



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: MAY 8, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-27536 - APPLICANT: CHIPOTLE MEXICAN GRILL, INC -**

**OWNER: ROCKSPRINGS PLAZA INVESTMENT, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL, subject to:**

***Planning and Development***

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Restaurant with Service Bar use, including parking requirements.
2. Conformance to the conditions for Rezoning (ZON-5206) and Site Development Plan Review (SDR-5711).
3. 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.
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 application is a request for a Special Use Permit to allow a proposed service bar at an existing Restaurant at 7175 West Lake Mead Boulevard Suite #105 with a Waiver to allow a 339-foot distance separation from a school where 400 feet is required. This proposal is located in an existing shopping center with ample parking and adequate facilities for this use. Although the requested distance Waiver from an elementary school is a concern, another restaurant was approved on 03/01/06 for Beer/Wine/Cooler On-Sale within the same commercial retail center and has been operating without incident. The proposed use of a Restaurant with Service Bar is a less intense use than this prior precedent and can be conducted in a manner that will not be detrimental to the health and safety of the general public; therefore staff recommends approval of this request.

**BACKGROUND INFORMATION**

| <i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i> |  |
|--|--|
| 08/07/91   | The City Council approved a Rezoning (Z-0056-91) from N-U (Non-Urban) to C-V (Civic) on the subject property. The Planning Commission and staff recommended approval.  |
| 01/19/94   | The City Council approved a second Extension of Time [Z-0056-91(2)] on an approved rezoning from N-U (Non-Urban) to C-V (Civic). The extension expired 12/02/95.   |
| 11/17/04   | The City Council approved a request (GPA-5205) to amend a portion of the Southwest Sector Plan of the General Plan from PF (Public Facilities) to SC (Service Commercial) and a Rezoning (ZON-5206) from U (Undeveloped) [PF (Public Facilities) General Plan Designation] to C-1 (Limited Commercial) on 4.18 acres adjacent to the southwest corner of Lake Mead Boulevard and Rock Springs Drive. The Planning Commission and staff recommended approval. |
| 03/16/05   | The City Council approved a Site Development Plan Review (SDR-5711) for a proposed 40,125 square-foot commercial development and Waivers of the build-to line, front landscaping, and front, side and rear setback standards on the subject site. The Planning Commission and staff recommended approval.  |
| 03/01/06   | The City Council approved a Special Use Permit (SUP-10767) for a proposed Beer/Wine/Cooler On-Sale Establishment and a Waiver of the 400-foot distance separation requirement from a school at 7175 West Lake Mead Boulevard, Suite #130. The Planning Commission recommended approval, staff recommended denial.  |

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|---|---|
| 10/04/06  | The City Council approved a Special Use Permit (SUP-14757) for a proposed Massage Establishment and a Waiver from the 400-foot distance separation requirement from an existing school, a Waiver from the 1,000-foot distance separation from an existing massage establishment, and a Waiver from the hours of operation restriction at 7175 West Lake Mead Boulevard, Suite #174. The Planning Commission recommended approval, staff recommended denial. |
| 08/01/07  | The City Council approved a Special Use Permit (SUP-21909) for a proposed Second-Hand Dealer at 7175 West Lake Mead Boulevard, Suite #160. The Planning Commission and staff recommended approval.  |
| <b><i>Related Building Permits/Business Licenses</i></b>  |   |
| 05/17/06  | A Building Permit (#06003457) was issued for a tenant improvement build out with a certificate of completion at 7175 West Lake Mead Boulevard, Suite #105. The permit received final approval on 03/01/07.  |
| 08/10/06  | A Building Permit (#06005244) was issued for channel letter signage. The permit has never received final approval and expired on 06/23/07.  |
| 08/29/06  | A Building Permit (#06005584) was issued for a temporary wooden freestanding sign (V-type) at 7175 West Lake Mead Boulevard Suite #105.   |
| 01/05/07  | A Business License (#R09-01376) was issued for a restaurant at 7175 West Lake Mead Boulevard, Suite #105.   |
| <b><i>Pre-Application Meeting</i></b>                     |   |
| 02/25/08  | A pre-application meeting was conducted to inform the applicant about the submittal requirements for a Restaurant with Service Bar. At this time the applicant was informed that a Waiver would be required for an elementary school 339 feet from this location.   |
| <b><i>Neighborhood Meeting</i></b>                        |   |
| A neighborhood meeting is not required, nor was one held. |   |
| <b><i>Field Check</i></b>                                 |   |
| 04/03/08  | A field check was performed by staff at the subject property. The subject business was noted as currently operating as a restaurant offering indoor and outdoor dining.   |

|  |      |
|--|------|
| <b><i>Details of Application Request</i></b> |      |
| <b><i>Site Area</i></b>                      |      |
| Gross Acres                                  | 3.48 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>                         | <b>Planned Land Use</b> | <b>Existing Zoning</b>   |
|-----------------------------|--|-------------------------|--------------------------|
| Subject Property            | Shopping Center                                  | SC (Service Commercial) | C-1 (Limited Commercial) |
| North                       | Restaurant, Bar, Convenience Store with Gasoline | SC (Service Commercial) | C-1 (Limited Commercial) |

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|       |   |                                   |   |
|-------|---|-----------------------------------|---|
| South | Vacant Land<br>(Proposed 65-lot<br>Single-Family<br>Residential<br>Subdivision SDR-<br>20220) | M (Medium Density<br>Residential) | U (Undeveloped)<br>Medium Density<br>Residential under<br>Resolution of Intent to<br>R-PD14 (Residential<br>Planned Development<br>14 Units per Acre) |
| East  | Fast Food, Retail   | SC (Service<br>Commercial)        | C-1 (Limited<br>Commercial)   |
| West  | Offices   | SC (Service<br>Commercial)        | C-1 (Limited<br>Commercial)   |

| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          |            | X         | N/A               |
| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| <b>Special Purpose and Overlay Districts</b>      |            |           |                   |
| A-O Airport Overlay District -175 Feet            | X          |           | Y*                |
| <b>Trails</b>                                     | X          |           | Y**               |
| <b>Rural Preservation Overlay District</b>        |            | X         | N/A               |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

\* A-O Airport Overlay District This proposal is under the 175-foot height limitation contour of the North Las Vegas Airport Overlay District

\* A Pedestrian Path is located on the north property line of the subject property; this path includes a sidewalk and a landscaped amenity zone.

