



City of Las Vegas

Agenda Item No.: 12.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 25, 2010**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: BEYANET - SUP-37068 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: ROVETTO COMPANIES, OWNER OF WASH VILLAS AT SAHARA, LLC - Request for a Special Use Permit FOR A SUPPER CLUB WITHIN AN EXISTING 17,425 SQUARE-FOOT BUILDING at 3000 West Sahara Avenue (APN 162-05-403-001), C-1 (Limited Commercial) Zone, Ward 1 (Tahara).

C.C.: 04/21/2010

IF DENIED, P.C. MAY APPEAL C.C. TO (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

7

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

13

City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Approval Postcards and Protest Letter
7. Submitted at Meeting - Concern Letter from Helen L. Simmons by Howard Mann

Motion made by KEEN ELLSWORTH to Deny

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

GLENN TROWBRIDGE, VICKI QUINN, BYRON GOYNES, RICHARD TRUESDELL, KEEN ELLSWORTH, STEVEN EVANS, GUS FLANGAS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR TRUESDELL declared the Public Hearing open.

DOUG RANKIN, Planning and Development, stated that the Supper Club use meets all Title 19 minimum requirements and can be conducted in a manner that is compatible and harmonious with the surrounding uses. Staff recommended approval. If denied, the Supper Club use cannot be conducted on this site without approval of another Special Use Permit.

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HOWARD MANN indicated the Planning Commission's suggestion, to meet with the adjacent residents for their input, was followed. A meeting was held to describe the project, which will be a supper club with a tapas theme. Additionally, the Commission suggested the applicant bring back interior elevations, a menu and a landscape plan. MR. MANN submitted a letter of enthusiasm from the President of the Spanish Oaks Homeowners Association.

MARGO WHEELER, Director of Planning and Development, verified with MR. RANKIN that staff was not present at the neighborhood meeting and that the revised plans were not received.

BRENT LOVETT, with Lovett Companies, the potential tenant, stated he intends to remodel the interior of the property, and provided details of the interior decor. The exterior will be accented with landscaping, a new sign will be provided and the building will keep the existing color scheme. The floor plan layout will remain the same with the bar area glassed off. The outside eating deck will overlook the Las Vegas Strip and the existing downstairs will be expanded as a banquet facility, appropriate for weddings.

MS. WHEELER questioned the expansion. MR. LOVETT responded that the expansion was on the original plan and alleged that staff asked that he submit the same as what existed due to the fact that the less than 10% expansion would be allowed at staff's discretion. MR. MANN stated it was explained to him that it could come back at a later date for an administrative approval.

CHAIR TRUESDELL pointed out that the application was not noticed with the additional square footage. MR. MANN then requested approval of the application as submitted and indicated he would come back at a later date for a review of the expansion.

COMMISSIONER GOYNES asked to see what was being approved at this time and what was submitted to staff. MR. MANN responded that a complete set of plans was submitted as requested by staff.

MR. RANKIN clarified that he met with the applicant and explained in detail that any expansion could be sought only after an approval was in place. However, an approval was not being granted. The application being sought is the one noticed for a public hearing. If a larger project is desired, he recommended the item be stricken from the agenda and the applicant start over.

MR. MANN noted that his understanding was that the application was for the Special Use Permit under the existing square footage and that the expansion could be sought at a later date. He asserted that they not hiding or doing anything different. CHAIR TRUESDELL pointed out that the use is based on the existing facility. The building is already large, and he was hesitant to approve a larger building.

MS. WHEELER verified that the item was noticed to the public for a supper club within an existing 17,425 square-foot building. Therefore, that is all the Planning Commission could review. However, the Commissioners may consider this application and potentially could impose a condition that any future expansions would come back before the Planning Commission. MR. MANN was amenable to MS. WHEELER'S recommendation because a great deal of money has been invested and all the plans are in place.

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TODD FARLOW asked if the addition was shown to the residents during the neighborhood meeting.

HELEN SIMMONS, President of the Spanish Oaks Homeowners Association, stated that the applicant made a good presentation and many residents are excited because the existing facility has been empty for a long time. It is exciting to have a place where residents can walk to for breakfast, lunch and dinner.

CHARLES HAAPALA, resident of Spanish Oaks, appeared in support because the corner has become an eyesore ever since the closure of the previous establishment. CHAIR TRUESDELL asked MR. HAAPALA if he would feel the same if the proposed facility would become another Jose Hogs. MR. HAAPALA could not respond as he never frequented that particular establishment.

COMMISSIONER TROWBRIDGE stated that he has seen this area deteriorate considerably in recent years, most notably since the restaurant has been vacant. The entire neighborhood and shopping center would benefit from having a \$2.5 million investment on this corner. He would support the application with a condition that any existing building be torn down before the Planning Commission for approval.

