



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: OCTOBER 14, 2014

DEPARTMENT: PLANNING

**ITEM DESCRIPTION: APPLICANT: THE CHEESECAKE FACTORY - OWNER:
SIMON CHELSEA LAS VEGAS DEVELOPMENT, LLC**

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-55674	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-55674 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Supper Club (Restaurant with Alcohol) use.
2. 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.
3. 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
5. Prior to the submittal of a building permit application, the applicant shall meet with Department of Planning staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

Conditions Page Two
October 14, 2014 - Planning Commission Meeting

6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. Minors shall only be permitted in such areas wherein spirituous, malt or fermented liquors or wines are served only in conjunction with regular meals and where dining tables or booths are provided separate from the bar in conformance with Title 6.50.
8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
October 14, 2014 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Supper Club (Restaurant with Alcohol) within a portion of a building at 505 South Grand Central Parkway located within an existing shopping center. The proposed establishment will utilize 8,861 square feet of interior space in addition to 1,631 square feet of outdoor patio. As this request meets all the minimum Special Use requirements and can be conducted in a compatible and harmonious manner within the existing shopping center, staff recommends approval of this application. If denied, the applicant will not be allowed to conduct the Supper Club (Restaurant with Alcohol) use at this location.

ISSUES

- The Supper Club (Restaurant with Alcohol) use is permitted in the Downtown Centennial Plan (Parkway Center) district with the approval of a Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/23/98	The City Council approved a Rezoning (Z-0100-97) request from M (Industrial) to PD (Planned Development) of the subject property as part of a larger request. The Planning Commission recommended approval.
06/14/99	The City Council approved a Development Standard and Master Plan Review [Z-0100-97(1)] request of one-lot of the Parkway Center Planned Development. The Planning Commission recommended approval.
11/07/01	The City Council approved a Major Modification [Z-0100-97(5)] of the Parkway Center Master Plan to amend or delete certain provisions of the Master Development Plan for Lot 1 of Parkway Center. The Planning Commission recommended approval.
	The City Council approved a Site Development Plan Review [Z-0100-97(6)] request for a proposed 478,028 square-foot retail mall on 39.20 acres at the southwest corner of Bonneville Avenue and Grand Central Parkway. The Planning Commission recommended approval.
09/26/02	The Planning Commission approved a Master Sign Plan (MSP-0007-02) request for an approved 478,028 square-foot outlet mall on the subject property. Staff recommended approval.

Staff Report Page Two
October 14, 2014 - Planning Commission Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/15/04	The City Council approved a request for Directors Business (DIR-4831) to allow four water features for a commercial development located at 777 south Grand Central Parkway.
09/15/05	The City Council approved a request for a Site Development Plan Review (SDR-7335) for a proposed 1.09 million square-foot mixed-use development consisting of a 32-story hotel tower, a 16-story office tower and a 24-story residential tower, including 470,000 square feet of commercial space, 670 condominium hotel units and 146 residential units with waivers of the parkway center build-to-line requirement, streetscape requirements, and exterior finish materials requirements on 4.48 acres adjacent to the southwest corner of Bonneville Avenue and Grand Central Parkway. The Planning Commission recommended approval.
11/15/05	The Parkway Center Architectural Review Committee (PC-ARC) approved the expansion of an existing commercial center to include a five-story parking garage with 500 parking spaces, a four-story parking garage with 1,115 parking spaces, and four one-story retail buildings with 109,370 square feet of commercial floor space on 34.53 acres adjacent to the west side of Grand Central Parkway, approximately 600 feet south of Bonneville Avenue (ARC-10223).
	The PC-ARC approved a Major Amendment (ARC-10224) of a previously approved Master Sign Plan (MSP-0007-02) for a proposed 109,370 square-foot expansion of an existing commercial center on 34.53 acres adjacent to the west side of Grand Central Parkway, approximately 600 feet south of Bonneville Avenue.
02/15/06	The City Council approved a Site Development Plan Review (SDR-10131) request for the expansion of an existing commercial center to include a five-story parking garage with 500 parking spaces, a four-story parking garage with 1,115 parking spaces, and four one-story retail buildings with 109,370 square feet of commercial floor space on 34.53 acres adjacent to the west side of Grand Central Parkway, approximately 600 feet south of Bonneville Avenue. The Planning Commission and staff recommended approval.
	The City Council approved a Major Amendment (MSP-10136) request of a previously approved Master Sign Plan (MSP-0007-02) for a proposed 109,370 square-foot expansion of an existing commercial center on 34.53 acres adjacent to the west side of Grand Central Parkway, approximately 600 feet south of Bonneville Avenue. The Planning Commission and staff recommended approval.
03/21/06	The Planning Commission Architecture Review Committee (PC-ARC) approved a Site Development Plan Review (ARC-12214) request for an additional story and 191 parking spaces to Parking Deck "A" for a total of 1,306 spaces on 34.53 acres adjacent to the west side of Grand Central Parkway, approximately 600 feet south of Bonneville Avenue.

