



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: MAY 14, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: UMER MALIK – OWNER: UNITED STATES OF AMERICA

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0167-ZON1	Staff recommends DENIAL.	
24-0167-VAR1	Staff recommends DENIAL, if approved subject to conditions:	24-0167-ZON1 24-0167-VAR2 24-0167-SUP3 24-0167-SUP6
24-0167-VAR2	Staff recommends DENIAL, if approved subject to conditions	24-0167-ZON1 24-0167-VAR1 24-0167-SUP3 24-0167-SUP6
24-0167-VAR3	Staff recommends DENIAL, if approved subject to conditions	24-0167-ZON1 24-0167-SUP1 24-0167-SUP2 24-0167-SUP4 24-0167-SUP5
24-0167-SUP1	Staff recommends DENIAL, if approved subject to conditions:	24-0167-ZON1 24-0167-VAR3 24-0167-SUP2 24-0167-SUP4 24-0167-SUP5
24-0167-SUP2	Staff recommends DENIAL, if approved subject to conditions:	24-0167-ZON1 24-0167-VAR3 24-0167-SUP1 24-0167-SUP4 24-0167-SUP5
24-0167-SUP3	Staff recommends DENIAL, if approved subject to conditions:	24-0167-ZON1 24-0167-VAR1 24-0167-VAR2 24-0167-SUP3 24-0167-SUP6

24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]

24-0167-SUP4	Staff recommends DENIAL, if approved subject to conditions:	24-0167-ZON1 24-0167-VAR3 24-0167-SUP1 24-0167-SUP2 24-0167-SUP5
24-0167-SUP5	Staff recommends DENIAL, if approved subject to conditions:	24-0167-ZON1 24-0167-VAR3 24-0167-SUP1 24-0167-SUP2 24-0167-SUP4
24-0167-SUP6	Staff recommends DENIAL, if approved subject to conditions:	24-0167-ZON1 24-0167-VAR1 24-0167-VAR2 24-0167-SUP3
24-0167-VAC1	Staff recommends APPROVAL, subject to conditions.	
24-0167-SDR1	Staff recommends DENIAL, if approved subject to conditions:	24-0167-ZON1 24-0167-VAC1 24-0167-VAR1 24-0167-VAR2
24-0167-SDR2	Staff recommends DENIAL, if approved subject to conditions:	24-0167-ZON1 24-0167-VAC1 24-0167-VAR3

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

7

NOTICES MAILED 426

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0167-VAR1 CONDITIONS

Planning

1. A Variance (24-0167-VAR1) is hereby approved, to allow one loading space where two loading spaces are required [Side A].
2. Approval of Rezoning (24-0167-ZON1) and approval of and conformance to the Conditions of Approval for Special Use Permit (24-0167-SUP3 and SUP6), Petition of Vacate (24-0167-VAC1) and Site Development Plan Review (24-0167-SDR1) shall be required, if approved.
3. 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.
4. 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 Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0167-VAR2 CONDITIONS

Planning

1. A Variance (24-0167-VAR2) is hereby approved, to allow a 36-foot residential adjacency setback where 60 feet is required for Building 3; a 15-foot residential adjacency setback where 60 feet is required for Building 2; and to allow a 10-foot rear yard setback where 20 feet is required for Building 1 [Side A].

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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2. Approval of Rezoning (24-0167-ZON1) and approval of and conformance to the Conditions of Approval for Special Use Permit (24-0167-SUP3 and SUP6), Petition to Vacate (24-0167-VAC1), and Site Development Plan Review (24-0167-SDR1) shall be required, if approved.
3. 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.
4. 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 Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0167-VAR3 CONDITIONS

Planning

1. A Variance (24-0167-VAR3) is hereby approved to allow an 80-foot lot width where 100 feet is required. [Side B]
2. Approval of Rezoning (24-0167-ZON1) and approval of and conformance to the Conditions of Approval for Special Use Permit (24-0167-SUP1, SUP2, SUP4, and SUP5), Petition to Vacate (24-0167-VAC1) and Site Development Plan Review (24-0167-SDR2) shall be required, if approved.
3. 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.
4. 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 Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0167-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Car Wash, Full Service or Auto Detailing use. [Side B]
2. Approval of a Rezoning (24-0167-ZON1) and Approval of and conformance to the Conditions of Approval for Variances (24-0167-VAR3) Special Use Permit (24-0167-SUP2, SUP4, and SUP5), Petition to Vacate (24-0167-VAC1), and Site Development Plan Review (24-0167-SDR2) shall be required, if approved.
3. 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.
4. 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 Building and Safety Division.
5. These 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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0167-SUP2 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Drive-Through use. [Side B]

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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2. Approval of a Rezoning (24-0167-ZON1) and Approval of and conformance to the Conditions of Approval for Variance (24-0167-VAR3), Special Use Permit (24-0167-SUP1, SUP4, and SUP6), Petition to Vacate (24-0167-VAC1) and Site Development Plan Review (24-0167-SDR2) shall be required, if approved.
3. 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.
4. 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 Building and Safety Division.
5. These 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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0167-SUP3 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, On-Premise Full use. [Side A]
2. Approval of a Rezoning (24-0167-ZON1) and Approval of and conformance to the Conditions of Approval for Variance, (24-0167-VAR1 and VAR2), Special Use Permit (24-0167-SUP6), Petition to Vacate (24-0167-VAC1) and Site Development Plan Review (24-0167-SDR1) shall be required, if approved.
3. 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.
4. 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 Building and Safety Division.
5. These 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.

6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0167-SUP4 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, Off-Premise Beer/Wine use. [Side B]
2. Approval of a Rezoning (24-0167-ZON1) and approval of and conformance to the Conditions of Approval for Variance, (24-0167-VAR3), Special Use Permit (24-0167-SUP1 and SUP2), Petition to Vacate (24-0167-VAC1) and Site Development Plan Review (24-0167-SDR2) shall be required, if approved.
3. 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.
4. 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 Building and Safety Division.
5. These 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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0167-SUP5 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Gaming Establishment, Restricted use [1 to 5 Machines] [Side B].
2. Approval of a Rezoning (24-0167-ZON1) and approval of and conformance to the Conditions of Approval for Variance, (24-0167-VAR3), Special Use Permit (24-0167-SUP1, SUP2, and SUP4), Petition to Vacate (24-0167-VAC1) and Site Development Plan Review (24-0167-SDR2) shall be required, if approved.

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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3. 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.
4. 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 Building and Safety Division.
5. These 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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0167-SUP6 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Gaming Establishment, Restricted use [6 to 15 Machines] [Side A].
2. Approval of a Rezoning (24-0167-ZON1) and approval of and conformance to the Conditions of Approval for Variance, (24-0167-VAR1 and VAR2), Special Use Permit (24-0167-SUP3), Petition to Vacate (24-0167-VAC1) and Site Development Plan Review (24-0167-SDR1) shall be required, if approved.
3. 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.
4. 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 Building and Safety Division.
5. These 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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0167-VAC1 CONDITIONS

1. The limits of this Petition of Vacation shall be a portion of a Bureau of Land Management (BLM) grant located on the southeast and southwest corner of Shaumber Road and Ann Road, on a portion of Assessor Parcel Number 126-36-201-006.
2. This Order of Vacation shall record immediately prior to and concurrent with a mapping action that subdivides this site or a dedication of the public streets adjacent to this site in general conformance with what is shown on the approved site plan. The Order of Vacation may record in phases to coincide with dedication requirements for 24-0167-SDR1 and 24-0167-SDR2, if recorded separately.
3. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, the conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with Title 19. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use.
5. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
6. All development shall be in conformance with code requirements and design standards of all City Departments.
7. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Director of Community Development, then approval will terminate and a new petition must be submitted.