COMMISSIONER GOVATIES expressed concern about the proposed becoming a club for late night parties. During the neighborhood meeting, the issue of providing security was raised, and his concern is how security would be provided to protect the residents of Spanish Oaks if the club is allowed for late parties with late hours. MR. LOVETT replied that the downstairs will be used as a banquet facility for wedding and birthday parties, but it is not a club. A band would be allowed for entertainment. Security will be provided and they are amenable to a condition limiting the number of people at each event.

ASSISTANT CITY ATTORNEY BRYAN SCOTT reminded the Commissioners that the Special Use Permit for a supper club is the agenda item. All the other issues being discussed, such as the banquet facility and night club, would require different licenses. They cannot have any other activities other than the supper club at this location at this time.

CHAIR TRUESDELL stated he is relying on the plans submitted by the applicant. He does not have an issue with the supper club, but what is being represented is more than just a supper club use. There should be no confusion on what is being approved.

MR. LOVETT explained that the first application included the plans depicting his intentions for this location. Staff then told him there were some legal issues and recommended that he redo the plans and approve what was already there. The residents were shown the original plans, and he is not trying to hide anything.

COMMISSIONER QUINN noted that she attended the neighborhood meeting and expressed concern about the crime that might be generated late at night. At the meeting, the residents were under the assumption they could walk to this supper club and eat breakfast; however, there was no representation that there would be a breakfast menu. She feels misinformed and does not

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believe what was submitted by the applicant is a hundred percent what the applicant will be doing. Therefore, she could not support the item.

MR. RANKIN explained that MR. LOVETT that met with staff and submitted a request for a supper club and an expansion of the building itself. The plans that were submitted needed to be to scale and needed parking calculations. MR. LOVETT was given options to either submit scale plans, which would have delayed his application or he could submit the Special Use Permit as a stand-alone application. MR. LOVETT chose the latter and indicated they would be submitting the Site Development Plan Review for the expansion of the building at a later date.

CHAIR TRUESDELL read MR. LOVETT'S justification letter. He indicated that the plans are not consistent with a typical supper club. It is not an existing operation and cannot be compared to other establishments. If there was a misrepresentation on staff's behalf or the applicant's, he was inclined to hold this until it is all resolved.

COMMISSIONER GOVINES discussed with ASSISTANT CITY ATTORNEY SCOTT that the Commissioners would only be approving the supper club use and consider whether the use is compatible and harmonious with the existing surrounding environment. MS. WHEELER added that the banquet use is permitted.

MR. MANN affirmed that the supper club would be a 24-hour operation with private parties restricted to 2:00 a.m. MS. WHEELER clarified that food with alcohol must be served at all times for a supper club. ASSISTANT CITY ATTORNEY SCOTT added that it is a 55/45 ratio food/alcohol at all times. It does not necessarily have to be open 24 hours.

MR. MANN requested that the Commissioners only consider the supper club use, with the other licenses to be sought later as required.

COMMISSIONER QUINN questioned the hours of delivery and garbage pickup. MR. MANN did not know the exact time of garbage pickup, and he did not believe deliveries would be made at night.

COMMISSIONER EVANS stated that it is conceivable that garbage would be picked up early in the morning. This issue could be mitigated by imposing a condition to protect the residents. MR. MANN was amenable to a condition restricting the delivery and garbage pickup hours.

CHAIR TRUESDELL remarked that any conditions imposed should be enforceable. The motion should also have a condition about adequate and appropriate security. ASSISTANT CITY ATTORNEY SCOTT responded that these types of conditions can only be imposed under the licensing. Conditions are designed to lessen the impact of the use to the surrounding community.

COMMISSIONER QUINN outlined conditions relating to hours of operation, security, no parking on the street near the entrance of Spanish Oaks, no strobe or flashing lights, placement of handicap spaces, and a six-month review.

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ASSISTANT CITY ATTORNEY SCOTT suggested the hours of operation from 8:00 a.m. to 2:00 a.m. MR. MANN was amenable to the suggested conditions.

COMMISSIONER GOYNES verified that the only item being considered at this time is the Special Use Permit and that the applicant would have to come back for a Site Development Plan Review.

CHAIR TRUESDELL asked if the applicant agreed with the conditions outlined by COMMISSIONER QUINN. MR. LOVETT replied no, stating that he did not want to debate the issue, and noted that he is making a substantial investment in a business that would benefit the residents. COMMISSIONER EVANS remarked that if MR. LOVETT did not agree to the conditions, he could not support the application.

COMMISSIONER QUINN pointed out that the six-month review was to ensure that all guidelines are met so that the applicant could be successful, and, at the same time, protect the adjacent residents.

COMMISSIONER EVANSWORTH believed the applicant was evasive and not forthcoming, and believed the application should be denied.

CHAIR TRUESDELL declared the Public Hearing closed.