Staff Report Page Three
October 14, 2014 - Planning Commission Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/27/06	The Planning Commission approved a Major Amendment (SDR-12213) request of a previously approved Site Development Plan Review (SDR-10131) to add an additional story and 191 parking spaces to Parking Deck "A" and a waiver of the Parkway Center Development Standards to allow parking directly adjacent to a building where such is prohibited on 34.53 acres adjacent to the west side of Grand Central Parkway, approximately 600 feet south of Bonneville Avenue. Staff recommended approval.
05/17/06	The City Council approved a request for a Review of Condition (ROC-12885) for a Review of Condition Number 15 of an approved Site Development Plan Review (SDR-10131) to remove the condition that required a meeting with the Nevada Department of Transportation (NDOT) to determine additional right-of-way requirements for the future Bonneville/Alta bridge structure, if any. Also, provide written proof that NDOT is satisfied prior to or concurrent with submittal of construction drawings for this site for an existing commercial development at 979 South Grand Central Parkway.
08/28/08	The Planning Commission approved a Major Amendment (MSP-29008) of a previously approved Master Sign Plan (MSP-0007-02) for additional signage for an existing commercial center with a waiver of the Downtown Centennial Plan Standards to allow signage above the bottom of the second floor window sill and in excess of two tenants per building elevation at the southwest corner of Bonneville Avenue and South Grand Central Parkway. Staff recommended approval.
05/08/12	The Planning Commission approved a Major Amendment (SDR-44929) request to Site Development Plan Review [(Z-0100-97 (6) and SDR-10131] for a 159,257 square-foot expansion of an existing commercial center and a four-level expansion of an existing parking garage with waivers from the downtown centennial plan build-to-line requirement along Bonneville avenue and Grand Central Parkway and architectural detail, streetscape and interior landscape requirements on 39.08 acres at the southwest corner of Grand Central Parkway and Bonneville Avenue. Staff recommended approval of the request.
11/08/12	The Department of Planning administratively approved a Minor Amendment request (SDR-46841) to approved Site Development Plan Review (SDR-44929) to add a valet area and a walled service area and to revise the building configuration of an approved 159,257 square-foot expansion of an existing commercial center on 39.01 acres at the southwest corner of Grand Central Parkway and Bonneville Avenue.
09/04/13	The City Council approved Ordinance #6266 which replaced Supper Club use and Liquor License Update (replaced Supper Club use with Restaurant with Alcohol Use in Title 19). Updates the City's alcohol licensing regulations, including the adjustment of license categories, and updates corresponding zoning, gaming and other regulatory provisions regarding alcohol-related uses.

