

**AGENDA MEMO - PLANNING****CITY COUNCIL MEETING DATE: SEPTEMBER 17, 2014****DEPARTMENT: PLANNING****ITEM DESCRIPTION: APPLICANT: HOOKAH MASTER'S LOUNGE - OWNER:
CHARLESTON MARKETPLACE MALCAI, LLC**

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
RQR-53803	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** CONDITIONS ****

RQR-53803 CONDITIONS

Planning

- 1.Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-48035) shall be required.
- 2.Payment of the required fees totaling \$800.00 (\$300.00 application fee, \$500.00 notification fee) within 10 days of City Council action.
- 3.No further reviews shall be required.
- 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

This application is for a Required Review of a previously approved Special Use Permit (SUP-48035) for a Night Club within an existing 5,775 square-foot restaurant at 5900 West Charleston Boulevard, Suite #8. Per condition #1 of Special Use Permit (SUP-48035) a Required Review was mandated by City Council after approval to re-evaluate the impact of the approved Night Club has had on the subject site and the adjacent residential properties.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
03/02/66	The Board of City Commissioners approved a Rezoning (Z-0006-66) to C-1 (Limited Commercial) on the subject site as part of a larger request. The Planning Commission recommended approval.
10/18/99	The Planning Commission approved a Site Development Plan Review [Z-0006-66(42)] for a proposed single-story, 24,160 square-foot retail development on 2.12 acres on the north side of Charleston Boulevard, approximately 300 feet east of Jones Boulevard. Staff recommended approval.
02/16/05	The City Council approved a Special Use Permit (SUP-5659) for a proposed Beer/Wine/Cooler On-Sale Establishment at 5900 West Charleston Boulevard, Suite #4. The Planning Commission and staff recommended approval.
04/18/12	The City Council approved General Plan Amendment (GPA-43991) to establish the Redevelopment Area #2 and change future land use designation on various parcels within the Redevelopment Area #2 to MXU (Mixed Use) which includes the subject site.
06/05/13	The City Council approved a Special Use Permit (SUP-48036) for a proposed Supper Club within an existing 5,775 square-foot restaurant at 5900 West Charleston Boulevard, Suite #8. The Planning Commission and staff recommended approval.
07/10/13	The City Council approved Special Use Permit (SUP-48035) for a proposed Night Club within an existing 5,775 square-foot restaurant at 5900 West Charleston Boulevard, Suite #8. The Planning Commission and staff recommended approval.
09/04/13	The City Council approved Ordinance #6266, which deleted in its entirety the term "Supper Club" and its corresponding definition. And added the term "Restaurant with Alcohol" and its corresponding definition.

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<i>Most Recent Change of Ownership</i>	
04/13/06	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
08/10/00	A building permit (#00014909) was issued for a retail shell building at 5900 West Charleston Boulevard. A final inspection was completed 08/03/01.
08/23/02	A business license (R10-00773) was issued for a Deli/Market at 5900 West Charleston Blvd., Suite #4. The license is still active.
11/08/02	A business license (L09-00192) was issued for a Beer/Wine/Cooler On-Sale Establishment at 5900 West Charleston Boulevard, Suite #10. The license is still active.
	A business license (R09-01175) was issued for a Restaurant at 5900 West Charleston Boulevard, Suite #10. The license is still active.
01/12/04	A building permit (#04000582) was issued for a retail shell building at 5950 West Charleston Boulevard. A final inspection was completed 07/12/04.
02/13/12	A building permit (204467) was issued for four wall signs at 5900 West Charleston Boulevard, Suite #8. The permit was never finalized.
03/22/12	A building permit (204198) was issued for a Tenant Improvement for a Certificate of Occupancy at 5900 West Charleston Boulevard, Suite #8, combining suites 5 through 9 into one suite. The permit was finalized on 06/28/12.
05/02/12	A business license (C05-98413) was issued for a Tobacco Dealer at 5900 West Charleston Boulevard, Suite #8. The license is still active.
	A business license (D19-98417) was issued for a Night Club at 5900 West Charleston Boulevard, Suite #8. The license was marked out of business on 06/06/13.
	A business license (T50-98414) was issued for a Hookah Lounge at 5900 West Charleston Boulevard, Suite #8. The license is still active.
12/10/12	A business license enforcement case (123122) was processed for the failure to maintain the employees list and an overage of 29 seats in the lounge area at 5900 West Charleston Boulevard, Suite #8. The case was resolved on 09/20/13.
12/11/12	A business license (R09-92775) was issued for a restaurant at 5900 West Charleston Boulevard, Suite #8. The license is still active.
06/12/13	A temporary business license (L21-94705) was issued for a Restaurant with Alcohol at 5900 West Charleston Boulevard, Suite #8. The license is still active, but will expire on 09/06/14.
09/05/13	A temporary business license (D19-96607) was issued for a Night Club at 5900 West Charleston Boulevard, Suite #8. The license is still active, but will expire on 09/06/14.
11/26/13	A business license enforcement case (135806) was processed for unapproved limited themed entertainment during dining and out of date employee list at 5900 West Charleston Boulevard, Suite #8. The case is still open.

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<i>Pre-Application Meeting</i>
A pre-application meeting was not required, nor was one held.
<i>Neighborhood Meeting</i>
A neighborhood meeting is not required, nor was one held.

Field Check	
06/26/14	Staff conducted a field check of the subject site and found the area surrounding the business clean and neat in appearance with no discrepancies noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.12

<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	Restaurant with Alcohol/Night Club/Hookah Lounge	MXU (Mixed Use)	C-1 (Limited Commercial)
North	Multi-Family Residential	M (Medium Density Residential)	R-PD15 (Residential Planned Development – 15 Units Per Acre)
South	Multi-Family Residential (Condominiums)	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Auto Parts (New & Rebuilt)	MXU (Mixed Use)	C-1 (Limited Commercial)
West	Liquor Establishment (Tavern)	MXU (Mixed Use)	C-1 (Limited Commercial)

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<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 (200 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area #2	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is a Required Review of a previously approved Special Use Permit (SUP-48035) which permitted a Night Club use within an existing 5,775 square-foot Restaurant at 5900 West Charleston Boulevard, Suite #8. A temporary business license (L21-94705) was issued for a Restaurant with Alcohol use on June 12, 2013, with an additional temporary business license (D19-96607) issued on September 12, 2013 for the Night Club use. Ordinance #6266 deleted in its entirety the term “Supper Club” and adds the term “Restaurant with Alcohol” and its corresponding definition. The applicant has obtained the appropriate business licenses and has incurred a few calls for service by the Metropolitan Police Department to the subject site, but none are directly related to the operation of the subject business. The applicant has experienced two business license enforcement cases related to the operation of the Night Club:

- December 10, 2012 a business license enforcement case (123122) was processed for the failure to maintain the employees list and an overage of 29 seats in the lounge area;
- November 26, 2013 a business license enforcement case (135806) was processed for unapproved limited themed entertainment during dining and possession of an out of date employee list.

FINDINGS

The approved Night Club and Restaurant with Alcohol uses are incompatible with each other, as a Night Club is characterized by any or all of the following principal Activities:

- Live, recorded or televised entertainment, including but not limited to performance by magicians, musicians or comedians;
- Dancing.

A Restaurant with Alcohol is characterized by:

- The restaurant operation is the principal portion of the business.

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As the two uses cannot operate concurrently due to the Night Club use operating as the principal portion of the business, staff recommends denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 26**NOTICES MAILED** 454 (By Planning)**APPROVALS** 0**PROTESTS** 0