24-0167-SDR1 CONDITIONS

Planning

1. Approval of Rezoning (24-0167-ZON1) and approval of and conformance to the Conditions of Approval for Variance (24-0167-VAR3) Special Use Permit (24-0167-SUP3 and SUP6), and Petition to Vacate (24-0167-VAC1) shall be required, if approved.
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 development shall be in conformance with the site plan, date stamped 03/21/24, landscape plan, date stamped 04/15/24 and building elevations, date stamped 04/29/24, except as amended by conditions herein.
4. A Waiver from Title 19.08.070 is hereby approved, to allow a zero-foot perimeter landscape buffer where eight feet is required for a portion of the south landscape buffer.
5. A Waiver from Title 19.08.070 is hereby approved, to allow a zero-foot perimeter landscape buffer where 15 feet is required for a portion of the east landscape buffer.
6. An Exception from Title 19.08.110 is hereby approved, to allow 29 perimeter landscape buffer trees where 30 are required in the west landscape buffer.
7. An Exception from Title 19.08.110 is hereby approved, to allow 29 parking lot area trees where 43 are required.
8. 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 Building and Safety Division.
9. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
10. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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11. Pursuant to LVMC Title 19.08.040.G for commercial and industrial properties, a perimeter wall shall be constructed adjacent to any residential zoning district or property used solely for residential purposes. The wall or fence is intended to screen the commercial or industrial activity from the residential property, and shall be of a solid decorative material that is a minimum of six feet in height measured from the side of the commercial or industrial property. In no case shall the wall or fence exceed the overall height limitation applicable to the adjacent zoning district or property unless approved through a Variance or other applicable means. The overall height of a wall or fence shall be measured from the side with the greatest vertical exposure above finished grade.
12. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, which shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
13. Prior to the submittal of a building permit application, the applicant shall meet with Department of Community Development staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Prior to and concurrent with the required dedications for this site, a Petition of Vacation, such as 24-0167-VAC1, shall be recorded to eliminate the Bureau of Land Management Grants in conflict with this proposed site. The Order of Vacation may record in phases to coincide with dedication requirements.
16. Dedicate a minimum 40 feet for Shaumber Road and a minimum 50 feet for Ann Road with appropriate dual left tapering, a right turn lane (Shaumber Road), and a minimum radius as coordinated with the City at the southeast corner of Ann Road and Shaumber Road, prior to the issuance of permits for this site. Grant Public Pedestrian Access Easements for all sidewalk that is outside of the dedicated public right of way. All dedications required by this Site Development Review and 24-0167-SDR2 may be dedicated concurrently.

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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17. Construct half-street improvements matching required dedications on Ann Road and Shaumber Road including appropriate transition/overpaving concurrent with on-site development activities. Construction of full street improvement on Shaumber Road is allowed in conjunction with 24-0167-SDR2 adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
18. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-6594 or emailed at ece@lasvegasnevada.gov.
19. Coordinate sewer connection at a size, depth, and location acceptable to the Sanitary Sewer Engineering Section of the Department of Public Works.
20. Contact the City Engineer's Office at 702-229-6272 to coordinate the development of this project with the "Sheep Mountain Pkwy – Shaumber Road to Farm Road Project (MWA723)" project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
21. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
22. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3, in accordance with Section 2.2 of the City's Vision Zero Action Plan, to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis.

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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The Traffic Impact Analysis shall also include a pedestrian circulation/access plan, in accordance with Section 2.2 of the City's Vision Zero Action Plan, to identify nearby pedestrian attractors and recommend measures to accommodate pedestrians, such as but not limited to pedestrian access, crosswalk, pedestrian activated flashers and temporary sidewalks. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

23. Queues for the overall shopping center shall not extend into the public right-of-way as a result of the drive-thru operations on this site.

24. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

24-0167-SDR2 CONDITIONS

Planning

1. Approval of Rezoning (24-0167-ZON1) and approval of and conformance to the Conditions of Approval for Variance (24-0167-VAR3) Special Use Permit (24-0167-SUP1, SUP2, SUP4 and SUP5), and Petition to Vacate (24-0167-VAC1) shall be required, if approved.

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 development shall be in conformance with the site plan, date stamped 03/21/24, landscape plan, date stamped 04/15/24 and building elevations, date stamped 04/29/24, except as amended by conditions herein.

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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4. A Waiver from Title 19.08.070 is hereby approved, to allow a 14-foot perimeter landscape buffer where eight feet is required for a portion of the north landscape buffer.
5. A Waiver from Title 19.08.070 is hereby approved, to allow a zero-foot perimeter landscape buffer where eight feet is required for a portion of the east landscape buffer.
6. A Waiver from Title 19.08.070 is hereby approved, to allow a zero-foot perimeter landscape buffer where 15 feet is required for the west landscape buffer.
7. An Exception from Title 19.08.110 is hereby approved, to allow 26 perimeter landscape buffer trees where 28 are required in the east landscape buffer.
8. 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 Building and Safety Division.
9. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
10. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.
11. Pursuant to LVMC Title 19.08.040.G for commercial and industrial properties, a perimeter wall shall be constructed adjacent to any residential zoning district or property used solely for residential purposes. The wall or fence is intended to screen the commercial or industrial activity from the residential property, and shall be of a solid decorative material that is a minimum of six feet in height measured from the side of the commercial or industrial property. In no case shall the wall or fence exceed the overall height limitation applicable to the adjacent zoning district or property unless approved through a Variance or other applicable means. The overall height of a wall or fence shall be measured from the side with the greatest vertical exposure above finished grade.
12. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, which shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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13. Prior to the submittal of a building permit application, the applicant shall meet with Department of Community Development staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Prior to and concurrent with the required dedications for this site, a Petition of Vacation, such as 24-0167-VAC1, shall be recorded to eliminate the Bureau of Land Management Grants in conflict with this proposed site. The Order of Vacation may record in phases to coincide with dedication requirements.
15. Dedicate a minimum 40 feet for Shaumber Road and a minimum 50 feet for Ann Road with appropriate dual left tapering, a right turn lane (Shaumber Road), and a minimum radius as coordinated with the City at the southeast corner of Ann Road and Shaumber Road, prior to the issuance of permits for this site. Grant Public Pedestrian Access Easements for all sidewalk that is outside of the dedicated public right of way. All dedications required by this Site Development Review and 24-0167-SDR1 may be dedicated concurrently.
16. Construct half-street improvements matching required dedications on Ann Road and Shaumber Road including appropriate transition/overpaving concurrent with on-site development activities. Construction of full street improvement on Shaumber Road is allowed in conjunction with 24-0167-SDR1 adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
17. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-6594 or emailed at ece@lasvegasnevada.gov.
18. Coordinate sewer connection at a size, depth, and location acceptable to the Sanitary Sewer Engineering Section of the Department of Public Works.

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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19. Contact the City Engineer's Office at 702-229-6272 to coordinate the development of this project with the "Sheep Mountain Pkwy – Shaumber Road to Farm Road Project (MWA723)" project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
20. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
21. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3, in accordance with Section 2.2 of the City's Vision Zero Action Plan, to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. The Traffic Impact Analysis shall also include a pedestrian circulation/access plan, in accordance with Section 2.2 of the City's Vision Zero Action Plan, to identify nearby pedestrian attractors and recommend measures to accommodate pedestrians, such as but not limited to pedestrian access, crosswalk, pedestrian activated flashers and temporary sidewalks. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
22. Queues for the overall shopping center shall not extend into the public right-of-way as a result of the drive-thru operations on this site.
23. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing two commercial developments consisting of 12,200 square feet and 5,500 square feet, generally located at the southeast and southwest corner of Ann Road and Shaumber Road.

