



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: NOVEMBER 12, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: WITH LOVE ALWAYS, LLC - OWNER: DOUMANI CENTENNIAL, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0449-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

NOTICES MAILED 311

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0449-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under the Town Center Development Standards Manual for a Restaurant with Alcohol use.
2. All signage shall be permitted and meet minimum code requirements within 30 days of final approval.
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 Building and Safety Division.
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. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. 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 Special Use Permit request for a proposed Restaurant with Alcohol use at 6441 North Durango Drive, Suite #140.

ISSUES

- A Restaurant with Alcohol use is permitted in the SC-TC (Service Commercial - Town Center) Master Plan designation with the approval of a Special Use Permit. Staff supports the request.

ANALYSIS

The subject site is zoned T-C (Town Center) with an SC-TC (Service Commercial - Town Center) Master Plan designation. It is developed with an existing shopping center and subject to the Town Center Development Standards. The applicant requests a Special Use Permit for a proposed 1,090 square-foot Restaurant with Alcohol use within an existing vacant tenant space.

The Town Center Development Standards Manual does not provide a definition for the Restaurant with Alcohol use. The Title 19 equivalent use, Alcohol, On-Premise Full use, is defined as, "An establishment licensed to sell alcoholic beverages, not limited to the sale of beer, wine and coolers, for consumption on the premises where the same are sold." The applicant meets this definition as they propose to offer alcoholic beverages in conjunction with meals within their proposed restaurant.

Per the Town Center Development Standards Manual, pursuant to its general authority to regulate the sale of alcoholic beverages, the Las Vegas City Council declares that the public health, safety and general welfare of the Town Center are best promoted and protected by requiring that:

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

This requirement is met, as there are no protected uses located within the required distance separation area.

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- b. Uses licensed as a Restaurant with Service Bar 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.

This requirement is met, as the subject site is developed with an existing shopping center that is designed to accommodate a variety of commercial uses such as a Restaurant with Alcohol. Staff notes there are two existing Alcohol, On-Premise Full uses located within a 400-foot radius of the subject property.

- 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 tavern to the property line of an existing tavern or comparable establishment, disregarding all intervening obstacles.

This requirement is not applicable as there are no protected uses located within the required distance separation area.

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

This requirement will be met as a Condition of Approval.

The proposed Restaurant with Alcohol use adheres to all minimum Town Center Development Standard requirements. There are no protected uses located within the required distance separation area. Therefore, staff finds the uses can be operated in a manner that is harmonious and compatible with the existing surrounding land uses and recommends approval with conditions.

FINDINGS (24-0449-SUP1)

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 land use can be conducted in a manner that is harmonious and compatible with the existing and future development in the surrounding area.

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

The subject site is developed with an existing shopping center that is designed to accommodate a variety of commercial uses such as a Restaurant with Alcohol.

- 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.**

Durango Drive and Centennial Parkway are Primary Arterials as defined by the Master Plan of Streets and Highways and are adequate in size to meet the requirements of the proposed 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.**

If approved, the proposed use will be subject to licensing requirements, thereby protecting the public health, safety and welfare.

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

The proposed use adheres to all applicable Town Center Development Standard requirements.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
12/01/05	The Planning Commission approved a request for a Site Development Plan Review (SDR-9825) for a proposed 18,000 square-foot Retail Development on 1.92 acres adjacent to the northwest corner of Centennial Parkway and Durango Drive Staff recommended approval.
01/18/06	The City Council approved a request for a Rezoning (ZON-9871) from U (Undeveloped) [TC (Town Center) General Plan Designation] to T-C (Town Center) [SC-TC (Service Commercial – Town Center) Town Center Special Land Use Designation] on 1.31 acres on the east side of Kevin Way, approximately 286 feet north of Centennial Parkway. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Site Development Plan Review (SDR-9872) for a proposed 10,191 square-foot retail development on 1.31 acres on the east side of Kevin Way, approximately 286 feet north of Centennial Parkway The Planning Commission and staff recommended denial.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
06/07/06	The City Council approved a request for a Petition to Vacate (VAC-12542) a U.S. Government Patent Easement generally located at the northwest corner of Durango Drive and Centennial Parkway. The Planning Commission and staff recommended approval.
11/21/07	The City Council approved a request for a Variance (VAR-24502 to allow 102 parking spaces where 128 is the minimum required on 1.97 acres at the northwest corner of Centennial Parkway and Durango Drive). The Planning Commission recommended approval, staff recommended denial.
	The City Council approved a request for a Special Use Permit (SUP-23086) for a proposed 313 square-foot Massage Establishment within a 4,062 square-foot Day Spa with a Waiver to allow a distance separation of 350 feet to a residentially zoned property where 400 feet is required at 6461 North Durango Drive, Suite #'s 110 through 140. The Planning Commission recommended approval, staff recommended denial.
01/02/08	The Centennial Hills Architectural Review Committee (CHARC-TC) approved a request for a Master Sign Plan (ARC-26110) and Waiver of Town Center Development Standards Manual to allow wall signage on south elevation on building "B" to face residentially zoned property outside of Town Center boundary where no signage is allowed at 6401, 6441, and 6461 North Durango Drive. Staff recommended denial.
11/06/08	The Planning Commission approved a request for a for a Major Amendment (MSP-29350) to Master Sign Plan (ARC-26110) for a 12-foot Monument Sign and Waivers from the Town Center Development Standards to allow a 12-foot Monument Sign where eight feet is the maximum height allowed, and to allow a two-foot sign setback where five feet is the minimum setback required on 2.03 acres at 6403 North Durango Drive. Staff recommended denial.
09/10/13	The Planning Commission approved a request for a Special Use Permit (SUP-50450) for a proposed 2,052 square-foot Financial Institution, Specified use with a Waiver to allow a 50-foot distance separation from a residential use where 200 feet is required at 6401 North Durango Drive, Suites #110 and #120. Staff recommended denial.

