



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: APPLICANT: WESTSIDE FIREFLY, LLC - OWNER:
CONTINENTAL PROPERTY, LLC**

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-39144	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-39144 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Supper Club use.
2. Conformance to the Conditions of Approval for Rezoning (Z-0139-88) and Site Development Plan Review [Z-0139-88(28)], except as amended herein.
3. This approval shall be void two years from the date of final approval, unless a business license has been issued to conduct the activity. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.

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7.This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

8.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 application is a request for a Special Use Permit to re-establish a 7,000 square-foot Supper Club at an existing Restaurant located at 9560 West Sahara Avenue. The existing Restaurant has been previously entitled for the Supper Club use two times since its construction in 1999. The applicant has not proposed any physical alterations to the existing site or structure. Staff recommends approval of this requested Special Use Permit for the Supper Club use with conditions. If denied, the applicant would be allowed to operate a Restaurant use without any permitted alcohol sales.

ISSUES

- A Special Use Permit is required because the previous Supper Club use (SUP-28835) expired after business operations ceased for more than 180 days.
- This request, as presented, requires a Waiver to allow a zero foot separation distance where 400 feet is required from a Church/House of Worship located within the same commercial subdivision.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/15/89	The City Council approved a Rezoning (Z-0139-88) for the property located west of Fort Apache Road, between Sahara Avenue and Charleston Boulevard, 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 the proposed use of Single Family Residential, Multifamily Residential, Commercial and Mixed-Use Commercial development. The Planning Commission and staff recommended approval.
09/28/98	The City Council approved the request for a Site Development Plan Review [Z-0139-88(28)] on property located north of Sahara Avenue, approximately 1,400 feet west of Fort Apache Road, for a proposed 6,990 square foot Restaurant. The Planning Commission recommended approval.

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10/12/98	The City Council approved a request for a Special Use Permit (U-0090-98) on property located on the north side of Sahara Avenue, for a Supper Club in conjunction with a proposed 6,990 square-foot Restaurant. This entitlement expired on 05/07/2008.
10/15/08	The City Council approved a request for a Special Use Permit (SUP-28835) for a proposed Supper Club with a Waiver to allow a zero-foot distance separation from a Church/House of Worship where 400 feet is required at 9560 W. Sahara Avenue. The Planning Commission recommended approval with staff recommending denial on 8/28/2008. NOTE: This entitlement expired on 08/03/2010.

Most Recent Change of Ownership

12/28/06	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

01/14/99	Plan Check #C-0167-98 was issued for a new restaurant located at 9560 West Sahara Avenue. This project received a final inspection on 04/23/1999
05/03/99	A Business License (#R09-00924) was issued for a Restaurant located at 9560 West Sahara Avenue.
	A Business License (#L21-00014) was issued for a Supper Club at 9560 West Sahara Avenue. The business ceased operations on 11/07/2008.
08/05/09	A Business License (#R09-01519) was issued for a Restaurant located at 9560 West Sahara Avenue.
	A Business License (#L21-98736) was issued for a Supper Club located at 9560 West Sahara Avenue. The business ceased operations on 02/03/2010.

Pre-Application Meeting

07/30/10	A pre-application meeting was held with staff to discuss the submittal requirements to re-establish a Supper Club use at 9560 West Sahara Ave. It was determined that a Waiver would still be required as there is a Church/House of Worship located within the commercial subdivision at 9590 West Sahara Avenue.
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Neighborhood Meeting

A neighborhood meeting is not required, nor was one held.	
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Field Check

08/19/10	A field check was performed by staff. Although unoccupied, the existing Restaurant and landscaping is maintained.
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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.28

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
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	SC (Service Commercial)	C-1 (Limited Commercial)
	Apartments	M (Medium Density Residential)	R-PD20 (Residential Planned Development – 20 Units per Acre)
East	Commercial Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
		M (Medium Density Residential)	R-PD18 (Residential Planned Development – 18 Units per Acre)
West	Library	PF (Public Facilities)	C-V (Civic)
	Church	SC (Service Commercial)	C-1 (Limited Commercial)
	Apartments	M (Medium Density)	R-3 (Medium Density Residential)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	NA
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Trails		X	NA
Rural Preservation Overlay District		X	NA
Las Vegas Redevelopment Plan Area		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

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<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Sahara Avenue: Primary Arterial	Master Plan of Streets and Highways	100 Feet	Y

Pursuant to Title 19.04 and 19.10, the following parking standards apply:

Parking Requirement							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	425,720 SF	1:250 SF	1703		2,112		Y
TOTAL SPACES REQUIRED			1,675		2,032		Y
Regular and Handicap Spaces Required			28		80		Y
Loading Spaces	6,690 SF	1:10,000 SF	1		1		Y

Waivers		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
A 400-foot distance separation is required between a Supper Club and a House of Worship.	To allow no separation distance.	Approval

ANALYSIS

This application is a request to reestablish a Supper Club at 9560 West Sahara Avenue. Because the previous entitlement (SUP-28835) for such use expired on 08/03/2010, a new Special Use Permit with a Waiver to allow no distance separation from a Church/House of Worship where 400 feet is required is needed prior to licensing.

The subject site is located within a 458,053 square-foot Shopping Center and is consistent with the C-1 (Limited Commercial) zoning district and the SC (Service Commercial) land use designation. The Supper Club use has been established twice in at this Restaurant since construction in 1999, but had expired each time due to a cease in business operations greater than 180 days (six months).

A Church/House of Worship has located within this Shopping Center since the original construction and entitlement of this building as Supper Club, thus requiring the need for a Waiver. Staff finds that there is minimal impact to the existing Church/House of Worship, as this location has previously operated as a Supper Club, along with the consideration for two Supper Clubs and a Liquor Establishment (Tavern) currently operating within this commercial subdivision.

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With exception to the distance separation from the existing Church/House of Worship, the proposed use meets the required Minimum Conditions for the Supper Club use. The provided floor plan adequately satisfies the requirements for the Supper Club use as follows: The restaurant operation is the principal use of the business; access to the 32-seat bar area is through the lobby with a partition between the restaurant area; and the seating for 200 customers within the restaurant area (150 seats inside and 50 seats within a patio area) exceeds the minimum requirement of 125 persons.

FINDINGS (SUP-39144)

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 proposed Supper Club is located in a Shopping Center that contains variety of uses including a Church/House of Worship use. With an approved Waiver of the required 400-foot separation from the Church/House of Worship use, the Supper Club can be conducted in the same harmonious and compatible manner that has been entitled twice at this location.

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

There are no proposed alterations to the subject site or structure and thus the site retains its physical suitability for a Supper Club use that had been established with the previous entitlements (U-0090-98 and SUP-28835).

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 from Sahara Avenue and Fort Apache Road; both of these streets provide adequate access to meet the requirements of the proposed 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.

The proposed use will be subject to permit review and inspections prior to operating a Supper Club; therefore, appropriate measures will be taken to protect the health, safety and general welfare of the public.

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

With an approved Waiver, the requested use will satisfy all Minimum Special use Permit requirements for a Supper Club. Staff supports the requested Waiver to allow no separation distance from a Church/House of Worship where 400 feet is required as this use has been previously established twice at this location with no adverse impacts.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

8

NOTICES MAILED

1,514

APPROVALS

3

PROTESTS

1