



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JUNE 12, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-27945 - APPLICANT: HARPREET BRAR - OWNER:
DURANGO STRUCTURES, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to all minimum requirements as listed in the Town Center Development Standards Manual for a Gaming Establishment, Restricted License.
2. Conformance to the conditions for Rezoning [Z-0076-98(11)] and Site Development Plan Review (SDR-17735) if approved.
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 Gaming Establishment, Restricted License with a Waiver to allow a distance separation of 115 feet from a single-family dwelling where 330 feet is required in conjunction with a proposed 2,746 square-foot Convenience Store within an approved Shopping Center at 6410 North Durango Drive Suite #105. Special Use Permit (SUP-27947) for a Beer/Wine/Cooler Off-Sale Establishment within the subject location has been submitted as a companion item to this application. As the proposed Gaming Establishment, Restricted License use does not meet the applicable requirements of the Town Center Development Standards Manual due to the Waiver requested, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/17/00	The City Council approved a request for a Site Development Plan Review [(Z-0076-98(11)] for a proposed 20,800 square-foot retail center on 5.05 acres at the northeast corner of Centennial Parkway and Durango (formerly El Capitan Way) Drive. The Planning Commission and staff recommended approval of this request.
05/17/00	The City Council approved a request for Special Use Permit (U-0149-99) for a 6,400 square-foot Supper Club, a Special Use Permit (U-0152-99) for Gas Sales in conjunction with a proposed 4,000 square-foot Convenience Store, a Special Use Permit (U-0153-99) for a proposed 1,000 square-foot Automated Car Wash Facility, a Special Use Permit (U-0154-99) for a proposed 2,800 square-foot Minor Auto Repair Garage (Auto Lube), a Special Use Permit (U-0155-99) for proposed 3,200 square-foot and a 3,400 square-foot Restaurants With Drive-Through and a Special Use Permit (U-0156-99) for the Off-Premise Sale of Beer and Wine in conjunction with a 4,000 square-foot Convenience Store at the northeast corner of Centennial Parkway and Durango (formerly El Capitan Way) Drive. The Planning Commission and staff recommended approval of these requests.

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05/01/02	The City Council approved a request for an Extension of Time [U-0149-99(1)] of an approved Special Use Permit (U-0149-99) for a 6,400 square-foot Supper Club, an Extension of Time [U-0152-99(1)] for an approved Special Use Permit (U-0152-99) for Gas Sales in conjunction with a proposed 4,000 square-foot Convenience Store, an Extension of Time [U-0153-99(1)] for an approved Special Use Permit (U-0153-99) for a proposed 1,000 square-foot Automated Car Wash Facility, an Extension of Time [U-0154-99(1)] for an approved Special Use Permit (U-0154-99) for a proposed 2,800 square-foot Minor Auto Repair Garage (Auto Lube), an Extension of Time [U-0155-99(1)] of an approved Special Use Permit (U-0155-99) for proposed 3,200 square-foot and a 3,400 square-foot Restaurants With Drive-Through and an Extension of Time [U-0156-99(1)] of an approved Special Use Permit (U-0156-99) for the Off-Premise Sale of Beer and Wine in conjunction with a 4,000 square-foot Convenience Store at the northeast corner of Centennial Parkway and Durango (formerly El Capitan Way) Drive. The Planning Commission and staff recommended approval of these requests.
04/07/04	The City Council approved a request for an Extension of Time (EOT-3964) of an approved Special Use Permit (U-0149-99) for a Supper Club, an Extension of Time (EOT-3967) for an approved Special Use Permit (U-0152-99) for a Convenience Store with Fuel Pumps, an Extension of Time (EOT-3966) for an approved Special Use Permit (U-0153-99) for a proposed Automatic Car Wash, an Extension of Time (EOT-3963) for an approved Special Use Permit (U-0154-99) for an Auto Repair Garage, Minor, an Extension of Time (EOT-3965) of an approved Special Use Permit (U-0155-99) for a Restaurant With Drive-Through and an Extension of Time (EOT-3962) of an approved Special Use Permit (U-0156-99) Alcoholic Beverage Sales at the northeast corner of Centennial Parkway and Durango Drive. The Planning Commission and staff recommended approval of these requests.
10/21/04	The Planning Commission tabled a request for a General Plan Amendment (GPA-5207) to amend a portion of the Town Center Land Use Plan of the Centennial Hills Sector Plan of the General Plan from SC-TC (Service Commercial Town Center) to GC-TC (General Commercial Town Center), a request for a Site Development Plan Review (SDR-5209) for a proposed 6,000 square-foot Tavern and a request for a Special Use Permit (SUP-5210) for a Tavern on 3.88 acres adjacent to the northwest corner of Centennial Parkway and Juliano Avenue Road. Staff recommended denial of these requests.
06/13/05	The Planning and Development Department administratively approved a Site Development Plan Review (SDR-19790) to allow a proposed 60-foot Wireless Communication Facility, Slimline at northeast corner of Durango Drive and Centennial Parkway.

