



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MARCH 12, 2013

DEPARTMENT: PLANNING

**ITEM DESCRIPTION: APPLICANT: ASAKI RESTAURANT TWO, LLC - OWNER:
NP/I&G MONTECITO MARKETPLACE PHASE II, LLC**

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-48167	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-48167 CONDITIONS

Planning

1. Conformance to the approved conditions for Site Development Plan Reviews (SDR-3764 and all subsequent site-related actions, and SDR-47027).
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. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.

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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

The applicant proposes Beer Sales and Wine Sales within a proposed 2,490 square-foot restaurant in the Montecito Town Center area. The use includes an outdoor patio on the north side of the existing building. This request can be conducted in a compatible and harmonious manner with the surrounding land uses; therefore, staff recommends approval, with conditions. If the application is denied

ISSUES

- Beer Sales and Wine Sales are permitted uses in Montecito Town Center with the approval of a Special Use Permit. There are no minimum conditions for the use in Montecito Town Center, including distance separation requirements. However, the City Council may consider the concentration and spacing of on- and off-premise alcohol sales and/or restricted gaming uses as part of its deliberation of the Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
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.
03/06/02	The City Council approved a Development Agreement (DA-0002-01) for the Montecito Shopping Center. The Planning Commission and staff recommended approval. The agreement was recorded on 05/01/02.
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.
12/11/03	A Final Map (FMP-2819) for a three-lot commercial subdivision was recorded adjacent to the southeast corner of Elkhorn Road and Durango Drive.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
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 380,000 square foot development that includes 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 recommended approval; staff recommended denial.
06/07/06	The City Council approved a Special Use Permit (SUP-12595) for a Beer/Wine/Cooler On-Sale Establishment at 7160 North Durango Drive, Suites #130-150. The Planning Commission and staff recommended approval.
12/06/06	The City Council approved a Special Use Permit (SUP-16948) for a Supper Club and a waiver of the 400-foot distance separation requirement from a City park at 7070 North Durango Drive. The Planning Commission and staff recommended approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/11/11	The Planning Commission approved a Special Use Permit (SUP-42974) for a Beer/Wine/Cooler On-Sale Establishment within a proposed 6,371 square-foot restaurant at 7070 North Durango Drive. Staff recommended approval.
11/01/12	Department of Planning staff approved a Minor Site Development Plan Review (SDR-47027) for a proposed 320 square-foot covered patio for a proposed 2,460 square-foot restaurant at 7010 North Durango Drive, Suite #140.

<i>Most Recent Change of Ownership</i>	
09/07/11	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
07/13/06	A building permit (#06004606) was issued for a retail shell building (Pad T) at 7010 North Durango Drive. A final inspection was approved 06/01/07.
10/02/07	A building permit (95359) was issued for a tenant improvement for certificate of occupancy for an office use at 7010 North Durango Drive, Suite #140. A final inspection was approved 12/06/07.
07/22/08	A business license was issued for a Tutoring Center at 7010 North Durango Drive, Suite #140. The license was marked out of business on 07/16/12.
09/17/12	Application was made (219909) for a building permit to change the occupancy of the subject tenant space (at 7010 North Durango Drive, Suite #140) from office to restaurant. A permit has not yet been issued.

<i>Pre-Application Meeting</i>	
01/07/13	A pre-application meeting was held with the applicant to discuss submittal requirements for a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment. Staff originally required a waiver to be requested along with the Special Use Permit, due to the proximity of the commercial subdivision to a City park; however, Montecito Town Center does not mandate distance separation requirements for alcoholic beverage uses and the park is separated from the use by the Town Center Loop Road and medical office and the waiver was not needed.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required; however, the applicant is planning to conduct a voluntary meeting. No notice of the meeting has been provided to staff.	

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Field Check	
01/31/13	The proposed location of the use is located in a well maintained multitenant building within an existing shopping center. The address of the use was verified as Suite #140.

