



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JUNE 10, 2014

DEPARTMENT: PLANNING

**ITEM DESCRIPTION: APPLICANT: CHIPOTLE MEXICAN GRILL, INC. - OWNER:
WRI CHARLESTON COMMONS, LLC**

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-53829	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-53829 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Beer/Wine/Cooler On-Sale Establishment use.
2. 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.
3. 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 Department of Building and Safety.
4. The 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.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. 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 request for a Special Use Permit to allow a Beer/Wine/Cooler On-Sale Establishment use within a proposed 2,400 square-foot restaurant located at 111 North Nellis Boulevard, Suite #150. The proposed use meets all Title 19.12 Special Use requirements for Beer/Wine/Cooler On-Sale use, and can be conducted in a manner that is harmonious and compatible with the surrounding land uses; therefore, staff recommends approval of the Special Use Permit. If this use permit is denied, the restaurant use will be able to operate; however, no alcohol will be sold.

ISSUES

- The Beer/Wine/Cooler On-Sale Establishment use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
08/03/88	The City Council approved a request for Rezoning (Z-0061-88) from R-1 (Single Family Residence) and R-3 (Limited Multiple Residence) to C-1 (Limited Commercial) for a proposed Retail/Commercial Center located on the west side of Nellis Boulevard, between Charleston Boulevard and Stewart Avenue. The Planning Commission and staff recommended approval.
07/19/89	The City Council approved a request for an Extension of Time [Z-0061-88(1)] for a Rezoning from R-1 (Single Family Residence) and R-3 (Limited Multiple Residence) to C-1 (Limited Commercial) for a proposed Retail/Commercial Center located on the west side of Nellis Boulevard, between Charleston Boulevard and Stewart Avenue. The Planning Commission and staff recommended approval.
10/03/90	The City Council approved a request for Review of Condition [Z-0061-88(2)] for the elimination of the condition requiring the installation of 24-inch box Evergreen trees along the west property line on property located on the west side of Nellis Boulevard, between Charleston and Stewart Avenue. The Planning Commission and staff recommended approval.
03/21/00	The Department of Planning administratively approved a Site Development Plan Review [Z-0061-88(5)] for a proposed 8,018 square-foot Retail Building on the property located on the west side of Nellis Boulevard, approximately 1,500 feet south of Stewart Avenue.

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<i>Most Recent Change of Ownership</i>	
12/22/06	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
10/16/03	A building permit (#03022052) was issued for retail shell building at 111 North Nellis Boulevard. The permit was finalized on 04/15/04.
09/23/05	A business license (B03-00180) was issued for Financial Institution, General at 111 North Nellis Boulevard, Suite #150. The license is currently active.
05/01/14	A building permit (#244433) was issued for Tenant Improvement for a 2,400 square-foot Restaurant at 111 North Nellis Boulevard, Suite #150. The permit has not been finalized.

<i>Pre-Application Meeting</i>	
04/21/14	A pre-application meeting was held with the applicant's designated representative to discuss the Special Use Permit submittal requirements for Restaurant with Service Bar and Beer/Wine/Cooler On-Sale Establishment uses.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
05/01/14	A site inspection was conducted on the property and revealed the property was clean and graffiti free. The suite where the proposed use is to be located is currently vacant

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	17.53

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	GC (General Commercial)	C-1 (Limited Commercial)
	General Retail Store, Other Than Listed		

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
South	General Retail Store, Other Than Listed	GC (General Commercial)	C-2 (General Commercial)
	Multi-Family Residential	RH (Residential High) – Clark County	R-3 (Multiple-Family Residential [18 Units per Acre]) – Clark County
East	General Retail Store, Other Than Listed	GC (General Commercial)	C-2 (General Commercial)
	Shopping Center	CG (Commercial General) – Clark County	C-2 (General Commercial) – Clark County
	Restaurant with Alcohol		
	Liquor Establishment, Tavern		
	Restaurant		
	General Retail Store, Other Than Listed		C-1 (Local Business)
	Multi-Family Residential	RH (Residential High) – Clark County	R-3 (Multiple-Family Residential [18 Units per Acre]) – Clark County
	Government Facility	PF (Public Facility) – Clark County	PF (Public Facility) – Clark County
	Manufacture Home (Not Qualifying for Treatment as a Single Family Detached Dwelling)	RS (Residential Suburban) – Clark County	R-T (Manufactured Home Residential) – Clark County
West	Single Family, Detached	R-1 (Single Family Residential)	L (Low Density Residential)
		R-PD7 (Residential Planned Development – 7 Units per Acre)	ML (Medium Low Density Residential)

