



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: JULY 17, 2024  
DEPARTMENT: COMMUNITY DEVELOPMENT  
ITEM DESCRIPTION: APPLICANT: NORMS RESTAURANT, LLC - OWNER:  
WESTLAND FAIR, LP

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0234-SUP1	Staff recommends APPROVAL, subject to conditions:	

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

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 27

NOTICES MAILED 730 (by City Clerk)

PROTESTS 0

APPROVALS 0

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

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## 24-0234-SUP1 CONDITIONS

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### **Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Gaming Establishment, Restricted use.
2. Conformance to the approved conditions for Special Use Permit (23-0479-SUP1) and Site Development Plan Review (23-0479-SDR1).
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. A Waiver from Title 19.12 is hereby approved, to allow a 66-foot distance separation from a church/house of worship and a 359-foot distance separation from a school and individual care center where 400 feet is required.
5. 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 Building and Safety Division.
6. 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.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

### **Public Works**

8. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-6594 or emailed at [ece@lasvegasnevada.gov](mailto:ece@lasvegasnevada.gov).

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

**PROJECT DESCRIPTION**

This is a Special Use Permit request for a proposed Gaming Establishment, Restricted (1 to 5 Machines) use within a proposed restaurant at 4605 West Charleston Boulevard.

**ISSUES**

- The Gaming Establishment, Restricted use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit. Staff supports this request.
- A Waiver of Special Use Permit Requirement #1 is requested to allow a 66-foot distance separation from a church/house of worship and a 359-foot separation from a school and individual care center where 400 feet is required. Staff supports the request.

**ANALYSIS**

The subject site is zoned C-1 (Limited Commercial) and subject to Title 19 development standards. The subject site is located within an existing shopping center that offers a variety of commercial uses such as restaurants, general retail, and medical offices. The applicant requests Special Use Permit (24-0234-SUP1) to allow a Gaming Establishment, Restricted (1 to 5 Machines) use within a proposed restaurant with a Waiver of distance separation requirements. A Special Use Permit (23-0479-SUP1) was previously approved by the City Council on 02/21/24 to allow an Alcohol, On-Premise Full use for the proposed restaurant. Per the submitted justification letter, the applicant is proposing five gaming machines that would operate incidentally to the Norms Restaurant establishment.

Per Title 19.12, the Gaming Establishment, Restricted use is defined as “An establishment which is primarily used for some business other than gaming but in which restricted gaming is permitted pursuant to Title 6. For informational purposes, this description refers to an establishment whose gaming operations are limited to not more than 15 slot machines, and no other game or gaming device.” The proposed use meets the definition, as the proposed Gaming Establishment, Restricted use would be ancillary to the primary use.

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**The Minimum Special Use Permit Requirements for this use include:**

1. Pursuant to its general authority to regulate gaming, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a minimum distance separation between a Gaming Establishment, Restricted use and certain other uses that should be protected from the impacts associated with that establishment, or that otherwise should be separated so as to minimize impacts on surrounding areas. Therefore, except as otherwise provided in these Requirements, the following distance separation requirements apply:
  - a. For one to five gaming machines, no less than 400 feet to the nearest:
    - i. Church/house of worship;
    - ii. School;
    - iii. Individual care center licensed for more than 12 children; or
    - iv. City park.
  - \*b. For six to fifteen gaming machines, no less than 1500 feet to the nearest:
    - i. Church/house of worship;
    - ii. School;
    - iii. Individual care center licensed for more than 12 children; or
    - iv. City park;
    - v. Gaming Establishment, Restricted use with six to fifteen gaming machines; or
    - vi. Gaming Establishment, Non-restricted use.
  - \*c. For one to fifteen gaming machines, and operating independently of Requirement 1.b. above, no less than 1500 feet to the nearest Gaming Establishment, Restricted use or Gaming Establishment, Non-restricted use located within the Resort & Casino District, as described in LVMC Title 19, Appendix F.

