

*City of Las Vegas***AGENDA MEMO****PLANNING COMMISSION MEETING DATE: DECEMBER 4, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-31421 - APPLICANT: UPPER CRUST PIZZA - OWNER:  
DURANGO STRUCTURES, LLC**

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

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Beer/Wine/Cooler On-Sale use, including parking requirements.
2. 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.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
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.

Submitted after final agenda

Date 12/4/08 Item 25

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

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit to allow for a Beer/Wine/Cooler On-Sale Establishment within a proposed restaurant at 6440 North Durango Drive. The proposed establishment is 1,787 square feet with seating for 45. The Beer/Wine/Cooler On-Sale use will be ancillary to the proposed restaurant.

**BACKGROUND INFORMATION**

<i>Related/Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
05/17/00	The City Council approved a request for a Special Use Permit (U-0149-99) for a proposed 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; a Special Use Permit (U-0155-99 for a proposed 3,200 square-foot and a 3,400 square-foot Restaurant with Drive-Through; 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; and a Site Development Plan Review [Z-0076-98(11)] for a proposed 20,800 square-foot Retail Center at the northeast corner of West Centennial Parkway and North Durango Drive. The Planning Commission recommended approval.
05/01/02	The City Council approved a request for an Extension of Time [U-0149-99(1)] for an approved Special Use Permit for a Supper Club; an Extension of Time [U-0152-99(1)] for an approved Special Use Permit for a Convenience Store with Fuel Pumps; an Extension of Time [U-0153-99(1)] for an approved Special Use Permit for an Automatic Car Wash; an Extension of Time [U-0154-99(1)] for an approved Special Use Permit for an Auto Repair Garage, Minor; an Extension of Time [U-0155-99(1)] for an approved Special Use Permit for a Restaurant with Drive-Through; and an Extension of Time [U-0156-99(1)] for an approved Special Use Permit for an Off-Premise Liquor Establishment; at the northeast corner of West Centennial Parkway and North Durango Drive. The Planning Commission recommended approval.

**SUP-31421 - Staff Report Page Two**  
**December 4, 2008 - Planning Commission Meeting**

04/07/04	The City Council approved a request for an Extension of Time (EOT-3962) for an approved Special Use Permit (U-0156-99) for Alcoholic Beverage Sales; 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-3964) for an approved Special Use Permit (U-0149-99) for a Supper Club; an Extension of Time (EOT-3965) for an approved Special Use Permit (U-0155-99) for a Restaurant with Drive-Through; an Extension of Time (EOT-3966) for an approved Special Use Permit (U-0153-99) for an Automatic Car Wash; and an Extension of Time (EOT-3967) for an approved Special Use Permit (U-0152-99) for a Convenience Store with Fuel Pumps at the northeast corner of West Centennial Parkway and North Durango Drive.
06/13/05	A request for a Site Development Plan Review (SDR-19790) to allow a proposed 60-foot Wireless Communication Facility, Slimline at the northeast corner of West Centennial Parkway and North Durango Drive was administratively approved.
07/12/06	The City Council approved a request for an Extension of Time (EOT-13644) for an approved Special Use Permit (U-0156-99) for Alcoholic Beverage Sales; an Extension of Time (EOT-13645) for an approved Special Use Permit (U-0153-99) for an 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-13647) for 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; and an Extension of Time (EOT-13649) for an approved Special Use Permit (U-0155-99) for a Restaurant with Drive-Through at the northeast corner of West Centennial Parkway and North Durango Drive.
02/07/07	The City Council approved a request for a Special Use Permit (SUP-17737) for a Drive-Through Restaurant, and 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-Through Aisle where 25 feet is required at the northeast corner of West Centennial Parkway and North Durango Drive. The Planning Commission recommended approval.
05/07/08	The City Council denied an appeal of a denial by Planning Commission (final action) for 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 northeast corner of North Durango Drive and West Centennial Parkway.

