



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: MAY 22, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-27693 - APPLICANT/OWNER: CENTENNIAL GATEWAY, LLC**

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

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

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Beer/Wine/Cooler Off-Sale Establishment use.
2. Conformance to the conditions for Site Development Plan Review (SDR-8695).
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 a Beer/Wine/Cooler Off-Sale Establishment within an approved 211,606 square-foot commercial shopping center at 5635 Centennial Center Boulevard. The applicant proposes this use in conjunction with a proposed 13,969 square-foot General Retail (grocery store), with approximately 192.5 square feet devoted to the sale of beer, wine and coolers. The proposed use satisfies all of Title 19.04 Special Use Permit requirements; therefore staff recommends approval of this request.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
12/07/98	The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) on the subject site as part of a larger request. The Planning Commission and staff recommended approval.
08/06/03	The City Council approved a Site Development Plan Review (SDR-2208) for a proposed 397,244 square foot commercial development and Waivers of the Town Center Development Standards on the subject site. The City Council also approved Special Use Permits for four Supper Clubs (SUP-2214, SUP-2215, SUP-2216, and SUP-2217), two Restaurants with Drive-Through (SUP-2211, SUP-2212) and Outdoor Sales (SUP-2209) on the subject site. The Planning Commission and staff recommended approval.
09/07/05	The City Council approved a Minor Amendment to an approved Site Development Plan Review (SDR-8695) and Extensions of Time for four Supper Clubs (EOT-8271, EOT-8272, EOT-8273, EOT-8275), two Restaurants with Drive-Through (EOT-8269, EOT-8270), and Outdoor Sales (EOT-8267) on the subject site. Staff recommended approval.

**SUP-27693 - Staff Report Page Two**  
**May 22, 2008 - Planning Commission Meeting**

<b><i>Related Building Permits/Business Licenses</i></b>	
02/26/08	Building permits (#109332, 109333) were issued for rough grading and a temporary field office (trailer) at 5603 Centennial Center Boulevard.
03/07/08	Building permits (#103732, 103733) were issued for onsite improvements and trash enclosures at 5603 Centennial Center Boulevard.
03/07/07	A building permit (#103730) was issued for Centennial Gateway Building A at 5699 Centennial Center Boulevard.
03/17/08	Building permits (#110791, 110944) were issued for under ground water and sewer and fire lead in at 5603 Centennial Center Boulevard (subject site)..
03/21/08	A building permit (#104406) was issued for Centennial Gateway Building E at 5639 Centennial Center Boulevard.
03/25/08	A building permit (#104736) was issued for Centennial Gateway Building A at 5651 Centennial Center Boulevard.
03/25/08	A building permit (#107476) was issued for Centennial Gateway Building B at 5705 Centennial Center Boulevard.
03/27/08	A building permit (#107108) was issued for Centennial Gateway Building D at 5643 Centennial Center Boulevard.
04/21/08	Building permits (#107470, 107475) were issued for Centennial Gateway Building E and C and at 5635 Centennial Center Boulevard and 5655 Centennial Center Boulevard.
05/01/08	A building permit (#108852) was issued for Sportsman Warehouse Major B at 5647 Centennial Center Boulevard.
<b><i>Pre-Application Meeting</i></b>	
03/27/08	The application requirements for a Special Use Permit for Beer/Wine/Cooler Off-Sale Establishment were discussed with the applicant.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

<b><i>Field Check</i></b>	
03/04/08	A field check was conducted and found that the subject site is under construction.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	18.71

SUP-27693 - Staff Report Page Three  
 May 22, 2008 - Planning Commission Meeting

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center (Under Construction)	SC-TC (Service Commercial Town Center)	TC (Town Center)
North	Shopping Center	SC-TC (Service Commercial Town Center)	TC (Town Center)
South	Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD5 (Residential Planned Development 5 Units Per Acre)
East	Shopping Center (Under Construction)	SC-TC (Service Commercial Town Center)	TC (Town Center)
West	Single Family Residential	ML (Medium Low Density Residential)	R-PD6 (Residential Planned Development 6 Units Per Acre)

