



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: DECEMBER 11, 2018
 DEPARTMENT: PLANNING
 ITEM DESCRIPTION: APPLICANT/OWNER: SIMON/CHELSEA LAS VEGAS
 DEVELOPMENT, LLC

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-74828	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 37

NOTICES MAILED 160

PROTESTS 0

APPROVALS 1

**** CONDITIONS ****

SUP-74828 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Beer/Wine/Cooler Off-Sale use.
2. 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.
3. 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.
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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Beer/Wine/Cooler Off-Sale use within an existing 3,110 square-foot retail store at 855 South Grand Central Parkway, Suite #1801.

ISSUES

- The subject property is an established shopping center located in the "Market District" of the Downtown Las Vegas Overlay District (Area 1) and is zoned PD (Planned Development).
- A Beer/Wine/Cooler Off-Sale Establishment use is permitted in the PD (Planned Development) zoning district, with an approved Special Use Permit. Staff recommends approval of this request.

ANALYSIS

The subject property is an established 737,860 square-foot shopping center located on the southwest corner of Grand Central Parkway and Bonneville Avenue, located within a PD (Planned Development) zone. Pursuant to the Interim Downtown Las Vegas Development Standards of Title 19, a Beer/Wine/Cooler Off-Sale Establishment use is permitted in the "Market District" with an approved Special Use Permit.

The applicant is proposing a Beer/Wine/Cooler Off-Sale Establishment use, within an existing 3,110 square-foot retail store [gift shop]. The retail store has been operating since 10/09/18, with an active business license (G66-06953).

The Beer/Wine/Cooler Off-Sale Establishment use is defined as "An establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where business is conducted, and is operated in connection with a grocery store, drugstore, convenience store, restaurant or general retail store." The proposed use meets the definition of the Beer/Wine/Cooler Off-Sale and would allow customers to buy packaged beer and wine along with other gifts, sundries and tobacco in the retail store.

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The Minimum Special Use Permit Requirements for this use include:

1. Except as otherwise provided, no beer/wine/cooler off-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.

The proposed use meets this requirement, as there is no church/house of worship, school, individual care center or City Park within 400 feet of the subject property.

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 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.

The proposed use meets this requirement, as there is no church/house of worship, school, individual care center or City Park within 400 feet of the subject property.

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 since the subject property is only 38.94 acres.

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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 since the application does not require a waiver.

5. The minimum distance requirements in Requirement 1 do not apply to:
 - a) An establishment which has a nonrestricted 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 does not apply.

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

The proposed use meets this condition, as it will be subject to annual inspection by Code Enforcement and Business Licensing Enforcement Divisions of the Planning Department to ensure continued compliance.

7. The minimum distance requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived:
 - a) In accordance with the provisions of LVMC 19.12.050(C) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;
 - b) In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS- TC (Main Street Mixed Use) in the Town Center Land Use Plan;

- c) In connection with a proposed establishment having between 20,000 square feet and 50,000 square feet of retail floor space, if no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages; or

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- d) In connection with a retail establishment having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right of way with a width of at least 100 feet.

This requirement is not applicable since the application meets Requirement 1.

- 8. No beer/wine/cooler off-sale establishment shall be permitted on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

This requirement is not applicable since the site is not adjacent to the Pedestrian Mall.

The proposed Beer/Wine/Cooler Off-Sale Establishment use would allow the retail store [gift shop] to serve alcoholic beverages such as beer, wine and coolers to their customers . The proposed use can be conducted in a manner that harmonious and compatible with the existing surrounding land uses and with future land uses as no protected uses are located within 400 feet of the subject site. Therefore, staff recommends approval of this request subject to conditions. If this Special Use Permit application is denied, sale of beer and wine off-site cannot be conducted and the existing retail store would continue to operate without the sale of beer and wine.

FINDINGS (SUP-74828)

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 subject property is an established 737,860 square-foot shopping center which allows for general retail and restaurant uses. The proposed Beer/Wine/Cooler Off-Sale Establishment use would complement the existing restaurant use, and can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses and with future land uses as project by the General Plan.

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

The subject site a 38.94-acre shopping center and it is physically suitable for the type and intensity of land use proposed.

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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 can be accessed from Grand Central Parkway and Bonneville Avenue, two 100-foot Primary Arterials per the Master Plan of Streets and Highways. These streets are adequate in size to meet the requirements of the proposed Beer/Wine/Cooler Off-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.