ISSUES

- A Rezoning (24-0167-ZON1) is requested from: C-V (Civic) to C-1 (Limited Commercial). Staff does not support this request.
- A Petition to Vacate (24-0167-VAC1) Bureau of Land Management Right-of-Way Grants generally located east and west of the Shaumber Road alignment, south of Ann Road, and north of Hammer Lane has been requested. Staff supports this request.
- A Variance (24-0167-VAR1) is requested, to allow one loading space where two loading spaces are required [Side A]. Staff does not support this request.
- A Variance (24-0167-VAR2) is requested, to allow a 36-foot residential adjacency setback where 60 feet is required for building 3 [Side A]. Staff does not support this request.
- A Variance (24-0167-VAR2) is requested, to allow a 15-foot residential adjacency setback where 60 feet is required for building 2 [Side A]. Staff does not support this request.
- A Variance (24-0167-VAR2) is requested, to allow a 10-foot rear yard setback where 20 feet is required for Building 1 [Side A]. Staff does not support this request.
- A Variance (24-0167-VAR3) is requested, to allow an 80-foot lot width where 100 feet is required [Side B]. Staff does not support this request.
- The Car Wash, Full Service or Auto Detailing use is permitted in the C-1 (Limited Commercial) zoning district with an approval of a Special Use Permit (24-0167-SUP1) [Side B]. Staff does not support this request.
- The applicant has requested a Special Use Permit (24-0167-SUP2) [Side B] as the proposed Drive-Through use does not comply with Title 19.12 Conditional Use Regulation #2 which states, "The drive-through shall be screened in accordance with LVMC 19.08.040(F)." Staff does not support this request.
- The Alcohol, On-Premise Full use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit (24-0167-SUP3) [Side A]. Staff does not support this request.
- The Alcohol, Off-Premise Beer/Wine use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit (24-0167-SUP4) [Side B]. Staff does not support this request.

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- The Gaming Establishment, Restricted use (1 to 5 machines) is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit (24-0167-SUP5). Staff does not support this request.
- The Gaming Establishment, Restricted use (6 to 15 machines) is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit (24-0167-SUP6) [Side A]. Staff does not support this request.
- A Waiver of Title 19.08.070 is requested, to allow a zero-foot perimeter landscape buffer where eight feet is required for a portion of the south landscape buffer [Side A]. Staff does not support this request.
- A Waiver of Title 19.08.070 is requested, to allow a zero-foot perimeter landscape buffer where 15 feet is required for a portion of the east landscape buffer. [Side A] Staff does not support this request.
- A Waiver of Title 19.08.070 is requested, to allow a 14-foot perimeter landscape buffer where 15 feet is required for a portion of the north landscape buffer [Side B]. Staff does not support this request.
- A Waiver of Title 19.08.070 is requested, to allow a zero-foot perimeter landscape buffer where 15 feet is required for a portion of the west landscape buffer [Side B]. Staff does not support this request.
- A Waiver of Title 19.08.070 is requested, to allow a six-foot perimeter landscape buffer where eight feet is required for a portion of the east landscape buffer [Side B]. Staff does not support this request.
- An Exception of Title 19.08.110 is requested, to allow 29 perimeter landscape buffer trees where 30 are required in the west landscape buffer. Staff does not support this request.
- An Exception of Title 19.08.110 is requested, to allow 29 parking area trees where 43 are required. Staff does not support this request.
- An Exception of Title 19.08.110 is requested, to allow 26 perimeter landscape buffer trees where 28 are required in the east landscape buffer. Staff does not support this request.

ANALYSIS

The subject site consists of a 5.00 acre piece of an 58.07 acre parcel and is zoned (C-V) Civic with a NMX-U (Neighborhood Mixed-Use Center) land use designation, where it is subject to Title 19 development standards. The site is currently undeveloped and is bordered by single-family dwellings to the west and east of the subject site. To the south and north of the subject property are undeveloped (C-V) zoned properties.

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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Rezoning

The applicant has proposed a Rezoning (24-0167-ZON1) from C-V (Civic) to C-1 (Limited Commercial). The C-1 (Limited Commercial) zoning 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 proposed C-1 (Limited Commercial) zoning district would be located in the middle of an area defined by single-family residential neighborhoods, which is discouraged by Title 19.

Additionally, property which is proposed to be rezoned must meet the minimum site requirements as defined in Title 19.08.070 for commercial and industrial districts. As the subject site will become two separate lots due to the required dedication of Shaumber Road, Side B of the proposed commercial development does not meet the minimum 100-foot lot width requirement, prompting a Variance (24-0167-VAR3). The applicant has instead requested an 80-foot lot width, which staff does not support as no justification for this request has been provided. As such, staff recommends denial of the requested Variance (24-0167-VAR3). If approved, it will be subject to conditions.

The requested Rezoning would create a situation commonly known as “spot zoning.” Spot zoning is defined by Title 19.18 as, “rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan.” The parcels surrounding the subject site are zoned C-V (Civic), R-CL (Single Family Compact-Lot), and R-TH (Single Family Attached). Amending the subject site could create a “spot” of C-1 (Limited Commercial) in an area strongly consisting of residential zoned properties surrounding the subject site. Rezoning the subject site would be contrary to the intent of the General Plan as the proposed building type is out of character with the surrounding area. For these reasons, staff is recommending denial of the requested Rezoning (24-0167-ZON1).

Petition to Vacate

The applicant is proposing to vacate Bureau of Land Management (BLM) Right-of-Way grants generally located. Staff recommends approval of the Petition to Vacate as all of the Title 19 zoning and NRS 278 and technical requirements have been met.

Special Use Permit – Car Wash, Full Service or Auto Detailing Use

The Car Wash, Full Service or Auto Detailing use is defined as, “An establishment that provides for the washing, cleaning, waxing or detailing of passenger vehicles, either by means of employees or by means of automated or semi-automated methods of cleaning, or by a combination thereof.” The Car Wash, Full Service or Auto Detailing use is a conditional land use in the C-1 (Limited Commercial) zoning district; when one or more of the Conditional Use Regulations cannot be met, a Special Use Permit is required to allow the proposed use

The Minimum Special Use Permit Requirements for this use include:

1. Each wash bay shall have a stacking lane that will accommodate at least 6 cars.

The proposed use meets this requirement, as the submitted site plan indicates the proposed Car Wash, Full Service or Auto Detailing use will have a dedicated stacking lane that will be able to accommodate at least six cars.

With the multiple Variances and Waivers associated with the overall development plan proposal, staff is unable to support the Special Use Permit and therefore recommends denial of this Special Use Permit (24-0167-SUP1). If approved, the Special Use Permit will be subject to conditions.

Special Use Permit – Drive-Through Use

The Drive-Through use is defined as, “The use of a dedicated drive lane that incidental to a principal use, provides access to a station such as a window, door or mechanical device, from which occupants of a motor vehicle receive or obtain a product or service.” The Drive-Through use is a conditional land use in the C-1 (Limited Commercial) zoning district. When one or more of the Conditional Use Regulations cannot be met, a Special Use Permit is required to allow the proposed use.

The Minimum Conditional Use Regulations for this use include:

1. A single-station drive-through shall have a stacking lane that will accommodate a minimum of six vehicles, including the vehicle at the station. A multiple-station drive-through shall have stacking lanes that will accommodate a minimum of three vehicles per station, including the vehicle at that station.

