



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: D2801 WESTWOOD, INC., ET AL.

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-39819	Staff recommends APPROVAL, subject to conditions:	
SDR-39818	Staff recommends APPROVAL, subject to conditions:	SUP-39819

** CONDITIONS **

SUP-39819 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-39818) shall be required.
2. Conformance to the approved conditions for Special Use Permits (U-0109-99 and SUP-36436) and Site Development Plan Review (SD-0063-01 and SDR-36434), except as amended by conditions herein.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the new construction. 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.

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6. Approval of this Special Use Permit does not constitute approval of a liquor license.
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.

SDR-39818 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-39819) shall be required, if approved.
2. Conformance to the approved conditions for Special Use Permits (U-0109-99 and SUP-36436) and Site Development Plan Reviews (SD-0063-01 and SDR-36434), except as amended by conditions herein.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the new construction. 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 landscape plan, date stamped 10/05/10, and building elevations, date stamped 10/05/10 and 10/27/10, except as amended by conditions herein.
5. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 10/05/10. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.
6. Prior to a final inspection for the requested additions, 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.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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8. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device. The technical landscape plan shall include the following changes from the conceptual landscape plan: ten (10) 24-inch box shade trees shall be planted within the north perimeter buffer; one (1) 24-inch box shade tree shall be planted in landscape islands or at the ends of each parking row; palm trees depicted in these planters shall be replaced by 24-inch box shade or evergreen trees; and four (4) five-gallon shrubs shall be planted for each tree depicted in parking lot islands or perimeter landscape buffers.
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

11. Site development to comply with all applicable conditions of approval for SDR-36434 and all other site-related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject property currently contains an existing 25,417 square-foot Sexually Oriented Business, parking area and signage. The applicant amended the approved entitlement in January 2010 to add 11,734 square feet to the existing building and expand the existing Tavern use on the site. The applicant has requested an additional 7,399 square feet of floor area to be added, which includes modifications to the first and second stories and a new third story with a roof deck. The expansion would bring the total gross building area to 44,550 square feet. Because of this expansion, the Special Use Permit must also be amended for the use to include the new area. A portion of the adjacent parking lot is also proposed to be amended to include a drop-off area as part of this request. The additions and modifications are compatible with the existing structure and the surrounding area, and expansion of the Tavern use can be conducted in a manner that is harmonious and compatible with the surrounding land uses. Staff therefore recommends approval of the Major Amendments to the approved Special Use Permit and Site Development Plan Review, with conditions. If denied, the extent of the use and building would be limited to the floor area approved on 01/06/10.

ISSUES

- A Major Amendment of a previously approved Special Use Permit (U-0109-99) is required to allow expansion of the tavern use on the subject site.
- A Major Amendment of a previously approved Site Development Plan Review (SD-0063-01) is required to allow expansion of the existing Sexually Oriented Business building and site.
- The proposed amendments are in addition to, not replacing, the previously approved amendments to the Special Use Permit and Site Development Plan review approved in January 2010.
- A mapping action to ensure that the site containing the Tavern use maintains at least a 1,500-foot distance separation from another Tavern has not yet been submitted to the City of Las Vegas for review. As a condition of approval of SDR-36434, this map shall be recorded prior to issuance of building permits.
- Condition of Approval Number 6 of SDR-36434 requires recordation of an offsite parking agreement prior to issuance of a certificate of occupancy. This agreement has not yet been recorded.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</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.
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.
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, thereby expunging approvals for MSP-1409 and MSP-2565. 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.

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09/03/09	A Code Enforcement case (81539) was processed for building a steel fence without a permit. The case was resolved by Code Enforcement on 09/08/09.
01/06/10	The City Council approved a Major Amendment (SUP-36436) to a previously approved Special Use Permit (U-0109-99) for a proposed 11,734 square-foot addition to an existing Liquor Establishment (Tavern) and a Major Amendment (SDR-36434) to a previously approved Site Development Plan Review (SD-0063-01) for a proposed 11,734 square-foot addition to an existing 25,417 square-foot Sexually Oriented Business with a waiver of perimeter landscape buffer standards to allow a 10-foot buffer along a portion of the east perimeter where 15 feet is required at 2801 Westwood Drive. The Planning Commission and staff recommended approval.
11/18/10	The Planning Commission will consider requests for a Major Amendment (SUP-39819) to a previously approved Special Use Permit (U-0109-99) for a proposed 6,443 square foot expansion of an approved 37,151 square foot Liquor Establishment (Tavern); and a Major Amendment (SDR-39818) to a previously approved Site Development Plan Review (SD-0063-01) to add a 6,443 square-foot third floor with outdoor balcony to an approved 37,151 square-foot Sexually Oriented Business, and for parking lot modifications at 2801 Westwood Drive.

