

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: FEBRUARY 25, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-36962 - APPLICANT/OWNER: WINNER PROPERTIES, LLC**

**** CONDITIONS ****

Staff recommends DENIAL, if approved subject to conditions:

Planning and Development

1. Conformance to the conditions of approval for Rezoning and Plot Plan Review (Z-0139-88), except as amended herein.
2. Approval of and conformance to the conditions of approval for Special Use Permit (SUP-36961) and Variance (VAR-37295) shall be required, if approved.
3. 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.
4. All development shall be in conformance with the site plan and floor plan date stamped 01/28/10, the building elevations date stamped 01/26/10, and the landscape plan date stamped 01/10/10, except as amended by conditions herein.
5. An Exception from Title 19.10.010(J)(11)(e) is hereby approved to allow a zero-foot buffer along the east side of the building where a five-foot wide landscape buffer or five-foot wide sidewalk is required to provide a buffer between the building and parking lot.
6. An Exception from Title 19.10.010 is hereby approved to allow nine parking lot landscape trees where ten trees are required.
7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
8. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

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9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.
15. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
16. Site development to comply with all applicable conditions of approval for Z-139-88 and all other site-related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site consists of an existing 6,648 square-foot Supper Club building within an existing commercial subdivision at 9500 West Sahara Avenue. This is a request for a Major Amendment to an approved Rezoning and Plot Plan Review (Z-0139-88) to expand the existing commercial building to 8,684 square-feet with a 2,036 square-foot addition. This request will increase the building area and required parking; therefore a Major Amendment to the approved Rezoning and Plot Plan Review (Z-0139-88) is required. The applicant is requesting, as part of this review, Exceptions of the Parking Lot Landscape Standards. Associated requests have been submitted for a Special Use Permit (SUP-36961) to expand an existing Supper Club use and a Variance (VAR-37295) for parking. A Variance (VAR-12102) for parking was previously approved for the entire commercial subdivision, but the proposed expansion will further increase the parking deficiency on the commercial site, and a new parking Variance is required. Staff recommends denial, as the request is inconsistent with Title 19. The site as designed will not allow for landscaping along the east side of the building, nor will it allow for sufficient parking throughout the commercial subdivision. If denied, the pad site will remain as originally approved under Rezoning and Plot Plan Review (Z-0139-88).

ISSUES

- Approval of a companion Variance (VAR-37295) to allow no additional parking spaces where 36 parking spaces are required is necessary for this request to be approved.
- The applicant is requesting an Exception of Title 19.10.010(J)(11)(e) Parking Lot Landscaping Standards to allow a parking lot to directly abut a building where a minimum five-foot wide landscape buffer or five-foot wide sidewalk should be used to buffer buildings from parking lots.
- The applicant is requesting an Exception of Title 19.10.010 to allow nine parking lot trees where 10 trees are required.

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.
	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 Acres

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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

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*		

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Supper Club	1,392 S.F.	1:50	28				
(Proposed Increase)	1,428 S.F.	1:200	8		0	0	
SubTotal			34	2			
TOTAL			2,476		2,112**		N

*As approved by Variance (VAR-12102)

** Per physical inventory

Exceptions		
Requirement	Request	Staff Recommendation
Title 19.10.010(J)(11)(e) A minimum five-foot wide landscape buffer or sidewalk shall be used to buffer buildings from parking spaces.	Zero-Feet	Denial
10 Parking Lot Trees	9 parking lot trees	Denial

ANALYSIS

Per Title 19.18.050(H), this Major Amendment to a previously approved Rezoning and Plot Plan Review (Z-0139-88) is required, as the proposed expansion will increase the building by 31% in floor area, from 6,648 square feet to 8,684 square feet. The proposed expansion will accommodate additional dining area for the existing Supper Club use.

The site complies with all Title 19 requirements with the exception of required parking and landscaping. A parking Variance (VAR-12102) was approved by City Council in 2006 to allow 2,404 parking spaces where 2,440 parking spaces were required. The expansion will require an additional 36 parking spaces, which cannot be accommodated on the site, thus creating an increase in parking deficiency. A companion Variance (VAR-37295) has been submitted to address this issue.

Per Title 19.10.010(J), no parking lot shall directly abut any building. The applicant is requesting an Exception to allow a zero-foot buffer along the east side of the building where a five-foot wide landscape buffer or a five-foot wide sidewalk is required to buffer the building from parking spaces. The elimination of the existing landscape buffer will result in the loss of five trees from the existing site and will negatively impact the aesthetics of the site. The loss of required trees within the landscape necessitates another Exception to allow nine parking lot trees where ten trees are required. The proposed expansion of an existing commercial building requires various deviations from standards including exceptions of landscaping and an increased deficiency in parking; therefore, denial of this request is recommended.

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FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1.The proposed development is compatible with adjacent development and development in the area;

The proposed expansion to the existing commercial building will not allow for required parking lot landscaping, nor will it meet the minimum required parking of Title 19.04, which is inconsistent with other development in the vicinity.

2.The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;

The site, as proposed, will not meet the minimum required parking of Title 19.04, and the elimination of a required landscape buffer within the parking area will negatively impact the aesthetics of the site. The inconsistencies with standards are a result of site design and not physical characteristics of the site itself, and therefore cannot be supported.

3.Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

The site is accessed by Sahara Avenue, a 100-foot Primary Arterial, as designated by the Master Plan of Streets and Highways. The site provides adequate access and circulation for pedestrians and vehicles.

4.Building and landscape materials are appropriate for the area and for the City;

The building materials are appropriate for the area and the city. The applicant is requesting Exceptions to allow a zero-foot buffer where a 5-foot wide landscape buffer or 5-foot wide sidewalk is required and to allow 9 parking lot landscaping trees where ten trees are required. The elimination of the required buffer zone and trees will negatively impact the aesthetics of the subject property.

5.Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The building elevations depict design and materials that will provide an aesthetically acceptable building and are compatible with the neighboring properties.

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6.Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect health, safety, and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 1,488

APPROVALS 1

PROTESTS 1