

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: FEBRUARY 25, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-36961 - APPLICANT/OWNER: WINNER PROPERTIES, LLC**

**** CONDITIONS ****

Staff recommends DENIAL, if approved subject to conditions:

Planning and Development

1. Special Use Permits (U-0038-98) and (SUP-37062) shall be expunged.
2. Approval of and conformance to the conditions of approval for Site Development Plan Review (SDR-36962) and Variance (VAR-37295) shall be required, if approved.
3. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Supper Club use.
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. 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

The subject site consists of an existing 7,265 square-foot Supper Club use at 9500 West Sahara Avenue. This is a request for a Major Amendment to an approved Special Use Permit (U-0038-98) to expand the existing Supper Club use to 10,085 square feet with a 2,820 square-foot expansion. The expansion includes 2,036 square feet of additional building area and 784 square feet of additional outdoor seating area. The proposed expansion requires the subject Special Use Permit and the related Site Development Plan Review (SDR-36962), as the use is being expanded by 39%. There is also an associated request for a parking Variance (VAR-37295). Staff recommends denial, as the request is inconsistent with Title 19. The site, as designed, will not accommodate required landscaping along the east side of the building, nor will it allow for sufficient parking throughout the commercial subdivision. If denied, the Supper Club use will remain as originally approved under Special Use Permits (U-0038-98) and (SUP-37062).

ISSUES

- Approval of an associated Site Development Plan Review (SDR-36962) to expand the existing building is necessary for this request to be approved.
- Approval of an associated Variance (VAR-37295) to allow no additional parking spaces where 36 additional parking spaces are required is necessary for this request to be approved.
- The applicant is expanding the existing Supper Club use by more than 10% or 2,820 square feet, which requires the subject Special Use Permit and the related Site Development Plan Review (SDR-36124) pursuant to Title 19.18 requirements.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
12/22/80	The City Council approved a request for Annexation (A-0018-80) of a parcel of land generally bounded by Sahara Avenue on the south, Hualapai Way on the west, Ducharme Avenue on the north and Durango Drive on the east, containing approximately 2,246 acres of land. Planning Commission and staff recommended approval.

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02/15/89	The City Council approved a Rezoning (Z-0139-88) application for the reclassification of property from N-U (Non Urban) under Resolution of Intent to R-PD4 (Residential Planned Development - 4 Units Per Acre), P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-V (Civic), to R-PD7 (Residential Planned Development- 7 Units Per Acre), R-3 (Medium Density Residence), and C-1 (Limited Commercial) for property generally located on the west side of Fort Apache Road, between Sahara Avenue and Charleston Boulevard. The Planning Commission and staff recommended approval.
07/14/97	The City Council approved a request for a Special Use Permit (U-0049-97) for a proposed Tavern in conjunction with restaurant on property located on the north side of Sahara Avenue, west of Fort Apache Road. Planning Commission and staff recommended approval.
	The City Council approved a request for a Special Use Permit (U-0050-97) for a proposed Tavern with a Waiver of the 1,500-foot distance separation requirement from an existing and proposed tavern on property located on the north side of Sahara Avenue, west of Fort Apache Road. Planning Commission and staff recommended approval.
10/27/97	The City Council approved a request for a Site Development Plan Review [Z-0139-88(19)] for a proposed 8,400 square-foot one story retail building located at 9310 West Sahara Avenue. The Planning Commission recommended approval of the request.
11/24/97	The City Council approved a request for a Site Development Plan Review [Z-0139-88(21)] for a proposed 16,708 square-foot one story drugstore with drive-through located on the northwest corner of Sahara Avenue and Fort Apache Road. The Planning Commission recommended approval of the request.
01/26/98	The City Council approved a request for a Special Use Permit (U-0128-97) for the sale of Packaged Liquor in conjunction with a proposed 16,708 square-foot drugstore on property located on the northwest corner of Sahara Avenue and Fort Apache Road. Planning Commission recommended approval.
03/23/98	The City Council approved a request for a Site Development Plan Review [Z-0139-88(23)] for a proposed 4,716 square-foot restaurant located on the north side of Sahara Avenue, west of Fort Apache Road. The Planning Commission recommended approval of the request.
04/27/98	The City Council approved a request for a Special Use Permit (U-0146-97) for a proposed three-story, non-gaming residence hotel, consisting of seventy-three one-bedroom units on property located on the north side of Sahara Avenue, west of Fort Apache Road. Planning Commission recommended approval.
	The City Council approved a request for a Special Use Permit (U-0020-98) for a Restaurant Service Bar in conjunction with a proposed 3,784 square-foot restaurant located at 9350 West Sahara Avenue. Planning Commission recommended approval.