Most Recent Change of Ownership

03/29/01	A deed was recorded for a change in ownership on APN 162-08-604-001.
11/19/01	A deed was recorded for a change in ownership on APN 162-09-102-004.

Related Building Permits/Business Licenses

Pre-1991	A business license (L16-00016) was issued for a tavern at 1501 West Sahara Avenue. The license was marked out on 02/10/10.
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. A final inspection was approved on 12/04/03.
06/13/03	A building permit (#03012256) was issued for a sign at 2801 Westwood Drive. A final inspection was approved on 12/15/03.
07/25/03	A building permit (#03015969) was issued for a sign at 2801 Westwood Drive. A final inspection was approved on 09/24/03.
08/21/03	A building permit (#03018001) was issued for a sign at 2801 Westwood Drive. A final inspection was approved on 09/15/03.

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09/02/03	A building permit (#03018862) was issued for a sign at 2801 Westwood Drive. A final inspection was approved 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.
08/04/04	A business license (V01-00027) was issued for a valet parking operation at 2801 Westwood Drive. The license was marked out of business on 05/02/08.
01/10/05	A building permit (#05000142) was issued for an off-premise sign at 2801 Westwood Drive. A special inspection report confirming compliance with 2003 IBC codes was received on 10/06/05.
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.
12/15/06	A building permit (78279) was issued for fire repair at 2801 Westwood Drive. A final inspection was approved on 03/28/07.
06/05/08	A business license (V01-00046) was issued for a valet parking operation at 2801 Westwood Drive. The license was marked out of business on 06/15/09.
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 for installation of an LED unit on the south face of an existing off-premise sign, and to upgrade the existing structure to meet the 2006 IBC at 2801 Westwood Drive. A final inspection was approved on 09/10/09.
07/15/09	A building permit (142198) was issued for a six-foot tall ornamental iron fence at 2500 Western Avenue. A final inspection was approved on 07/22/09.
10/19/10	A business license (L16-00338) was issued for a tavern at 1501 West Sahara Avenue following a change of license ownership.

<i>Pre-Application Meeting</i>	
09/24/10	A pre-application meeting was held with the applicant, in which requirements for the submittal of a Special Use Permit and Site Development Plan Review applications were discussed. The following topics were also discussed: • A partial third story and roof deck will be added to what was previously approved. The increase in height and floor area will require a Major Amendment to the approved Special Use Permit and Site Development Plan Review. • The timing of a mapping action to adjust the property line between the north parking lot and the building was discussed. The action must be completed prior to the issuance of permits. • The height of the building must be dimensioned to determine compliance with the Airport Overlay District. • Sprinklers must be extended to the new parts of the building.

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<i>Neighborhood Meeting</i>
A neighborhood meeting is not required, nor was one held.

Field Check	
10/15/10	A field check was conducted, where the following item was noted: The site contains a well maintained Sexually Oriented Business.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.27 (4.51 with parking lot)

<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	Sexually Oriented Business	LI/R (Light Industry/ Research)	M (Industrial)
North	Parking Lot	LI/R (Light Industry/ Research)	M (Industrial)
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)	ROW (Right-of-Way)	ROW (Right-of-Way)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		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 SDR-36434, the following development standards apply to the subject site:

Standard	Approved SDR-36434	Proposed	Change	Compliance
Min. Setbacks:				
• Front	35 Feet	35 Feet	None	Y
• Side	10 Feet	20 Feet	+10 Feet	Y
• Rear	30 Feet	25 Feet	-5 Feet	Y
Max. Building Height	2 stories/41.5 Feet	3 stories/68 Feet	+26.5 Feet	Y
Parking Spaces Required	149	179	+30 spaces	Y
Parking Spaces Provided	249	203	-46 spaces	Y
Perimeter trees:				
• North	10 Trees	7 Trees	-3 Trees	N
• South	23 Trees	23 Trees	None	Y
• East	11 Trees	13 Trees	+2 Trees	Y
• West	12 Trees	12 Trees	None	Y
Total floor area	37,151 SF	44,550 SF	+7,399 SF	N/A
First Floor Addition	6,703 SF	7,365 SF	+662 SF	N/A
Second Floor Addition	5,031 SF	5,325 SF	+294 SF	N/A
Third Floor Addition	N/A	2,748 SF	+2,748 SF	N/A
3rd Floor Roof Deck	N/A	3,695 SF	+3,695 SF	N/A

Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	43 Trees	36 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		8 Feet	Y
• South	8 Feet		8 Feet	Y
• East	10 Feet		10 Feet	Y
• West	8 Feet		8 Feet	Y