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07/12/06	The City Council approved a request for an Extension of Time (EOT-13647) of an approved Special Use Permit (U-0149-99) for a Supper Club, an Extension of Time (EOT-13648) for an approved Special Use Permit (U-0152-99) for a Convenience Store with Fuel Pumps, an Extension of Time (EOT-13645) for an approved Special Use Permit (U-0153-99) for a proposed Automatic Car Wash, an Extension of Time (EOT-13646) for an approved Special Use Permit (U-0154-99) for an Auto Repair Garage, Minor, an Extension of Time (EOT-13649) of an approved Special Use Permit (U-0155-99) for a Restaurant With Drive-Through and an Extension of Time (EOT-13644) of an approved Special Use Permit (U-0156-99) Alcoholic Beverage Sales at the northeast corner of Centennial Parkway and Durango Drive. Staff recommended approval of these requests.
02/07/07	The City Council approved a for a Site Development Plan Review (SDR-17735) for a 42,790 square-foot retail shopping center with waivers of the build-to-line requirement and to allow 15 feet of perimeter landscape buffer adjacent to a drive-thru aisle where 25 feet is required and a Special Use Permit (SUP-17737) for a drive-through restaurant on 3.82 acres at the northeast corner of Centennial Parkway and Durango Drive. The Planning Commission recommended approval of these items, staff recommended denial.
05/07/08	The City Council denied a Special Use Permit (SUP-26417) for an Auto Title Loan Establishment with Waivers to allow a distance separation of 105 feet from a residential use where 200 feet is required and to allow an Auto Title Loan Establishment to be 1,215 square feet where 1,500 square feet is required at the northwest corner of Durango Drive and Centennial Parkway. The Planning Commission and staff recommended denial of this request.
<i>Related Building Permits/Business Licenses</i>	
09/17/07	A building permit (#98062) was issued to allow on-site grading to take place at 6408 North Durango Drive.
09/26/07	Building permits were issued for a trash enclosure (#07002772) and an open parking structure (#07002771) at 6408 North Durango Drive. The permits were placed on hold on 03/29/08.
09/26/07	A building permit was issued for building D (#07002769) at 6410 North Durango Drive, building B (#07002767) at 6440 North Durango Drive, building E (#) at 6420 North Durango Drive, and a five shell building and garage (#07002766) development at 6446 North Durango Drive. The permits were placed on hold on 03/29/08.
10/05/07	A building permit (#07002832) was issued for building C at 6430 North Durango Drive. The permit was placed on hold 03/29/08.
11/05/07	A building permit (#07003159) was issued for onsite water and sewer at 6446 North Durango Drive.
01/31/08	A building permit (#107312) was issued for 2-foot retaining walls and 6-foot screen walls at 6410 North Durango Drive.

