



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: DECEMBER 6, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-16948 - APPLICANT: BRINKER NEVADA LLC - OWNER:  
MONTECITO MARKETPLACE**

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

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

#### **Planning and Development**

1. 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.
2. Approval of this Special Use Permit does not constitute approval of a liquor license.
3. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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

**PROJECT DESCRIPTION**

This application is for a Special Use Permit for a Supper Club and a Waiver of the 400-foot distance separation requirement from an existing park on the southeast corner of Durango Drive and Elkhorn Road in the Centennial Hills Town Center.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
05/20/64	The City Commission approved an annexation (A-0003-64) of land generally located north of Cheyenne Avenue and west of Decatur Boulevard, containing approximately 10,136 acres, including the 40-acre east portion of the subject site. The effective date was 05/29/64.
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, including the east 40-acre portion of the overall subject site. The Planning Commission and staff recommended approval.
01/17/01	The City Council approved an annexation (A-0003-99) of land generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue, containing approximately 615 acres, including the west five acres of the subject site. The effective date was 01/26/01. The Planning Commission and staff recommended approval.
12/19/02	The Planning Commission approved a request for a Tentative Map (TMP-1244) for a three-lot commercial subdivision on 80 acres on the east side of the El Capitan Way alignment (Durango Drive) between Elkhorn Road and Deer Springs Way. Staff recommended approval.
04/07/04	The City Council approved a Site Development Plan Review (SDR-3764) related to a Major Modification of the Montecito Town Center Development Agreement (MOD-3763) and Rezoning (ZON-3840) for a proposed 587,750 square-foot, mixed-use commercial development on 45.6 acres in Montecito Town Center, adjacent to the southeast corner of Elkhorn Road and Durango Drive. Additionally, the following Special Use Permits were also approved: (SUP-3765) for liquor sales on Pad A, (SUP-3767) for gaming (incidental) on Pad A, (SUP-3769) for a drive-through facility on Pad A, (SUP-3770) for a drive-through facility on Pad O, (SDR-3771) for a tavern on Pad P, (SUP-3773) for gaming (incidental) on Pad P, (SDR-3764) for gasoline sales on Pad Q, (SUP-3776) for a car wash on Pad Q, (SUP-3777) for gaming (incidental)

on P	on Pad Q, (SUP-3778) for liquor sales on Pad Q, (SUP-3779) for a tavern on Pad Z, (SUP-3780) for gaming (incidental) on Pad Z, (SUP-3781) for a drive-through on Pad F, (SUP-3783) for liquor sales on Pad HH, (SUP-3785) for gaming (incidental) on Pad HH, (SUP-3786) for a drive-through facility on Pad HH, (SUP-3788) for a drive-through facility on DD, and (SUP-3789) for a drive-through facility on EE. The Planning Commission and staff recommended approval.
02/16/05	The City Council approved a Site Development Plan Review (SDR-5731) for a Major Amendment to the approved Site Development Plan Review for a 380,000 square-foot development that included the subject site. The Planning Commission and staff recommended approval.
07/25/05	Planning and Development Department staff administratively approved a Minor Amendment to the approved Site Development Plan Review (SDR-5731) that changed the parking layout of Building F and added five parking spaces.
04/19/06	The City Council approved a Site Development Plan Review (SDR-11702) request for a Major Amendment to an approved Site Development Plan Review (SDR-5731) to allow the modification of pads G, I through O, R, U, and V on 21.48 acres at the southeast corner of Durango Drive and Elkhorn Road and a companion Variance (VAR-11710) to allow 1,032 parking spaces where 1,209 spaces is the minimum required for Phases I and II of the Montecito Marketplace commercial development. The Planning Commission and staff recommended approval.
11/02/06	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #6/r1).