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05/11/98	The City Council approved a request for a Special Use Permit (U-0031-98) for the On-Premise sale of Beer and Wine in conjunction with a proposed restaurant located at 9350 West Sahara Avenue. Planning Commission recommended approval.
06/08/98	The City Council approved a request for a Special Use Permit (U-0038-98) for a proposed Supper Club in conjunction with a proposed 6,648 square-foot restaurant on property located on the north side of Sahara Avenue, west of Fort Apache Road. Planning Commission recommended approval.
06/08/98	The City Council approved a request for a Site Development Plan Review [Z-0139-88(24)] for a proposed 27,418 square-foot two-story retail and office building and a 33,207 square-foot two-story retail and office building located on the north side of Sahara Avenue, west of Fort Apache Road. The Planning Commission recommended approval of the request.
09/28/98	The City Council approved a request for a Special Use Permit (U-0080-98) for the On-Premise sale of Beer and Wine in conjunction with a proposed 2,160 square-foot restaurant located on the northwest corner of Fort Apache Road and Sahara Avenue. Planning Commission recommended approval.
	The City Council approved a request for a Site Development Plan Review [Z-0139-88(27)] for a proposed 4,212 square-foot commercial retail building located on the northwest corner of Sahara Avenue and Fort Apache Road. The Planning Commission recommended approval of the request.
10/12/98	The City Council approved a request for a Special Use Permit (U-0090-98) for a proposed Supper Club in conjunction with a proposed 6,990 square-foot restaurant on property located on the north side of Sahara Avenue approximately 1,400 feet west of Fort Apache Road.
10/16/98	The City Council approved a request for a Site Development Plan Review [Z-0139-88(29)] for a proposed 3,190 square-foot restaurant located on the north side of Sahara Avenue, west of Fort Apache Road. The Planning Commission recommended approval of the request.
11/09/98	The City Council approved a request for a Special Use Permit (U-0115-98) for a proposed Supper Club in conjunction with a proposed 8,802 square-foot restaurant on property located on the north side of Sahara Avenue, west of Fort Apache Road.
07/12/06	The City Council approved a Variance (VAR-12102) to allow 2,404 parking spaces where 2,440 is the minimum number of spaces required in conjunction with the addition of a 1,200 square-foot restaurant within the existing shopping center. The Planning Commission recommended approval and staff recommended denial.
01/22/10	The Planning and Development Department administratively approved a Minor Amendment (SUP-37062) to a previously approved Special Use Permit (U-0038-98) to allow alcohol service into an additional 617 square-feet of existing outdoor seating at an existing 6,648 square foot Supper Club at 9500 West Sahara Avenue.

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<i>Related Building Permits/Business Licenses</i>	
07/15/98	A building permit (#98014454) was issued for a new restaurant Certificate of Occupancy at 9500 West Sahara Avenue. The building permit was finalized on 02/02/99.
	A building permit (#98014455) was issued for on-site improvements and hardscapes at 9500 West Sahara Avenue. The building permit was expired on 04/01/00.
09/02/98	A building permit (#98017819) was issued for on-site fire and water at 9500 West Sahara Avenue. The building permit was expired on 04/01/00.
11/09/98	A building permit (#98022139) was issued for patio addition for a restaurant at 9500 West Sahara Avenue. The building permit was expired on 04/01/00.
11/18/98	A building permit (#98022669) was issued for a sign at 9500 West Sahara Avenue. The building permit was finalized on 02/02/99.
12/17/98	A business license (#L21-00012) was issued for a Supper Club at 9500 West Sahara Avenue. The license was marked out on 12/08/09.
09/02/99	A building permit (#99017403) was issued for two illuminated wall signs at 9500 West Sahara Avenue. The building permit was finalized on 09/16/99.
11/13/09	A building permit (#151159) was issued for an illuminated wall sign at 9500 West Sahara Avenue. The building permit has not been finalized.
12/07/09	A temporary business license (#L21-92278) was issued for a Supper Club at 9500 West Sahara Avenue. The license is still active.
12/08/09	A business license (#R09-00907) was issued for a Restaurant seating 45 people or more at 9500 West Sahara Avenue. The license is still active.
<i>Pre-Application Meeting</i>	
09/16/09	A pre-application meeting was held where submittal requirements for a Site Development Plan Review were discussed. Topics discussed included: • Title 19 Zoning Code requirements • Application Materials and Documents • Meeting Dates and Deadlines
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
12/22/09	During a routine site inspection staff observed a well maintained commercial center.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.06

