



## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: MARCH 12, 2013**

**DEPARTMENT: PLANNING**

**ITEM DESCRIPTION: APPLICANT - HOOKAH MASTER'S LOUNGE - OWNER:  
CHARLESTON MARKETPLACE MALCAI, LLC**

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### \*\* STAFF RECOMMENDATION(S) \*\*

| <i>CASE<br/>NUMBER</i> | <i>RECOMMENDATION</i>                             | <i>REQUIRED FOR<br/>APPROVAL</i> |
|------------------------|---------------------------------------------------|----------------------------------|
| SUP-48035              | Staff recommends APPROVAL, subject to conditions: |                                  |

### \*\* CONDITIONS \*\*

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## SUP-48035 CONDITIONS

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### Planning

1. Conformance to the approved conditions for Rezoning (Z-0006-66) and Site Development Plan Review [Z-0006-66(42)].
2. Prior to issuance of a full business license for the use, noise impacts to surrounding properties shall be mitigated in conformance with the requirements of Title 9.16.
3. 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.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**Staff Report Page One**  
**March 12, 2013 - Planning Commission Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant proposes to add a Night Club use to a proposed 5,775 square-foot restaurant at 5900 West Charleston Boulevard, Suite #8. The tenant space currently operates as a Banquet Facility with no alcohol service. With adequate soundproofing the use can be conducted in a manner that is harmonious and compatible with surrounding properties. Staff therefore recommends approval with conditions. If denied, the existing banquet facility may remain without the entitlement for live entertainment and dancing.

**ISSUES**

- A Night Club use is permitted in the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit. There are no minimum requirements associated with this use.
- The applicant is also requesting approval of a Special Use Permit (SUP-48036) for a Supper Club in the same tenant space, under separate application.
- The proximity of residential uses to the north of this site must be given special attention, given the impacts of the proposed use to surrounding properties. A condition of approval will require noise attenuation to meet the requirements of Title 9.16 of the Las Vegas Municipal Code.

**BACKGROUND INFORMATION**

| <i>Related Relevant City Actions by P&amp;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.                                                                    |
| 12/17/12                                                          | Business Licensing Enforcement processed a case (123271) regarding a complaint about an event at 5900 West Charleston Boulevard, Suite #8 that would be allowing minors to attend. The case was closed by Licensing Enforcement on 01/08/13.                                            |

***Most Recent Change of Ownership***

|          |                                                |
|----------|------------------------------------------------|
| 04/13/06 | A deed was recorded for a change in ownership. |
|----------|------------------------------------------------|

***Related Building Permits/Business Licenses***

|          |                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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.                                                                                                                                                                                                                                                                                         |
| 03/22/12 | A building permit (204198) was issued for a restaurant tenant improvement at 5900 West Charleston Blvd., Suite #8, combining Suites 5 through 9 into one suite. A final inspection was completed on 06/29/12.                                                                                                                                                                                                                              |
| 05/02/12 | A conditional temporary business license (D19-98417) was issued for a Night Club at 5900 West Charleston Blvd., Suite #8. The approval was conditioned on no alcohol sales or service, no teen dances or any other business requiring an additional license, submittal of a Special Use Permit application within 30 days, and voidance of the permit if complaints are made. On 01/28/13, the temporary license was extended to 04/17/13. |
|          | A temporary business license (C05-98413) was issued for Tobacco Sales at 5900 West Charleston Blvd., Suite #8. The license is still active, and has been extended to 04/30/13.                                                                                                                                                                                                                                                             |
| 12/11/12 | A conditional temporary business license (B23-92775) was issued for a Banquet Facility at 5900 West Charleston Boulevard, Suite #8. The approval was conditioned on no alcohol sales or service, no teen dances or any other business requiring an additional license. The license is still active, and will expire 06/11/13.                                                                                                              |

***Pre-Application Meeting***

|          |                                                                                                                                                                                                                                                                                                                                                                             |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/26/12 | A pre-application meeting was held with the applicant to discuss submittal requirements for two Special Use Permits—one for a Night Club and one for a Supper Club—within the subject restaurant. The applicant was provided with the minimum requirements for the Supper Club use and reminded that the requirements listed in the definition of the use are non-waivable. |
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**March 12, 2013 - Planning Commission Meeting**

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

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Field Check</i></b>                                                                                                                                                                                                                                |
| 01/31/13                                                                                                                                                                                                                                                 |
| The site contains two in-line retail buildings, parking and landscaping in good condition. The proposed use would be located in the larger north building, closest to existing apartment buildings. The existing restaurant occupies five tenant spaces. |

