



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JUNE 12, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-27742 - APPLICANT: CHIPOTLE MEXICAN GRILL, INC -

OWNER: NP/I&G MONTECITO MARKETPLACE PHASE I, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Site Development Plan Review (SDR-11702) if approved.
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.

SUP-27742 - Staff Report Page One
June 12, 2008 - Planning Commission Meeting

**** 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 7120 North Durango Drive, Suite #120. This proposal is within an existing shopping center with ample parking and adequate facilities for this use. The proposed use of a Restaurant with Service Bar is an appropriate use for this location and can be conducted in a manner that will not negatively impact this commercial shopping center, nor the surrounding commercial and residential areas; therefore, staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/20/64	The City Council 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.
12/04/03	The Planning Commission approved a request for a Site Development Plan Review (SDR-3267) for a proposed hospital on 40 acres adjacent to the northeast corner of Durango Drive and Deer Springs Way. Staff recommended approval.

SUP-27742 - Staff Report Page Two
June 12, 2008 - Planning Commission Meeting

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 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 Site Development Plan Review 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.
<i>Pre-Application Meeting</i>	
02/25/08	Requirements for a Special Use Permit application were discussed.
<i>Neighborhood Meeting</i>	
A meeting is not required for this application, nor was one held.	
<i>Field Check</i>	
05/20/08	A field check of the site staff confirmed that the subject site is currently open and operating as a restaurant.

SUP-27742 - Staff Report Page Three
 June 12, 2008 - Planning Commission Meeting

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

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
T-C Town Center District	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
T-C Town Center District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

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

ANALYSIS

This application is a request for a Special Use Permit to allow a proposed Restaurant with Service Bar at an existing restaurant at 7120 North Durango Drive Suite #150.

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SUP-27742 - Staff Report Page Four
June 12, 2008 - Planning Commission Meeting

- **Montecito Town Center**

The subject site is located within the Montecito Town Center Area, and is governed by one overall land use category of Mixed-Use Commercial. Within the Montecito Town Center Mixed-Use Commercial land use category are six distinct Activity Centers that have no fixed boundaries and permit a variety of commercial, retail, and mixed-use developments with the exception of one of the Activity Centers acting as a Buffer Area for the Timberlake Community.

- **Use**

The Restaurant with Service Bar use is described in 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. A 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. This location is not within 400-feet of any of these protected uses; therefore can be permitted with an approval of a special use permit.

- **Parking**

The subject site is within an approved 207,399 square-foot commercial shopping center. This shopping center contains a total of 1,018 parking spaces, where Title 19.04 requires a total of 830 spaces. This facility is more than adequate to satisfy the parking requirements for the proposed use. The primary parking area is located directly adjacent to the subject location, and should provide adequate parking for the proposed use.

- **Floor Plan**

The provided floor plans show a 2,248 square-foot restaurant with 1,051 square feet dedicated to dining and 964 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

SUP-27742 - Staff Report Page Five
June 12, 2008 - Planning Commission Meeting

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.
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.

This proposal requires no Waivers

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 use of Restaurant with Service Bar at an existing restaurant will not alter the existing operation of the business. Therefore the existing business will continue operating in a harmonious and compatible fashion with the surrounding commercial center and other area commercial and residential development. This use is compatible with current and future uses in the area projected by the General Plan.

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

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.

- 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 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 as defined in the City of Las Vegas Master Plan of Streets and Highways. Additional access will be provided by way of the Montecito Parkway, a 120-foot Primary arterial roadway to the rear of the 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.**

The subject site must comply with LVCM Title 6.50 as well as Nevada Revised Statute requirements 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.

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

No waivers are necessary; the use meets all of the applicable conditions, per Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 800

APPROVALS 3

PROTESTS 2