



## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: APRIL 9, 2013**

**DEPARTMENT: PLANNING**

**ITEM DESCRIPTION: APPLICANT: NEVADA RESTAURANT SERVICES, INC. -  
OWNER: INLAND DIVERSIFIED LAS VEGAS CENTENNIAL GATEWAY, LLC**

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### \*\* STAFF RECOMMENDATIONS \*\*

| <i><b>CASE<br/>NUMBER</b></i> | <i><b>RECOMMENDATION</b></i>                                | <i><b>REQUIRED FOR<br/>APPROVAL</b></i> |
|-------------------------------|-------------------------------------------------------------|-----------------------------------------|
| <b>SUP-48175</b>              | Staff recommends DENIAL, if approved subject to conditions: | N/A                                     |
| <b>SUP-48176</b>              | Staff recommends DENIAL, if approved subject to conditions: | N/A                                     |

### \*\* CONDITIONS \*\*

## SUP-48175 CONDITIONS

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### *Planning*

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Liquor Establishment (Tavern) use.
2. Conformance to the approved conditions for Special Use Permit (SUP-48176), if approved.
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. A Waiver from the Town Center Development Standards Manual is hereby approved, to allow the Liquor Establishment (Tavern) use to be located on a 16-acre parcel within the Service Commercial Land Use District where the minimum parcel size is 50 acres.
5. 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.

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6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
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.

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## **SUP-48176 CONDITIONS**

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### **Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Gaming Establishment, Restricted use.
2. Conformance to the approved conditions for Special Use Permit (SUP-48175), if approved.
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. A Waiver from the Town Center Development Standards Manual is hereby approved, to allow a Gaming Establishment, Restricted use to have a thirty-foot separation distance where a 330-foot minimum separation is required from any single-family detached dwelling.
5. 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.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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

**PROJECT DESCRIPTION**

The applicant is requesting approval of a proposed 2,936 square-foot Liquor Establishment (Tavern) with a Gaming Establishment, Restricted use, located at 5643 Centennial Center Boulevard, Suite #160. The proposed uses are located in the SC (Service Commercial – Town Center) Special Land Use District on a 16-acre parcel 30 feet to the east of a single-family detached residential neighborhood. Each of the proposed uses requires a separate Special Use Permit; the tavern requires a waiver for lot size and the gaming use a waiver from the minimum separation distance.

Staff recommends denial of the proposed uses, as the waiver to the required lot size for the Liquor Establishment (Tavern) use and the waiver from the minimum separation distance for the Gaming Establishment, Restricted use demonstrates that the proposed development is not harmonious and compatible with the surrounding area. If denied, the applicant will not be permitted to operate a Liquor Establishment (Tavern) with a Gaming Establishment, Restricted use at this location.

**ISSUES**

- The Liquor Establishment (Tavern) use is permitted in the SC-TC (Service Commercial – Town Center) Special Land Use District with the approval of a Special Use Permit. The proposed use does not meet the Minimum Special Use Permit Requirements for minimum lot size.
- A Waiver is required to allow the proposed Liquor Establishment (Tavern) use on a 16-acre parcel where the Minimum Special Use Permit Requirement calls for a minimum lot size of 50 acres.
- A Text Amendment has been recommended for approval by the Planning Commission to include language that will modify the Town Center Development Standards Manual. Included in this revision is the correction of a scrivener's error to remove language regarding the use of an asterisk to denote the Special Use Permit conditions that may not be waived.
- The Gaming Establishment, Restricted use is permitted in the SC-TC (Service Commercial – Town Center) Special Land Use District with the approval of a Special Use Permit. The proposed use does not meet the Minimum Special Use Permit Requirements for required minimum distance separation.
- A Waiver is required to allow the proposed Gaming Establishment, Restricted use to have a 30-foot separation distance from residentially zoned property where the Minimum Special Use Permit Requirement calls for a minimum 330-foot separation distance.

