

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 11, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-22298 - APPLICANT/OWNER: ARIZONA INVESTORS

** CONDITIONS **

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-3840), Modification (MOD-3763), and Site Development Plan Review (SDR-5731) if approved.
2. 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.
3. A Waiver from the Town Center Development Standards is hereby approved, to allow a Gaming (Restricted) use within 330 feet of single family detached dwellings.
4. Conformance to all Minimum Requirements under Section 2.3 Permissible Uses Mixed-Use Commercial, of the Montecito Town Center: Land Use and Design Standards Appendix for a Gaming (incidental gaming machines only) use.
5. Conformance to all Minimum Requirements under Section B. Development Uses, of the Town Center Development Manual for Gaming (restricted).
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit to allow a Gaming Use in conjunction with an approved tavern on acres at 7045 North Durango. This request is to re-instate the restricted gaming entitlement previously-approved by Special Use Permit (SUP-5722), which expired on February 16, 2007.

This proposal requires a Waiver to allow a restricted gaming use within 330 feet of any single family detached dwelling. Although the proposed use is within the Montecito Marketplace, which does not list out this Waiver requirement, the more stringent Town Center Development Standards Manual apply where the Montecito Marketplace Development Agreement is silent.

Staff recommends approval of this request as no changes have occurred since the previous approvals for the Tavern.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/20/64	The City Council approved an annexation (A-0003-64) of land generally located north of Cheyenne Avenue and west of Decatur Boulevard, containing approximately 10,136 acres, including the 40-acre easterly portion of the subject site. The effective date of this annexation was May 29, 1964.
12/07/98	The City Council approved a Rezoning (Z-0076-98) to TC (Town Center) of a 1,468-acre portion of the Northwest, including the easterly 40-acre portion of the overall subject site. The Planning Commission and staff recommended approval.
01/17/01	The City Council approved an annexation (A-0003-99) of land generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue, containing approximately 615 acres, including the westerly five acres of the subject site. The effective date of this annexation was January 26, 2001. The Planning Commission and staff recommended approval on March 25, 1999.
12/19/02	The Planning Commission approved a request for a Tentative Map (TMP-1244) for a three-lot commercial subdivision on 80 acres on the east side of the El Capitan alignment (Durango Drive) between Elkhorn Road and Deer Springs Way. Staff recommended approval of the subject request.
12/04/03	The Planning Commission approved a request for a Site Development Plan Review (SDR-3267) for a proposed hospital on 40 acres adjacent to the northeast corner of Durango Drive and Deer Springs Way. Staff recommended approval of the request.

04/07/04	The City Council approved a Site Development Plan Review (SDR-3764) for a proposed 587,750 square-foot mixed-use commercial development on 45.6 acres in Montecito Town Center, adjacent to the southeast corner of Elkhorn Road and Durango Drive. Additionally, the following Special Use Permits were also approved: (SUP-3765) for liquor sales, (SUP-3767) for gaming (incidental), and (SUP-3769) for a drive-through facility on Pad A, (SUP-3770) for a drive-through facility on Pad O, (SDR-3771) for a tavern and (SUP-3773) for gaming (incidental) on Pad P, (SDR-3764) for gasoline sales, (SUP-3776) for a car wash, (SUP-3777) for gaming (incidental) and (SUP-3778) for liquor sales on Pad Q, (SUP-3779) for a tavern and (SUP-3780) for gaming (incidental) on Pad Z, (SUP-3781) for a drive-through on Pad F, (SUP-3783) for liquor sales, (SUP-3785) for gaming (incidental) and (SUP-3786) for a drive-through facility on Pad HH, (SUP-3788) for a drive-through facility on DD, and (SUP-3789) for a drive-through facility on EE. The Planning Commission and staff recommended approval on 03/11/04.
05/13/04	The Planning Commission approved a Tentative Map (TMP-4150) for a one-lot commercial subdivision. Staff recommended approval of the request.
02/16/05*	The City Council approved a Site Development Plan Review (SDR-5731) for a 380,000 square-foot commercial development; a Request for a Special Use Permit (SUP-5718) for a drive through on Pad P of the Montecito Marketplace Development; a Special Use Permit (SUP-5723) for a Liquor Establishment (Tavern); and a Special Use Permit (SUP-5722) for gaming in conjunction with a Tavern on Pad GG of the Montecito Marketplace Development adjacent to the northwest corner of Durango Drive and Dorrell Lane. The Planning Commission and staff recommended approval of all items on 01/13/05.
1/17/07	The City Council approved the request for an Extension of Time (EOT-18350) of an approved Special Use Permit (SUP-5723) that allowed a tavern at 7045 North Durango Drive.
06/28/07	The Planning Commission voted 6-0-1 to recommend APPROVAL (PC Agenda Item #11/mh).
Related Building Permits/Business Licenses	
11/07/06	Civil improvement plans (CIVIL-15412) received approval on the indicated date.
12/06/06	A building permit (C-0056-06) was issued on the indicated date.
Pre-Application Meeting	
5/31/07	Staff conversed with the applicant over the phone regarding the process for processing a Waiver from the required 330-foot separation from single family detached residential per the Town Center Standards.
Details of Application Request	
Site Area	
Gross Acres	1.04