**SUP-31421 - Staff Report Page Three**  
**December 4, 2008 - Planning Commission Meeting**

07/16/08	The City Council approved a request for a Special Use Permit (SUP-27947) for a Beer/Wine/Cooler Off-Sale Establishment within a proposed Convenience Store; and a Special Use Permit (SUP-27945) for a Gaming Establishment, Restricted within a proposed Convenience Store with a Waiver to allow a distance separation of 115 feet from a single-family dwelling where 330 feet is required at 6410 North Durango Drive, Suite #105. The Planning Commission recommended approval.
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***Related Building Permits/Business Licenses***

09/26/07	A building permit (#07002773) was issued for onsite improvements at 6408 North Durango Drive. The permit expired on 03/29/08.
09/26/07	A building permit (# 07002772) was issued for a trash enclosure at 6408 North Durango Drive. The trash enclosure is currently under construction.
09/26/07	A building permit (#07002771) was issued for an open parking structure at 6408 North Durango Drive. The parking structure is currently under construction.
09/26/07	A building permit (#07002769) was issued for a retail shell building at 6410 North Durango Drive. The retail shell building is currently under construction.
09/26/07	A building permit (#07002770) was issued for a retail shell building at 6420 North Durango Drive. The permit expired on 03/29/08.
09/26/07	A building permit (#07002768) was issued for a retail shell building at 6430 North Durango Drive. The retail shell building is currently under construction.
09/26/07	A building permit (#07002767) was issued for a retail shell building at 6440 North Durango Drive. The retail shell building is currently under construction.
09/26/07	A building permit (#07002766) was issued for a retail shell building and garage at 6446 North Durango Drive. The retail shell building is currently under construction.

***Pre-Application Meeting***

10/23/08	A pre-application meeting was held where the submittal requirements for a Special Use Permit within the Town Center Master Plan Area were discussed.
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***Neighborhood Meeting***

12/02/08	The applicant has scheduled a non-required neighborhood meeting to be held at 6:30 pm at the YMCA Centennial Hills Community Center at 6601 North Buffalo Drive.
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***Field Check***

10/29/08	A routine field check performed by staff revealed a shopping center currently under construction. No concerns were noted by staff.
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**SUP-31421 - Staff Report Page Four**  
**December 4, 2008 - Planning Commission Meeting**

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.5

<i>Surrounding Property</i>	<i>Existing Land Use</i>	<i>Planned Land Use</i>	<i>Existing Zoning</i>
Subject Property	Shopping Center	TC (Town Center)	T-C (Town Center District) [SC-TC (Service Commercial – Town Center) Special Land Use Designation]
North	Vacant Land / I-215 Beltway	TC (Town Center)	ROW (Right-of-Way)
South	Convenience Store & Gas Station and Single Family Residences	TC (Town Center)	T-C (Town Center District) [SC-TC (Service Commercial – Town Center) Special Land Use Designation]
East	Vacant Land	TC (Town Center)	T-C (Town Center District) [SC-TC (Service Commercial – Town Center) Special Land Use Designation]
West	Shopping Center	TC (Town Center)	T-C (Town Center District) [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>	X		Y
Centennial Hills Sector Plan	X		Y
T-C Town Center District	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>	X		Y
T-C Town Center District	X		Y
<b>Trails – Multi Use Transportation Trail</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>	X		Y

**DEVELOPMENT STANDARDS**

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

<i>Parking Requirements</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	41,136 sq. ft.	1:250	159	6	246	11	Y
<b>SubTotal</b>			159	6	246	11	
<b>TOTAL</b> (including handicap)			165		257		

**ANALYSIS**

This request is for a Special Use Permit for a proposed Beer/Wine/Cooler On-Sale Establishment within a proposed restaurant at 6440 North Durango Drive. The applicant is proposing a 1,787 square-foot restaurant with seating for 45. The proposed floor plan includes a dining area, a kitchen with walk-in freezer, and pizza ovens.

The proposed location is part of a newly constructed shopping center at the northeast corner of North Durango Drive and West Centennial Parkway, which adequately supplies the required amount of parking for this site. This shopping center is able to accommodate a variety of uses such as professional offices, personal services, restaurants, and retail stores. The addition of a restaurant with a Beer/Wine/Cooler On-Sale use within this shopping center is compatible with the existing and future land uses as specified by the TC (Town Center) General Plan designation. Therefore, staff recommends approval.