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

| <b><i>Surrounding Property</i></b> | <b><i>Existing Land Use Per Title 19.12</i></b> | <b><i>Planned or Special Land Use Designation</i></b> | <b><i>Existing Zoning District</i></b>                       |
|------------------------------------|-------------------------------------------------|-------------------------------------------------------|--------------------------------------------------------------|
| Subject Property                   | Banquet Facility                                | 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)                                     |

|                                                     |                          |
|-----------------------------------------------------|--------------------------|
| <b><i>Master Plan Areas</i></b>                     | <b><i>Compliance</i></b> |
| No Applicable Master Plan Area                      | N/A                      |
| <b><i>Special Purpose and Overlay Districts</i></b> | <b><i>Compliance</i></b> |
| A-O (Airport Overlay) District (200 Feet)           | N/A                      |
| <b><i>Other Plans or Special Requirements</i></b>   | <b><i>Compliance</i></b> |
| Trails                                              | N/A                      |
| Redevelopment Area 2                                | Y                        |

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**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.13, the following standards apply:*

| <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> |
|----------------------|-----------------------------------------------|-------------------------------------|-----------------------------------|---------------------------------------|
| Charleston Boulevard | Primary Arterial                              | Master Plan of Streets and Highways | 112                               | Y                                     |

*Pursuant to Title 19.08 and 19.12, the following parking standards apply:*

In addition to Rule 17-08 and 17-12, 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 |            |
| Shopping Center                      | 25,200 SF                           | 1 space per 250 SF | 101     |              |          |              |            |
| TOTAL SPACES REQUIRED                |                                     |                    | 101     |              | 116      |              | Y          |
| Regular and Handicap Spaces Required |                                     |                    | 96      | 5            | 111      | 5            | Y          |
| Loading Spaces                       | 25,200 SF                           | 10,000-29,999 SF   | 2       |              | 2        |              | Y          |

**ANALYSIS**

The subject site is located within the Airport Overlay District with regulations limiting height to 200 feet. The existing in-line commercial buildings are each one story and conform to the overlay district requirements. The site is also located within Redevelopment Area 2 with a MXU (Mixed Use) land use designation, which allows the proposed Night Club use.

The Night Club use is defined as “An establishment, other than a teen dance center, that is operated as a place of entertainment, characterized by any or all of the following as a principal use:

1. Live, recorded, or televised entertainment, including but not limited to performance by magicians, musicians or comedians.
2. Dancing.”

The proposed use meets the definition, as the southwest portion of the tenant space is proposed to be reserved for a deejay and dancing. There are no minimum Special Use Permit requirements for this use.

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At this time, the tenant space is operating as a Banquet Facility, a permitted use in the C-1 (Limited Commercial) District. Business activities are limited to the conditions of temporary licenses for a banquet facility, night club and tobacco sales until such time as a Special Use Permit is approved for a Night Club as required by Title 19.12. The stated hours of operation are from 11:00 a.m. to 2:00 a.m. Sunday through Thursday and 11:00 a.m. to 4:00 a.m. Friday and Saturday, concurrent with the hours of the proposed restaurant. The Night Club activities will not begin until 10:00 p.m. nightly. Alcohol service and sales are not a part of this use; however, the applicant is also requesting a Supper Club within the tenant space as part of the restaurant operations.

The building where the Night Club use is proposed is located approximately 100 feet from existing apartment dwellings to the north of the site. The area in between contains landscaping, a perimeter wall, accessory garages, parking and parking canopies. Even with these buffers in place, there is concern that unwanted sound could pose a nuisance threat to the residents. A condition of approval requires any mitigation necessary to conform with the City's noise ordinance.

As the proposed use can be conducted in a manner that is harmonious and compatible with surrounding properties with implementation of the conditions of approval, staff recommends approval of the Special Use Permit with conditions.

**FINDINGS (SUP-48035)**

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 Night Club would be compatible with the existing commercial developments to the east and west and the multi-family residential developments to the north and south as long as noise is abated to conform with Title 9 regulations.

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

The building in which the use is proposed is located within a Shopping Center with adequate parking facilities. The employment of techniques for the attenuation of sound emanating from the building may be necessary in order to comply with the minimum requirements of the Title 9 noise ordinance.

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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.**

Charleston Boulevard, a 100-foot Primary Arterial as classified by the Master Plan of Streets and Highways Map, provides adequate access to the property by way of a single driveway.

**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 Night Club will be subject to licensing and regular inspection and thus will not compromise the public health, safety and general welfare.

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

There are no minimum requirements for the Night Club use in Title 19.12.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**NOTICES MAILED** 456

**APPROVALS** 0

**PROTESTS** 0