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	UC-TC (Urban Center Mixed Use Town Center)	T-C (Town Center)
North	Undeveloped	UC-TC (Urban Center Mixed Use Town Center)	T-C (Town Center)
South	Undeveloped	UC-TC (Urban Center Mixed Use Town Center)	T-C (Town Center)
East	Undeveloped	UC-TC (Urban Center Mixed Use Town Center)	T-C (Town Center)
West	Single Family Dwellings	M-TC (Medium Residential Town Center)	T-C (Town Center)

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

ANALYSIS

•Land Use & Zoning

The proposed use is located within the T-C (Town Center). The proposed use is not referenced within the context of this zoning district. The subject site of the proposed project is currently designated as Montecito Town Center Mixed Use Commercial pursuant to the *Montecito Town Center Development Agreement*. Although the proposed Gaming (Incidental) use is allowed by Special Use Permit, pursuant to Section 2.3 of the *Montecito Town Center: Land Use and Design Standards Appendix*, the Town Center Development Standards Manual requires an additional conditional requirement of a 330-foot separation requirement from single family detached dwellings. The applicant has requested a Waiver to this requirement.

- Use

This application requests approval of a Gaming (Incidental) use, pursuant to the *Montecito Town Center Development Agreement*. Section 2.3 of the Agreement lists such a use as allowable with the approval of a Special Use Permit. There are no specific conditions listed in the Agreement against which to evaluate the suitability of this request. Therefore, the *Town Center Development Standards Manual* applies.

- Conditions

Under the *Montecito Town Center: Land Use and Design Standards Appendix*, there are no conditions applicable to the proposed Gaming (Incidental) use, other than it will be ancillary to the principal nor are there specific spacing requirements for restricted gaming within the Montecito Town Center Area.

As the *Montecito Town Center: Land Use and Design Standards Appendix* is silent regarding the Minimum Separation Distance Requirements for Gaming (Incidental) uses outside of the development agreement area, the *Town Center Development Standards Manual* does require a 330-foot separation distance between Gaming (Restricted) uses and any single-family detached dwelling.

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.**

Although the Montecito Development Agreement has no such requirement for minimum separation distance for a Gaming (Incidental) use, the *Town Center Development Standards* necessitate that a Gaming (Restricted) use to be a minimum of 330 feet from any single-family residential dwelling.

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

The subject site is level and contains no physical impediments to development. It is physically suitable for the type and intensity of land use only upon approval of a waiver to allow a 152-foot separation distance from the detached single family dwellings to the west where a 330-foot separation is required by this proposed Gaming (Incidental) 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.

Durango Drive, on the west boundary of the site, will be developed as a Town Center Parkway (120 feet) Arterial. Dorrell Lane, to the south of the site, is a Town Center 80-foot Collector. Grand Montecito Parkway, which will pass through the east side of the site, is designated as a 90-foot Town Center Loop Road. Elkhorn Road, to the north of the site, is identified as a Primary 100-foot Arterial with special design requirements. These streets will have adequate capacity to serve the proposed development.

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 proposed Gaming (Incidental) use will be subject to regular City and County inspections for licensing and will therefore not compromise the public health, safety, and welfare.

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

The proposed Gaming (Incidental) use complies with the conditions per Title 19.04. However; the applicant is required to provide proof of support of all single family dwelling units within 330 feet of the location by means of signed petitions from the property owners in order to comply with the *Town Center Design Standards Manual*.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5

ASSEMBLY DISTRICT 3

SENATE DISTRICT 9

NOTICES MAILED 499 by City Clerk

APPROVALS 0

PROTESTS 6