The approval of the Special Use Permit on this subject property will be subject to conditions of approval, business license approval, and compliance inspections to ensure it will not compromise the public health safety and welfare.

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

The proposed Beer/Wine/Cooler Off-Sale Establishment use complies with all of Special Use Permit requirements per Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/15/04	The City Council approved a request for Directors Business (DIR-4831) to allow four water features for a commercial development located at 777 south Grand Central Parkway.
09/15/05	The City Council approved a request for a Site Development Plan Review (SDR-7335) for a proposed 1.09 million square-foot mixed-use development consisting of a 32-story hotel tower, a 16-story office tower and a 24-story residential tower, including 470,000 square feet of commercial space, 670 condominium hotel units and 146 residential units with waivers of the parkway center build-to-line requirement, streetscape requirements, and exterior finish materials requirements on 4.48 acres adjacent to the southwest corner of Bonneville Avenue and Grand Central Parkway. The Planning Commission recommended approval.

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Related Relevant City Actions by P&D, Fire, Bldg., etc.	
11/15/05	The Parkway Center Architectural Review Committee (PC-ARC) approved the expansion of an existing commercial center to include a five-story parking garage with 500 parking spaces, a four-story parking garage with 1,115 parking spaces, and four one-story retail buildings with 109,370 square feet of commercial floor space on 34.53 acres adjacent to the west side of Grand Central Parkway, approximately 600 feet south of Bonneville Avenue (ARC-10223).
	The PC-ARC approved a Major Amendment (ARC-10224) of a previously approved Master Sign Plan (MSP-0007-02) for a proposed 109,370 square-foot expansion of an existing commercial center on 34.53 acres adjacent to the west side of Grand Central Parkway, approximately 600 feet south of Bonneville Avenue.
02/15/06	The City Council approved a Site Development Plan Review (SDR-10131) request for the expansion of an existing commercial center to include a five-story parking garage with 500 parking spaces, a four-story parking garage with 1,115 parking spaces, and four one-story retail buildings with 109,370 square feet of commercial floor space on 34.53 acres adjacent to the west side of Grand Central Parkway, approximately 600 feet south of Bonneville Avenue. The Planning Commission and staff recommended approval.
	The City Council approved a Major Amendment (MSP-10136) request of a previously approved Master Sign Plan (MSP-0007-02) for a proposed 109,370 square-foot expansion of an existing commercial center on 34.53 acres adjacent to the west side of Grand Central Parkway, approximately 600 feet south of Bonneville Avenue. The Planning Commission and staff recommended approval.
03/21/06	The Planning Commission Architecture Review Committee (PC-ARC) approved a Site Development Plan Review (ARC-12214) request for an additional story and 191 parking spaces to Parking Deck "A" for a total of 1,306 spaces on 34.53 acres adjacent to the west side of Grand Central Parkway, approximately 600 feet south of Bonneville Avenue.
04/27/06	The Planning Commission approved a Major Amendment (SDR-12213) request of a previously approved Site Development Plan Review (SDR-10131) to add an additional story and 191 parking spaces to Parking Deck "A" and a waiver of the Parkway Center Development Standards to allow parking directly adjacent to a building where such is prohibited on 34.53 acres adjacent to the west side of Grand Central Parkway, approximately 600 feet south of Bonneville Avenue. Staff recommended approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/17/06	The City Council approved a request for a Review of Condition (ROC-12885) for a Review of Condition Number 15 of an approved Site Development Plan Review (SDR-10131) to remove the condition that required a meeting with the Nevada Department of Transportation (NDOT) to determine additional right-of-way requirements for the future Bonneville/Alta bridge structure, if any. Also, provide written proof that NDOT is satisfied prior to or concurrent with submittal of construction drawings for this site for an existing commercial development at 979 South Grand Central Parkway.
08/28/08	The Planning Commission approved a Major Amendment (MSP-29008) of a previously approved Master Sign Plan (MSP-0007-02) for additional signage for an existing commercial center with a waiver of the Downtown Centennial Plan Standards to allow signage above the bottom of the second floor window sill and in excess of two tenants per building elevation at the southwest corner of Bonneville Avenue and South Grand Central Parkway. Staff recommended approval.
05/08/12	The Planning Commission approved a Major Amendment (SDR-44929) request to Site Development Plan Review [(Z-0100-97 (6) and SDR-10131] for a 159,257 square-foot expansion of an existing commercial center and a four-level expansion of an existing parking garage with waivers from the downtown centennial plan build-to-line requirement along Bonneville avenue and Grand Central Parkway and architectural detail, streetscape and interior landscape requirements on 39.08 acres at the southwest corner of Grand Central Parkway and Bonneville Avenue. Staff recommended approval of the request.
11/08/12	The Department of Planning administratively approved a Minor Amendment request (SDR-46841) to approved Site Development Plan Review (SDR-44929) to add a valet area and a walled service area and to revise the building configuration of an approved 159,257 square-foot expansion of an existing commercial center on 39.01 acres at the southwest corner of Grand Central Parkway and Bonneville Avenue.
09/04/13	The City Council approved Ordinance #6266 which replaced Supper Club use and Liquor License Update (replaced Supper Club use with Restaurant with Alcohol Use in Title 19). Updates the City's alcohol licensing regulations, including the adjustment of license categories, and updates corresponding zoning, gaming and other regulatory provisions regarding alcohol-related uses.
10/17/13	The Department of Planning administratively approved a Minor Amendment (MSP-49564) of a previously approved Master Sign Plan (MSP-0007-02) to add signage for phase 3 of an existing shopping center on 39.02 acres at the southwest corner of Bonneville Avenue and Grand Central Parkway.

