

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: AUGUST 14, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-28542 - APPLICANT: RAPINDER CHIMA - OWNER:**  
**PICHAT AND SAMAN POJANSOMBOON, ET AL**

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

**STAFF RECOMMENDATION:**      **DENIAL.** If Approved, subject to:

**Planning and Development**

1. Conformance to all minimum requirements under the Town Center Development Standards Manual for Liquor Establishment (Tavern), including parking requirements.
2. Approval of and conformance to the Conditions of Approval for Special Use Permits (SUP-28544, SUP-28545, SUP-28546, SUP-28547, SUP-28712, SUP-28713, SUP-28868), Variance (VAR-28540), Vacation (VAC-28548) and Site Development Plan Review (SDR-28535) shall be required, 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. 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.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a proposed 8,075 square-foot Liquor Establishment (Tavern) at the southwest corner of Durango Drive and Farm Road. The proposed use is part of a development that is not compatible and harmonious with surrounding development; therefore staff recommends denial.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/07/98	The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) on the subject property as part of a larger request.
01/04/05	Code Enforcement cited (#24873) a vacant lot with trash and debris left from temporary Christmas tree sales. The case was closed on 01/20/05.
02/22/05	Code Enforcement cited (#26291) an illegal sign on the property. The case was closed on 02/24/05.
11/14/06	Code Enforcement cited (#47958) a vacant lot with trash and debris left from temporary pumpkin sales for Halloween. The case was closed on 11/21/06.
<b><i>Related Building Permits/Business Licenses</i></b>	
09/23/05	A Temporary Commercial Permit (#4597) was issued for a pumpkin sales lot at the southwest corner of Farm Road and Durango Drive.
11/14/05	A Temporary Commercial Permit (#10307) was issued for a Christmas tree sales lot at the southwest corner of Farm Road and Durango Drive.
09/25/06	A Temporary Commercial Permit (#17097) was issued for a Christmas tree sales lot at the southwest corner of Farm Road and Durango Drive.
09/17/07	A Temporary Commercial Permit (#24612) was issued for a Christmas tree sales lot at the southwest corner of Farm Road and Durango Drive.
<b><i>Pre-Application Meeting</i></b>	
03/20/08	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.

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<i>Neighborhood Meeting</i>	
07/01/08	<p>A neighborhood meeting was held on Tuesday, July 1, 2008 at 5:30 p.m. at the YMCA Club in the CLV Community Resource Room located at 6601 North Buffalo Drive. There were 29 members of the public, seven representatives of the applicant and two city staff were present.</p> <p>The applicant and one of the proposed tenants offered a presentation on the proposed development. Members of the public raised the following questions and concerns:</p> <ul style="list-style-type: none"> <li>* Concerns were raised regarding the height of the hotel building (the applicant explained that the building would be approximately 55 to 60 feet in height). Some members of the public requested that the height be reduced to three stories, and stated that five-story buildings were inappropriate in that area (the east side of the freeway).</li> <li>* Several concerns were expressed regarding traffic flow and the amount of traffic generated by the development. The applicant noted that the traffic study for the project had already been completed, and was being reviewed by city staff. Specific concerns were raised about northbound traffic coming out of the development onto Farm Road, potential increases in traffic on Tule Springs, construction traffic on eastbound Farm Road, and whether or not a traffic light could be installed at the entrance to the development.</li> <li>* One member of the public stated that the hotel use was inappropriate for the site; others questioned the viability of the hotel based on the proximity of the Santa Fe Hotel/Casino and the new hotel/casino at the Kyle Canyon development.</li> <li>* Questions were raised relative to the other tenants proposed for the site and the ability of the developer to lease the retail space based on current market conditions.</li> <li>* Concerns were raised regarding the carwash and any buffers that would be provided to screen the use, and whether the use was necessary.</li> <li>* Questions were raised regarding impacts to the homes that are proposed abutting the site in the Village of Centennial Springs development.</li> <li>* Concerns were raised relative to the signage proposed for the site; the applicant stated that they would comply with the Town Center requirements.</li> </ul>

<i>Field Check</i>	
07/01/08	<p>A field check was made on site. The site is currently an undeveloped property that is juxtaposed between two major streets. To the south of this property is a mixed-use development that is under construction and across Farm Road to the north is a large shopping center.</p>

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	7.97

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	TC (Town Center)	T-C (Town Center) [SC -TC (Service Commercial Town Center)] Special Land Use Designation
North	Shopping Center	TC (Town Center)	T-C (Town Center) [SC -TC (Service Commercial Town Center) Special Land Use Designation
South	Single Family Residential, Retail, Condominiums, Mixed Use	TC (Town Center)	T-C (Town Center) [SX-TC (Suburban Mixed Use Town Center)] Special Land Use Designation
East	Shopping Center	TC (Town Center)	T-C (Town Center) [SC -TC (Service Commercial Town Center)] Special Land Use Designation
West	Undeveloped	TC (Town Center)	T-C (Town Center) [SC -TC (Service Commercial Town Center)] Special Land Use Designation

