



**AGENDA MEMO - COMMUNITY DEVELOPMENT**

**CITY COUNCIL MEETING DATE: MAY 15, 2024**

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT: LUCKY'S 1 FARM 82, LLC - OWNER: PIEDEMONTTE FAMILY TRUST, ET AL**

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>24-0045-ROC1</b>	Staff recommends DENIAL, if approved subject to conditions:	

**\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

**NOTICES MAILED**                      Newspaper Only

**PROTESTS**                                      0

**APPROVALS**                                      0

**\*\* CONDITIONS \*\***

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**24-0045-ROC1 CONDITIONS**

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**Planning**

1. Condition Number Fourteen (14) of the approved Special Use Permit (U-0139-95) shall be deleted.
2. Conformance to the approved conditions for Special Use Permit (U-0139-95), except as amended herein and through previous actions.
3. 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 requesting to delete Condition Number Fourteen (14) of a previously approved Special Use Permit (U-0139-95) for a tavern [Alcohol, On-Premise Full] use that restricts hours of operation from 6:00 a.m. to 3:00 a.m. on 0.88 acres at 8025 Farm Road. If approved, the tavern could operate 24 hours per day.

**ISSUES**

- Condition Number Fourteen (14) of the approved Special Use Permit (U-0139-95) for a tavern on this site states, “The hours of operation shall be from 6:00 a.m. to 3:00 a.m. only.” The City Council added this condition to those recommended by staff and the Board of Zoning Adjustment.
- The tavern [Alcohol, Off-Premise Full] use at this location is nonconforming with respect to distance separation from an Individual Care Center at 7511 North Cimarron Road. Because both buildings are located on the same legal lot within a commercial subdivision, there is considered to be no separation between uses.

**ANALYSIS**

The tavern is part of a larger neighborhood commercial center located at the southwest corner of Farm Road and Cimarron Road and constructed in 2001 and 2002. The commercial area was initially planned as part of the Elkhorn Ranch Master Plan in 1990. The Special Use Permit was approved by the City Council on December 20, 1995 prior to approval of a plot plan for the shopping center. A business license exercising the tavern use was issued in 2001 after five previous Extensions of Time.

According to the applicant’s request letter, the current condition requiring a three-hour closure creates an “undue negative impact on staff scheduling and overall business processes,” and 24-hour operation “aligns with all other business operational demands and needs” at this location. This condition of approval was added by the City Council to this Special Use Permit (U-0139-95) in conjunction with two other Special Use Permits for a proposed Mini-Storage Facility (U-0138-95) and Off-Premise Sales of Beer and Wine (U-0140-95) proposed elsewhere on the shopping center site. According to meeting minutes, area residents at the time did not want a 24-hour tavern operation, but something similar to another tavern located on Ann Road, which had limited hours. The applicant at that time agreed to all conditions of approval.

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Staff notes that the use is part of a one-lot commercial subdivision with various nonresidential uses including a convenience store with fuel pumps, restaurants, an animal hospital, general personal services, a martial arts studio, health club and an Individual Care Center (preschool). The preschool was approved in 2002, creating a nonconforming tavern [Alcohol, On-Premise Full] use with respect to distance separation from a child care facility serving more than 12 children.

During a field check, staff observed a standalone building in good condition on the west side of a larger commercial site. It was noted that exterior paint color and sign color had recently changed, and channel letters clearly displayed the words, "Open 24 Hours."

**FINDINGS (24-0045-ROC1)**

The City Council added Condition Number 14 of Special Use Permit (U-0139-95) limiting hours of operation to address concerns of neighborhood residents at the time of approval. Staff defers to the City Council's determination from 1995 and therefore recommends denial of the Review of Condition request. If approved, the applicant has requested that the entire condition be removed, thereby allowing 24-hour operation of the tavern.

## BACKGROUND INFORMATION

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
07/18/90	The City Council approved a request for a Rezoning (Z-0075-90) from R-E (Residence Estates) to C-1 (Limited Commercial) at the southwest corner of Farm Road and Cimarron Road as part of a larger request for a planned development (Elkhorn Ranch) on 480.00 acres on property south of Grand Teton Drive between Durango Drive and Pioneer Way. The Planning Commission recommended approval; staff recommended denial.
12/20/95	The City Council approved a request for a Special Use Permit (U-0139-95) for a tavern in conjunction with a proposed restaurant on property located at the southwest corner of Farm Road and Cimarron Road. The Board of Zoning Adjustment and staff recommended approval.
01/22/97	The City Council approved a request for the first Extension of Time [U-0139-95(1)] of an approved Special Use Permit (U-0139-95) for a tavern in conjunction with a proposed restaurant on property located at the southwest corner of Farm Road and Cimarron Road. The Board of Zoning Adjustment recommended approval. Staff had no objection to the request.
12/15/97	The City Council approved a request for the second Extension of Time [U-0139-95(2)] of an approved Special Use Permit (U-0139-95) for a tavern in conjunction with a proposed restaurant and a Review of Condition #1 of U-0139-95 requiring half-street improvements on property located at the southwest corner of Farm Road and Cimarron Road. The Planning Commission and staff recommended approval.
07/27/98	The City Council approved a request for a Review of Condition [U-0139-95(3)] of Condition #3 of an approved Extension of Time [U-0139-95(2)] requiring submittal of offsite improvement plans within 120 days and commence construction of offsite improvements within 30 days of approval [of the offsite plans]. Staff recommended approval.
12/21/98	The City Council approved a request for the third Extension of Time [U-0139-95(4)] of an approved Special Use Permit (U-0139-95) for a tavern in conjunction with a proposed restaurant and a Review of Condition #7 of U-0139-95 regarding submittal of a Drainage Study on property located at the southwest corner of Farm Road and Cimarron Road. The Planning Commission recommended approval; staff recommended denial.

