

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: DECEMBER 3, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-36436 - APPLICANT/OWNER: D2801 WESTWOOD, INC**

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

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Liquor Establishment (Tavern) use.
2. Conformance to the conditions for Special Use Permit (U-0109-99) and Site Development Plan Review (SD-0063-01), except as amended herein.
3. A Waiver of the minimum distance separation requirements to allow a distance separation of 300 feet from a similar use where 1,500 feet is the minimum distance required is hereby approved.
4. 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.
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**

The applicant is proposing a two-story 11,734 square-foot addition to an existing 25,417 square-foot Sexually Oriented Business, which includes a Liquor Establishment (Tavern) at 2801 Westwood Drive. Title 19.18 Applications and Procedures requires a new Special Use Permit when an existing use is expanded by more than 10%. The existing business is being expanded by 46%, which requires the subject Special Use Permit. The applicant fails to comply with the minimum distance separation requirement of 1,500 feet from another Liquor Establishment (Tavern), which is Palace Station. Palace Station is located across Interstate 15 and will be minimally impacted by the expansion of the subject site. The proposed expansion of the existing Liquor Establishment (Tavern) is appropriate on the subject site and will be regulated by the City of Las Vegas. Therefore, approval of the request is recommended. If denied, the proposed addition would not be permitted and the existing Liquor Establishment (Tavern) would remain.

**Issues:**

- A Waiver to allow a 300-foot distance from a similar use (Palace Station).
- The applicant is proposing a Boundary Line Adjustment to relocate the existing property line in order to accommodate the proposed building addition. The Boundary Line Adjustment will allow compliance with the required 1,500-foot distance separation from a similar use (Artisan).
- The existing use is expanding by more than 10%, thereby requiring the subject Special Use Permit.
- There were no noted violations associated with the business license (#L16-00264) for the Liquor Establishment (Tavern) within the previous year at the subject location.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</i>	
04/05/00	The City Council approved a Special Use Permit (U-0109-99) for a Liquor Establishment (Tavern) at 2801 Westwood Drive. The Planning Commission and staff recommended denial of the request.
03/29/01	A change of ownership occurred on the indicated date.
01/16/02	The City Council approved a Site Development Plan Review (SD-0063-01) for a 24,093 square-foot Sexually Oriented Business with a Waiver of Perimeter Landscaping on property located at 2801 Westwood Drive. The Planning Commission and staff recommended approval of the request.

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08/21/02	The City Council approved an Extension of Time [U-0109-99(2)] of an approved Special Use Permit (U-0109-99), which allowed a Liquor Establishment (Tavern) at 2801 Westwood Drive. The Planning Commission and staff recommended approval of the request.
04/16/03	The City Council approved a Master Sign Plan (MSP-1409) for an approved Sexually Oriented Business at 2801 Westwood Drive. The Planning Commission and staff recommended approval of the request.
08/06/03	The City Council approved an Extension of Time (EOT-2333) of an approved Special Use Permit (U-0109-99), which allowed a Liquor Establishment (Tavern) at 2801 Westwood Drive. The Planning Commission and staff recommended approval of the request.
08/20/03	The City Council approved a Master Sign Plan (MSP-2565) for an approved Sexually Oriented Business at 2801 Westwood Drive. The Planning Commission and staff recommended approval of the request.
08/18/04	The City Council approved a Master Sign Plan (MSP-4380) for an approved Sexually Oriented Business at 2801 Westwood Drive. The Planning Commission and staff recommended approval of the request.
09/15/04	The City Council approved a Variance (VAR-4733) to allow an existing 34-foot tall Off-Premise Sign to be raised to 55 feet where 40 feet is the maximum height allowed at 2801 Westwood Drive. The Planning Commission and staff recommended denial of the request.
05/17/06	The City Council approved a General Plan Amendment (GPA-9219) to change 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. The Planning Commission and staff recommended approval of the request.
08/27/08	Planning and Development administratively approved a Site Development Plan Review (SDR-29354) to modify an existing Off-Premise Sign for a digital display on 1.23 acres located at 2801 Westwood Drive.
12/03/09	The Planning Commission will consider a related Site Development Plan Review (SDR-36434) for a proposed 11,734 square-foot addition to an existing Sexually Oriented Business with a Waiver of the Perimeter Landscape Buffer Standards to allow a 10-foot buffer along a portion of the east perimeter where 15 feet is the minimum required on 1.27 acres at 2801 Westwood Drive.
<b><i>Related Building Permits/Business Licenses</i></b>	
09/25/00	A Business License (#T29-00006) was issued for a topless club/boutique at 2801 Westwood Drive. The license remains active at this location.
07/12/02	A Building Permit (#02012503) was issued for a certificate of occupancy for a restaurant at 2801 Westwood Drive. The permit was finalized on 12/04/03.
06/13/03	A Building Permit (#03012256) was issued for a sign at 2801 Westwood Drive. The permit was finalized on 12/15/03.

