



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: TAG CENTENNIAL LLC, ET AL

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-65965	Staff recommends APPROVAL, subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 28

NOTICES MAILED 721

APPROVALS 0

PROTESTS 1

**** CONDITIONS ****

SUP-65965 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under the Town Center Development Standards Manual for a Beer/Wine/Cooler On-Sale Establishment use.
2. Conformance to the approved conditions for Site Development Plan Review (SDR-2208) as amended.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
6. Minors shall only be permitted in such areas wherein spirituous, malt or fermented liquors or wines are served only in conjunction with regular meals and where dining tables or booths are provided separate from the bar in conformance with Title 6.50.
7. Approval of this Special Use Permit does not constitute approval of a liquor license.
8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
September 13, 2016 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant has proposed a 2,824 square-foot restaurant within an existing shopping center at 5770 Centennial Center Boulevard, Suite #150. A Special Use Permit is requested for a proposed Beer/Wine/Cooler On-Sale use within the restaurant.

ISSUES

- Within Town Center, the Beer/Wine/Cooler On-Sale Establishment use is permitted in the SC-TC (Limited Commercial – Town Center) designation with the approval of a Special Use Permit.
- All Minimum Special Use Permit Requirements are met by the proposed use. No waivers are necessary.

ANALYSIS

Within Town Center, “Beer/Wine/Cooler On-Sale Establishment” is a permitted use in the SC-TC (Service Commercial – Town Center) special land use designation with approval of a Special Use Permit. The 2,824 square-foot tenant space is located within an existing 141,417 square-foot shopping center that provides shared access and parking throughout the subject site. No additional parking spaces are required by the use.

A Beer/Wine/Cooler On-Sale Establishment use is described in Title 19.18 as “an establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers only for consumption on the premises where the same is sold.” The applicant intends to serve beer, wine and sake with meals inside the proposed restaurant, in conformance with this definition. Minimum Special Use Permit Requirements for this use are stated by reference to Title 19.12 for the “Beer/Wine/Cooler On-Sale Establishment” use. As this use is conditional in Title 19, the Minimum Special Use Permit Requirements are listed as Conditional Use Regulations.

The Minimum Special Use Permit Requirements for this use include:

1. Except as otherwise provided, no beer/wine/cooler on-sale establishment (hereinafter “establishment”) shall be located within 400 feet of any church/house of worship, school, individual care center licensed for more than 12 children, or City park.

Staff Report Page Two
September 13, 2016 - Planning Commission Meeting

The proposed use meets this requirement, as there are no churches, schools, individual care facilities or City parks located within 400 feet of the property where the Beer/Wine/Cooler On-Sale Establishment is proposed to be located.

2. Except as otherwise provided in Regulation 3 below, the distances referred to in Regulation 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:
 - 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.

Separation distance has been measured from the property line of a portion of Lot 2 of Centennial Gateway Commercial Subdivision, divided through Book 149, Page 38 of Surveys (Survey Area 6).

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.

This requirement is not applicable, as the subject site is located on an 8.88-acre parcel.

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.

This requirement is not applicable, as a waiver for distance separation is not required.

Staff Report Page Three
September 13, 2016 - Planning Commission Meeting

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.

This requirement is not applicable, as the existing shopping center is subject to distance separation requirements.

6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

The proposed use will be subject to all business licensing requirements outlined in LVMC Chapter 6.50 if approved.

The use is proposed to be located within a 15,440 square-foot in-line multitenant retail building within the proposed shopping center in conjunction with a proposed Korean restaurant. The use can be conducted in a manner that is harmonious and compatible with the other proposed uses in the shopping center and with the commercial and residential uses on adjacent properties. Staff therefore, recommends approval, subject to conditions.

FINDINGS (SUP-65965)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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 Beer/Wine/Cooler On-Sale Establishment use will be ancillary to a restaurant that will occupy a tenant space in an existing shopping center with similar uses. The proposed use can be conducted in a manner that is harmonious with surrounding land uses.

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

The site along the east side of Centennial Center Boulevard contains an existing shopping center, which is suited for this type and intensity of land 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.**

Staff Report Page Four
September 13, 2016 - Planning Commission Meeting

Centennial Center Boulevard provides access to the property. This roadway is designated as a 90-foot Frontage Road as classified by the Town Center Development Standards Manual and is adequate in size to accommodate the proposed Beer/Wine/Cooler On-Sale Establishment 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.