Staff Report Page Four
October 14, 2014 - Planning Commission Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/17/13	The Department of Planning administratively approved a Minor Amendment (MSP-49564) of a previously approved Master Sign Plan (MSP-0007-02) to add signage for phase 3 of an existing shopping center on 39.02 acres at the southwest corner of Bonneville Avenue and Grand Central Parkway.
08/20/14	The City Council approved a request for a Special Use Permit (SUP-54331) for a proposed 2,095 square-foot beer/wine/cooler on-sale establishment use at 885 South Grand Central Parkway, Suite #55. The Planning Commission recommended approval of the request 07/08/14.

<i>Most Recent Change of Ownership</i>	
08/30/12	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
08/01/02	A building permit (#02013868) was issued for onsite improvements and hardscapes at 777 South Grand Central Parkway. A final inspection was completed 09/25/03.
08/01/02	Building permits (#02013869 through #02013875) were issued for 16 shell retail buildings (Buildings 1-16) located at the southwest corner of Bonneville Avenue and Grand Central Parkway. Final inspections were completed between 09/25/03 and 01/23/04.
06/19/06	A building permit (#06004202) was issued for a parking garage structure (Deck "A") at 955 South Grand Central Parkway. A final inspection was completed 08/24/07.
04/09/07	A building permit (#07001176) was issued for a parking garage structure (Deck "B") at 695 South Grand Central Parkway. There is no record of an approved final inspection or a Certificate of Occupancy.
05/04/07	Building permits (#070011493 and #07001495 through #07001497) were issued for four shell retail buildings (Buildings 20-23) located at 685, 785, 795 and 885 South Grand Central Parkway. Final inspections were completed between 04/28/08 and 05/21/08.
05/08/14	A building permit (#249164) was issued for retail building at 505 South Grand Central Parkway. A final inspection has not been completed.

<i>Pre-Application Meeting</i>	
08/14/14	A pre-application meeting was conducted with the applicant to go over the application materials and submittal requirements for a Special Use Permit for a proposed Supper Club (Restaurant with Alcohol) use.

Staff Report Page Five
October 14, 2014 - Planning Commission Meeting

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

Field Check	
08/28/14	The site contains an existing general retail shopping center. During a routine site inspection staff observed a well maintained commercial site free of trash and debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	38.94

<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	MXU (Mixed Use)	PD (Planned Development)
North	Wholesale Showroom Facility	MXU (Mixed Use)	PD (Planned Development)
South	I-15 Off-Ramp to Charleston Blvd./ Grand Central Pkwy	MXU (Mixed Use)	PD (Planned Development)
East	Clark County Government Center	PF (Public Facilities)	C-V (Civic)
	On-Ramp to I-15 Northbound	MXU (Mixed Use)	PD (Planned Development)
West	Interstate 15	ROW (Interstate 15)	ROW (Interstate 15)

<i>Master Plan Areas</i>	<i>Compliance</i>
Downtown Centennial Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
PD (Planned Development) District	Y
Downtown Centennial Plan Overlay District (Parkway Center)	Y
A-O (Airport Overlay) District (175 Feet)	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	Y
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

Staff Report Page Six
October 14, 2014 - Planning Commission Meeting

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Grand Central Parkway	Primary Arterial	Planned Streets and Highways Map	100 Feet	Y

<i>Parking Requirement - Downtown</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Base Parking Requirement</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	737,860 SF	1/250 SF	2,952				
TOTAL SPACES REQUIRED			2,952		2,623		N*
Regular and Handicap Spaces Required			2,912	40	2,574	49	N*

**Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City.*

ANALYSIS

The applicant is proposing to establish a Supper Club (Restaurant with Alcohol) within an existing shopping center within a portion of a building at 505 South Grand Central Parkway. The subject site is located with the PD (Planned Development) zoning district, within the Las Vegas Downtown Centennial Plan – Parkway Center District. The submitted plans indicate the proposed establishment will utilize 8,861 square feet of space with a 1,631 square-foot outdoor patio with approximately 277 seats for dining.

