

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 8, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SUP-27049 - APPLICANT/OWNER: HITT W. DOUGLAS FAMILY TRUST

**** 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, including parking requirements.
2. Approval of and conformance to the Conditions of Approval for Major Modification (MOD-27044), Special Use Permits (SUP-27046, SUP-27047, SUP-27048) and Site Development Plan Review (SDR-27051) 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. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Beer/Wine/Cooler Off-Sale Establishment in conjunction with a 3,275 square-foot Convenience Store at the northwest corner of Durango Drive and Deer Springs Way.

In addition to this application, the applicant has requested a Modification of a Major Modification (MOD-27044) of the Town Center Land Use Plan from UC-TC (Urban Center Mixed Use - Town Center) to GC-TC (General Commercial - Town Center), a Site Development Plan Review (SDR-27051) for a 41,741 square-foot retail and office development with Waivers to allow an eight-foot landscape buffer where a 15-foot buffer is required on Durango Drive, a 15-foot setback where a 20-foot setback is required for a gas station, and Town Center landscape finger requirements within the parking area, and Special Use Permits for a Restaurant with Drive-Through (SUP-27047), a Convenience Store with Fuel Pumps (SUP-27048) and a Liquor Establishment [Tavern (SUP-27046)].

Please note that the proposed application for a Beer/Wine/Cooler Off-Sale Establishment in conjunction with a Convenience Store and Liquor Establishment [Tavern (SUP-27046)] are permitted with a Special Use Permit in UC-TC (Urban Center Mixed Use). However, the Restaurant with Drive-Through (SUP-27047) and Convenience Store with Fuel Pumps (SUP-27048) are not permitted in UC-TC (Urban Center Mixed Use), but are permitted with a Special Use Permit in GC-TC (General Commercial Town Center), which is in part, the applicants cause for the Major Modification (MOD-27044) request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/13/03	The City Council approved a Rezoning (ZON-1620) of the subject property from U (Undeveloped) Zone [UC-TC (Urban Center Mixed-Use - Town Center) General Plan designation] to T-C (Town Center), a Special Use Permit (SUP-1569) for a 6,622 square- foot Tavern on a portion of the subject property, and a Site Development Plan Review (SDR-1741) for a proposed 6,622 square foot Tavern on a portion of the subject site. The Planning Commission recommended approval and staff recommended denial.

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06/15/05	The City Council approved a request for a Site Development Plan Review (SDR-6317) for a proposed Mixed-Use Development consisting of two 24-story towers containing 474 residential units and 144,200 square feet of commercial space of which 102,744 square feet is office space, and Special Use Permits (SUP-6323, SUP-6326, and SUP-6330) for a proposed 5,200 square-foot tavern, a proposed 7,256 square-foot supper club, and a proposed mixed use development in excess of 12 stories respectively on 5.21 acres adjacent to the northwest corner of Deer Springs Way and Durango Drive. The Planning Commission and staff recommended approval.
07/11/07	The City Council denied Extension of Time (EOT-22312, EOT-22313, EOT-22314, EOT-22315) requests for Site Development Plan Review (SDR-6317) for a proposed Mixed-Use Development consisting of two 24-story towers containing 474 residential units and 144,200 square feet of commercial space of which 102,744 square feet is office space, and Special Use Permits (SUP-6323, SUP-6326, and SUP-6330) for a proposed 5,200 square-foot tavern, a proposed 7,256 square-foot supper club, and a proposed mixed use development in excess of 12 stories respectively on 5.21 acres adjacent to the northwest corner of Deer Springs Way and Durango Drive
04/10/08	The Planning Commission approved a request to abey this item until the 05/08/18 Planning Commission Meeting.
<i>Related Building Permits/Business Licenses</i>	
01/30/07	A Code Enforcement case (#49914) was opened for an illegal subdivision sign. The case was closed on 04/04/07.
01/30/07	A Code Enforcement case (#49915) was opened for an illegal subdivision sign. The case was closed on 03/21/07.
01/30/07	A Code Enforcement case (#49916) was opened for an illegal subdivision sign. The case was closed on 03/23/07.
01/30/07	A Code Enforcement case (#49917) was opened for an illegal subdivision sign. The case was closed on 03/21/07.
01/30/07	A Code Enforcement case (#49918) was opened for an illegal subdivision sign. The case was closed on 03/07/07.
01/30/07	A Code Enforcement case (#49919) was opened for an illegal subdivision sign. The case was closed on 03/07/07.
01/30/07	A Code Enforcement case (#49920) was opened for an illegal subdivision sign. The case was closed on 03/07/07.
01/30/07	A Code Enforcement case (#49922) was opened for an illegal subdivision sign. The case was closed on 03/21/07.
01/30/07	A Code Enforcement case (#49923) was opened for an illegal subdivision sign. The case was closed on 04/30/07.

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<i>Pre-Application Meeting</i>	
02/13/08	A pre-application meeting was held and elements of this application were discussed. In addition to this application, a Major Modification, a Site Development Plan Review and several Special Use Permit applications were discussed. A list was provided detailing the Waivers from Town Center Development Standards that the applicant needed to request. Submittal requirements were discussed.