*The applicant has requested up to five gaming machines for the proposed use and is subject to the first subsection of this requirement. The proposed use does not meet this requirement, as there is a church/house of worship located 66 feet away and a school and individual care center located 359 feet away from the subject site. Therefore, a Waiver is requested, which staff supports.*

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2. The distance separation requirement set forth in Requirement 1.b. may be waived in accordance with the provisions of LVMC 19.12.050(C) for the following:
- a. An establishment located on property within one or more of the following Special Area and Overlay Districts:
    - i. The Civic District, as described in LVMC 19.10.010;
    - ii. The Market District or the Symphony Park District within the Downtown Las Vegas Overlay District, as described in LVMC Title 19, Appendix F; or
    - iii. The Gaming Enterprise Overlay District, as described in LVMC 19.10.130, except for any portion of the Gaming Enterprise Overlay District that falls entirely within the Resort & Casino District, as described in LVMC Title 19, Appendix F.
  - b. An establishment located within a Regional Mall, as defined by LVMC 19.18.020;
  - c. An establishment located within a Mixed-Use development, as defined by LVMC 19.18.020;
  - d. An establishment that will be separated from an existing protected use by a street or highway with a minimum right-of-way width of 100 feet; or
  - e. An establishment that is located on a site, or within a building or structure, that is designated on the City of Las Vegas Historic Property Register.

*The proposed use is not located within a Special Area, Overlay District, or property as specified by Requirement 2.a. through 2.e. and therefore, the distance separation requirements set forth in Requirement 1.b. still apply.*

- \*3. The use shall conform to, and is subject to, the provisions of LVMC Chapter 6.40.

*This requirement cannot be waived. If approved, the proposed use will conform to, and be subject to, the provisions of LVMC Chapter 6.40.*

Staff finds that the proposed Gaming Establishment, Restricted use (1 to 5 Machines) can be conducted in a manner that is harmonious and compatible with the surrounding land uses. While a Waiver is requested, the proposed Gaming Establishment, Restricted use (1 to 5 Machines) is located within a commercial subdivision. The actual distance between the subject restaurant and the protected uses is over 1,000 feet. Therefore, staff recommends approval of the Special Use Permit, subject to conditions.

## FINDINGS (24-0234-SUP1)

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 land use can be conducted in a manner that is harmonious and compatible with the other existing commercial uses in the surrounding area.

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

The subject site is developed with an existing shopping center designed to accommodate a variety of uses such as restaurants and retail store, therefore it is suitable for the type and 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.**

The subject site is accessed by Charleston Boulevard, a 100-foot Primary Arterial, which is adequate in size to meet the needs of the proposed use.

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.**

If approved, the Special Use Permit will be subject to licensing requirements thereby protecting the public health, safety and welfare.

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

A Waiver is requested to allow a 66-foot distance separation from a church/house of worship and a 359-foot distance separation from a school and individual care center where 400 feet is required. Staff supports the requested Special Use Permit and Waiver as the subject site is located within a commercial subdivision where the actual distance from the protected uses is over 1,000 feet.