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<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
12/01/99	The City Council approved a request for a Site Development Plan Review [Z-0075-90(17)] for a proposed 40,442 square-foot commercial development at the southwest corner of Farm Road and Cimarron Road. The Planning Commission and staff recommended approval.
	The City Council granted the appeal of the denial of the Planning Commission, thereby approving a request for the fourth Extension of Time [U-0139-95(5)] of an approved Special Use Permit (U-0139-95) for a tavern in conjunction with a proposed restaurant and a Review of Condition #7 of U-0139-95 regarding submittal of a Drainage Study on property located at the southwest corner of Farm Road and Cimarron Road. Staff recommended approval.
11/16/00	A Final Map (FM-0054-00) for a one-lot commercial subdivision on 4.64 acres at the southwest corner of Farm Road and Cimarron Road was recorded.
02/21/01	The City Council approved a request for the fifth Extension of Time [U-0139-95(6)] of an approved Special Use Permit (U-0139-95) for a tavern in conjunction with a proposed restaurant on property located at the southwest corner of Farm Road and Cimarron Road. The Planning Commission and staff recommended approval.
07/05/01	The City Council approved a Change of Ownership, Location and Business Name for a Tavern Liquor License and a new Restricted Gaming License for 15 slots from: Bully's of Nevada. Inc., dba Gamblers Hide-A-Way, 1945 Las Vegas Boulevard South (nonoperational) to: T-Bird #2, LLC, dba T-Bird Lounge, 8025 Farm Road.
09/04/02	The City Council approved a request for a Site Development Plan Review [Z-0075-90(21)] for a proposed 7,011 square-foot Child Care facility on 4.84 acres at the southwest corner of Farm Road and Cimarron Road. The Planning Commission recommended approval; staff recommended denial, noting that approval would create nonconformity with respect to the required distance separation of a tavern use from a child care use.
4/3/2024	The City Council voted (7-0) For possible action on a Land Use Entitlement project request for a Review of Condition of a previously approved Special Use Permit (U-0139-95) TO DELETE CONDITION OF APPROVAL NUMBER FOURTEEN (14), WHICH STATES, "THE HOURS OF OPERATION SHALL BE FROM 6:00 A.M. TO 3:00 A.M. ONLY" on 0.88 acres at 8025 Farm Road (APN 125-16-318-016), C-1 (Limited Commercial) Zone, Ward 6 (Brune). Staff recommends DENIAL.

<b><i>Most Recent Change of Ownership</i></b>	
07/22/21	A deed was recorded for a change in ownership.

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<b>Related Building Permits/Business Licenses</b>	
11/16/00	A building permit (#00020902) was issued for a 4,011 square-foot building at 8025 Farm Road. A final inspection was approved and Certificate of Occupancy issued on 08/10/01.
07/05/01	A business license (R09-01043) was issued for a restaurant (T-Bird Lounge) at 8025 Farm Road. The license was marked out of business 11/30/23.
July 2001	A business license (L16-00194) was issued for a Change of Location for a tavern [Full Alcohol On-Premise] (T-Bird Lounge) from 1945 South Las Vegas Boulevard to 8025 Farm Road. The license was marked out of business 11/30/23.
09/17/07	A building permit (C-96921) was issued for a tenant improvement remodel for a restaurant and tavern (Lucky's Lounge) at 8025 Farm Road. A final inspection was approved 09/26/07.
03/12/19	A building permit (C19-01121) was issued for two exterior illuminated sign cabinets at 8025 Farm Road. A final inspection was approved 04/19/19.
06/04/19	A building permit (C19-02180) was issued for a tenant improvement installation of a slider door at a restaurant and tavern (Lucky's Lounge) at 8025 Farm Road. A final inspection has not been approved.
11/30/23	A business license (L72-00024) was issued for Full Alcohol On-Premise (Lucky's Lounge) at 8025 Farm Road. The license remains active.
	A privilege license (P71-00257) was issued for Full Alcohol On-Premise (Lucky's Lounge) at 8025 Farm Road. The license remains active.
	A business license (G71-06188) was issued for a restaurant (Lucky's Lounge) at 8025 Farm Road. The license remains active.

**Pre-Application Meeting**

A pre-application meeting was determined not to be required for this application; however, a pre-application checklist was provided to the applicant.

**Neighborhood Meeting**

A neighborhood meeting was not required, nor was one held.

**Field Check**

03/05/24	The use is located within a standalone building and was observed to be in good condition. There is an outdoor patio on the north side of the building. Signage on the front of the building states, "Open 24 Hours."
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<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.88 of a 4.64-acre lot

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Shopping Center	PCD (Planned Community Development)	C-1 (Limited Commercial)
North	Residential, Single Family, Detached	L (Low Density Residential)	R-PD4 (Residential Planned Development - 4 Units per Acre)
South	Residential, Single Family, Detached	PCD (Planned Community Development)	R-PD6 (Residential Planned Development - 6 Units per Acre)
East	Residential, Single Family, Detached	PCD (Planned Community Development)	R-PD6 (Residential Planned Development - 6 Units per Acre)
West	Residential, Single Family, Detached	PCD (Planned Community Development)	R-PD6 (Residential Planned Development - 6 Units per Acre)

<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
Las Vegas 2050 Master Plan Area: Centennial Hills	Y
Elkhorn Ranch	Y
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
No Applicable Special Area or Overlay Districts	N/A
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A