The proposed use meets this requirement, as the proposed single-station drive through will have a stacking lane that will accommodate at least six cars.

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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2. The drive-through shall be screened in accordance with LVMC 19.08.040(F).

The proposed drive-through use is adjacent to Ann Road and is buffered with a proposed 14-foot perimeter landscape buffer, which does not meet the screening requirements defined in LVMC 19.08.040(F). The applicant, as a result, has requested Special Use Permit (24-0167-SUP2) which staff does not support.

3. In the O (Office) and C-D (Designed Commercial) zoning districts, a drive-through shall be separated from any residentially zoned property by an intervening building and shall not have access to local residential streets.

The proposed drive-through use is not located in the O (Office) or C-D (Designed Commercial) zoning districts and therefore, this requirement is not applicable.

With the multiple Variances and Waivers associated with the overall development plan proposal, staff is unable to support the Special Use Permit and therefore recommends denial of this Special Use Permit (24-0167-SUP2). If approved, the Special Use Permit will be subject to conditions.

Special Use Permit – Alcohol, On-Premise Full use

The Alcohol, On-Premise Full is defined as, “An establishment licensed to sell alcoholic beverages, not limited to the sale of beer, wine and coolers, for consumption on the premises where the same are sold.

The Minimum Special Use Permit Requirements for this use include:

1. Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a distance separation between an Alcohol, On-Premise Full establishment and certain other uses that should be protected from the impacts associated with that establishment. Therefore, except as otherwise provided in these Requirements, no Alcohol, On-Premise Full establishment may be located within 400 feet of any of the following uses:
 - a. Church/House of Worship;
 - b. School;
 - c. Individual care center licensed for more than 12 children; or
 - d. City park.

The proposed Alcohol, On-Premise Full use meets this requirement, as there are no protected uses within 400 feet of the proposed use.

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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2. The distance separation requirement set forth in Requirement 1 does not apply to the following:
 - a. 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; or
 - b. Any Alcohol, On-Premise Full use located on property within the Pedestrian Mall, as defined in LVMC Chapter 11.68; the Downtown Entertainment Overlay District, as described in LVMC 19.10.120; or in the 18b Arts District, as described in Appendix F to this Title. The Special Use Permit approval may include conditions designed to mitigate any impacts related to distance separation.

The proposed use is not located in an establishment with a non-restricted gaming license in connection with a hotel having 200 or more guest rooms or within the Pedestrian Mall as defined in LVMC Chapter 11.68. Therefore, the distance separation requirement set forth in Requirement 1 still applies, which the proposed use meets.

With the multiple Variances and Waivers associated with the overall development plan proposal, staff is unable to support the Special Use Permit and therefore recommends denial of this Special Use Permit (24-0167-SUP3). If approved, the Special Use Permit will be subject to conditions.

Special Use Permit – Alcohol, Off-Premise Beer/Wine Use

The Alcohol, Off-Premise Beer/Wine use is defined as, “An establishment licensed to sell alcoholic beverages, limited to the sale of beer, wine and coolers, to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the business is conducted.

The Minimum Special Use Permit Requirements for this use include:

1. Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a minimum distance separation between an Alcohol, Off-Premise Beer/Wine establishment and certain other uses that should be protected from the impacts associated with that establishment. Therefore, except as otherwise provided in these Requirements, no Alcohol, Off-Premise Beer/Wine establishment may be located within 400 feet of any of the following uses:

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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- a. Church/House of Worship;
- b. School;
- c. Individual care center licensed for more than 12 children; or
- d. City park.

The proposed Alcohol, Off-Premise Beer/Wine use meets this requirement, as there are no protected uses within 400 feet of the proposed use.

2. The distance separation requirement set forth in Requirement 1 does not apply to:
 - a. 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; or
 - b. A proposed establishment having more than 50,000 square feet of retail gross floor area.

The proposed Alcohol, Off-Premise Beer/Wine use is not located in a resort hotel or within an establishment having more than 50,000 square feet of retail gross floor area. Therefore, requirement 1 still applies, which the proposed use meets.

3. The minimum distance separation requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived:
 - a. In accordance with the provision of LVMC 19.12.050(C) for any establishment which is proposed to be located on a parcel within the Downtown Las Vegas Overlay District, as described in LVMC 19.10.110;
 - b. In accordance with the provisions of LVMC 19.12.050(C) for any establishment between 15,000 square feet and 50,000 square feet of retail gross floor space, if no more than 10 percent of the retail gross floor space is regularly devoted to the display or merchandising of alcoholic beverages;
 - c. In accordance with the provision of LVMC 19.12.050(C) for any retail establishment having less than 15,000 square feet of retail gross floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right-of-way with a width of at least 100 feet; or

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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- d. In accordance with the applicable provisions of the “Town Center Development Standards Manual” for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan.

The proposed use is not located within the Downtown Las Vegas Overlay District, does not have a gross floor area between 15,000 square feet and 50,000 square feet, is not separated by a highway or right-of-way with a width of at least 100 feet, and is not zoned T-C (Town Center). Therefore, the distance separation requirements et forth in Requirement 1 still apply, which the proposed use meets.

4. Except as otherwise permitted pursuant to LVMC 6.50.050, the establishment shall not be located on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

This requirement cannot be waive. The proposed use is not located on or adjacent to the Pedestrian Mall. Therefore, this requirement is met.

With the multiple Variances and Waivers associated with the overall development plan proposal, staff is unable to support the Special Use Permit and therefore recommends denial of this Special Use Permit (24-0167-SUP4). If approved, the Special Use Permit will be subject to conditions.

Special Use Permit – Gaming Establishment, Restricted use (1 to 5 Machines)

The Gaming Establishment, Restricted use is defined as, “An establishment which is primarily used for some business other than gaming but in which restricted gaming is permitted pursuant to Title 6. For informational purposes, this description refers to an establishment whose gaming operations are limited to not more than 15 slot machines, and no other game or gaming device.

The Minimum Special Use Permit requirements for this use include:

1. Pursuant to its general authority to regulate gaming, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a minimum distance separation between a Gaming Establishment, Restricted use and certain other uses that should be protected from the impacts associated with that establishment, or that otherwise should be separated so as to minimize impacts on surrounding areas. Therefore, except as otherwise provided in these Requirements, the following distance separation requirements apply:

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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- a. For one to five gaming machines, no less than 400 feet to the nearest:
 - i. Church/house of Worship
 - ii. School;
 - iii. Individual care center licensed for more than 12 children;
 - iv. City Park

- *b. For six to fifteen gaming machines, no less than 1500 feet to the nearest:
 - i. Church/house of worship;
 - ii. School
 - iii. Individual care center licensed for more than 12 children; or
 - iv. City Park
 - v. Gaming Establishment, Restricted use with six to fifteen gaming machines; or
 - vi. Gaming Establishment, Non-restricted use

The proposed use consists of up to five gaming machines. Therefore, the Requirements set forth in Special Use Permit requirement 1b do not apply. The proposed use is not within 400 feet of the listed protected uses and therefore, meets this requirement.

- c. For one to fifteen gaming machines, and operating independently of Requirement 1.b. above, no less than 1500 feet to the nearest Gaming Establishment, Restricted use or Gaming Establishment, Non-restricted use located within the Resort & Casino District, as described in LVMC Title 19, Appendix F.

This requirement cannot be waived. Therefore, the proposed use has requested up to five machines only and is subject to the first subsection of this requirement. There are no protected uses within 400 feet of the proposed use and therefore meets this requirement.