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

*Pursuant to Title 19.10, the following parking standards apply:*

<b>Parking Requirement</b>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regula r	Handi- capped	Regular	Handi- capped	
Commercial Shopping Center	211,606 SF	1/250 SF	846	17	990	18	Y
<b>TOTAL</b>			863		1008		Y

**SUP-27693 - Staff Report Page Four**  
**May 22, 2008 - Planning Commission Meeting**

## **ANALYSIS**

The proposed Special Use Permit is a request to provide Beer/Wine/Cooler Off-Sale within a General Retail (grocery store) establishment at 5635 Centennial Center Boulevard, within a 13,969 square-foot of a 211,606 square-foot commercial shopping center. A total of 192.5 square feet of the sales floor area will be used for the sale of beer, wine or coolers. As there are no protected uses within the required 400-foot distance separation and this use meets the intent of the C-1 (Limited Commercial) zoning district, staff recommends approval of this request.

- **Zoning**

This project is located within the T-C (Town Center) zoning district, on a site which has the special land use designation of SC-TC (Service Commercial Town Center). This zoning district allows low to medium intensity retail, office or other commercial uses that are intended to serve primarily the Centennial Hills area and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theatres, bowling alleys and other places of public assembly and public/quasi-public uses.

- **Use**

A Beer/Wine/Cooler Off-Sale Establishment is defined by Title 19 as an establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine or coolers to consumers only and not for resale, in original sealed or corked containers, for the consumption off the premises where the same are sold, and is operated in connection with a grocery store, convenience store or specialty merchandise store. Beer/Wine/Cooler Off-Sale can not be located within 400-feet of any church, synagogue, school, child care facility licensed for more than 12 children or City Park. The subject location does not have any of these protected uses within the required 400-foot minimum distance separation.

- **Minimum Special Use Permit Requirements:**

- \*1. Except as otherwise provided, no beer/wine/cooler off-sale establishment (hereinafter establishment) shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.
- \*2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term property line refers to property lines of fee interest parcels and does not include the property line of:

**SUP-27693 - Staff Report Page Five**  
**May 22, 2008 - Planning Commission Meeting**

- a. Any leasehold parcel; or
  - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.
- \*3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
- a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
  - b. In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
5. The minimum distance requirements in Requirement 1 do not apply to:
- a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or b. A proposed establishment having more than 50,000 square feet of retail floor space.
- \*6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.
7. The minimum distance requirements set forth in Requirement 1, which are otherwise non-waivable under the provisions of Section 19.040.050(A)(4), may be waived:

**SUP-27693 - Staff Report Page Six**  
**May 22, 2008 - Planning Commission Meeting**

- a. In accordance with the provisions of Section 19.040.050(A)(4) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;
- b. In accordance with the applicable provisions of the Town Center Development Standards Manual for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan;
- c. In connection with a proposed establishment having between 20,000 square feet and 50,000 square feet of retail floor space, if no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages; or
- d. In connection with a retail establishment having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right-of-way with a width of at least 100 feet.

## **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 use will be accessory to general retail store (grocery store) and will be located within an approved commercial center, therefore the proposed use will be compatible and harmonious with the existing land use, and with the future surrounding land uses.

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

The site is physically suitable for this type of use and the intensity of this use is appropriate in this area. Ample site access is provided and more than adequate parking is being provided for this use within a commercial shopping center.

**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.**

Site ingress and egress will be primarily from Ann Road, a 100-foot Primary Arterial, Centennial Center Boulevard, an 80-foot secondary collector and Buffalo Drive, a 60-foot secondary-collector street by the Las Vegas Master Plan of Streets and Highways. These roadways are more than adequate to carry any added traffic generated from this 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.**

The proposed use is consistent with the General Plan and will be subject to state and City of Las Vegas business and licensing requirements and will be monitored to ensure public safety and welfare is protected.

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

This proposal meets the minimum requirements of the Town Center Development Standards manual and the minimum Special Use Permit requirements of Title 19.04.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 12

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 910

**APPROVALS** 10

**PROTESTS** 3

**CONCERNS** 1