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
T-C Town Center District	X		N*
<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	Y
<b>Development Impact Notification Assessment</b>		X	Y
<b>Project of Regional Significance</b>		X	Y

*\*Multiple Waivers of the Town Center Development Standards have been requested as part of the companion Site Development Plan Review (SDR-28535).*

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*\*\*A Multi-Use Transportation Trail is required adjacent to this site on Farm Road. The proposal adheres to Exhibit 1 of the Transportation Trails Element of The Las Vegas 2020 Master Plan.*

**DEVELOPMENT STANDARDS**

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

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Parking Ratio</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>
			<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center*	64,700 SF	1:250	259				Y
Hotel	139 Units	1 per guest room	139				Y
<b>Subtotal</b>			389	9	386	16**	Y
<b>TOTAL</b>			398		402***		Y
Loading Spaces	64,700 SF		4		4		Y

*\*Under Title 19.04, a shopping center use is defined as Any structure or group of structures that: (1) House any assemblage of various commercial tenants, including without limitation, retail uses, personal service uses, food service uses, and other ancillary uses; (2) Have a minimum combined gross floor area of 25,000 square feet; (3) Are located upon a single parcel of land or upon contiguous parcels of land; and (4) Have common vehicular access and parking facilities. This development is deemed a shopping center use and parking is calculated for the overall development, not each individual use.*

*\*\*Parking spaces dimensions and striping do not meet accessible parking standards. A condition has been added in Site Development Plan Review (SDR-28535).*

*\*\*\*Title 19.10 allows 30 percent of the total parking spaces required be compact parking spaces. The applicant is proposing 44 compact spaces, which is 11 percent the total provided.*

**ANALYSIS**

The subject site is currently zoned T-C (Town Center) with a SC-TC (Service Commercial Town Center) Special Land Use designation. The applicant is proposing a Major Modification (MOD-28538) of the Town Center Land Use Plan to GC-TC (General Commercial Town Center) to allow the proposed Liquor Establishment (Tavern) to be within the range of uses permitted with a Special Use Permit in the GT-TC (General Commercial - Town Center) zoning district, which is the purpose of this application. In conjunction with this application, the applicant has proposed a Special Use Permit (SUP-28712) for Gaming Establishment, Restricted with a Waiver to allow a zero-foot distance separation from a single-family detached dwelling where 330 feet is required.

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In addition to this application, the applicant has proposed a Variance (VAR-28540) to allow a 60-foot setback where Residential Adjacency Standards require 185 feet for a proposed Hotel; a Special Use Permit (SUP-28544) for a proposed 5,100 square-foot Convenience Store with Fuel Pumps an associate Gaming Establishment, Restricted License (SUP-28713), and Special Use Permit (SUP-28868) for Accessory Package Liquor Off-Sale; a Special Use Permit (SUP-28545) for a proposed 2,200 square-foot Restaurant (with Drive Through); Special Use Permit (SUP-28546) for a proposed Hotel with a Waiver to allow a zero-foot separation from a single-family detached dwelling where 330 feet is required; a Special Use Permit (SUP-28547) for a proposed Car Wash (with Drive-Through) in conjunction with a proposed Convenience Store (with Fuel Pumps); a Petition to Vacate (VAC-28548) a portion of Durango Drive and a portion of Farm Road generally located on the southeast corner of Durango Drive and Farm Road; and a Site Development Plan Review (SDR-28535) for a 139-room five-story Hotel and a 64,700 square-foot retail development with Waivers to allow a five-story building where two stories is the maximum height permitted and a 15-foot setback where a 20-foot setback is required for retail buildings on 7.97 acres at the southwest corner of Durango Drive and Farm Road.

- **Use**

The Town Center Development Standards require a Tavern 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. There is no spacing requirement between uses licensed as Taverns or other comparable establishments in Town Center.

- **Conditions**

The conditions of the Town Center Development Standards Manual Liquor Establishment (Tavern) include the following:

- a. No Tavern shall be located within 400 feet of any church, synagogue, school, or childcare facility licensed for more than 12 children, or park.
- b. Uses licensed as Taverns or other comparable establishments shall have no specific spacing requirements between similar uses.
- c. All businesses that sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

The application as proposed meets all the above applicable conditions of the Town Center Development Standards Manual. Compliance with these standards is made a condition of approval for this report.

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## **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 is part of a development that is not compatible and harmonious with surrounding development.

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

The proposed Liquor Establishment (Tavern) will be a part of the 64,700 square-foot retail development and 139-room, five-story Hotel, which will be reviewed as Site Development Review Plan Review (SDR-28535).

- 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 100-foot wide Primary Arterial by the Town Center Street Classification Map Six, and accesses Farm Road, which is designated as an 80-foot wide Arterial/Secondary Collector. Farm Road is the only street that the property takes access from and will provide adequate service for the proposed project.

- 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 Liquor Establishment (Tavern) use will be subject to regular City and County inspections for licensing; therefore, public health, safety, and welfare will not be compromised.

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

The use meets all of the applicable conditions.

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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 24

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 497

**APPROVALS** 2

**PROTESTS** 23