- 2. The distance separation requirement set forth in Requirement 1.b. may be waived in accordance with the provisions of LVMC 19.12.050(C-) for the following:

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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- a. An establishment located on property within one or more of the following Special Area and Overlay Districts.
 - I. The Civic District, as described in LVMC 19.10.010;
 - II. The Market District or the Symphony Park District within the Downtown Las Vegas Overlay District, as described in LVMC Title 19, Appendix F; or
 - III. The Gaming Enterprise Overlay District, as described in LVMC 19.10.130, except for any portion of the Gaming Enterprise Overlay District that falls entirely within the Resort & Casino District, as described in LVMC Title 19, Appendix F.
- b. An establishment located within a Regional Mall, as defined by LVMC 19.18.020;
- c. An establishment located within a Mixed-Use development, as defined by LVMC 19.18.020;
- d. An establishment that will be separated from an existing protected use by a street or highway with a minimum right-of-way width of 100 feet; or
- e. An establishment that is located on a site, or within a building or structure, that is designated on the City of Las Vegas Historic Property Register.

The proposed use is not located within a Special Area, Overlay District, or property as specified by Requirement 2.a. through 2.e. and therefore, the distance separation requirements set forth in Requirement 1.b. still apply, which the proposed use meets.

*3. The use shall conform to, and is subject to, the provisions of LVMC Chapter 6.40.

This requirement cannot be waived. Therefore, if approved, the proposed use will conform to, and be subject to, the provisions of LVMC Chapter 6.40.

With the multiple Variances and Waivers associated with the overall development plan proposal, staff is unable to support the Special Use Permit and therefore recommends denial of this Special Use Permit (24-0167-SUP5). If approved, the Special Use Permit will be subject to conditions.

Special Use Permit – Gaming Establishment, Restricted use (6 to 15 Machines)

The Gaming Establishment, Restricted use is defined as, “An establishment which is primarily used for some business other than gaming but in which restricted gaming is permitted pursuant to Title 6. For informational purposes, this description refers to an establishment whose gaming operations are limited to not more than 15 slot machines, and no other game or gaming device.

The Minimum Special Use Permit requirements for this use include:

1. Pursuant to its general authority to regulate gaming, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a minimum distance separation between a Gaming Establishment, Restricted use and certain other uses that should be protected from the impacts associated with that establishment, or that otherwise should be separated so as to minimize impacts on surrounding areas. Therefore, except as otherwise provided in these Requirements, the following distance separation requirements apply:
 - a. For one to five gaming machines, no less than 400 feet to the nearest:
 - i. Church/house of Worship
 - ii. School;
 - iii. Individual care center licensed for more than 12 children;
 - iv. City Park
 - *b. For six to fifteen gaming machines, no less than 1500 feet to the nearest:
 - i. Church/house of worship;
 - ii. School
 - iii. Individual care center licensed for more than 12 children; or
 - iv. City Park
 - v. Gaming Establishment, Restricted use with six to fifteen gaming machines; or
 - vi. Gaming Establishment, Non-restricted use

Requirement 1b cannot be waived. The proposed use consists of up to 15 gaming machines and is not within 1500 of the listed protected uses. Therefore, this requirement is met.

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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- *c. For one to fifteen gaming machines, and operating independently of Requirement 1.b. above, no less than 1500 feet to the nearest Gaming Establishment, Restricted use or Gaming Establishment, Non-restricted use located within the Resort & Casino District, as described in LVMC Title 19, Appendix F.

This requirement cannot be waived. Therefore, the proposed use has requested up to 15 machines only and is not within the Resort & Casino District. Therefore, this requirement is not applicable.

- 2. The distance separation requirement set forth in Requirement 1.b. may be waived in accordance with the provisions of LVMC 19.12.050(C-) for the following:
 - a. An establishment located on property within one or more of the following Special Area and Overlay Districts.
 - I. The Civic District, as described in LVMC 19.10.010;
 - II. The Market District or the Symphony Park District within the Downtown Las Vegas Overlay District, as described in LVMC Title 19, Appendix F; or
 - III. The Gaming Enterprise Overlay District, as described in LVMC 19.10.130, except for any portion of the Gaming Enterprise Overlay District that falls entirely within the Resort & Casino District, as described in LVMC Title 19, Appendix F.
 - b. An establishment located within a Regional Mall, as defined by LVMC 19.18.020;
 - c. An establishment located within a Mixed-Use development, as defined by LVMC 19.18.020;
 - d. An establishment that will be separated from an existing protected use by a street or highway with a minimum right-of-way width of 100 feet; or
 - e. An establishment that is located on a site, or within a building or structure, that is designated on the City of Las Vegas Historic Property Register.

The proposed use is not located within a Special Area, Overlay District, or property as specified by Requirement 2.a. through 2.e. and therefore, the distance separation requirements set forth in Requirement 1.b. still apply, which the proposed use meets.

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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*3. The use shall conform to, and is subject to, the provisions of LVMC Chapter 6.40.

This requirement cannot be waived. Therefore, if approved, the proposed use will conform to, and be subject to, the provisions of LVMC Chapter 6.40.

With the multiple Variances and Waivers associated with the overall development plan proposal, staff is unable to support the Special Use Permit and therefore recommends denial of this Special Use Permit (24-0167-SUP6). If approved, the Special Use Permit will be subject to conditions.

Site Development Plan Review [Side A]

The overall development plan consists of two commercial developments that are bisected by the Shaumber Road alignment. Side A as depicted on the submitted plans consists of three proposed single-story commercial buildings that would house a restaurant with drive-through establishment, general retail establishment and bar/tavern establishment for a total of 12,200 square feet of gross floor area. Surrounding this side of the development is undeveloped land to the south and single-family dwellings to the west zoned R-CL (Single Family Compact-Lot).

Per Title 19.08, every building or land use established shall provide off-street parking and loading spaces in accordance with the minimum parking requirements set forth in LVMC 19.12.060. Based on the proposed uses for Side A of the commercial development, 110 parking spaces are required, where 110 are proposed. Additionally, as the proposed development exceeds 10,000 square feet of gross floor area, two loading spaces are required to be provided on-site.

This prompts a Variance (24-0167-VAR1) request. Per the submitted site plan, only one loading space is provided to accommodate the three commercial developments. By only providing one loading space, circulation issues may arise as delivery and service trucks may occupy required drive-aisles and parking spaces of the overall development, which is not allowed. As the subject site is undeveloped, no justification has been provided relating to the physical characteristics of the land to warrant this Variance request. As such, the hardship is self-imposed. As a result staff is recommending denial of the requested Variance (24-0167-VAR1). If approved it will be subject to conditions.

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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The submitted plans depict three commercial buildings that are each 20 feet tall that are decorated with stucco, metal siding, and stone veneer materials of neutral tones. Pursuant to Title 19.08.040, all property to be developed for nonresidential or multifamily residential use that is located adjacent to property which is zoned R-E, R-D, R-1, R-SL or R-CL unless such adjacent property is developed with a nonresidential use, shall conform to the residential adjacency standards. As the proposed commercial buildings are 20 feet tall, the 3:1 proximity slope requires these buildings to be set back at least 60 feet from the property line of the protected property. The proposed development places Building 1 and Building 2 at 36 feet and 15 feet from the protected property line respectively. This prompts the second Variance (24-0167-VAR2) request. Additionally, Title 19.08.070 stipulates that buildings shall be set back at least 20 feet. Building 1 has a 10-foot rear yard setback. Again, as the subject site is undeveloped, staff finds this hardship to be self-imposed and is also recommending denial of this Variance (24-0167-VAR2).