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## BACKGROUND INFORMATION

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
08/22/62	The City Council approved a request for Reclassification of Property (Z-0075-62) from R-E (Residence Estates) to C-1 (Limited Commercial), generally located south of Charleston Boulevard and west of Arville Street. The Planning Commission recommended approval.
06/21/00	The City Council approved a Site Development Plan Review [Z-0075-62(16)] and [Z-0048-61(6)] for a proposed 564,476 square-foot commercial center on the southeast corner of Charleston Boulevard and Decatur Boulevard. The Planning Commission recommended approval.
10/04/00	The City Council approved a request for a Site Development Plan Review [Z-0075-62(17)] for a proposed 571,410 square-foot commercial center on the south side of Charleston Boulevard, east of Decatur Boulevard. The Planning Commission also recommended approval.
07/07/04	The City Council approved Special Use Permit (SUP- 4287) for a Supper Club with Alcohol use adjacent to the south side of Charleston Boulevard, approximately 480 feet east of Decatur Boulevard.
11/21/23	Department of Community Development Staff administratively approved Minor Site Development Plan Review (23-0479-SDR1) for proposed building façade upgrades and a patio cover addition to an existing restaurant building on a portion of 4.40 acres at 4605 West Charleston Boulevard.
02/21/24	The City Council approved Special Use Permit (23-0479-SUP1) for a proposed 5,727 square-foot Alcohol, On-Premise Full use with a 596 square-foot patio area with a 66-foot distance separation from a Church/House of Worship and a 359-foot distance separation from a school/individual care center where 400 feet is required on the south side of Charleston Boulevard, approximately 800 feet east of the intersection of Charleston Boulevard and South Decatur Boulevard. The Planning Commission and Staff recommended approval.
06/18/24	The Planning Commission voted (7-0) to recommend APPROVAL on the following Land Use Entitlement project request FOR A PROPOSED GAMING ESTABLISHMENT, RESTRICTED USE (1 TO 5 MACHINES) WITH A WAIVER TO ALLOW A 66-FOOT DISTANCE SEPARATION FROM A CHURCH/HOUSE OF WORSHIP AND A 359-FOOT SEPARATION FROM A SCHOOL AND INDIVIDUAL CARE CENTER WHERE 400 FEET IS REQUIRED at 4605 West Charleston Boulevard (APN 162-06-112-016), C-1 (Limited Commercial) Zone, Ward 1 (Knudsen).

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<b><i>Most Recent Change of Ownership</i></b>	
10/31/19	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
04/15/05	A business license (R09-01289) was issued for a restaurant [Applebee's Neighborhood Grill & Bar] at 4605 West Charleston Boulevard. The license was deemed inactive on 05/22/23.

<b><i>Related Building Permits/Business Licenses</i></b>	
09/25/08	A business license (L21-00065) was issued for a restaurant with alcohol [Applebee's Neighborhood Grill & Bar] at 4605 West Charleston Boulevard. The license was deemed inactive on 05/22/23.
04/03/24	A building permit (#C23-04072) was issued for interior and exterior modifications of an existing restaurant space at 4605 West Charleston Boulevard.

<b><i>Pre-Application Meeting</i></b>	
04/22/24	A pre-application meeting was held with the applicant and the submittal requirements for a Special Use Permit were discussed.

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

<b><i>Field Check</i></b>	
05/07/24	Staff conducted a routine field check and observed an existing commercial building undergoing exterior modifications and construction.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	4.40



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<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	Shopping Center	TOD-1 (Transit Oriented Development – High)	C-1 (Limited Commercial)
North	General Retail Store, Other Than Listed Office	TOD-1 (Transit Oriented Development – High)	C-1 (Limited Commercial)
			P-R (Professional Office and Parking)
South	Shopping Center	TOD-1 (Transit Oriented Development – High)	C-1 (Limited Commercial)
East	Alcohol On-Premise, Full	TOD-1 (Transit Oriented Development – High)	C-1 (Limited Commercial)
	Gaming Establishment, Restricted (6 to 15 machines)		C-D (Design Commercial)
	Mini-Storage Facility		P-R (Professional Office and Parking)
	Church/House of Worship		R-E (Residence Estates)
	Public or Private School, Primary		
West	Shopping Center	TOD-1 (Transit Oriented Development – High)	C-1 (Limited Commercial)

<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
Las Vegas 2050 Master Plan Area: Charleston	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
A-O (Airport Overlay) District – 175 Feet	Y
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
Trails	N/A
Las Vegas Redevelopment Plan Area - Area 2	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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### DEVELOPMENT STANDARDS

<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Charleston Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

**Pursuant to Title 19.08 and 19.12, 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	599,340 SF	1:250 GFA	2,398				
TOTAL SPACES REQUIRED			2,398		2,880		Y
Regular and Handicap Spaces Required			2,340	58	2,818	62	Y

<b>Waivers</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
Provide a 400-foot distance separation from protected properties.	To allow a 66-foot distance separation from a church/house of worship and a 359-foot distance separation from a school and individual care center where 400 feet is required.	Approval