



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 11, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-20499 APPLICANT/OWNER: CAROLINE'S COURT, LLC

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (Z-0076-98) if approved.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-20497), Special Use Permit (SUP-20498), and Site Development Plan Review (SDR-20496) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Restaurant (with Drive-Through) use within a proposed 269,734 square foot commercial center on 23.62 acres located at the northwest corner of El Capitan Way and Durango Drive. This application is related to the Restaurant (with Drive-Through) labeled as Propd Fast Food A on the site plan date stamped on 04/18/07.

The subject proposal meets all Town Center Development Standards for the Restaurant (with Drive-Through) use; however, there are deviations requested as a part of the associated Site Development Plan Review (SDR-20496) to allow waivers of the additional perimeter landscaping requirement and to have a drive-through lane that wraps around three sides of the building. This use is compatible with the surrounding area and the proposed development is in keeping with the objectives and goals of the SC-TC (Service Commercial Town Center) Special Land Use Designation; approval of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/07/98	The City Council approved a Rezoning (Z-0076-98) of these parcels and the surrounding area and thus created the Centennial Hills Town Center. The Planning Commission and staff recommended approval.
04/26/07	The Planning Commission held this item in abeyance along with two of the companion Special Use Permits (SUP-20497 and SUP-20498) and the Site Development Plan Review, which were to be heard concurrently. One companion Special Use Permit (SUP-20500) was withdrawn without prejudice at the applicants request.
05/10/07	The Planning Commission held this item in abeyance to allow the applicant time to hold a neighborhood meeting to discuss concerns raised at the public hearing.
06/14/07	The Planning Commission recommended approval of companion items SUP-20497, SUP-20498 and SDR-20496 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #31/rts).
<i>Related Building Permits/Business Licenses</i>	
There are no active or pending building permits or business licenses for this site.	
<i>Pre-Application Meeting</i>	
02/28/07	A pre-application meeting was held and elements of this application were discussed. It was noted that signage would be done as a part of a master sign plan that would need to go through CHARC. Submittal requirements were discussed.

Neighborhood Meeting	
05/30/07	<p>A neighborhood meeting was held at Centennial Academy, 6610 Grand Montecito Parkway. Fifteen members of the public attended. There were a number of questions and concerns brought up by the attendees, including:</p> <ul style="list-style-type: none">• Trail behind houses on north side of development site will result in people walking by houses;• Concern about the size of the trees to be planted along the trail alignment;<ul style="list-style-type: none">○ Applicant noted that there will be two types of trees planted in a staggered pattern in the landscape and amenity zones of the trail;• Concerns about traffic generated by the development; the El Capitan / Durango intersection is already one of the busiest in the northwest<ul style="list-style-type: none">○ Applicant noted that the traffic study has been completed and submitted to the city, and will probably require two right-turn lanes from El Capitan onto Durango as part of the mitigation strategy;• Will there be lighting along the trail?<ul style="list-style-type: none">○ Applicant noted that any trail lighting would be subject to and meet residential adjacency standard;• Height of the Lowe's building (49' to highest point, remainder of building at 30');• Concerns about appearance of north elevation of the Lowe's building;• Concern about the hours of Lowe's and hours of the restaurants - residents don't want 24-hour restaurants;<ul style="list-style-type: none">○ Applicant noted that no tenants are identified for the restaurants, but that once one was that they would share the information with those at the meeting who provided an email address;• Will there be on-site security provided?• Will the developer enter into an agreement to eradicate graffiti along the trail route?<ul style="list-style-type: none">○ Applicant agreed to deal with graffiti along the trail route;• Will parking lot lights be on all night?• Will trail landscaping be irrigated?• Will drainage from the site impact homeowners to the north?• Residents want the off-site improvements installed (turn lanes onto Durango) prior to construction of any building on the site• What will be the delivery hours for Lowe's, and will the applicant agree to restrict the delivery hours?<ul style="list-style-type: none">○ Applicant stated that the would post delivery hours, but wouldn't agree to a restriction of hours;• What will the signage look like?• Will there be any liquor stores, taverns, pawn shops, payday loans? <p>The applicant will continue to work with NDOT and the City regarding all improvements within the right-of-ways.</p>

Field Check	
No field check was conducted for this site.	

Details of Application Request	
Site Area	
Gross Acres	23.62

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC-TC (Service Commercial Town Center)	TC (Town Center)
North	Single Family, Detached	ML (Medium-Low Density Residential)	R-CL (Single-Family Compact-Lot)
South	Undeveloped	SC-TC (Service Commercial Town Center)	TC (Town Center)
East	ROW (US 95)	ROW (US 95)	ROW (US 95)
West	Undeveloped	SC-TC (Service Commercial Town Center)	TC (Town Center)
	General Retail Store	SC-TC (Service Commercial Town Center)	TC (Town Center)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
T-C Town Center District	X		N *
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
T-C (Town Center) District	X		N *
Trails	X		Y
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment		X	n/a
Project of Regional Significance		X	n/a

* Various waivers have been requested to allow perimeter landscaping reductions and to allow the proposed Restaurant (with Drive-Through) use, also termed a Fast Food Restaurant, to have a drive-through lane that wraps around three sides of the building as a part of the Site Development Plan Review (SDR-20496). If approved, the waivers would grant relief from the city's standard.