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**BACKGROUND INFORMATION**

| <i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i> |                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/07/98                                                          | The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) of a 1,468-acre portion of the Northwest.                                                                                                                                                                                                                                                                                                     |
| 11/07/01                                                          | The City Council approved the Town Center Development Standards Manual through Bill No. 2001-100.                                                                                                                                                                                                                                                                                                                   |
| 06/03/03                                                          | The Centennial Hills Architectural Review Committee approved a Master Sign Plan (CHR-0009-03) at the Centennial Gateway commercial development at the northwest corner of U.S. 95 and Ann Road.                                                                                                                                                                                                                     |
| 06/12/03                                                          | The Planning Commission approved a request for a Tentative Map (TMP-2202) for a 2-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.                                                |
| 10/04/06                                                          | The City Council approved Bill No. 2006-53, adopting a revised Town Center Development Standards Manual that did not include language regarding the use of asterisks prohibiting specific Special Use Permit conditions from being waived.                                                                                                                                                                          |
| 05/16/07                                                          | The City Council approved Bill No. 2007-17 amending the Town Center Development Standards Manual with respect to Secondhand Dealer establishments. Due to a scrivener's error, the published version of the Town Center Development Standards Manual included language regarding the use of an asterisk to denote non-waiveable Special Use Permit conditions.                                                      |
| 02/04/09                                                          | The City Council adopted Ordinance #6027 which amended the Town Center Development Standards Manual Secondhand Dealer use to allow on a nonconsignment basis the dealing in secondhand personal computers, laptop computers and other similar computer devices. The Planning Commission and staff recommended approval of the Text Amendment (TXT-31179) which was heard at the City Council as Bill Number 2009-2. |
| 05/06/09                                                          | The City Council approved a request for a Special Use Permit (SUP-33491) for a Secondhand Dealer (Portable Computers) at 5765 Centennial Center Boulevard, Suite 160. The Planning Commission recommended approval.                                                                                                                                                                                                 |
| 05/08/12                                                          | The Planning Commission approved a request for a Special Use Permit (SUP-44890) for a proposed 2,932 square-foot Secondhand Dealer (wearing apparel) use at 5643 Centennial Center Boulevard, Suite #105. Staff recommended approval.                                                                                                                                                                               |

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|          |                                                                                                                                                                                                                                                                                                                                                                                          |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/12/13 | A Minor Amendment (SUP-48172) of an approved Special Use Permit (SUP-44890) to relocate an existing Secondhand Dealer use from Suite #105 to Suite #130 at 5643 Centennial Center Boulevard was administratively approved.                                                                                                                                                               |
| 03/12/13 | The Planning Commission approved a request for a Special Use Permit (SUP-48171) for a proposed Secondhand Dealer at 5643 Centennial Center Boulevard, Suite #110. Staff recommended approval.                                                                                                                                                                                            |
| 03/12/13 | The Planning Commission and staff recommended approval of a proposed Text Amendment (TXT-46131) to update the Town Center Development Standards with various clarifications related to changes made to LVMC Title 19 with the adoption of the Unified Development Code and to revise the language regarding the use of asterisks for denoting nonwaivable Special Use Permit conditions. |

***Most Recent Change of Ownership***

|          |                                                |
|----------|------------------------------------------------|
| 12/28/12 | A deed was recorded for a change in ownership. |
|----------|------------------------------------------------|

***Related Building Permits/Business Licenses***

|          |                                                                                                                                                                                  |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/19/09 | A building permit (#133983) was issued for a 1,610 square-foot tenant improvement to 5643 Centennial Center Boulevard, Suite #160. A final inspection was completed on 07/14/09. |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

***Pre-Application Meeting***

|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01/09/13 | A pre-application was held with the applicant's representative to discuss the submittal process for the Special Use Permit required for a proposed Liquor Establishment (Tavern) and the Special Use Permit required for a proposed Gaming Establishment, Restricted use. The applicant was informed that both of the proposed uses did not meet the Minimum Special Use Permit Requirements and would require subsequent waivers of those requirements. |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

***Neighborhood Meeting***

|          |                                                                                                                                                                                                                                                                                                                                                                  |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/04/13 | A neighborhood meeting is scheduled at 6:00 p.m. at the Centennial Hills Community Center to discuss the associated waivers with the requested Special Use Permits for a Liquor Establishment (Tavern) (SUP-48175) and a related Gaming Establishment, Restricted (SUP-48176). The results of this meeting will be available at the Planning Commission meeting. |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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| <b>Field Check</b> |                                                                                                                                                                                                                                                |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/28/13           | A field inspection was conducted by staff. The subject property was noted as a well maintained commercial center. The proposed location, 5643 Centennial Center Boulevard, Suite #160 and the adjacent tenant space were currently unoccupied. |

| <b>Details of Application Request</b> |    |
|---------------------------------------|----|
| <b>Site Area</b>                      |    |
| Net Acres                             | 16 |