The submitted landscape plan requires a Waiver of the perimeter landscape buffer requirements. Pursuant to Title 19.08.070, landscape buffers adjacent to right-of-way are required to be increased to 15 feet. The proposed development, instead, has proposed to reduce the perimeter landscape buffer to zero feet along a portion adjacent to right-of-way and the south landscape buffer. An Exception is also required for a reduction in required perimeter landscape materials as 29 trees are proposed where 30 trees are required. The City of Las Vegas 2050 Master Plan has prioritized increasing tree canopy coverage across all areas of the city as one of the methods to reduce the urban heat island effect and corresponding extreme heat conditions. The applicant's request for relief from these minimum standards is an example of the applicant attempting to overdevelop the subject site, which detracts from the intent of the Master Plan. Therefore staff does not support these Waiver or Exception requests.

Site Development Plan Review [Side B]

The other portion of this commercial development is identified as Side B. This side of the development is adjacent to R-TH (Single Family Attached) zoned properties to the east, and undeveloped C-V (Civic) zoned land to the north and south of the property. Side B consists of one, one-story 5,550 square-foot commercial building that is proposed to operate as a general retail store with an incidental full-service car wash. Per Title 19.12, 23 parking spaces are required where 33 spaces are provided. Additionally, as the gross floor area of this development is less than 10,000 square feet, only one loading space is required where one is provided.

Similar to the proposed development on Side A, the submitted elevations for Side B depict a one-story, 20-foot tall commercial building. Proposed materials consist of stucco, metal siding, and stone veneer of neutral colors, which are consistent with Title 19.08 architectural design standards.

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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Waivers of the perimeter landscape buffer standards are also required for this side of the development. Pursuant to Title 19.08.070, landscape buffers shall be at least 15 feet when adjacent to right-of-way. As proposed, the applicant depicts a 14-foot buffer along a portion of the north landscape buffer adjacent to Ann Road, a zero to six-foot landscape buffer along a portion of the Shaumber Road frontage, and a zero-foot landscape buffer along a portion of the east interior property line. While parking lot landscaping is sufficiently provided throughout the site, the applicant's request for relief from these requirements is a demonstration of the applicant's attempt to overdevelop the subject property. As this request detracts from the intent of the City of Las Vegas 2050 Master Plan in relation to urban forestry.

The overall proposed development has a Neighborhood Center Mixed-Use land use designation. The City of Las Vegas 2050 Master Plan. Neighborhood Center Mixed-use may refer to either a catalytic redevelopment site or a new suburban site that is a neighborhood-serving town center. These places can be thought of as a "micro-TOD" given that they have many transit-oriented features: they are often transit-serving hubs or locations, have the features of a walkable main street, have mixed housing types, community supporting retail, but at a scale that is not as dense or intense as other types and compatible with surrounding neighborhoods. Further, the character of Neighborhood Center Mixed-use development should limit front yard parking with storefronts face the street frontages. This is supported by the goals and visions outlined for the La Madre Foothills neighborhood planning area, which identifies this area as a future neighborhood mixed-use opportunity. As proposed, both developments [Side A and Side B] are representative of auto-oriented site design, which will not be conducive to a safe and inviting pedestrian environment.

As the proposed development is contrary to the goals and policies identified in the City of Las Vegas 2050 Master Plan and necessitates multiple Variances, Waivers, and an Exception for parking lot landscaping, staff finds that the proposed development would not be harmonious or compatible with the surrounding area. Therefore, staff is recommending denial of the both Site Development Plan Review (24-0167-SDR1) and Site Development Plan Review (24-0167-SDR2). If approved, they will be subject to conditions.

FINDINGS (24-0167-ZON1)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

If approved, the proposed C-1 (Limited Commercial) zoning district would conform to the existing NMXU (Neighborhood Mixed-Use Center) land use designation.

2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

The subject site is surrounded by existing R-CL (Single Family Compact-Lot) development to the west and R-TH (Single Family Attached) zoned properties to the east, with the north and south sides of this development characterized by undeveloped land that is zoned C-V (Civic). Rezoning to C-1 (Limited Commercial) would not be compatible, as it would create a spot zone in a predominately residential area.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

Growth and development factors in the community do not indicate the need for or appropriateness of the rezoning.

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

Site access is provided by Ann Road, an 80-foot primary arterial, and Shaumber Road, which is designated as an 80-foot primary arterial as defined by the Master Plan of Streets and Highways.

FINDINGS (24-0167-VAR1) [Side A]

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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Additionally, Title 19.16.140(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a commercial development with an insufficient number of loading spaces. Providing an additional on-site loading space would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (24-0167-VAR2) [Side A]

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.16.140(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing commercial buildings within the required residential adjacency and C-1 (Limited Commercial) setbacks. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (24-0167-VAR3) [Side B]

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.16.140(L) states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to rezone a property that cannot meet minimum lot width standards. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (24-0167-SUP1) [Side B] – Car Wash, Full Service or Auto Detailing use

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.**

While the proposed Car Wash, Full Service or Auto Detailing use meets all minimum Special Use Permit requirements, the overall development plan necessitates multiple Variances, Waivers, and an Exception demonstrate the development's incompatibility with existing surrounding land uses, and with future surrounding land uses as 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 not physically suitable for the type and intensity of land use proposed as evidenced by the requested Variance (24-0167-VAR3) for relief from minimum lot width requirements.

- 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.**

Site access is provided by Ann Road, a 100-foot Primary Arterial and Shaumber Road, an 80-foot Collector Street as defined by the Master Plan of Streets and Highways. Both streets will be adequate in size 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.**

If approved the site will be subject to licensing and inspection, thus protecting the public, health, safety, and general welfare.

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

The proposed Car Wash, Full Service or Auto Detailing use meets all of the applicable conditions per Title 19.12.

FINDINGS (24-0167-SUP2) [Side B] – Drive-Through use

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.**

While the proposed Drive-Through use meets all minimum Special Use Permit requirements, the overall development plan necessitates multiple Variances, Waivers, and an Exception demonstrate the development's incompatibility with existing surrounding land uses, and with future surrounding land uses as 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 not physically suitable for the type and intensity of land use proposed as evidenced by the requested Variance (24-0167-VAR3) for relief from minimum lot width requirements.

- 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.**

Site access is provided by Ann Road, a 100-foot Primary Arterial and Shaumber Road, an 80-foot Collector Street as defined by the Master Plan of Streets and Highways. Both streets will be adequate in size 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.**

If approved the site will be subject to licensing and inspection, thus protecting the public, health, safety, and general welfare.

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

The proposed Drive-Through use meets all of the applicable conditions per Title 19.12.

FINDINGS (24-0167-SUP3) [Side A] – Alcohol, On-Premise Full use

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.**

While the proposed Alcohol, On-Premise Full use meets all minimum Special Use Permit requirements, the overall development plan necessitates multiple Variances, Waivers, and an Exception demonstrate the development's incompatibility with existing surrounding land uses, and with future surrounding land uses as 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 not physically suitable for the type and intensity of land use proposed as evidenced by the requested Variance (24-0167-VAR1 and VAR2) for relief from minimum loading and residential adjacency setback requirements.

- 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.**

Site access is provided by Ann Road, a 100-foot Primary Arterial and Shaumber Road, an 80-foot Collector Street as defined by the Master Plan of Streets and Highways. Both streets will be adequate in size 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.**

If approved the site will be subject to licensing and inspection, thus protecting the public, health, safety, and general welfare.

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

The proposed Drive-Through use meets all of the applicable conditions per Title 19.12.

