commercial). The Planning Commission and staff recommended approval.
09/27/84	The Board of Zoning Adjustment approved a Variance (V-0099-84) to allow auto sales for one day only in the months of February, May, August and November of every year where such is not permitted on property located at 3100 West Sahara Avenue. Staff recommended denial.
12/02/04	The Planning Commission accepted a request to Withdraw Without Prejudice a Special Use Permit (SUP-5471) for a Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse at 3150 West Sahara Boulevard Avenue, Suite #B22. Staff recommended approval.
01/27/05	The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a Special Use Permit (SUP-5783) and Site Development Plan Review (SDR-5779) for a proposed Mixed-Use Development on the properties located at the northwest corner of Sahara Avenue and Richfield Boulevard.
06/01/05	The City Council approved requests for a Special Use Permit (SUP-6219) and for a Site Development Plan Review (SDR-6220) for a seven-story mixed-use development including 303 residential units and 20,250 square-feet of office, and a waiver of the 15-foot rear yard setback. The Planning Commission and staff recommended approval.

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10/19/05	The City Council approved a request for a Major Amendment to an approved Site Development Plan Review (SDR-8583) for a seven-story mixed-use development, consisting of 325 residential units and 23,695 square feet of office space and a waiver to permit a side yard setback of zero feet where 10 feet is the minimum setback required on 7.78 acres adjacent to the north side of Sahara Boulevard, between Spanish Oaks Drive and Richfield Boulevard. Planning Commission and staff recommended approval.
06/15/07	The City Council approved the request for a Variance (VAR-18984) to allow a 10-foot front yard setback where 20 feet is the minimum setback is required. Planning Commission recommended approval whereas staff recommended denial.
06/06/07	The City Council approved the request for a Site Development Plan Review (SDR-18693) for a four-story, 42,000 square-foot office building, with a 2,450 square-foot restaurant with drive-through, a 14,550 square-foot General Retail Establishment with Drive-Through and a waivers to allow perimeter landscape buffer widths of five feet along the south property line; six feet along the west property line where 15 feet is the minimum required and to allow interior landscape buffer width of six feet where eight feet is the minimum required along the north property line. Planning Commission recommended approval, whereas staff had recommended denial.
02/11/10	The Planning Commission voted to hold this item in abeyance to the March 25, 2010 Planning Commission meeting.
03/25/10	The Planning Commission (7-0 vote) recommended DENIAL (PC Agenda Item #12/rg).
<i>Related Building Permits/Business Licenses</i>	
01/01/51	A business license (L16-00034) was issued for a Tavern at 3190 West Sahara Avenue. The license has been inactive as of 06/30/08.
12/05/96	A building permit (#96024014) was issued for a Tenant Improvement remodel at 3190 West Sahara Avenue. The project was completed on 02/02/99.
12/11/01	A building permit (#01021445) for Non-Work Certificate of Occupancy was issued at 3190 West Sahara Avenue. The project was completed on 12/12/01.
<i>Pre-Application Meeting</i>	
11/16/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for a Supper Club were discussed. The topics included: • Floor plans must depict seating; 125 seats separated from the bar are required for a Supper Club. • Site and Floor Plans are inconsistent as to the east side of the building. • Ensure that property lines are correctly displayed on plans • No waivers required. • ADA parking shall be required to meet current standards.

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<i>Neighborhood Meeting</i>	
At the request of the Planning Commission, this application was held in abeyance to allow the applicant to conduct a neighborhood meeting and Staff has not yet been notified by the applicant regarding the time and place of the neighborhood meeting.	
<i>Field Check</i>	
01/07/10	Plants and trees are missing within the landscaping areas and islands.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.03

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family Residential	L (Low Density Residential)	R-PD6 (Residential Planned Development – 6 Units Per Acre)
South	Offices, Restaurant, Financial Institution, Specified	SC (Service Commercial)	C-1 (Limited Commercial)
East	Office, Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
West	Office Complex, Bank	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay 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

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	
Commercial Center (Existing)	104,462 SF						
TOTAL SPACES REQUIRED			305		396		Y*
TOTAL (Including Handicapped)			297	8	381	15	Y*

**The subject site is part of the Spanish Villas commercial center, which shares parking throughout. The proposed use does not increase the parking requirement for the site.*

ANALYSIS

The proposed Supper Club use meets all Minimum Special Use Permit Requirements of Title 19.04, including the separation of the bar and restaurant areas and the minimum 125 seats required within the restaurant area. The subject site is part of the existing Spanish Villas commercial center, with a recorded reciprocal parking and access easement throughout the entire center. The proposed Supper Club use has the same parking requirement as the previous use, which was a Liquor Establishment (Tavern), with adequate parking provided on-site and handicapped parking spaces provided on the adjacent property along the east side of the building.

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 subject site is zoned C-1 (Limited Commercial). The Supper Club use is permitted with an approval of the Special Use Permit and it is consistent with the General Plan Service Commercial Land Use designation. Therefore, the proposed use will be harmonious and compatible with the uses in the existing site and with the commercial uses on 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 type and intensity of the proposed Supper Club use.

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 provided from Sahara Avenue, a 100-foot Primary Arterial as designated in the Master Plan of Streets and Highways; and from Spanish Oaks Drive, a 70-foot right-of-way. These streets provide adequate access to and from the subject property.

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.”

Approval of the proposed Special Use Permit will not compromise the public health, safety and general welfare, as the use will be subject to regular inspections for business licensing.

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

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

PLANNING COMMISSION ACTION

The Planning Commission proposed many possible conditions. The applicant has contacted the Planning and Development Department and will also apply for a Site Development Plan Review. The City Council may wish to remand this item back to the Planning Commission so that it may be considered concurrently with the newly submitted Site Development Plan Review.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

527 (By City Clerk)

APPROVALS

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PROTESTS

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