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<i>Pre-Application Meeting</i>	
04/10/08	A pre-application meeting was held with the applicant where elements of the Special use Permit submittal requirements were discussed.
<i>Neighborhood Meeting</i>	
05/27/08	Per the Town Center Development Standards Manual, a neighborhood meeting was held on 05/27/08. Four members of the development team, one representative from the City Council office, and one member of Planning and Development staff attended. No members of the general public were in attendance.
<i>Field Check</i>	
05/08/08	A field check was performed by staff at the subject property. The entire site was noted as being under construction, with building framing recently in place.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	3.50

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Center Under Construction	SC-TC (Service Commercial - Town Center)	T-C (Town Center)
North	C.C. 215 Beltway	ROW	T-C (Town Center)
South	Commercial & Single Family Dwellings	SC-TC (Service Commercial - Town Center), SX-TC (Suburban Mixed-Use -Town Center)	T-C (Town Center)
East	Undeveloped	SC-TC (Service Commercial- Town Center)	U(TC) [Undeveloped (Town Center General Plan Designation)]
West	Commercial / Retail Development	SC-TC (Service Commercial- Town Center) & ROW	T-C (Town Center)

<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		Y*
Trails	X		Y**
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y***

* Development within Town Center is subject to the Town Center Development Standards and the Town Center Land Use chapter of the Centennial Hills Sector Plan. The original Site Development Plan Review (SDR-17735) for this development was approved by the City Council with waivers to the Town Center Standards; therefore this project is in compliance.

** There are two trails that are adjacent to the subject property, a Town Center Parkway Trail adjacent to Durango Drive and a Multi-Use Transportation Trail, as shown on Map 6 of the Master Plan Transportation Trails Element adjacent to this northern edge of this site. The trail adjacent to Durango Drive will be constructed in conjunction with the development of the subject property, while the trail to the north of the subject parcel parallel to the 215 beltway will be installed by the City of Las Vegas at a future date.

*** The Project of Regional Significance was submitted and sent out on 05/08/08. No comments have been received from the agencies notified.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	41,344 SF	1 / 250 SF	160	6	242	11	
TOTAL			166		253		Y
Loading Spaces			3		4		Y

Waivers		
Request	Requirement	Staff Recommendation
To allow a distance separation of 115 feet from a single-family dwelling	May not locate within 330 feet of any single-family detached dwelling	Denial

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ANALYSIS

- **Zoning**

The subject site is currently zoned T-C (Town Center) with a TC (Town Center) General Plan designation and a special land use designation of SC-TC (Service Commercial Town Center). The proposed Gaming Establishment, Restricted License use is within the range of uses permitted with a Special Use Permit in the T-C (Town Center) zoning district and SC-TC (Service Commercial Town Center) special land use designation; however the proposed use does not meet the distance separation requirements, which state that a Gaming Establishment, Restricted License may not locate within 330 feet of any single-family detached dwelling. The proposed use will be located 115 feet north of a single-family detached home.

- **Use**

The proposed Gaming Establishment, Restricted License will operate as an accessory use within a planned 2,746 square-foot Convenience Store. The site plan indicates a small area near the front entry will contain seven gaming machines, currently denoted on the floor plan as a slot area. No other gaming or gaming related devices are indicated on the floor plan.

- **Conditions**

The Town Center Development Standards Manual provides the following base conditions of approval:

Gaming Establishment, Restricted License

- a. A Special Use Permit is required for any new gaming establishment.
- b. May not locate within 330 feet of any single family detached dwelling.

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 proposed use can not be conducted in a manner that is harmonious and compatible with existing and surrounding land uses as the proposed use necessitates a Waiver of distance separation requirements from a single-family detached dwelling.

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

The site is not physically suitable for this type of use and intensity of land use. The SC-TC (Service Commercial Town Center) district allows low to medium intensity retail, office, or other commercial uses that are intended to serve primarily the Centennial Hills area and does not include more intense general commercial characteristics; however the distance separation requirements established by the Town Center Development Standards Manual and the applicants need for a Waiver indicate that other sites within the Town Center area would be better suited for this type of 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.

The subject site accesses Durango Drive, 120-foot wide Town Center Parkway Arterial and Centennial Parkway, a 90-foot Frontage Road. The roadway network has adequate capacity to serve 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.

The proposed use will be subject to regular inspections for licensing and will therefore not compromise the public health, safety and welfare or the overall objects of the General Plan.

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

The proposed use does not meet the applicable conditions of the Town Center Development Standards manual, as it is located 115 feet north of a single-family detached home where the Town Center Development Standards Manual requires a minimum distance separation of 330 feet.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

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NOTICES MAILED 195

APPROVALS 0

PROTESTS 3