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Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/20/14	The City Council approved a request for a Special Use Permit (SUP-54331) for a proposed 2,095 square-foot beer/wine/cooler on-sale establishment use at 885 South Grand Central Parkway, Suite #55. The Planning Commission recommended approval of the request 07/08/14.

Most Recent Change of Ownership	
08/30/12	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
08/01/02	A building permit (#02013876) was issued for shell building at 905 South Grand Central Parkway. The permit was finalized on 09/30/03.
06/09/03	A building permit (#03011710) was issued for tenant improvement at 905 South Grand Central Parkway, Suite #1700. The permit was finalized on 10/21/03.
09/26/17	A building permit (#C17-00806) was issued for a tenant improvement at 905 South Grand Central Parkway, Suite #1701. The permit was finalized on 12/27/17.
12/06/17	A business license (G65-07370) was issued for a restaurant at 905 South Grand Central Parkway, Suite #1700. The license is currently active.
01/03/18	A business license (P65-00278) was reviewed for a Beer/Wine/Cooler On-Sale at 905 South Central Parkway, Suite #1700. The review was denied by Department of Planning requiring approval of a Special Use Permit.

Pre-Application Meeting	
10/18/18	Staff conducted a pre-application meeting via telephone to discuss the submittal requirements and process for a Special Use Permit application.

Neighborhood Meeting	
A neighborhood meeting was not required or held.	

Field Check	
11/01/18	A staff check revealed a well-maintained commercial property.

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Details of Application Request	
Site Area	
Net Acres	38.94

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	MXU (Mixed Use)	PD (Planned Development)
North	Wholesale Showroom Facility	MXU (Mixed Use)	PD (Planned Development)
South	I-15 Off-Ramp to Charleston Blvd./ Grand Central Pkwy	MXU (Mixed Use)	PD (Planned Development)
East	Clark County Government Center	PF (Public Facilities)	C-V (Civic)
	On-Ramp to I-15 Northbound	MXU (Mixed Use)	PD (Planned Development)
West	Interstate 15	ROW (Interstate 15)	ROW (Interstate 15)

Master and Neighborhood Plan Areas	Compliance
No applicable Master Plan Area	N/A
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (175 Feet)	Y
DTLV-O (Downtown Las Vegas Overlay) (Market District) - Area 1	Y
PD (Planned Development) District	Y
Other Plans or Special Requirements	Compliance
Trails	Y
Las Vegas Redevelopment Plan Area	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Grand Central Parkway	Primary Arterial	Planned Streets and Highways Map	100 Feet	Y
Bonneville Avenue	Primary Arterial	Planned Streets and Highways Map	100 Feet	Y

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	737,860 SF	1/250 SF	2,952				
TOTAL SPACES REQUIRED			2,952		2,623		N*
Regular and Handicap Spaces Required			2,912	40	2,574	49	N*

**Projects located within the Downtown Las Vegas Overlay - Area 1 are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City.*