

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 4, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SUP-27047 - APPLICANT/OWNER: HITT W. DOUGLAS FAMILY TRUST

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0-1/rt vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements under the Town Center Development Standards Manual for Restaurant with Drive-through 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-27048, SUP-27049) 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. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. 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 proposed 3,200 square-foot Restaurant with Drive through located on 5.1 acres 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 Liquor Establishment [Tavern (SUP-27046)], a Convenience Store with Fuel Pumps (SUP-27048), and a Beer/Wine/Cooler Off-Sale Establishment in conjunction with Convenience Store (SUP-27049).

Please note that the Special Use Permit applications for a Liquor Establishment [Tavern (SUP-27046)] and Beer/Wine/Cooler Off-Sale Establishment in conjunction with a Convenience Store (SUP-27049) are permitted with a Special Use Permit in UC-TC (Urban Center Mixed Use). However, this applications proposal for a Restaurant with Drive-Through 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.

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.
05/08/08	<p>The Planning Commission recommended approval of companion items MOD-27044, SUP-27046, SUP-27048, SUP-27049 and SDR-27051 concurrently with this application.</p> <p>The Planning Commission voted 5-0-1/rt to recommend APPROVAL (PC Agenda Item #16/jm).</p>
<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

<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 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
<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:

<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>		
			<i>Regular</i>	<i>Handi-capped</i>	<i>Regular</i>	<i>Handi-capped</i>	
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 Restaurant with Drive-through is not 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. Therefore, 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), which allows a Restaurant with Drive-through with a Special Use Permit.

Companion applications are 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 Liquor Establishment [Tavern (SUP-27046)], a Convenience Store with Fuel Pumps (SUP-27048), and a Beer/Wine/Cooler Off-Sale Establishment in conjunction with Convenience Store (SUP-27049).

Please note that the Special Use Permit applications for a Liquor Establishment [Tavern (SUP-27046)] and Beer/Wine/Cooler Off-Sale Establishment in conjunction with a Convenience Store (SUP-27049) are permitted with a Special Use Permit in UC-TC (Urban Center Mixed Use). However, this applications proposal for a Restaurant with Drive-Through 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**

The proposed Restaurant with Drive-through will be constructed in conjunction with a fast food restaurant on the subject site.

•**Conditions**

The conditions of approval for Restaurant (Fast Food) with Drive-through in Town Center are as follows.

1. When part of a larger structure, standard setback requirements shall apply to the fast food business.
2. When fast food buildings are freestanding structures, they shall be setback an additional 10 feet from the required setback to provide a more substantial landscape buffer.
3. To further enhance the presence of fast food enterprises, drive-thru lanes shall not wrap around more than three sides of the building, and cannot encroach upon the required landscaping.
4. Outdoor dining areas may encroach into the required additional 10-foot wide landscaped area.

The applicant meets all these conditions expressed in the Town Center Standards Manual.

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.**

As a companion 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), which allows a Restaurant with Drive-through with a Special Use Permit. The existing land uses that surround this develop are designated UC-TC (Urban Center Town Center). The intent of the Urban Center Mixed Use District is to enable development with imaginative site and building design and maximize the use of the property. The Town Center Development Standards prohibit Drive-Through Facility uses within the UC-TC (Urban Center Town Center) special land use designation. The applicant has created a non-pedestrian friendly environment and a vehicular dependent commercial center saturated with Drive-Through Facilities. Therefore, the proposed land use is seen as not being harmonious with the surrounding area.

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

The Major Modification (MOD-27044) and Site Development Plan Review (SDR-27051) are not suitable for the type and intensity of land use proposed; therefore, the request for a Restaurant with Drive-through is not suitable.

- 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 Restaurant with Drive-through use will be subject to regular City and County inspections for licensing; therefore, public health, safety, and welfare will not be compromised.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 713 by City Clerk

APPROVALS 8

PROTESTS 16