City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 27, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-26866 - APPLICANT: HAE UN LEE - OWNER: AZURE AND TENAYA, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for the Package Liquor Off-Sale Establishment use.

2. Approval of and conformance to the Conditions of Site Development Plan Review (SDR-26865) 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. Approval of this Special Use Permit does not constitute approval of a liquor license.

5. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.

6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

7. 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 an 11,924 square-foot Package Liquor Off-Sale Establishment. This site is within an overall 53,115 square-foot commercial subdivision that presently includes an existing 10,750 square-foot auto parts store/tire center an approved 17,500 square-foot retail center, a 5128 square foot restaurant, and a 3,500 square-foot convenience store. Additionally there is an approved 5,517 restaurant to the east of the subject site. There is an existing multi-use transportation trail on the southern portion of the subject site.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/07/98	The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) on the subject property as part of a larger request.
04/04/01	The City Council approved requests for Special Use Permits (U000601, U000701, U-0009-01, U-0010-01, U-0012-01, U-0013-01, U-0015-01, U001601, U-0019-01, U-0020-01, U-0022-01 and U002301) for seven Supper Clubs, one Restaurant with drive-through, two Restricted Gaming locations, one Restaurant Service bar and two requests for the sale of Package Liquor, on the subject site. The City Council approved a request for a Site Development Plan Review [Z-0076-98(20)] for the overall commercial development on this site. The Planning Commission and staff recommended approval of the items.
04/04/01	The City Council approved a Site Development Plan Review [Z-0076-98 (20)] for a proposed 110,000 square-foot commercial development on 16.66 acres on the south side of Azure Drive between Tenaya Way and approximately 520 feet east of Rancho Drive/ US 95. The Planning Commission and staff had recommended approval. One of the conditions of approval prohibited 24-hour uses and convenience stores at the subject location.
06/18/03	The City Council approved an Extension of Time (EOT-2155) of the approved Special Use Permit (U-0008-01) which allowed a restaurant with drive-up and related Extensions of Time (EOT-2153, EOT-2154, EOT-2156, EOT-2157, EOT-2158, EOT-2159, EOT-2160, EOT-2161, EOT-2162, EOT-2163, EOT-2164 and EOT-2165) for approved Special Use Permits which allowed seven Supper Clubs, one Restaurant with drive-through, two restricted gaming locations, one Restaurant Service Bar and two requests for the Sale of Package Liquor, on the overall site. The Planning Commission and staff recommended approval.

08/06/03	The City Council approved a Site Development Plan Review (SDR-2399) for a proposed 51,000 square-foot retail center and a 90,900 square-foot mini-storage facility; and to allow for a reduction in the amount of perimeter and parking lot landscaping on 10.61 acres adjacent to the northwest corner of Azure Drive and North Tenaya Way. The Planning Commission and staff recommended approval.
3/17/04	The City Council approved a Site Development Plan Review (SDR-3648) and a Waiver of the perimeter and buffering landscaping requirements for a 7,852 square-foot Auto Parts (New and Rebuilt) (Accessory Sales and Service) store on a 0.92 acre portion of 7.24 acres adjacent to the south side of Azure Drive, approximately 1,100 feet west of Tenaya Way. The Planning Commission and staff recommended denial.
06/01/05	The City Council approved Extension of Time of requests (EOT-6561, EOT-6562, EOT-6563, EOT-6564, EOT-6566, EOT-6567, EOT-6610 and EOT-6611) for approved Special Use Permits which allowed five supper clubs, one Restaurant with Drive-through, one Restaurant Service Bar and one request for the Sale of Packaged Liquor, on the overall site.
09/20/06	The City Council approved a Site Development Plan Review (SDR-15055), a Variance (VAR-15057) and two Special Use Permits (SUP-15058 and SUP-15059) for a restaurant to the east of the subject. The Planning Commission recommended approval and staff recommended denial.
01/11/07	The Planning Commission approved Site Development Plan Review (SDR-18344) for a proposed 5,128 square foot restaurant on an adjacent parcel to the east of the subject property. The Planning Commission action was final and staff recommended approval.
Pre-Application Meeting	
01/11/08	Requirements of the Site Development Plan Review application were discussed, as were Town Center Development standards.
Neighborhood Meeting	
Although a meeting is not required for this application type the applicant was advised by staff to conduct a neighborhood meeting, however no indication has been made that such a meeting has taken place.	

Field Check
The site is undeveloped, the multi-use trail is in place as is a portion of the street front landscaping.

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan	X		
T-C Town Center District	X		Yes

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

Details of Application Request	
Site Area	
Gross Acres	1.61
Net Acres	1.57

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	SX-TC (Suburban Mixed Use)	T-C (Town Center)
North	Commercial Center	SX-TC (Suburban Mixed Use)	T-C (Town Center)
South	Single-Family	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development 7 units per acre) & Clark County R-E (Rural Estates Residential)
East	Vacant	SX-TC (Suburban Mixed Use)	T-C (Town Center)
West	Auto Parts Store/Tire Center	SX-TC (Suburban Mixed Use)	T-C (Town Center)

ANALYSIS

This is a request for a Special Use Permit for an 11,924 square-foot package liquor off-sale establishment. This site is within an overall 53,115 square-foot commercial subdivision that presently includes an existing 10,750 square-foot auto parts store/tire center an approved 17,500 square-foot retail center, a 5,128 square foot restaurant, and a 3,500 square-foot convenience store. Additionally there is an approved 5,517 square-foot restaurant to the east of the subject site. There is an existing multi-use transportation trail on the southern portion of the subject site. The proposed display area is 9,307 square feet, with the remaining 2,617 square-feet utilized as storage, office and restrooms.

This proposed development is compatible with the area, requires no variances or waivers, and staff recommends approval.

- **Zoning**

  The proposed site plan for this project has been designed for a mixed-use development project. The subject site is located with Town Center Overlay District. The Town Center Development Standards must be met and satisfied. The Centennial Hills Sector Plan specific policies, objectives and goals must also be followed. The underlying zoning is T-C (Town Center) zone which is a major urban center located approximately 15 miles north of Downtown Las Vegas. In general, the Town Center District was established to permit and encourage the development of a mixed-use employment center and commercial corridor for the Northwestern portion of the Las Vegas valley.

  The subject property is zoned T-C (Town Center). The properties within this area are subject to the guidelines in the Town Center Development Standards Manual. The land use on the property is SX-TC (Suburban Mixed Use Town Center). The Town Center area encourages imaginative development with a mixture of uses. The proposed development and the mix of commercial properties adjacent to this site meets the intent of the Town Center area.

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.**

   This proposed development is compatible with the adjacent commercial development in the area. The residential property to the south is buffered by a walking path and screening landscaping, and all necessary setback and residential adjacency standards have been met. Trash enclosures are screened.

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

   The subject site is suitable for a land use of this intensity, both the zoning and the general plan allow for such a use on this site.

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 site gains access from Azure Drive a 90-foot Town Center Loop Road. The proposed project will share a driveway with the parcel to the east. This parcel is not yet developed. Site access and circulation are acceptable and are adequate in size to meet the requirements 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.**

   Approval of the proposed Special Use Permit for Package Liquor does not conflict with the General Plan for this site or area. The proposed business will be subject to State and City of Las Vegas licensing requirements and inspections and therefore is not a threat to public health, safety or welfare.

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

   The subject property is consistent with Title 19, Town Center Development Standards, Landscape, Wall and Buffer Standards.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 582

APPROVALS 3

PROTESTS 9