<b><i>Related Building Permits/Business Licenses</i></b>	
	No building permits or business licenses have been issued for this pad site (Pad O) within the Montecito Marketplace.
<b><i>Pre-Application Meeting</i></b>	
08/08/06	A pre-application meeting was held and staff discussed the conditions of the previously approved cases, specifically SDR-11702 and VAR-11710. Parking must be provided within the scope of the approved Variance VAR-11710, a minor amendment to SDR-11702, as required.
<b><i>Neighborhood Meeting</i></b>	
	A neighborhood meeting is not required for this application, nor was one held.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	18.71
Net Acres	18.71

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Service Commercial	UC-TC (Urban Center Mixed Use- Town Center)	TC (Town Center)
North	Vacant	PF-TC (Public Facility Town Center)	TC (Town Center)
South	Hospital	UC-TC (Urban Center Mixed Use- Town Center)	TC (Town Center)
East	Townhouse	UC-TC (Urban Center Mixed Use- Town Center)	TC (Town Center)
West	Service Commercial, Townhouse, Office	UC-TC (Urban Center Mixed Use- Town Center)	TC (Town Center)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>	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</b>		X	Y
<b>Rural Preservation Overlay District</b>		X	Y
<b>Development Impact Notification Assessment</b>		X	Y
<b>Project of Regional Significance</b>		X	Y

**DEVELOPMENT STANDARDS**

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Town Center 120-foot Parkway Arterial	Existing	Existing	Y

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

<i>Parking Requirement</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	207,399 SF	1/250 SF	813	17	977	41	Y
<b>TOTAL</b>			830		1,018		Y

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
351-foot distance separation from an existing city park	400-foot distance separation from an existing city park.	Approval

## ANALYSIS

The subject site is designated TC (Town Center) within the Centennial Hills Sector Plan of the Master Plan. The Town Center category is intended to be the principal employment center for the Northwest and is a mixed-use development category. As compatibility allows, a mix of uses can include mall facilities, shopping centers and other retail facilities; low to high density residential uses; planned business; office and industrial parks; and recreational uses. The existing T-C (Town Center) zoning district and the Supper Club special use are permitted within Town Center.

The proposed Supper Club is a 5,874 square-foot facility with 221 seats in the main dining area and 77 seats in the waiting/bar area. The facility estimates 90% food sales and 10% alcohol sales at this location. A separate take-out entrance will offer convenience for take-out customers. No drive-up window service is proposed despite a previous Special Use Permit (SUP-3770) for a drive-through facility on the subject site, Pad O.

The subject site is located on Pad O of the Montecito Town Center North shopping center as approved in a previous Site Development Plan Review (SDR-11702). The elevations that are submitted show a facility that complies with the Montecito Town Center Land Use and Design Standards. The building materials and finishes meet the criteria of Section 5.2.5 and Appendix A to qualify as the Centers Southwest Contemporary theme.

An existing Variance (VAR-11710) was approved by City Council to allow 1,018 parking spaces where 1,194 spaces were required at the shopping center within which the subject site is located. However, due to a 2006 revision of Title 19.10, the shopping center now requires only 850 spaces, 168 fewer than are provided.

A Waiver is required to allow this special use 351 feet from a city park where 400 are required. The city park is located on the far side of the shopping center from the subject site, across the Montecito Parkway alignment, a proposed 90-foot right-of-way, and behind an additional future development. Conversely, the subject site is located on Durango Drive, a 120-foot Parkway Arterial as designated by the Master Plan of Streets and Highways, and should have little impact upon the existing park.

## **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.
2. The subject site is physically suitable for the type and intensity of land use proposed.
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.
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.
5. The use meets all of the applicable conditions per Title 19.04.

### **In regard to 1:**

With compliance to the conditions of approval for a Supper Club use, the proposal will be harmonious and compatible with the neighboring uses. Although a waiver is required due to the minimum distance from a city park, the subject site is located on the far side of the parcel and further separated from the protected use along a 120-foot wide Parkway Arterial. The proposed Supper Club will have no negative impact upon the city park.

### **In regard to 2:**

The subject site is level and contains no physical impediments to development. The subject site is within an existing shopping center that is physically suitable for the type and intensity of land use as proposed by this use.

### **In regard to 3:**

The subject site is located within an existing shopping center, which is in turn connected to Durango Drive, a 120-foot wide Parkway Arterial and Elkhorn Road, a 100-foot wide Primary Arterial. Additional access will be provided by way of the Montecito Parkway, a 120-foot Primary arterial roadway to the rear of the shopping center.

### **In regard to 4:**

The subject site must comply with LVCM Title 6.50 and will be subject to regular inspection and will, therefore, not compromise the public health, safety, and general welfare, or the overall objectives of the General Plan.

**In regard to 5:**

With a waiver to allow the Special Use Permit 351 feet from a city park where 400 feet are required, the subject site otherwise complies with all requirements and conditions of Title 19.04.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 9

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 659 by City Clerk

**APPROVALS** 0

**PROTESTS** 0