



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MARCH 12, 2013

DEPARTMENT: PLANNING

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

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-48036	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-48036 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Supper Club use.
2. Conformance to the approved conditions for Rezoning (Z-0006-66) and Site Development Plan Review [Z-0006-66(42)].
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. Approval of this Special Use Permit does not constitute approval of a liquor license.

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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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing a Supper Club use within 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. The proposed use meets all Title 19.12 requirements and 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 a Supper Club.

ISSUES

- A Supper Club use is permitted in the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit
- The applicant is also requesting approval of a Special Use Permit (SUP-48036) for a Night Club in the same tenant space, under separate application.

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.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
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.

<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.
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.

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<i>Pre-Application Meeting</i>	
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.

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

<i>Field Check</i>	
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.

<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	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)

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

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 Blvd.	Primary Arterial	Planned Streets and Highways Map	112	Y

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

According to Title 14C and 14D2, 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 Supper Club use.

The Supper Club use is defined as “A restaurant and bar operation with alcoholic beverage sales in which:

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1. The bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar by minors;
2. The actual seating available at all times within the dining area will accommodate at least 125 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;
3. Alcoholic beverages are served in the restaurant area only in conjunction with the service of food;
4. Full-course meals are available during all hours the bar area is open to the public;
5. A cook and food server, other than a bartender, are available at all times the bar area is open to the public; and
6. The restaurant operation is the principal portion of the business.”

The proposed use meets the definition, as the establishment is primarily a restaurant that is proposed to contain 130 restaurant seats, 43 lounge seats, and 8 bar stools. The floor plan indicates that a seating barrier is constructed between the restaurant and the lounge/club area. Alcoholic beverages would be served to patrons by employees of the supper club only where meals would be served, such as in the restaurant area.

The Minimum Special Use Permit Requirements for this use include:

1. No supper club use shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.

The proposed use meets this requirement, as there are no houses of worship, schools, Individual Care Centers or City parks within 400 feet of the subject property.

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.

The proposed use meets this requirement, as the subject fee simple parcel has direct access to Rainbow Boulevard.

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3. In the case of a supper club 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 supper club will be located, without regard to intervening obstacles; or
 - b. In the case of a proposed supper club 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 supper club will be located, without regard to intervening obstacles.

This requirement does not apply to the proposed use, as the property on which the multitenant complex is located is less than 80 acres in size.

4. When considering a Special Use Permit application for a supper club 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.

This requirement does not apply to the proposed use, as no distance separation waiver is necessary.

5. In the O District, a supper club is permitted only as an accessory use. [Non-waivable]

This requirement does not apply to the proposed use, as the proposed use is located in the C-1 (Limited Commercial) zoning district.

6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50. [Non-waivable]

The proposed use meets this requirement, as alcoholic beverages would be served to patrons by employees of the supper club only where meals would be served, such as in the restaurant area. A standard condition of approval requires conformance to this section of the code.

At this time, the tenant space is operating as a Banquet Facility, a permitted use in the C-1 (Limited Commercial) zoning 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 and Supper 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.

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The site is located within an established Shopping Center. All activities would be within the enclosed building (no outdoor dining). Impact to neighboring properties should be minimal, as deliveries can only be made from the front and there is adequate buffering between uses on the north side of the property. As the proposed Supper Club meets the applicable Title 19.12 use requirements and can be conducted in a manner that is harmonious and compatible with surrounding properties, staff recommends approval of the Special Use Permit with conditions.

FINDINGS (SUP-48036)

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 will be compatible with the existing commercial developments to the east and west and the multi-family residential developments to the north and south.

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

The site is located within a Shopping Center that has sufficient parking facilities. Other uses in the center are less intense neighborhood commercial uses.

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 Collector 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 Supper 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.

All applicable Title 19.12 minimum use requirements for a Supper Club are satisfied by the proposal.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 32

NOTICES MAILED 456

APPROVALS 0

PROTESTS 0