| <b>Surrounding Property</b> | <b>Existing Land Use Per Title 19.12</b> | <b>Planned or Special Land Use Designation</b> | <b>Existing Zoning District</b>                            |
|-----------------------------|------------------------------------------|------------------------------------------------|------------------------------------------------------------|
| Subject Property            | Shopping Center                          | SC-TC (Service Commercial – Town Center)       | T-C (Town Center)                                          |
| North                       | Shopping Center                          | GC-TC (General Commercial – Town Center)       | T-C (Town Center)                                          |
| South                       | Golf Course                              | PR-OS (Parks/Recreation/Open Space)            | R-PD5 (Residential Planned Development – 5 Units Per Acre) |
| East                        | General Retail, Other Than Listed        | SC-TC (Service Commercial – Town Center)       | T-C (Town Center)                                          |
| West                        | Single-Family, Detached                  | ML (Medium Low Density Residential)            | R-PD6 (Residential Planned Development – 6 Units Per Acre) |

| <b>Master Plan Areas</b>                                                   | <b>Compliance</b> |
|----------------------------------------------------------------------------|-------------------|
| Town Center Special Area Plan                                              | N                 |
| <b>Special Purpose and Overlay Districts</b>                               | <b>Compliance</b> |
| T-C (Town Center) District – SC-TC (Service Commercial – Town Center)      | N                 |
| <b>Other Plans or Special Requirements</b>                                 | <b>Compliance</b> |
| 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               |

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**DEVELOPMENT STANDARDS**

*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 (Liquor Establishment (Tavern) and Gaming Establishment, Restricted) | 211,606 SF                          | 1:250 SF      |         |              |          |              |            |
| TOTAL SPACES REQUIRED                                                                |                                     |               | 862     |              | 1,014    |              |            |
| Regular and Handicap Spaces Required                                                 |                                     |               | 846     | 16           | 990      | 24           | Y          |

| <b>Waivers</b>                                                                                                                                                                                                                                  |                                                                                                                                 |                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| <b>Requirement</b>                                                                                                                                                                                                                              | <b>Request</b>                                                                                                                  | <b>Staff Recommendation</b> |
| No tavern shall be located within any Service Commercial Special Land Use District unless it is a part of a development with an aggregate acreage exceeding 50 acres with a majority of the acreage located within a zone which allows taverns. | To locate a proposed Liquor Establishment (Tavern) use on a 16-acre parcel in the Service Commercial Special Land Use District. | Denial                      |
| The Gaming Establishment, Restricted use may not locate within 330 feet of any single-family detached dwelling.                                                                                                                                 | To locate a Gaming Establishment, Restricted use 30 feet from a single-family detached dwelling.                                | Denial                      |

**ANALYSIS**

The Minimum Special Use Permit Requirements listed in the Town Center Development Standards Manual for the Liquor Establishment (Tavern) use are distinct from the Minimum Special Use Permit Requirements listed in Title 19.12 of the Unified Development Code. Also, Town Center Development Standards Manual requires a Special Use Permit for the Gaming Establishment, Restricted use whereas Title 19.12 allows such use as an accessory use. Due to a scrivener's error, the Town Center Development Standards Manual currently contains text from a published version of the manual that was never formally adopted by any action of the City Council. At issue is the current language pertaining to the use of asterisks to denote Special Use Permit conditions that cannot be waived. There are no land uses that utilize the asterisk and may create confusion in the Town Center Development Standards Manual.

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A proposed Text Amendment (TXT-46131) has been approved by the Planning Commission and will be forwarded to City Council in ordinance to provide updated references to the current Unified Development Code and to remove the language regarding the use of asterisks for denoting Special Use Permit conditions that may not be waived.

Additionally, the Town Center Special Area Plan does not provide a definition of the proposed uses; therefore, the following Title 19.18 definition of the Liquor Establishment (Tavern) use is provided as follows:

“A facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold.”

The following Minimum Special Use Permit Requirements, as listed in the Town Center Development Standards Manual for the Liquor Establishment (Tavern) use include:

- a. No tavern shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than twelve children or city park.

*The proposed Liquor Establishment, (Tavern) use meets this requirement, as there are no protected uses within 400 feet of the subject site.*

- b. Uses licensed as taverns or other comparable establishments, shall have no specific spacing requirements between similar uses. However, the Las Vegas City Council may consider the concentration and spacing of such uses as part of its deliberation and approval of any requests for such establishments.

*The proposed use meets this requirement upon approval of a requested Special Use Permit.*

- c. The distances referred to in paragraphs **a.** and **b.** shall be measured in a straight line from the property line of the church, synagogue, school, child care facility or from the nearest property line of a city park to the property line of the proposed liquor premises, and in a straight line from the property line of the proposed tavern to the property line of any existing tavern or comparable establishment, disregarding all intervening obstacles.

