



## AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 18, 2007  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: SUP-19568 - APPLICANT: MOMOTARO SUSHI & SHABU  
SHABU BAR - OWNER: NP/I&G MONTECITO MARKETPLACE PHASE I, LLC

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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 one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. 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**

The project is a request for a Special Use Permit for a proposed Beer/Wine/Cooler on sale establishment and a Waiver of the 400 foot distance separation requirement from a City park. The project is located at 7160 North Durango Drive, Suite #140 within the Montecito Marketplace - Phase I.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
02/16/05	The City Council approved a Site Development Plan Review (SDR-5731) for a 380,000 square-foot commercial development on 45.6 acres adjacent to the southeast corner of Durango Drive and Elkhorn Road and the northwest corner of Durango Drive and Dorrell Lane. Staff recommended denial. The Planning Commission recommended approval.
04/19/06	The City Council approved a Variance (VAR-11710) to allow a reduction in required parking on a 1.48 acre commercial site at the southeast corner of Durango Drive and Elkhorn Road. Staff recommended denial. The Planning Commission recommended approval.
04/19/06	The City Council approved a Major Amendment (SDR-11702) 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. Staff recommended denial. The Planning Commission recommended approval.
03/22/07	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #10/ja).
<b><i>Related Building Permits/Business Licenses</i></b>	
CURRENT	Restaurant seating 45 or more: R09-99942-62-6-131876
<b><i>Pre-Application Meeting</i></b>	
01/17/07	A Pre-application meeting was held where the applicant was advised by Planning staff of the Special Use Requirements and distance separation.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this application type nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	10.3 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial	Montecito Town Center	Town Center
North	Commercial	Montecito Town Center	Town Center
South	Commercial	Montecito Town Center	Town Center
East	Commercial	Montecito Town Center	Town Center
West	Commercial	Montecito Town Center	Town Center

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
T-C Town Center District	X		Y
<b>Special Purpose and Overlay Districts</b>			
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**

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

<b>Parking Requirement</b>							
<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>		
			Regular	Handi-capped	Regular	Handi-capped	
Commercial Center	104,907	1 space/250 square feet	419	9	403		N*
<b>TOTAL</b>			419		403		

\*Parking for the Montecito Phases I & II was granted a 14.65 percent reduction in required parking under Variance (VAR-11710). The project site is deficient in required parking by 4 percent and is in compliance with the approved Variance.

Waivers		
Request	Requirement	Staff Recommendation
To allow use within 356 feet of a public park.	400 feet separation	Approve

## ANALYSIS

The project is to allow for the operation of a Beer/Wine/Cooler On-sale establishment at an existing 3,044 square foot restaurant within the Montecito Marketplace Phase I.

- **General Plan and Zoning**

The project site is located within the Montecito Town Center land use designation and zoning and is a permitted use.

- **Distance Separation Requirements**

Pursuant to Title 19.04 no Beer/Wine/Cooler On-sale establishment is allowed within 400 feet of a church, synagogue, school, child care, or city park. The project will be located 355 feet west of a City park. A Waiver is requested to relieve the applicant of this restriction. Because service and consumption of alcohol will be limited to within the restaurant and no adverse effects to the immediate community should result with implementation of the project, staff recommends approval of the application.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 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 project is subject to the Special Use Requirements for Beer/Wine/Cooler On-sale establishment and will complement the existing and future commercial uses.

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

The project location is an existing restaurant and adequate parking facilities are available on site.

- 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.**

Automobile access onto the project site is sufficient from Durango Drive.

- 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.**

No significant adverse effects to human health and public safety will occur with implementation of the project.

- 5. The use meets all of the applicable conditions per Title 19.04.**

Approval of the subject project will be located within 350 feet of a city park where 400 feet is the minimum distance separation required under Title 19.04. The project will meet all other Special Use Requirements.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 13

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 406 by City Clerk

**APPROVALS** 0

**PROTESTS** 0