Approval of this Special Use Permit will not compromise the public health safety and general welfare of the public. The use will be subject to regular inspections and is subject to licensing restrictions.

5.The use meets all of the applicable conditions per the Town Center Development Standards.

The Town Center Development Standards refer to Title 19.12 use conditions, all of which are met by the proposed Beer/Wine/Cooler On-Sale Establishment use.

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) from U (Undeveloped), R-E (Residence Estates), R-PD7 (Residential Planned Development – 7 Units per Acre), R-PD11 (Residential Planned Development – 11 Units per Acre), R-PD13 (Residential Planned Development – 13 Units per Acre), R-PD18 (Residential Planned Development – 18 Units per Acre), C-1 (Limited Commercial), C-2 (General Commercial), C-V (Civic) and PD (Planned Development) to T-C (Town Center) on a 1,468-acre portion of the Northwest. The Planning Commission and staff recommended approval.
06/12/03	The Planning Commission approved a request for a Tentative Map (TMP-2202) for a two-lot commercial subdivision on 36.5 acres adjacent to the northeast and northwest corner of Ann Road and Centennial Center Boulevard. Staff recommended approval.
08/06/03	The City Council approved a request for a Site Development Plan Review (SDR-2208) for a proposed 397,244 square-foot commercial development with Waivers of the Town Center Development Standards on 36.5 acres adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard. The Planning Commission and staff recommended approval.

Staff Report Page Five
September 13, 2016 - Planning Commission Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/10/05	A Final Map (FMP-6053) for a two-lot commercial subdivision on 33.20 acres on the north side of Ann Road west of U.S. 95 was recorded.
09/07/05	Department of Planning staff administratively approved a Major Amendment (SDR-8695) of an approved Site Development Plan Review (SDR-2208) for a proposed 397,244 square-foot commercial development on 36.50 acres at the northeast and northwest corners of Ann Road and Centennial Center Boulevard.

<i>Most Recent Change of Ownership</i>	
05/14/14	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
09/12/05	A building permit (#05006328) was issued for a retail shell at 5770 Centennial Center Boulevard. The permit was finalized on 04/12/07.
04/20/07	A building permit (#07000746) was issued for a Non-Work Certificate of Occupancy at 5770 Centennial Center Boulevard, Suite #150. The permit was finalized on 05/24/07.
06/09/16	A building permit (313328) was issued for a tenant improvement at 5770 Centennial Center Boulevard, Suite #150. The permit has not been finalized.

<i>Pre-Application Meeting</i>	
06/14/16	A pre-application meeting was held to discuss submittal requirements for a Special Use Permit. Staff explained that although the same use conditions apply in Town Center as in Title 19, the use requires a Special Use Permit in Town Center.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
08/04/16	The site is located within an existing shopping center in a tenant space.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	8.88

Staff Report Page Six
September 13, 2016 - Planning Commission Meeting

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Shopping Center	SC-TC (Service Commercial - Town Center)	T-C (Town Center)
North	Auto Repair Garage, Major	GC-TC (General Commercial – Town Center)	T-C (Town Center)
	Motor Vehicle Sales (New)		
South	Shopping Center	SC-TC (Service Commercial - Town Center)	T-C (Town Center)
East	U.S. 95	Right-of-Way	Right-of-Way
West	Single Family, Detached	ML (Medium Low Density Residential)	R-PD6 (Residential Planned Development - 6 Units per Acre)

<i>Master Plan Areas</i>	<i>Compliance</i>
Town Center Master Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
T-C (Town Center) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Centennial Center Boulevard	Frontage Road	Town Center Development Standards Manual	90	Y

Staff Report Page Seven
September 13, 2016 - Planning Commission Meeting

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	141,417 SF*	1 space per 250 SF GFA	566				
TOTAL SPACES REQUIRED			566		664		Y
Regular and Handicap Spaces Required			533	33	631	33	Y

*Corresponds to Lot 2 of Centennial Gateway Commercial Subdivision (Book 124 Page 44 of Plats)