



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: APRIL 10, 2012

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: VC TOROS, LLC - OWNER: THE VISTA COMMONS CENTER, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-44665	Staff recommends APPROVAL, subject to conditions:	N/A
SUP-44667	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-44665 CONDITIONS

Planning

1. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. 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 Department of Building and Safety.
3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-44667 CONDITIONS

Planning

1. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. 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 Department of Building and Safety.
3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
4. 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 proposed Special Use Permit requests consist of Pub, Bar or Lounge (Tavern) with a proposed Gaming Establishment, Restricted use that will operate concurrently. The proposed uses will occupy a 4,000 square-foot suite within a shopping center at 11760 West Charleston Boulevard. The uses are compatible with the adjacent commercial uses; therefore, staff recommends approval. If denied, the proposed uses would not be allowed at this location.

ISSUES

- A Pub, Bar, or Lounge use is permitted in the VC (Village Center) Summerlin Land Use District upon approval of a Special Use Permit.
- The Gaming Establishment, Restricted use is permitted in the VC (Village Center) Summerlin Land Use District upon approval of a Special Use Permit. There are no distance separation requirements for this use.
- Per the Summerlin Development Standards, no waivers are required for distance separation requirements; however, the proposed use will be adjacent to an existing Pub, Bar, or Lounge use and is located within 1,500 feet of an existing Public or Private School, Secondary Use. The school is approximately 280 feet away, south of Charleston Boulevard and west of Desert Foothills Drive. Both of these streets are at least 100 feet in width.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/25/05	A request for a Site Development Plan Review (CRG-6661) was approved by the City Referral Group for a proposed 56,000 square-foot Grocery Store at the northeast corner of Charleston Boulevard and Desert Foothills Drive.
07/06/05	The City Council approved a request for a Special Use Permit (SUP-6500) for a proposed Liquor Store adjacent to the northeast corner of Charleston Boulevard and Desert Foothills Drive. The Planning Commission recommended approval.
08/15/07	The City Council approved a request for an Extension of Time (EOT-22994) of an approved Special Use Permit (SUP-6500) for a proposed Liquor Store at 11720 West Charleston Boulevard.
09/05/07	The City Council approved a request for a Special Use Permit (SUP-22488) for a proposed Beer/Wine/Cooler On-Sale Establishment at 11710 West Charleston Boulevard, Suite #150. The Planning Commission recommended approval.
11/21/07	The City Council approved a request for a Special Use Permit (SUP-24265) for a proposed Pub, Bar and Lounge at 11770 West Charleston Boulevard, Suite #110. The Planning Commission recommended approval.

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03/19/08	The City Council approved a request for a Special Use Permit (SUP-26267) for a Gaming Establishment, Restricted within an existing Pub, Bar and Lounge at the northeast corner of Charleston Boulevard and Desert Foothills Drive. The Planning Commission recommended approval.
10/15/08	The City Council approved a request for a Special Use Permit (SUP-29241) for a proposed 6,019 square-foot Supper Club at 11760 West Charleston Boulevard. The Planning Commission and staff recommended approval. This entitlement has expired.
02/14/12	The applicant withdrew the request for a Special Use Permit (SUP-43724) to allow a 2,950 square-foot Pub, Bar or Lounge (Tavern) at 11770 West Charleston Boulevard, Suite #150.

Most Recent Change of Ownership

01/24/11	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

08/14/07	A business license (#L15-00136) was issued for a Package Liquor Establishment at 11720 West Charleston Boulevard.
08/26/08	A business license (#L16-00293) was issued for Tavern at 11770 West Charleston Boulevard, Suite #110.
	A business license (#C05-02630) issued for Retail Tobacco Dealer at 11770 West Charleston Boulevard, Suite #110.

Pre-Application Meeting

02/08/12	A pre-application meeting was held and the submittal requirements for a Special Use Permit request were discussed for the proposed Pub at 11760 West Charleston Boulevard.
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Neighborhood Meeting

A neighborhood meeting is not required for these types of requests, nor was one held.

Details of Application Request

<i>Site Area</i>	
Net Acres	10.3

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Shopping Center	VC (Village Center)	P-C (Planned Community)
North	Single-Family, Detached	SF3 (Single Family Detached)	P-C (Planned Community)

South	Unincorporated Clark County – Single Family Detached	Unincorporated Clark County – SF (Single Family Residential)	Unincorporated Clark County – R-U (Rural Open Land District)
East	Single-Family, Detached	SF3 (Single Family Detached)	P-C (Planned Community)
West	Single-Family, Detached	SF3 (Single Family Detached)	P-C (Planned Community)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Summerlin	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
P-C (Planned Community) District	X		Y
Trails	X		Y
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		Y

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DEVELOPMENT STANDARDS

Pursuant to the Summerlin Development Standards, the following 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	
Grocery Store (Bldg A)	56,000 SF	1:250 SF	224				
Retail (Bldg B)	17,200 SF	1:250 SF	70				
Retail (Bldg C)	12,800 SF	1:250 SF	52				
Pubs, Bars, & Lounges (Bldg D & E)	8,000 SF	1:50 SF of public seating & waiting area, including outdoor seating/eating areas	91				
Service Station (Bldg F)	3,660 SF	1:250 SF	15				
Bank (Bldg G)	5,000 SF	1:200 SF	25				
TOTAL SPACES REQUIRED			477			494	
Regular and Handicap Spaces Required			468	9	472	22	Y

ANALYSIS

The Summerlin Development Standards defines the Pubs, Bars, & Lounges use as, “A place where the sales and service of alcoholic beverages are sold by the drink, where meals are not required.”