- **General Plan**

The subject site is currently designated TC (Town Center), which is within the Centennial Hills Sector of the Las Vegas Master Plan 2020.

- **Zoning**

The proposed site's T-C (Town Center District) zoning is in conformance with the Las Vegas Master Plan 2020, and the Beer/Wine/Cooler On-Sale use is permitted in that district with the approval of a Special Use Permit.

- **Special Land Use Designation**

The subject site is designated SC-TC (Service Commercial – Town Center) within the Town Center Development Standards Manual. The Service Commercial district allows for 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. Examples include neighborhood shopping centers, theaters, bowling alleys and other places of public assembly and public/quasi-public uses.

- **Multi-Use Transportation Trail**

Adjacent to the west and north perimeters of the proposed site, a Multi-Use Transportation Trail is currently under construction to meet the requirements of the Las Vegas Master Plan, Transportation Trails Element. This trail is intended to be used and shared by bicyclists and persons on other non-motorized vehicles and for pedestrians.

- **Use**

Per the Town Center Development Standards Manual Section 4.B.12, “The use shall comply with all minimum conditions, standards and requirements applicable to the use “Beer/Wine/Cooler/On-Sale Establishment” under LVMC 19.04.050.”

A Beer/Wine/Cooler On-Sale Establishment is defined by Title 19 as an establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold, and is operated in connection with a restaurant in which forty-five or more people may be served with meals at any one time at tables or stools.

- **Minimum Special Use Permit Requirements**

LVMC Title 19.04.010 lists the following Minimum Special Use Permit Requirements for a Beer/Wine/Cooler On-Sale use:

1. Except as otherwise provided, no beer/wine/cooler on-sale establishment (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

**SUP-31421 - Staff Report Page Seven**  
**December 4, 2008 - Planning Commission Meeting**

- 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:
- 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 80 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 Requirement 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 Requirement 1 do not apply to:
- a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
  - b. A proposed establishment having more than 50,000 square feet of retail floor space.
- \*6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

\*Any condition with an asterisk cannot be waived.

The proposed use meets the minimum requirements of a Supper Club use, and staff finds that public health, safety, and welfare will not be compromised. Therefore, staff recommends approval.

**SUP-31421 - Staff Report Page Eight**  
**December 4, 2008 - Planning Commission Meeting**

## **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 Beer/Wine/Cooler On-Sale Establishment within a proposed restaurant is located within a commercial shopping center that was designed to accommodate a variety of uses. The addition of a Beer/Wine/Cooler On-Sale use within this shopping center is compatible with the existing and future land uses as specified by the TC (Town Center) General Plan designation.

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

The proposed site is within a commercial shopping center that was designed to accommodate a variety of uses, including a Beer/Wine/Cooler On-Sale Establishment within a proposed restaurant, and conforms to both the General Plan and Title 19 land use designations of the site with the approval of a Special Use Permit.

- 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 proposed Beer/Wine/Cooler On-Sale use is located within a 39,921 square-foot shopping center that is adequately served by North Durango Drive, a 120-foot Primary Arterial and West Centennial Parkway, a 100-foot Primary Arterial as defined by the Master Plan of Streets and Highways.

- 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 site is located within the Centennial Hills Sector of the Las Vegas 2020 Master Plan. The site is zoned T-C (Town Center District) and has a General Plan designation of TC (Town Center) within the Special Land Use designation of SC-TC (Service Commercial - Town Center). A Beer/Wine/Cooler On-Sale is a permitted use in the T-C (Town Center District) with the approval of a Special Use Permit. It will not compromise the public health, safety, and welfare or overall objectives of the General Plan.

**SUP-31421 - Staff Report Page Nine**  
**December 4, 2008 - Planning Commission Meeting**

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

The proposed Beer/Wine/Cooler On-Sale use meets all of the applicable conditions per Title 19.04.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**      7

**ASSEMBLY DISTRICT**      13

**SENATE DISTRICT**      9

**NOTICES MAILED**      78

**APPROVALS**      1

**PROTESTS**      0