<i>Neighborhood Meeting</i>	
03/11/08	A neighborhood meeting was held on Tuesday, March 11, 2008 at 6:45 p.m. at the Centennial Hills Community Center located at 6601 North Buffalo Drive, Las Vegas, NV. Applicant gave a brief presentation, described changes, and explained office building would not be built at same time as other uses. Also might consider a hotel in the future.
05/06/08	A second neighborhood meeting is scheduled to be held on Tuesday, May 6, 2008 at 6:45 p.m. at the Centennial Hills Community Center located at 6601 North Buffalo Drive, Las Vegas, NV.
<i>Field Check</i>	
03/04/08	A field check was made on site. The site is currently undeveloped and non-graded with desert vegetation.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	5.1

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	UC-TC (Urban Center Mixed Use)	T-C (Town Center District)
North	Condominiums	UC-TC (Urban Center Mixed Use)	T-C (Town Center District)
South	Undeveloped	UC-TC (Urban Center Mixed Use)	T-C (Town Center District)
East	Hospital	UC-TC (Urban Center Mixed Use)	T-C (Town Center District)
West	Proposed Office/Retail Development	UC-TC (Urban Center Mixed Use)	T-C (Town Center District)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
T-C Town Center District	X		Y

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

**The applicant has requested multiple Waivers of Town Center Standards.*

DEVELOPMENT STANDARDS

Pursuant to Title 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	41,741 SF	1:250	161	6	220	9	Y
TOTAL			167		229		Y
Loading Spaces			3		3		Y

ANALYSIS

•Zoning

The subject site is currently zoned T-C (Town Center) with a UC-TC (Urban Center Mixed Use) General Plan designation. The proposed Beer/Wine/Cooler Off-Sale Establishment is within the range of uses permitted with a Special Use Permit in the T-C (Town Center) zoning district and UC-TC (Urban Center Mixed Use) land use designation.

In addition to this application, the applicant has requested a Modification of a Major Modification (MOD-27044) of the Town Center Land Use Plan from UC-TC (Urban Center Mixed Use - Town Center) to GC-TC (General Commercial - Town Center), a Site Development Plan Review (SDR-27051) for a 41,741 square-foot retail and office development with Waivers to allow an eight-foot landscape buffer where a 15-foot buffer is required on Durango Drive, a 15-foot setback where a 20-foot setback is required for a gas station, and Town Center landscape finger requirements within the

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parking area, and Special Use Permits for a Restaurant with Drive-Through (SUP-27047), a Convenience Store with Fuel Pumps (SUP-27048) and a Liquor Establishment [Tavern (SUP-27046)].

Please note that the proposed application for a Beer/Wine/Cooler Off-Sale Establishment in conjunction with a Convenience Store and Liquor Establishment [Tavern (SUP-27046)] are permitted with a Special Use Permit in UC-TC (Urban Center Mixed Use). However, the Restaurant with Drive-Through (SUP-27047) and Convenience Store with Fuel Pumps (SUP-27048) are not permitted in UC-TC (Urban Center Mixed Use), but are permitted with a Special Use Permit in GC-TC (General Commercial Town Center), which is in part, the applicants cause for the Major Modification (MOD-27044) request.

• **Use**

Beer/Wine/Cooler/Off-Sale Establishment is defined as an establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold, and is operated in connection with a grocery store, drug store, convenience store or specialty merchandise store.

The proposed 3,275 square-foot Convenience Store will sell beer, wine and coolers in conjunction with their retail goods. The floor-plan does not designate the location for the sell of beer, wine and coolers.

• **Conditions**

Per Town Center Development Manual, the use shall comply with all minimum conditions, standards and requirements applicable to the use Beer/Wine/Cooler/Off-Sale Establishment, under LVMC 19.04.050. The proposed use meets or exceeds the following minimum Special Use Permit Requirements per Title 19.04:

- (1) Except as otherwise provided in this Chapter, no beer/wine/cooler on-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

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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:

- (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 eighty 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 Paragraph (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 Paragraph (1) do not apply to:
- (a) An establishment which has a non-restricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992; or
 - (b) A proposed establishment having more than fifty thousand square feet of retail floor space.
- (*6) All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

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FINDINGS

The following findings must be made for a Special Use Permit:

- 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 Town Center Development Standards require a Beer/Wine/Cooler/Off-Sale Establishment to be a minimum of 400 feet from any church, synagogue, school, childcare facility licensed for more than twelve children or City Park, as measured from property line to property line. In this case, this use meets the minimum distance separation requirements, as no protected uses have been identified within 400 feet of the subject property.

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

Under the current UC-TC (Urban Center Town Center) land use designation for the site, the subject site is physically suitable for a proposed Beer/Wine/Cooler Off-Sale Establishment.

- 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 property fronts on Durango Drive, which is designed as a 120-foot wide Primary Arterial street on the Master Plan of Streets and Highways, and accesses Deer Springs Way, which is designated as an 80-foot wide Secondary Collector street. Access is also proposed to a local street along the north side of the property. Deer Springs Way and Durango Drive will provide adequate access to the 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.**

A Beer/Wine/Cooler Off-Sale Establishment use will be subject to regular City and County inspections for licensing; therefore, public health, safety, and welfare will not be compromised.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 720

APPROVALS 3

PROTESTS 21