The proposed use meets this definition and there are no minimum Special Use Permit Requirements listed by the Summerlin Development Standards.

The applicant proposes a 4,000 square-foot Pub, Bar or Lounge establishment with a concurrent Gaming use located in an existing commercial space (Building E) addressed as 11760 West Charleston Boulevard. The proposed development is located within the Village Center (VC) land use district, which allows a mix of land uses to include commercial and recreational facilities that provide most of the daily and weekly services and activities for a village or combination of villages. A Pub, Bar or Lounge use may occur with an approved Special Use Permit in the Village Center District of Summerlin.

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This Special Use Permit request qualifies as a Project of Regional Significance (PRS) as the subject site is located within 500 feet of the boundary with Clark County. There have been no comments received from participating agencies regarding the anticipated impact from this proposal.

Parking is adequately provided for the proposed use and the included proposed outdoor patio area. The original Site Development Plan Review (CRG-6661) approved by the City Referral Group had the proposed “Building E” parked for an anticipated Pubs, Bars, or Lounges use.

As previously stated, there are no Minimum Special Use Permit Requirements listed in the Summerlin Development Standards for the Pubs, Bars, & Lounges use. The proposed establishment would operate much in the way Title 19.12 defines the Liquor Establishment (Tavern) use in terms of intensity and restrictions. There are no waivers required with this proposal, as the Summerlin Development Standards do not require a minimum distance separation from city parks, schools, child care facilities licensed for more than 12 children, or houses of worship. However, a Pub, Bar, or Lounge use is located adjacent to this proposal and a Public or Private School, Secondary use is located approximately 280 feet to the southwest of the subject site. It is important to note that both Charleston Boulevard and Desert Foothills separates the proposed use from the school with at least 100 feet of public right-of-way.

The Gaming (Restricted) use is defined as “An establishment which is used or intended to be used for gaming activities for which a restricted gaming license is required pursuant to Title 6 of the Las Vegas Municipal Code. For informational purposes, the term refers to an establishment whose gaming operations are limited to not more than fifteen slot machines, incidental to the primary business at the establishment, and no other game or gaming device” The proposed use meets the definition, as the applicant has proposed to operate slot machines in the proposed bar at this location.

There are no Minimum Special Use Permit Requirements required by the Summerlin Development Standards for the Gaming (Restricted) use.

Staff recommends approval of both of these requests, as they are consistent with the uses mentioned in the original Site Development Plan Review (CRG-6661), the Village Center (VC) land use district, and the Summerlin Development Standards Manual. If denied, the applicant will not be allowed to operate such uses at the proposed location.

FINDINGS (SUP-44665)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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.**

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The proposed Pub, Bar, or Lounge use is located within a commercial shopping center that includes a bank, a restaurant with on premise alcohol sales, a tavern, personal services, and a grocery store with accessory package liquor sales. The addition of the Pub, Bar, or Lounge use meets the intent of the VC (Village Center) land use designation. The closest protected uses are separated from the site by a 150-foot right-of-way.

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

The subject site operates as a commercial shopping center which was designed to accommodate a variety of uses and parking needs, including the proposed Pub 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 proposed use is located within a commercial subdivision that is accessed by Charleston Boulevard and Desert Foothills Drive, both of which are adequate in size to meet the needs 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 Pub, Bar, or Lounge use is will be subject to regular licensing inspections and will not compromise the public health, safety, and welfare or overall objectives of the General Plan.

5.The use meets all of the applicable conditions per Title 19.12.

The proposed use is regulated by the Summerlin Development Standards Manual, and there are no conditions for this use required of said plan.

FINDINGS (SUP-44667)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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.

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The proposed Gaming Establishment, Restricted use is located within a proposed Pub, Bar, Or Lounge, that is located within a commercial shopping center that includes a bank, a restaurant with on premise alcohol sales, a tavern, personal services, and a grocery store with accessory package liquor sales. The addition of the Gaming Establishment, Restricted use with the proposed Pub, Bar, or Lounge use meets the intent of the VC (Village Center) land use designation.

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

The subject site operates as a commercial shopping center which was designed to accommodate a variety of uses and parking needs, including the proposed Gaming Establishment, Restricted 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 proposed use is located within a commercial subdivision that is accessed by Charleston Boulevard and Desert Foothills Drive, both of which are adequate in size to meet the needs 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 is will be subject to regular inspections and will not compromise the public health, safety, and welfare or overall objectives of the General Plan.

5.The use meets all of the applicable conditions per Title 19.12.

The proposed use is regulated by the Summerlin Development Standards Manual, and there are no conditions for this use required of said plan.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 1,232

APPROVALS 2

PROTESTS 4