FINDINGS (24-0167-SUP4) [Side B] – Alcohol, Off-Premise Beer/Wine use

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.**

While the proposed Alcohol, Off-Premise Beer/Wine use meets all minimum Special Use Permit requirements, the overall development plan necessitates multiple Variances, Waivers, and an Exception demonstrate the development's incompatibility with existing surrounding land uses, and with future surrounding land uses as 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 not physically suitable for the type and intensity of land use proposed as evidenced by the requested Variances (24-0167-VAR3) for relief from minimum lot width requirements and relief from minimum landscaping requirements.

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.**

Site access is provided by Ann Road, a 100-foot Primary Arterial and Shaumber Road, an 80-foot Collector Street as defined by the Master Plan of Streets and Highways. Both streets will be adequate in size 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.**

If approved the site will be subject to licensing and inspection, thus protecting the public, health, safety, and general welfare.

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

The proposed Alcohol, Off-Premise Beer/Wine use meets all of the applicable conditions per Title 19.12.

FINDINGS (24-0167-SUP5) [Side B] – Gaming Establishment, Restricted use [1 to 5 Machines]

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.**

While the proposed Gaming Establishment, Restricted use meets all minimum Special Use Permit requirements, the overall development plan necessitates multiple Variances, Waivers, and an Exception demonstrate the development's incompatibility with existing surrounding land uses, and with future surrounding land uses as 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 not physically suitable for the type and intensity of land use proposed as evidenced by the requested Variances (24-0167-VAR3) for relief from minimum lot width requirements and relief from minimum landscaping requirements.

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.**

Site access is provided by Ann Road, a 100-foot Primary Arterial and Shaumber Road, an 80-foot Collector Street as defined by the Master Plan of Streets and Highways. Both streets will be adequate in size 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.**

If approved the site will be subject to licensing and inspection, thus protecting the public, health, safety, and general welfare.

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

The proposed Gaming Establishment, Restricted use meets all of the applicable conditions per Title 19.12.

FINDINGS (24-0167-SUP6) [Side A] – Gaming Establishment, Restricted use [6 to 15 Machines]

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.

While the proposed Gaming Establishment, Restricted use meets all minimum Special Use Permit requirements, the overall development plan necessitates multiple Variances, Waivers, and an Exception demonstrate the development's incompatibility with existing surrounding land uses, and with future surrounding land uses as 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 not physically suitable for the type and intensity of land use proposed as evidenced by the requested Variances (24-0167-VAR1 and VAR2) for relief from minimum loading zone and residential adjacency setback requirements.

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.

Site access is provided by Ann Road, a 100-foot Primary Arterial and Shaumber Road, an 80-foot Collector Street as defined by the Master Plan of Streets and Highways. Both streets will be adequate in size 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.

If approved the site will be subject to licensing and inspection, thus protecting the public, health, safety, and general welfare.

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

The proposed Gaming Establishment, Restricted use meets all of the applicable conditions per Title 19.12.

FINDINGS (24-0167-SDR1)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

1. The proposed development is compatible with adjacent development and development in the area;

The proposed development is not compatible with adjacent development and with development in the area. This is evidenced by the requested Variances (24-0167-VAR1 and VAR2) for loading zones and residential adjacency setbacks and associated Waivers and an Exception for a reduction in landscape materials.

2. The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;

The proposed development detracts from the intent of the City of Las Vegas 2050 Master Plan and is therefore not consistent with the General Plan, this Title, and other duly adopted city plans, policies and standards.

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

Site access is provided by Ann Road, a 100-foot Primary Arterial and Shaumber Road, an 80-foot Collector Street as defined by the Master Plan of Streets and Highways. Internal site access and circulation will not negatively impact adjacent roadways or neighborhood traffic.

4. Building and landscape materials are appropriate for the area and for the City;

Building materials are appropriate for the area and for the city. Proposed landscaping is drought-tolerant and is compatible with other landscaping in this area and the city.

- 5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

Proposed building elevations consist of stucco, metal siding, and stone veneer of neutral colors. These materials and design characteristics are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area.

- 6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

Development will be subject to building permit review and periodic inspections, thereby securing and protecting the public health, safety and general welfare.

FINDINGS (24-0167-SDR2)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with adjacent development and with development in the area. This is evidenced by the requested Variances (24-0167-VAR3) for minimum lot width requirements and associated Waivers and an Exception for a reduction in landscape materials.

- 2. The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;**

The proposed development detracts from the intent of the City of Las Vegas 2050 Master Plan and is therefore not consistent with the General Plan, this Title, and other duly adopted city plans, policies and standards.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Site access is provided by Ann Road, a 100-foot Primary Arterial and Shaumber Road, an 80-foot Collector Street as defined by the Master Plan of Streets and Highways. Internal site access and circulation will not negatively impact adjacent roadways or neighborhood traffic.

4. Building and landscape materials are appropriate for the area and for the City;

Building materials are appropriate for the area and for the city. Proposed landscaping is drought-tolerant and is compatible with other landscaping in this area and the city.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

Proposed building elevations consist of stucco, metal siding, and stone veneer of neutral colors. These materials and design characteristics are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

Development will be subject to building permit review and periodic inspections, thereby securing and protecting the public health, safety and general welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
05/16/07	The City Council approved a Petition to Annex (ANX-10156) for properties generally located west of Clark County 215 and east of the Puli Road Alignment.
01/25/08	The Planning Commission accepted the applicant's request to Withdraw without prejudice a Site Development Plan Review (SDR-25627) for a proposed public facility campus on 131.7 acres at the southwest corner of Ann Road and the 215 Beltway.
08/20/08	The City Council approved a Rezoning (25626-ZON) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to: C-V (Civic) on 131.7 acres at the southwest corner of Ann Road and the 215 Beltway.
05/19/21	The City Council approved a General Plan Amendment (21-0029-GPA1) to adopt the City of Las Vegas 2050 Master Plan and amend the City of Las Vegas General Plan from various categories to TOD-1 (Transit Oriented Development-1), TOD-2 (Transit Oriented Development -2), TOC-2 (Transit Oriented Corridor -2), or NMXU (Neighborhood Center Mixed Use) within the City of Las Vegas.

24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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Most Recent Change of Ownership	
01/01/1899	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
11/16/15	A Building Permit (L-62135) was issued for the Realignment and reconstruction of Shaumber Road between Washburn Road and Centennial due to construction of the 215 beltway.

Pre-Application Meeting	
02/01/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Rezoning, Variance, Special Use Permit, and Site Development Plan Review.
03/06/24	A follow-up pre-application meeting was held with the applicant to discuss the Shaumber Road alignment.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
04/02/24	A routine field check was conducted by staff and observed an undeveloped parcel. Nothing of concern was noted.

Details of Application Request	
Site Area	
Gross Acres	56.07
Net Acres	5.00

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	NXM-U (Neighborhood Center Mixed Use Center)	C-V (Civic)
North	Undeveloped	NXM-U (Neighborhood Center Mixed Use Center)	C-V (Civic)

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
South	Undeveloped	NXM-U (Neighborhood Center Mixed Use Center)	C-V (Civic)
East	Residential, Single Family, Detached	NXM-U (Neighborhood Center Mixed Use Center)	R-TH (Single Family Attached)
West	Residential, Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: La Madre Foothills	N
Special Area and Overlay Districts	Compliance
No Applicable Special Area or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area (Area 1/2)	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply for Building 1 (24-0167-SDR1)

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	91,765 SF	N/A
Min. Lot Width	100 Feet	158 Feet	Y
Min. Setbacks			
• Front	10 Feet	528 Feet	Y
• Side	10 Feet	147 Feet	Y
• Corner	10 Feet	19 Feet	Y
• Rear	20 Feet	10 Feet	N*
Max. Lot Coverage	N/A	10%	N/A
Max. Building Height	N/A	20 Feet	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	By Condition	Y