The subject site is located in an existing 737,860 square-foot shopping center. The existing commercial subdivision provides shared access and parking throughout the subject site. The proposal adheres to all minimum parking requirements.

A Restaurant with Alcohol use is described in Tile 19.12 as: “A restaurant and bar operation with alcoholic beverage sales in which:

1. The actual seating available at all times within the dining area will accommodate at least 100 persons. For purposes of this requirement, the “dining area” does not include bar stool seating at the bar or lounge seating, but may include table or booth seating within the bar area and table seating within a patio area;

Staff Report Page Seven

October 14, 2014 - Planning Commission Meeting

2. Alcoholic beverages are served in the restaurant area only in conjunction with the service of food;
3. Full-course meals are available during all hours the bar area is open to the public;
4. A cook and food server, other than a bartender, are available at all times the bar area is open to the public; and
5. The restaurant operation is the principal portion of the business.

Minimum Special Use Permit Requirements:

1. No restaurant with alcohol use shall be located within 400 feet of any church/house of worship, school, individual care center licensed for more than 12 children, or City park.

The subject site is not located within 400 feet of any church/house of worship, school, individual care center licensed for more than 12 children, or City park.

2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:

- a. Any leasehold parcel; or
- b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.

Distances have been measured from Commercial Subdivision “Parkway Center” Book 53, Page 61.

3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
 - a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
 - b. In the case of a proposed establishment which will be located within a shopping center or other multiple tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.

This condition is not applicable, the subject site is not located on a parcel of at least 80 acres of size.

Staff Report Page Eight
October 14, 2014 - Planning Commission Meeting

4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

No distance separation Waivers from any church/house of worship, school, and individual care center licensed for more than 12 children, or City park are associated with this proposal.

5. The minimum distance requirement in Requirement 1 does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

This condition is not applicable; the subject site is not located within 400 feet of any church/house of worship, school, individual care center licensed for more than 12 children, or City park. Nor is the subject site located within an establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms. The subject site is however located with an existing shopping center with 737,860 square feet of retail floor space.

6. The parcel or use is operated or controlled by an agency or subdivision of local, state or federal government. (C-V only)

This condition is not applicable; the proposed use is not located in a C-V (Civic) zoning district.

* 7. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

The proposed use will be subject to all business licensing requirements outlined in LVMC Chapter 6.50 if approved.

According to the submitted justification letter and floor plan, the proposed use meets the definition outlined above. The proposed Supper Club (Restaurant with Alcohol) use adheres to all minimum special use permit requirements as outlined by Title 19.12. The subject site is not located within 400 feet of any church/house of worship, school, individual care center licensed for more than twelve children, or City park. In addition, staff has added a condition of approval requiring the business conform to all provisions of LVMC Chapter 6.50 with regards to an alcohol license. It has been determined that the proposed Supper Club (Restaurant with Alcohol) use can be conducted in a manner that is compatible with the surrounding land uses, therefore, staff is recommending approval, as the use is considered appropriate for the surrounding area.

Staff Report Page Nine
October 14, 2014 - Planning Commission Meeting

FINDINGS (SUP-55674)

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.

The proposed Supper Club (Restaurant with Alcohol) use will be ancillary to the existing shopping center use at the subject site. The proposed use is compatible with the surrounding land uses and can be conducted in a manner that is harmonious with surrounding land uses.

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

The subject site is located within an existing commercial shopping center that is physically suitable for the intensity of the proposed land 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.

Access to the site will not change. Vehicles may enter the property from South Grand Central Parkway, a 100-foot Primary Arterial as classified by the Master Plan of Streets and Highways.

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 and general welfare of the public. The use will be subject to regular inspections and is subject to licensing restrictions.

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

The proposed use meets all applicable conditions of approval for Supper Club (Restaurant with Alcohol) use per Title 19.12.

Staff Report Page Ten
October 14, 2014 - Planning Commission Meeting

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 39

NOTICES MAILED 150

APPROVALS 1

PROTESTS 0