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Purpose or Overlay Districts	N/A

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<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	Y

DEVELOPMENT STANDARDS

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	359,679 SF	1/250 SF	1,439				
TOTAL SPACES REQUIRED			1,439		1654		Y
Regular and Handicap Spaces Required			1,414	25	1618	36	Y

ANALYSIS

The Beer/Wine/Cooler On-Sale Establishment use is defined in Title 19.18 as “An establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers only for consumption on the premises where the same is sold.”

The proposed use meets the definition above as stated in the justification letter, the applicant’s intent to offer Beer/Wine/Cooler to customers.

The Minimum Special Use Permit Requirements for this use include:

1. Except as otherwise provided, no beer/wine/cooler on-sale establishment (hereinafter “establishment”) shall be located within 400 feet of any church/house of worship, school, individual care center licenses for more than 12 children, or City park.

The use complies with this requirement as there are no protected uses within 400 feet of the proposed use.

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2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in Requirement 1 shall be determine with reference to the shortest distance between two property lines, one being the property line of the proposed restaurant service bar which is closes 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 parcels; 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 described in Requirement1.

The proposed use meets this requirement; measurement is taken from the existing property line of Lot A of Parcel Map File 115 Page 77, located at the northwest corner of Charleston Boulevard and Nellis Boulevard.

3. In the case of an establishment 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 establishment will be located, without regard to intervening obstacles; or
 - b. In the case of a proposed establishment 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 the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.

This requirement does not apply to the proposed use, as the subject property contains an area less than 80 acres in size.

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4. When considering a Special Use Permit application for a establishment 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 reason in support of the decision.

This requirement does not apply as there are no protected uses within 400 feet of the proposed use.

5. The minimum distance requirements in Requirement 1 do not apply to:
 - a. An establishment which has a nonrestricted 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; or
 - b. A proposed establishment having more than 50,000 square feet of retail floor space.

This requirement does not apply to this application.

6. All businesses which sell alcoholic beverages shall conform to the provision of LVMC 6.50.

The proposed Beer/Wine/Cooler On-Sale use meets this requirement. The proposed use will be in conjunction with the service of food. The LVMC 6.50 is a standard condition of approval that cannot be waived.

The proposed Beer/Wine/Cooler On-Sale Establishment use will be located within a proposed 2,400 square-foot restaurant with 324 square feet of outside dining area in the C-1 (Limited Commercial) zoning district. The applicant stated in the justification letter that “the service of beer and wine will be limited to the inside portion of the premise and alcohol service and consumption will not be permitted in the outdoor patio area.” The site is an existing Shopping Center, as defined by Title 19.12 and meets the minimum on-site parking requirements for a Shopping Center. The subject property is within 500 feet of a County of Clark’s jurisdiction; therefore, this request qualifies as a Project of Regional Significance. All the proper documents were completed and distributed to the required departments and agencies, and no comments were received. The proposed use meets all the minimum requirements detail in Title 19.12 for the Beer/Wine/Cooler On-Sale Establishment use and can be conducted in a manner that is compatible and harmonious with the surrounding uses; therefore, staff recommends approval.

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FINDINGS (SUP-53829)

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 subject location consists of a proposed shopping center. This use and other retail uses are generally in shopping centers throughout the valley. There are no waivers of minimum distance separation requirements from protected uses and the use can be conducted in a harmonious and compatible manner with surrounding land uses.

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

The proposed use will operate within a proposed restaurant within an existing Shopping Center that is physically suitable for Beer/Wine/Cooler On-Sale Establishment use. The Shopping Center can accommodate a variety of uses such as restaurants, retail stores and offices.

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 property is accessible from Nellis Boulevard, and from Charleston Boulevard, both are 100-foot wide Primary Arterials that can provide adequate capacity 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.

The proposed use will be subject to regular inspections by business licensing and will not 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 19.12.

The propose use meets all minimum Special Use Permit requirements per Title 19.12.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED 1259

APPROVALS 0

PROTESTS 0