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Apartments	M (Medium Density Residential)	R-PD21 (Residential Planned Development – 21 Units Per Acre), R-3 (Medium Density Residential)
South	Bank, Apartments	SC (Service Commercial), M (Medium Density Residential)	C-1 (Limited Commercial), R-PD20 (Residential Planned Development – 20 Units Per Acre)
East	Commercial Shopping Center	M (Medium Density Residential), SC (Service Commercial)	C-1 (Limited Commercial), R-PD18 (Residential Planned Development – 18 Units Per Acre)
West	Library, Church, Apartments	PF (Public Facilities), SC (Service Commercial), M (Medium Density Residential)	C-V (Civic), C-1 (Limited Commercial), R-3 (Medium Density Residential)

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

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following development standards shall apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	205 Feet	Y
Min. Setbacks			
• Front	20 Feet	77 Feet	Y
• Side	10 Feet	73 Feet	Y
• Corner	15 Feet	78 Feet	Y
• Rear	20 Feet	31 Feet	Y
Max. Lot Coverage	50%	21%	Y
Max. Building Height	N/A	18 Feet	N/A
Trash Enclosure	Screened, Gated with a Roof or Trellis	Existing screened and gated trash enclosure	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.12.040, the following development standards shall apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Trees/6 Space	10 Trees	9 Trees	N
Buffer:				
Min. Trees	1 Tree/30 Linear Feet	Zero Trees	Zero Trees	Y
TOTAL(Perimeter Trees)		Zero Trees	Zero Trees	Y
Wall Height	6-8 Feet Adjacent to Residential		No wall existing or proposed	Y

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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)	425,720 S.F.		2,406	34	2,324	80	
SubTotal			2,440		2,404*		
Supper Club (Proposed Increase)	1,392 S.F.	1:50	28		0	0	
	1,428 S.F.	1:200	8				
SubTotal			34	2			
TOTAL			2,476		2,112**		N

*As approved by Variance (VAR-12102)

**Per physical inventory

ANALYSIS

As discussed in the accompanying Site Development Plan Review, the site, as designed, cannot accommodate the additional required parking spaces or required landscaping. A Variance (VAR-37295) from Title 19.10 parking requirements is required for relief from the parking space standards and an exception is required to allow no landscaping to buffer the building from the parking lot. Additionally, with the elimination of the existing landscape buffer, the applicant is proposing to eliminate five existing trees which requires the applicant to request another exception from Title 19.12.040 Parking Lot Landscape Standards. These difficulties with the site design and location indicate that the expanded use is not compatible with the existing adjacent land uses.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

- 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 existing Supper Club use is permitted in the C-1 (Limited Commercial) zoning district and is located within an existing commercial subdivision adjacent to similar uses, however, the proposed expansion results in inadequate landscaping and will not accommodate the additional required parking spaces. Thus, the expanded Supper Club use cannot be conducted in a manner that is harmonious and compatible with the surrounding uses.

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

The existing Supper Club use is located within a commercial subdivision that was designed to accommodate a variety of uses; however, with the proposed expansion the use cannot provide the additional required parking spaces, making the subject site unsuitable for the 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.”

The site is accessed by Sahara Avenue, which is designated as a 100-Foot Primary Arterial by the Master Plan of Streets and Highways. The street provides 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.”

The proposed Special Use Permit will not compromise the public health, safety or welfare as a Supper Club use is subject to licensing and inspection by the City of Las Vegas. The Supper Club 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 Supper Club use fails to meet both Title 19.10 on-site parking standards and Title 19.12 Parking Lot Landscape Standards.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

8

NOTICES MAILED

1488

APPROVALS

3

PROTESTS

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