*The proposed Liquor Establishment, (Tavern) use meets this requirement, as there are no protected uses within 400 feet of the subject site.*

- d. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC 6.50.

*The proposed use will be required to continuously meet this requirement as a condition of approval of a requested Special Use Permit.*



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- e. No tavern shall be located within any Service Commercial District unless it is part of a development with an aggregate acreage exceeding 50 acres with a majority of the acreage located within a zone which allows taverns.

*The proposed use does not meet this requirement, as the subject site is a 16-acre parcel.*

The Gaming Establishment, Restricted use is not defined by the Town Center Development Standards Manual. The definition for this use is provided by Title 19.18 as:

“An establishment which is used or intended to be used for gaming activities for which a restricted gaming license is required pursuant to Title 6 of the Las Vegas Municipal Code. For informational purposes, the term refers to an establishment whose gaming operations are limited to not more than fifteen slot machines, incidental to the primary business at the establishment, and no other game or gaming device.”

The Minimum Special Use Permit Requirements for this use include:

- a. A Special Use Permit is required for any new gaming establishment.

*The applicant will meet this condition if the requested Special Use Permit is approved.*

- b. May not locate within 330 feet of any single-family detached dwelling.

*The proposed use does not meet this requirement, as there are single-family detached dwellings located 30 feet to the west of the commercial subdivision, separated by right-of-way of a minimum width of 30 feet, where the Gaming Establishment, Restricted use is proposed.*

## **FINDINGS (SUP-48175)**

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 Liquor Establishment (Tavern) use will be located in a 16-acre lot in the SC-TC (Service Commercial – Town Center) Special Land Use District land use district. The proposed use requires a waiver to the Minimum Special Use Permit Requirement for minimum lot size. The requested waiver to allow such use on a 16-acre lot where a minimum 50-acre lot is required demonstrates that the use is not harmonious and compatible with the existing surrounding land uses.

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

The subject site is unsuitable for the Liquor Establishment (Tavern) use, as the existing lot size of the site is 16 acres where the Minimum Special Use Permit Requirement is part of a development with an aggregate acreage exceeding 50 acres.

**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.**

Site access is provided from Centennial Center Boulevard, a 90-foot Town Center Frontage Road, and has sufficient size to accommodate the needs of the proposed Liquor Establishment (Tavern) use located within an existing Shopping Center. The proposed use will occupy existing suites and will not require any additional parking beyond what has been provided for the existing Shopping Center.

**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 a Special Use Permit for this use at this location will not compromise the public health, safety, or welfare, as the use is subject to licensing and inspections by the City of Las Vegas.

**5.The use meets all of the applicable conditions per Title 19.12.**

There are no applicable conditions per Title 19.12 for the Liquor Establishment (Tavern) use; however, the proposed use does not meet the Minimum Special Use Permit Requirement listed in the Town Center Development Standards Manual for a 50-acre minimum lot size.

**FINDINGS (SUP-48176)**

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 Gaming Establishment, Restricted use will be located in a Shopping Center in the SC-TC (Service Commercial – Town Center) Special Land Use District. The proposed use requires a waiver to the Minimum Special Use Permit Requirement for a 30-foot separation distance from a single-family detached dwelling where a 330-foot separation distance is required.

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The requested waiver for the separation distance demonstrates that the use is not harmonious and compatible with the existing surrounding land uses.

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

The subject site is unsuitable for the Gaming Establishment, Restricted use, as the proposed location provides a 30-foot separation distance from a single-family detached use where a 330-foot separation distance is required.

**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.**

Site access is provided from Centennial Center Boulevard, a 90-foot Town Center Frontage Road, and has sufficient size to accommodate the needs of the proposed Gaming Establishment, Restricted use located within an existing Shopping Center. The proposed use will occupy existing suites and will not require any additional parking beyond what has been provided for the existing Shopping Center.

**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 a Special Use Permit for this use at this location will not compromise the public health, safety, or welfare, as the use is subject to licensing and inspections by the City of Las Vegas.

**5.The use meets all of the applicable conditions per Title 19.12.**

There are no applicable conditions per Title 19.12 for the Gaming Establishment, Restricted use; however, the proposed use does not meet the Minimum Special Use Permit Requirement listed in the Town Center Development Standards Manual for a 330-foot separation from a single-family dwelling, as there are single-family detached dwellings located 30 feet to the west of the proposed use.

**NOTICES MAILED** 765

**APPROVALS** 0

**PROTESTS** 2