**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 |                   |
| Shopping Center            | 40,125 SF                                  | 1/250 SF             | 155             | 6            | 205             | 7            | Y                 |
| <b>TOTAL</b>               |  |                      | 161             |              | 212             |              | Y                 |
| Loading Spaces             |  |                      | 3               |              | 3               |              | Y                 |



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| <b>Waivers</b>   |  |                             |
|--|--|-----------------------------|
| <b>Request</b>   | <b>Requirement</b>   | <b>Staff Recommendation</b> |
| To allow a 339-foot distance separation from a school. | No restaurant service bar shall be located within 400 feet from a church, synagogue, school, child care facility, licensed for more than 12 children or City park. | Approval                    |

**ANALYSIS**

This application is a request for a Special Use Permit to allow a proposed Restaurant with Service Bar at an existing restaurant at 7175 West Lake Mead Boulevard Suite #105 with a Waiver to allow a 339-foot distance separation from a school where 400 feet is required. This proposal is located in an existing shopping center with ample parking and adequate facilities for this use. The proposed use of a Restaurant with Service Bar is a less intense use than this prior precedent and can be conducted in a manner that will not be detrimental to the health and safety of the general public; therefore, staff recommends approval of this request.

- **Land Use and Zoning**

This project is located within the C-1 (Limited Commercial) zoning district. This district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) zoning district is consistent with the SC (Service Commercial) and NS (Neighborhood Services) categories of the General Plan. The subject site is in conformance with the current General Plan Designation.

- **Use**

The Restaurant with Service Bar use is described in Table Two of Title 19.04.010 as, A bar wherein alcoholic beverage drinks are prepared for service only at tables in a restaurant and for consumption only in connection with a meal served on the premises, and where customers are not permitted to purchase alcoholic beverage drinks directly from the bar or for off-premise consumption. This Restaurant with Service Bar use can not be located within 400-feet of any church, synagogue, school, child care facility licensed for more than 12 children or City Park.

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The subject location does have a protected use located within the required 400-foot distance separation. A Waiver has been requested to allow a 339-foot distance separation from an existing elementary school where 400 feet is required. Although the requested distance Waiver from an elementary school is a concern, another restaurant was approved on 03/01/06 for Beer/Wine/Cooler On-Sale within the same retail center and has been operating without incident. The proposed use of a Restaurant with Service Bar is a less intense use than this prior precedent and can be conducted in a manner that will not be detrimental to the health and safety of the general public; therefore staff recommends approval of this Waiver request.

- **Parking**

The subject site is within an approved 40,159 square-foot commercial shopping center. This shopping center contains a total of 212 parking spaces, where Title 19.04 requires a total of 161 spaces. This facility is more than adequate to satisfy the parking requirements for the proposed use.

- **Floor Plan**

The provided floor plans show a 2,500 square-foot restaurant with 1,133 square feet dedicated to dining and 955 square-feet dedicated to kitchen and prep area. The remaining floor area is dedicated to storage, office, entrance and restrooms.

- **Minimum Special Use Permit Requirements:**

1. No restaurant service bar shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children or City park.
2. Except as otherwise provided in Requirement 3 below, the minimum 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 restaurant service bar 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 restaurant service bar. 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 describe in Requirement 1.



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3. In the case of a restaurant service bar 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 restaurant service bar will be located, without regard to intervening obstacles; or
  - b. In the case of a proposed restaurant service bar 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 restaurant service bar will be located, without regard to intervening obstacles.
4. When considering a Special Use Permit application for a restaurant service bar 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.
5. The minimum distance requirement in Requirement 1 does not apply to an establishment which has a non-restricted 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.
- \*6. In the O District, a restaurant service bar is permitted only as an accessory use.
- \*7. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

## **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.**

The proposed Service Bar within an existing restaurant is compatible with neighboring commercial and residential uses.

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

This Restaurant with Service Bar use will be established within a commercial shopping center that has adequate parking and facilities for the proposed use.

**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 site is accessed by West Lake Mead Boulevard, a 100-foot Primary Arterial, which can be accessed by US-95 and Rock Springs Drive, an 80-foot local street, which are sufficient to accommodate the amount of vehicular trips associated with 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.**

The proposed use will not result in detrimental effects to the human health and public safety as the project must comply with Chapter 6.50 of the Municipal Code as well as Section 268.090 of the Nevada Revised Statutes which further governs the sale and distribution of alcoholic beverages.

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

The proposed use conforms to all of the minimum Special Use Permit requirements for a Restaurant with Service Bar use, apart from the required 400-foot distance separation from a protected use. Although this is a concern, the intent of Title 19 is satisfied and this use can be operated without detriment to the public.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14**

**ASSEMBLY DISTRICT 37**

**SENATE DISTRICT 6**

**NOTICES MAILED 247**

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**APPROVALS**                      2

**PROTESTS**                        2