

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JUNE 12, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-27947 - APPLICANT: HARPREET BRAR - OWNER:
DURANGO STRUCTURES, LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL, subject to:*****Planning and Development***

1. Conformance to all minimum requirements as listed in the Town Center Development Standards Manual for a Beer/Wine/Cooler/Off-Sale Establishment.
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 one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. 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 or wine coolers 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 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-27945) for a Gaming Establishment, Restricted within the subject location has been submitted as a companion item to this application. As the proposed Beer/Wine/Cooler Off-Sale Establishment use meets the applicable requirements of the Town Center Development Standards Manual, staff recommends approval 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.

SUP-27947 - Staff Report Page Two
June 12, 2008 - Planning Commission Meeting

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.

SUP-27947 - Staff Report Page Three
June 12, 2008 - Planning Commission Meeting

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.

**SUP-27947 - Staff Report Page Four
June 12, 2008 - Planning Commission Meeting**

<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	A neighborhood meeting was held on 05/27/08 in relation to the requirements of the Town Center Development Standards Manual for the companion Special Use Permit (SUP-27945). 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 (SDR-17735)	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

**SUP-27947 - Staff Report Page Five
June 12, 2008 - Planning Commission Meeting**

<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:

<i>Parking Requirement</i>							
<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

SUP-27947 - Staff Report Page Six
June 12, 2008 - Planning Commission Meeting

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 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 SC-TC (Service Commercial Town Center) special land use designation.

- **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 2,746 square-foot Convenience Store will sell beer, wine and coolers in conjunction with their retail goods. The floor plan does not designate the specific location for the sale of beer, wine and coolers; however the east wall of the store is indicated on the site plan as the location of refrigerated 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 (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-27947 - Staff Report Page Seven
June 12, 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 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.
- (7) The minimum distance requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of Section 19.040.050(A)(4), may be waived:

SUP-27947 - Staff Report Page Eight
June 12, 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 as 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.

Per Title 19.04.050, it shall not be permissible to waive any Special Use Permit requirement that is listed in Table 2 with an asterisk ().

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.**

With implementation of the proposed conditions, the proposed use can be operated in a manner compatible with the existing uses and the projected uses for the surrounding area.

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

**SUP-27947 - Staff Report Page Nine
June 12, 2008 - Planning Commission Meeting**

The site is physically suitable for this type of use and intensity of land use. The sale of beer and wine will be in conjunction with a proposed convenience store. 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. The proposed use falls within these boundaries.

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, a 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 meets all applicable conditions of the Town Center Development Standards manual.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 195

APPROVALS 0

PROTESTS 3