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07/25/03	A Building Permit (#03015969) was issued for a sign at 2801 Westwood Drive. The permit was finalized on 09/24/03.
08/21/03	A Building Permit (#03018001) was issued for a sign at 2801 Westwood Drive. The permit was finalized on 09/15/03.
09/02/03	A Building Permit (#03018862) was issued for a sign at 2801 Westwood Drive. The permit was finalized on 12/03/03.
09/15/03	A Business License (#L16-00264) was issued for a tavern at 2801 Westwood Drive. The license remains active at this location.
04/05/05	A Business License (#C05-02370) was issued for tobacco dealer license at 2801 Westwood Drive. The license remains active at this location.
10/29/08	A Business License (#V01-00047) was issued for a valet parking license at 2801 Westwood Drive. The license remains active at this location.
11/05/08	A Building Permit (#125482) was issued to upgrade an existing Off-Premise Sign at 2801 Westwood Drive. The permit was finalized on 09/19/09.
<b><i>Pre-Application Meeting</i></b>	
09/29/09	A pre-application meeting was held on the indicated date. The following items were noted: <ul style="list-style-type: none"> <li>• The applicant is proposing to add 11,734 square feet to an existing 25,417 square-foot Sexually Oriented Business.</li> <li>• The applicant is proposing to adjust a lot line to allow the new addition.</li> <li>• A new Special Use Permit for a Liquor Establishment (Tavern) is needed as the expansion is more than 10%.</li> </ul>
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	
<b><i>Field Check</i></b>	
10/27/09	A field check was completed on the indicated date. The following items were noted: <ul style="list-style-type: none"> <li>• Staff noted the existing Sexually Oriented Business.</li> <li>• Staff noted the proposed area for expansion to the existing Sexually Oriented Business.</li> <li>• Staff noted that the overall site was well maintained.</li> </ul>

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	1.27 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Sexually Oriented Business	LI/R (Light Industry / Research)	M (Industrial)
North	Parking Lot	LI/R (Light Industry / Research)	M (Industrial)

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South	Office and Warehouse	C (Commercial)	M (Industrial)
East	Office and Warehouse	LI/R (Light Industry / Research)	M (Industrial)
West	Right-of-Way (Interstate 15)	Right-of-Way (Interstate 15)	Right-of-Way (Interstate 15)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.10, the following parking standards apply:*

<b>Parking Requirement</b>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Sexually Oriented Business	37,151 SF	One space for each 250 sf of gfa	144	5	244	5	Y
<b>TOTAL</b>			149		249		Y

<b>Waiver</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
1500 feet from any Liquor Establishment (Tavern), Church, Synagogue, School, Child Care Facility or City Park [May be Waived if separated by a highway with a minimum right-of-way of 100 feet]	300 Feet	Approval

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Liquor Establishment (Tavern)	Minimum Distance Separation	Existing Distance Separation		Proposed Distance Separation		Compliance
		Palace Station	Artisan	Palace Station	Artisan	
Title 19 (2001)	1500 feet any other Liquor Establishment (Tavern), Church, Synagogue, School, Child Care Facility or City Park <b>(Non-Waivable)</b>			300 Feet		N
					1,515 Feet	Y
Title 19 (2009)	1,500 feet from any Liquor Establishment (Tavern), Church, Synagogue, School, Child Care Facility or City Park <b>May be Waived if separated by a highway (I-15) with a minimum right-of-way of 100 feet.</b>	300 Feet		300 Feet		N
			1,515 Feet		1,500 Feet	Y

**ANALYSIS**

The applicant is proposing to expand an existing 25,417 square-foot Liquor Establishment (Tavern) by 11,734 square or approximately 46%. Title 19.18 Applications and Procedures requires a new Special Use Permit when an existing use is expanded by more than 10%. The applicant is requesting a Waiver to allow a distance separation of 300 feet where 1,500 feet is the minimum required from a similar use. Staff supports the Waiver as the similar use (Palace Station) is located across Interstate 15, and will be minimally impacted by the expansion of the use. The proposed expansion of the existing use is appropriate at this location; therefore, approval of the subject Special Use Permit is recommended.

**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.**

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The proposed expansion of the Liquor Establishment (Tavern) is compatible with the existing use and with the surrounding land uses in the area.

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

The existing Liquor Establishment (Tavern) has had a license to sell alcohol since 2003. This site is physically suitable for the type and intensity of the land use proposed, and can accommodate the proposed expansion.

**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.**

Access to the site is provided from Westwood Drive, which is a 51-foot Local Street. Westwood Drive is adequate to facilitate the traffic generated by the proposed expansion of the Liquor Establishment (Tavern) 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.**

Approval of this Special Use Permit will not compromise the public health, safety, or welfare, as the proposed expansion of the existing Liquor Establishment (Tavern) use will be subject to regular inspections.

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

The proposed expansion of the Liquor Establishment (Tavern) use fails to meet minimum separation requirements pursuant to Title 19.04. Staff recommends approval of the request to Waive distance separation requirements. The use will be regulated by City and local agencies.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**NOTICES MAILED** 88

**APPROVALS** 2

**PROTESTS** 2