Details of Application Request	
Site Area	
Net Acres	8.41

Surrounding Property	Existing Land Use Per TCDS/19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	UC-TC (Urban Center Mixed Use – Town Center)	T-C (Town Center)
North	Shopping Center	UC-TC (Urban Center Mixed Use – Town Center)	T-C (Town Center)
South	Hospital	UC-TC (Urban Center Mixed Use – Town Center)	T-C (Town Center)
East	Office, Medical	UC-TC (Urban Center Mixed Use – Town Center)	T-C (Town Center)
West	Restaurant	UC-TC (Urban Center Mixed Use – Town Center)	T-C (Town Center)
	Financial Institution, General		
	Liquor Esatblishment (Tavern)		
	Undeveloped		

Master Plan Areas	Compliance
Town Center Master Plan	Y
Montecito Town Center	Y
Special Purpose and Overlay Districts	Compliance
T-C (Town Center) District	Y
Other Plans or Special Requirements	Compliance
Trails	Y
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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DEVELOPMENT STANDARDS

Pursuant to the Town Center Development Standards Manual, the following standards apply:

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Durango Drive	Town Center Parkway Arterial	Master Plan of Streets and Highways / Town Center Development Standards Manual	120	Y
Grand Montecito Parkway	Town Center Loop Road	Master Plan of Streets and Highways / Town Center Development Standards Manual	90	Y

Pursuant to the Town Center Development Standards Manual, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	287,741 SF	1 space per 250 SF GFA	1,151				
TOTAL SPACES REQUIRED			1,151		1,384		Y
Regular and Handicap Spaces Required			1,129	22	1,352	32	Y

ANALYSIS

The subject site is located within the Montecito Town Center area of the Centennial Hills Town Center master planned area. The Montecito Town Center was developed as a multi-use urban environment for larger mixed-use projects within Centennial Hills Town Center. The Montecito Town Center Land Use and Design Standards apply within its boundaries. Where this document is silent, the Town Center Development Standards apply. Where the Town Center Development Standards are silent, Title 19 then applies. The UC-TC (Urban Center Mixed Use – Town Center) designation allows for a mix of land uses including multi-family, commercial, cultural, recreational and meeting facilities that provide most of the daily support services and activities for the area. The proposed use conforms to the intent of this designation.

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The Town Center Parkway Town Center Loop Trails were constructed as part of the roadway improvements adjacent to the subject site.

The Beer Sales and Wine Sales uses in Montecito Town Center are defined in Title 19 under the Beer/Wine/Cooler On-Sale Establishment heading, which is described as “An establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold, and is operated in connection with a restaurant in which 30 or more people may be served with meals at any one time at tables or stools.” The proposed use meets the definition, as the subject tenant space is being remodeled for a restaurant in which about 800 square feet of indoor floor area and 300 square feet of outdoor patio area is available to accommodate the requisite number of patrons.

There are no minimum Special Use Permit Requirements for this use within Montecito Town Center. Had this project been elsewhere within the Town Center, it would have been subject to Title 19.12 distance separation requirements. However, the City Council (or Planning Commission) may consider the concentration of alcohol and gaming uses within this area as part of its deliberation of the Special Use Permit. As with any establishment proposing to serve alcohol, the business must operate in conformance with Title 6.50.

As the proposed use will be located within an established shopping center with similar existing uses, meets the definition of the proposed use and is in conformance with the Montecito Town Center Standards, staff recommends approval.

FINDINGS (SUP-48167)

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 proposed Beer Sales and Wine Sales uses will be located within an established shopping center with similar existing uses adjacent. The proposed use would be located 950 feet away from an existing City park and separated from the park by the Town Center Loop Road.

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

The proposed use will be located within a Shopping Center that contains uses of similar intensity, all of which are permitted uses in Montecito Town Center. Sufficient parking is available throughout the site for use by patrons of the proposed establishment.

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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.

Durango Drive and Grand Montecito Parkway both contain adequate capacity to serve the requirements of the proposed Beer and Wine Sales uses.

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 Beer Sales and Wine Sales will be subject to licensing and regular inspection and thus will not compromise the public health, safety and general welfare.

5. The use meets all of the applicable conditions per Title 19.12.

There are no minimum Special Use Permit Requirements for this use within Montecito Town Center.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

36

NOTICES MAILED 871

APPROVALS 0

PROTESTS 0