*A Variance (24-0167-VAR2) is requested to allow a 10-foot rear yard setback where 20 feet is required for Building 1. [Side A]

CG

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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Pursuant to Title 19.08, the following standards apply for Building 2 (24-0167-SDR1)

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	91,765 SF	N/A
Min. Lot Width	100 Feet	158 Feet	Y
Min. Setbacks			
• Front	10 Feet	39 Feet	Y
• Side	60 Feet	15 Feet	N*
• Corner	10 Feet	135 Feet	Y
• Rear	20 Feet	73 Feet	Y
Max. Lot Coverage	N/A	10%	N/A
Max. Building Height	N/A	20 Feet	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	By Condition	Y

*A Variance (24-0167-VAR2) is requested to allow a 15-foot residential adjacency setback where 60 feet is required for Building 2. [Side A]

Pursuant to Title 19.08, the following standards apply for Building 3 (24-0167-SDR1)

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks			
• Front	10 Feet	258 Feet	Y
• Side	60 Feet	36 Feet	N*
• Corner	10 Feet	82 Feet	Y
• Rear	20 Feet	251 Feet	Y
Max. Lot Coverage	N/A	14%	N/A
Max. Building Height	N/A	20 Feet	N/A

*A Variance (24-0167-VAR2) is requested to allow a 36-foot residential adjacency setback where 60 feet is required for Building 3. [Side A]

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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Pursuant to Title 19.08, the following standards apply for Building 4 (24-0167-SDR2)

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	91,765 SF	N/A
Min. Lot Width	100 Feet	80 Feet	N*
Min. Setbacks			
• Front	10 Feet	39 Feet	Y
• Side	10 Feet	58 Feet	Y
• Corner	10 Feet	15 Feet	Y
• Rear	20 Feet	467 Feet	Y
Max. Lot Coverage	N/A	14%	N/A
Max. Building Height	N/A	20 Feet	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	By Condition	Y

*A Variance (24-0167-VAR3) is requested to allow an 80-foot lot width where 100 feet is required. [Side B]

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope [Building 2]	60 Feet	15 Feet	N*
3:1 proximity slope [Building 3]	60 Feet	29 Feet	N*
Trash Enclosure	50 Feet	57 Feet	Y

*A Variance (24-0167-VAR2) is requested to allow a 15-foot residential adjacency setback where 60 feet is required for Building 2 and to allow a 29-foot residential adjacency setback where 60 feet is required for Building 3. [Side A]

Existing Zoning	Permitted Density	Units Allowed
C-V (Civic)	N/A	N/A
Proposed Zoning	Permitted Density	Units Allowed
C-1 (Limited Commercial)	N/A	N/A

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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Pursuant to Title 19.08, the following standards apply (24-0167-SDR1):

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	2 Trees	2 Trees	Y
• South	1 Tree / 20 Linear Feet	14 Trees	17 Trees	Y
• East	1 Tree / 20 Linear Feet	33 Trees	39 Trees	Y
• West	1 Tree / 20 Linear Feet	30 Trees	29 Trees	N*
TOTAL PERIMETER TREES		79 Trees	90 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	43 Trees	29 Trees	N**
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	15 Feet		22 Feet	Y
• South	8 Feet		0 Feet	N*
• East	15 Feet		0 Feet	N*
• West	8 Feet		8 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		8 Feet	Y

*An Exception is requested for a reduction in perimeter landscape trees.

**A Waiver is requested to allow a zero-foot perimeter landscape buffer along a portion of the south landscape buffer where eight feet is required.

**A Waiver is requested to allow a zero-foot perimeter landscape buffer along a portion of the east landscape buffer where 15 feet is required.

Pursuant to Title 19.08, the following standards apply (24-0167-SDR2):

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	8 Trees	13 Trees	Y
• East	1 Tree / 20 Linear Feet	28 Trees	26 Trees	N*
• West	1 Tree / 20 Linear Feet	27 Trees	34 Trees	Y
TOTAL PERIMETER TREES		63 Trees	73 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	10 Trees	10 Trees	Y

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	15 Feet		14 Feet	N**
• East	8 Feet		6 Feet	N**
• West	15 Feet		0 Feet	N**
Wall Height	6 to 8 Feet Adjacent to Residential		8 Feet	Y

*An Exception is requested for a reduction in perimeter landscape trees.

**A Waiver is requested to allow a 14-foot perimeter landscape buffer along a portion of the north landscape buffer where 15 feet is required.

**A Waiver is requested to allow a six-foot perimeter landscape buffer along a portion of the east landscape buffer where eight feet is required.

**A Waiver is requested to allow a zero-foot perimeter landscape buffer along a portion of the west landscape buffer where 15 feet is required.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Shaumber Road	Collector Street	Master Plan of Streets and Highways Map	80 Feet	Y
Ann Road	Primary Arterial	Master Plan of Streets and Highways Map	100 Feet	Y

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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Pursuant to Title 19.08 and 19.12, the following parking standards apply (24-0167-SDR1):

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required Parking Ratio	Required Parking		Provided Parking		Compliance
			Regular	Handi-capped	Regular	Handi-capped	
			Restaurant	2,100 SF	1 space / 50 SF seating and waiting area 1 space / 200 SF remaining GFA	14 7	
General Retail Store, Other than Listed	5,600 SF	1 space / 175 SF	32				
Alcohol, On-Premise Full	4,500 SF	1 space / 50 SF seating and waiting area 1 space / 200 SF remaining GFA	46 11				
TOTAL SPACES REQUIRED			110		110		Y
Regular and Handicap Spaces Required			105	5	105	5	Y
Loading Spaces	10,000 to 29,999 SF	2	2		1		N*
Percent Deviation (for VAR only)			50%				

*A Variance (24-0167-VAR1) is requested to allow one loading space where two are required.

**24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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Pursuant to Title 19.08 and 19.12, the following parking standards apply (24-0167-SDR2):

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required Parking Ratio	Required Parking		Provided Parking		Compliance
			Regular	Handi-capped	Regular	Handi-capped	
			General Retail Store, Other than Listed	4,000 SF	1 space /175 SF		
TOTAL SPACES REQUIRED			23		33		Y
Regular and Handicap Spaces Required			22	1	32	1	Y
Loading Spaces	Less than 10,000 SF	1 loading space	1		1		Y

Waivers		
Requirement	Request	Staff Recommendation
Provide an eight-foot interior landscape buffer on the south landscape buffer.	To allow a zero-foot perimeter landscape buffer along a portion of the south landscape buffer.	Denial.
Provide an eight-foot perimeter landscape buffer on the east landscape buffer.	To allow a zero-foot perimeter landscape buffer along a portion of the east landscape buffer.	Denial
Provide a 15-foot perimeter landscape buffer on the north landscape buffer.	To allow a 14-foot perimeter landscape buffer along a portion of the north landscape buffer.	Denial
Provide an eight-foot perimeter landscape buffer on the east landscape buffer.	To allow a six-foot perimeter landscape buffer along a portion of the east landscape buffer.	Denial
Provide a 15-foot perimeter landscape buffer on the west landscape buffer	To allow a zero-foot perimeter landscape buffer along a portion of the west landscape buffer.	Denial

24-0167 [ZON1, VAR1, VAR2, VAR3, SUP1 - SUP6, VAC1, SDR1, AND SDR2]
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Exceptions		
Requirement	Request	Staff Recommendation
Provide 28 perimeter landscape buffer trees along east landscape buffer.	Provide 26 perimeter landscape buffer trees along east landscape buffer.	Denial
Provide 30 perimeter landscape buffer trees.	Provide 29 perimeter landscape buffer trees.	Denial