DEVELOPMENT STANDARDS

Pursuant to Town Center Development Standards; Title 19.04; and 19.10, 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 (25,000 SF 350,000 SF GFA *	269,734 SF	1 Space / 250 SF GFA	1058 Spaces	21 Spaces	1,109 Spaces	28 Spaces	Y
TOTAL (including handicap)			1,079 Spaces		1,137 Spaces		
Loading Spaces	268,734 SF	3 + 1 for ea 100,000 SF over 50,000 SF	6 Spaces		7 Spaces (Plus trailer delivery areas at major retail spaces)		Y

* Under Title 19.04, a shopping center use is defined as Any structure or group of structures that: (1) House any assemblage of various commercial tenants, including without limitation, retail uses, personal service uses, food service uses, and other ancillary uses; (2) Have a minimum combined gross floor area of 25,000 square feet and a maximum combined gross floor area of 350,000 square feet; (3) Are located upon a single parcel of land or upon contiguous parcels of land; and (4) Have common vehicular access and parking facilities. The development of which this proposed Restaurant (with Drive-Through) use is a part is deemed a shopping center use and parking is calculated for the overall development not each individual use.

ANALYSIS

The subject property has a general plan designation of TC (Town Center). This is intended to be the principal employment center for the Northwest and is a mixed-use development category. As compatibility allows, a mix of uses can include: mall facilities; high-density residential uses; planned business, office and industrial parks; and recreational uses. The zoning of T-C (Town Center) with a SC-TC (Service Commercial-Town Center) special land use designation complies with this designation. Projects located within the Town Center area are subject to the Town Center Development Standards as well as Title 19.

Restaurant (with Drive-Through) uses are allowed within a SC-TC (Service Commercial-Town Center) special land use designation under the T-C (Town Center) zoning district with approval of a Special Use Permit. The proposed use is appropriate for the area and will be part of a proposed 269,734 square foot commercial shopping center.

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed restaurant with drive-through use. This use is typical within the commercial areas of Town Center.

Minimum Requirements of Approval for a Restaurant (with Drive-Through) use in a SC-TC (Service Commercial-Town Center) special land use designation are:

- a. Reviewed and Conditioned on a case-by-case basis.

Additionally, the Town Center Development Standards provide Standards for Specific Uses and Activities that impact this use as follows:

The design of fast food restaurants within Town Center shall be integrated with other structures along streets. Exterior walls of all fast food buildings are to be designed as part of the architectural form of the main building or surrounding buildings. The intent is to minimize the fast food appearance through designs which conform to the accompanying developments general architectural features. The following standards apply:

1. When part of a larger structure, standard setback requirements shall apply to the fast food businesses.
2. When fast food buildings are freestanding structures, they shall be setback an additional 10 feet from the required setback to provide a more substantial landscape buffer.
3. To further enhance the presence of fast food enterprises, drive-through lanes shall not wrap around more than two sides of the building, and cannot encroach upon the required landscaping.
4. Outdoor dining areas may encroach into the required additional 10-foot wide landscaped area.

Due the siting of the proposed Restaurant (with Drive-Through) there have been waivers requested to deviate from standards 2 and 3 above. The requested waivers are being heard as a part of the associated Site Development Plan Review (SDR-20496) and staff is recommending approval of that request.

This special use permit has been submitted in conjunction with a proposed Site Development Plan Review (SDR-20496) to site a proposed 269,734 square foot commercial shopping center; Special Use Permit (SUP-20497) to allow a Building and Landscape Material/Lumber Yard use; and Special Use Permit (SUP-20498) to allow an Outdoor Storage, Accessory use.

The proposed Restaurant (with Drive-Through) use meets the minimum requirements of approval per the Town Center Development Standards. While there are site specific waivers requested that are necessitated by this proposed use those waivers have been recommended for approval and therefore should not adversely affect this project with the approval of this use permit. Due to the compatibility of this use within the proposed commercial shopping center and with the surrounding present and future land use designations, staff is recommending approval of this special use permit.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 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 development is consistent with city standards and is compatible with existing development in the Town Center plan area.

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

The project is located near the intersection of North Durango Drive and US 95, where the Town Center Development Standards encourages the placement of commercial establishments and similar 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.**

The project has direct access to El Capitan Way (an 80-foot Town Center Arterial). The use will not have an adverse effect on the capacity of the street.

- 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 the development should not prove to be detrimental to the overall health, safety and public welfare.

- 5. The use meets all of the applicable conditions per Title 19.04.**

The use meets all applicable condition of the Town Center Development Standards.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 400 by City Clerk

APPROVALS 0

PROTESTS 0