

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: AUGUST 14, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-28545 - APPLICANT: RAPINDER CHIMA - OWNER:
PICHAT AND SAMAN POJANSOMBOON, ET AL

**** 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 Restaurant with Drive Through, including parking requirements.
2. Approval of and conformance to the Conditions of Approval for Special Use Permits (SUP-28542, SUP-28544, 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 2,200 square-foot Restaurant (with Drive Through) 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

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
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.
<i>Related Building Permits/Business Licenses</i>	
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.
<i>Pre-Application Meeting</i>	
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"> * 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). * 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. * 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. * 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. * Concerns were raised regarding the carwash and any buffers that would be provided to screen the use, and whether the use was necessary. * Questions were raised regarding impacts to the homes that are proposed abutting the site in the Village of Centennial Springs development. * Concerns were raised relative to the signage proposed for the site; the applicant stated that they would comply with the Town Center requirements.
<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>
Special Area Plan			
T-C Town Center District	X		N*
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Trails	X		Y**
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		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:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center*	64,700 SF	1:250	259				Y
Hotel	139 Units	1 per guest room	139				Y
Subtotal			389	9	386	16**	Y
TOTAL			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). The General Commercial District allows all types of retail, service, office and other general business uses of a more intense commercial character. These uses will normally require a Special Use Permit and will commonly include limited outdoor display of product and lights or other characteristics not generally compatible with the adjoining residential areas without significant

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transition. Examples include new and used car sales, highway commercial uses such as hotels and motels, and tourist commercial uses such as resorts and recreational facilities. The proposed Restaurant with Drive-Through use is within the range of uses permitted with a Special Use Permit in the GC-TC (General Commercial -Town Center) Special Land Use designation, which is the purpose of this application.

In addition to this application, the applicant has requested 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-28542) for a proposed 7,900 square-foot Liquor Establishment (Tavern) and an associated Gaming Establishment, Restricted License Special Use Permit (SUP-28712); a Special Use Permit (SUP-28544) for a proposed 5,100 square-foot Convenience Store with Fuel Pumps with a Waiver to allow a zero-foot distance separation from a single-family detached dwelling where 330 feet is required, 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-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; 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 14-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 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-through lanes shall not wrap around more than two sides of the building, and cannot encroach upon the required landscaping.

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4. Outdoor dining areas may encroach into the required additional 10-foot wide landscaped area.

The site plans shows a setback of 34 feet where 25 feet is required. The drive-through wraps around two sides of the building. The applicant meets all these conditions expressed in the Town Center Standards Manual.

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 site is not physically suitable for this type of use and intensity of land use. The numerous distance separation Waivers requested for companion Special Use Permit (SUP-28544, SUP-28546, SUP-28712, SUP-28713) and Site Development Plan (SDR-28535) applications 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 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.**

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A Convenience Store with Fuel Pump 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 the applicable conditions per Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 24

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 497

APPROVALS 2

PROTESTS 23