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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>
<i>Westwood Drive – Local Street (adjacent to APN 162-08-604-001)</i>	N/A	50	N/A
<i>Westwood Drive – Private Street (adjacent to APN 162-09-102-004)</i>	N/A	50	N/A

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

Available to File 1987 and 1990, 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
Sexually Oriented Business	44,550 SF	1/250 SF GFA	179		203		Y
TOTAL SPACES REQUIRED			179		203		Y
Regular and Handicap Spaces Required			173	6	197	6	Y
Loading Spaces	44,550 SF		3		5		Y

ANALYSIS

The site remains in substantial conformance with the previously approved plan. The expansion will add about 27 feet to the height of the building; this height remains well below the 175-foot Airport Overlay restriction and remains compatible with surrounding development. The overall site will lose a total of 46 parking spaces as a result of the expansion, and although the parking requirement has increased, the site will still be overparked by 24 spaces. With the exception of trees provided along the north perimeter of the site, perimeter buffer landscaping is provided to meet the requirements of previously approved Site Development Plan Review (SDR-36434). The deficiency will be addressed in a condition of approval. The parking lot landscaping has been altered to accommodate a proposed drop-off area at the south end of the lot. It is noted that three trees within the interior parking field required by SDR-36434 are missing from the landscape plan, and one tree on the end of a parking row in the amended area has been omitted; these trees must be shown on a revised landscape plan at the time of permits. In addition, only deciduous or evergreen tree species are allowed in parking areas. Several of the deciduous trees approved on the previous landscape plan have been replaced by palm trees. A condition of approval will address this issue.

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The new additions will be located at the northwest side of the previously approved expansion, facing Interstate 15 and the existing parking lot. The first and second floor plans will be amended to expand the approved north lobby and to provide additional restrooms. The proposed third floor will contain club area, new restrooms and a 3,695 square-foot outdoor deck. The deck will face the parking lot to the north and east. A series of covered booths (cabanas) will be located at the south end of the deck. A 2.5-foot parapet wall with a three-foot decorative balustrade will surround the deck. A drawing has been submitted showing the sight lines to the deck in all directions. The existing tavern use is proposed to be expanded to capture the increased floor area. Expansion will not affect any previously approved waiver of distance separation. A new mechanical area enclosure will be located at the southwest corner of the property, approximately 10 feet from the west property line. The equipment and enclosure meet Title 19 mechanical and screening requirements. Due to the proposed addition to the existing building, civil improvement plans are required to be submitted to the Las Vegas Valley Water District to verify adequate domestic and fire flow can be met.

The existing parking lot is proposed to be modified to create a drop-off area north of the expanded building area. The two lanes will be able to accommodate stacking for at least five buses or limousines. Two of the parking islands at the north side of the lot are proposed to be modified to accommodate a 24-foot wide fire lane around the site.

The additions and modifications are compatible with the existing structure and the surrounding area, and expansion of the Tavern use can be conducted in a manner that is harmonious and compatible with the surrounding land uses. Staff therefore recommends approval of the Major Amendments to the approved Special Use Permit and Site Development Plan Review, with conditions.

FINDINGS (SUP-39819)

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 expansion of the Liquor Establishment (Tavern) use 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 subject site is physically suitable for a Liquor Establishment (Tavern) use, and can accommodate the proposed expansion.

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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 provided from 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.

A Waiver of Title 19.04 minimum distance separation requirements to allow 300 feet from a similar use where 1,500 feet is the minimum distance required was approved through a previous action (SUP-36436). The waiver remains in effect and is not affected by expansion of the use on the same parcel.

FINDINGS (SDR-39818)

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 addition to the existing Sexually Oriented Business is compatible with development in the area. The expanded area will face Interstate 15 and the parking lot to the north.

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;

Proposed changes in parking lot landscaping do not conform to Title 19 or the previous approval, nor does the number of trees located in the landscape buffer along the north perimeter. A condition of approval will require conformance to Title 19 standards. All other development conforms to Title 19 requirements.

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

There is adequate space on the site to accommodate vehicles without conflicts. The access from Westwood Drive will not negatively impact neighborhood industrial traffic.

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

Building materials are similar to those used for the previous expansion and are compatible with the existing building. The proposed landscape materials, as conditioned, are appropriate for the area and for the City. Palm trees in the parking area shall be replaced by deciduous or evergreen trees in conformance with Title 19 requirements.

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 proposed building elevations will be harmonious with the existing and approved portions of the Sexually Oriented Business and will be compatible with adjacent development in the area.

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

The proposed addition to the existing Sexually Oriented Business will be subject to final Building and Safety and Planning and Development inspections; therefore this development will not compromise the public health, safety or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 88 (SUP-39819)
 60 (SDR-39818)

APPROVALS 2

PROTESTS 0