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
11/26/19	The Planning Commission approved a request for a Variance (VAR-77689) to allow 100 parking spaces where 133 spaces are required at the northwest corner of Centennial Parkway and Durango Drive. Staff recommended denial.
	The Planning Commission approved a request for a Special Use Permit (SUP-77690) for a proposed Auto Smog Check use on a portion of 1.97 acres at the northwest corner of Centennial Parkway and Durango Drive. Staff recommended denial.
	The Planning Commission approved a request for a Site Development Plan Review (SDR-77691) for a Major Amendment of a previously approved Site Development Plan Review (SDR-9825) for a proposed 81 square-foot Auto Smog Check building on a portion of 1.97 acres at the northwest corner of Centennial Parkway and Durango Drive. Staff recommended denial.
11/18/20	The City Council approved a request for a Special Use Permit (20-0139-SUP1) for a proposed 4,880 square-foot Liquor Establishment (Tavern) use with 1,700 square feet of outdoor seating area with a Waiver to allow said use within the Service Commercial District on 1.12 acres where a minimum of 50 acres is required. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Special Use Permit (20-0139-SUP2) for a proposed 3,625 square-foot Restaurant with Alcohol use with 1,690 square feet of outdoor seating area. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Special Use Permit (20-0139-SUP3) for a proposed 4,880 square-foot Gaming Establishment, Restricted License use with a Waiver to allow a 31-foot distance separation from a single-family detached dwelling where 330 feet is required. The Planning Commission and staff recommended approval.
11/18/20	The City Council approved a request for a Site Development Plan Review (20-0139-SDR1) for a proposed 11,945 square-foot Commercial Development with Waivers to allow a 10-foot front yard setback where 15 feet is required, a six-foot side yard setback where 15 feet is required and a Waiver of the perimeter landscape buffer requirements. The Planning Commission and staff recommended approval.
10/19/22	The City Council approved a request for a Petition to Annex (22-0239-ANX1) 1.13 acres of property located north of Centennial Parkway at the terminus of Kevin Way. [Bill No. 2022-25]

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Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.	
12/21/22	<p>The City Council approved the following entitlements for the subject site:</p> <ul style="list-style-type: none"> • 22-0615-MOD1 - Major Modification to SC-TC (Service Commercial - Town Center) Special Town Center Land Use Designation [125-20-499-004, 007 AND 012] • 22-0615-ZON1 - Rezoning from R-E (Residence Estates) to T-C (Town Center) [125-20-499-004, 007 AND 012] • 22-0615-SUP1 - Special Use Permit for a proposed 4,000 square-foot Alcohol, On-Premise Full Use [Restaurant] • 22-0615-SUP2 - Special Use Permit for a proposed 3,000 square-foot Alcohol, On-Premise Full Use [Restaurant] • 22-0615-SUP3 - Special Use Permit for a proposed 2,450 square-foot Alcohol, On-Premise Full Use [Restaurant] • 22-0615-SUP4 - Special Use Permit for a proposed 1,600 square-foot Alcohol, On-Premise Beer/Wine Use • 22-0615-SDR1 - Site Development Plan Review for a proposed 21,753 square-foot addition to an existing shopping center development • 22-0615-TMP1 - Tentative Map for a one-lot commercial subdivision

Most Recent Change of Ownership	
01/28/13	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
02/04/08	Business License #R10-00897 was issued for a Restaurant use at 6441 North Durango Drive, Suite #140. The license is listed as inactive as of 12/27/21.
06/10/23	Business License #G71-02436 was issued for a Restaurant use at 6441 North Durango Drive, Suite #140. The license is listed as inactive as of 05/15/24.
07/22/24	Business License #G72-03346 was issued for a Restaurant use at 6441 North Durango Drive, Suite #140. The license is listed as active.

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Pre-Application Meeting	
08/20/24	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Special Use Permit.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
10/03/24	Staff conducted a routine field check and found an existing shopping center. No issues were noted.

Details of Application Request	
Site Area	
Net Acres	1.97

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	SC-TC (Service Commercial - Town Center)	T-C (Town Center)
North	CC 215	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way)
South	Undeveloped	RS (Residential Suburban) Clark County	R-E (Rural Estates Residential District) Clark County
East	Shopping Center	SC-TC (Service Commercial - Town Center)	T-C (Town Center)
West	Single Family, Detached	RS (Residential Suburban) Clark County	R-2 (Medium Density Residential District) Clark County

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Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Centennial Hills	Y
Special Area and Overlay Districts	Compliance
T-C (Town Center) District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
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
Durango Drive	Primary Arterial	Master Plan of Streets and Highways Map	100	Y
Centennial Parkway	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

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

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	ADA	Regular	ADA	
Shopping Center	26,725 SF	1:250 SF	107				
TOTAL SPACES REQUIRED			107		151		Y
Regular and Handicap Spaces Required			102	5	146	5	Y