



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: DECEMBER 12, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: TERRIBLE HERBST, INC - OWNER: SPARKS CC, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0478-VAR1	Staff recommends DENIAL, if approved subject to conditions::	
23-0478-SDR1	Staff recommends DENIAL, if approved subject to conditions::	23-0478-VAR1

**** NOTIFICATION****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

NOTICES MAILED 267

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0478-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a six-foot perimeter landscape buffer where 15 feet is required.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0310-SDR1 CONDITIONS

Planning

1. Approval and conformance to the condition of approval of Variance (23-0478-VAR1) shall be required, if approved.
2. Conformance to the Conditions of Approval for Site Development Plan Review (Z-0073-85) shall be required, except as amended herein.

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3. All development shall be in conformance with the site plan, landscape plan 11/14/2023 and building elevations date stamped 10/20/2023.
4. A Waiver from Title 19.08.070 is hereby approved, to allow a six-foot perimeter landscape buffer along the north interior lot line where eight feet is required.
5. 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.
6. 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.
7. 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.
8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
9. 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.
10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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11. In accordance with Section 2.2 of the City's Vision Zero Action Plan, the sidewalk adjacent to this site shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with development of this site. Grant any Pedestrian Access Easement needed to complete this requirement.
12. Landscape and maintain all unimproved right-of-way adjacent to this site. 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.
13. Comply with the approved Traffic Impact Analysis (TIA-76202).
14. Obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for any work or other private improvements in the Bonanza Road public right-of-way adjacent to this site prior to constructing any improvements within NDOT jurisdiction.

Fire Prevention

15. Fire apparatus access roads shall have a minimum width of not less than 24 feet .Turning radius shall be 28 feet inside turning radius and 52 feet outside turning radius.
16. Applicant shall obtain fire permits for fuel storage and dispensing operations.
17. Access to all Fire Department Connections, hydrants, ingress to buildings shall be in accordance with IFC 504.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to add six fuel pumps and canopy to an existing commercial development on 1.55 acres at 1500 West Bonanza Road (APN 139-28-304-009 and -010).

ISSUES

- This is a Major Amendment to a previously approved Site Development Plan Review (Z-0073-85). Staff recommends denial of the request.
- The proposed addition will add six fuel pumps and canopy to the subject site. All the existing perimeter landscaping shall remain as previously approved pursuant to Site Development Plan Review (Z-0073-85).
- Per previously approved Site Development Plan Review (Z-0073-85), Condition #2 state, "The landscape plan shall be revised to depict a minimum 15-foot planter along Sunny Place and provide the minimum number and size of required trees and other plantings within the planter, unless a Variance is approved to reduce the minimum requirements, prior to the issuance of any permits for this site as required by the Planning and Development Department". The applicant is requesting a Variance for a six-foot perimeter landscape buffer where 15 feet is required along the undeveloped portion of the west property line. Staff recommends denial of the request.
- A Waiver from Title 19.08.070 is requested to allow six feet perimeter landscape buffer on the north interior lot lines where eight feet is required
- The thoroughfare formerly known as "Sunny Place" has been officially renamed to "Harvey Munford Street." As of 10/19/22.
- A mapping action is required to consolidate the two subject parcels into one parcel.

ANALYSIS

The subject site is within the Rancho area of the 2050 City of Las Vegas Master Plan. The subject site is zoned C-1 (Limited Commercial). The C-1 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.

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Per the submitted Justification Letter, the proposed addition will be approximately six fuel pumps and canopy. There is an existing convenience store, car wash and gasoline station on the subject site. Per the submitted plans, the new proposed fuel pumps and canopy will have no impact to the existing landscaping or parking. The proposed site for the new six fuel pumps and 3,990-square-foot canopy replaces a retail building previously approved through a Site Development Plan Review (Z-0073-85). With the decision to eliminate the general retail store from the plan, it is imperative to acknowledge that this adjustment will lead to a decrease in the total number of on-site parking spaces that are required. The new fuel canopy location complies with all setback requirements and has no impact on required parking.

In accordance with the previously sanctioned Site Development Plan Review (Z-0073-85), condition #2 stipulates, "The landscape plan shall be revised to depict a minimum 15-foot planter along Sunny Place and provide the minimum number and size of required trees and other plantings within the planter, unless a Variance is approved to reduce the minimum requirements, prior to the issuance of any permits for this site as required by the Planning and Development Department." As detailed in the Justification Letter, this request is prompted by site constraints at the existing car wash entry and island accommodating associated equipment, compounded by the turning radius and safety considerations for tanker trucks delivering on-site. Therefore, the applicant is seeking a Variance to allow a six-foot perimeter landscape buffer where 15 feet is mandated along the undeveloped portion of Harvey Munford Street. Simultaneously, an 8-foot landscape buffer on the northern boundary of the parcel is obligatory, with an existing block wall at this boundary housing a two-foot wide, improved public drainage easement. The applicant is requesting a waiver to reduce the required landscaping area to six' along the north boundary. The full width of this buffer will be eight' and includes the drainage easement.

The proposed building exterior entails stucco over stone veneer with a color and texture harmonizing with the existing fuel pumps and canopy. Consequently, the proposed addition will seamlessly integrate with the surrounding structures in terms of its aesthetic.

No substantiating evidence has been presented regarding unique or extraordinary circumstances related to the physical characteristics of the property that would justify the requested Variance. Consequently, the hardship is deemed self-imposed, leading staff to recommend the denial of this request. If, contrary to the recommendation, approval is granted, it should be subject to conditions. As a result, the proposed fuel pumps and canopy fail to adhere to all Title 19 development standards and previously approved condition, due to incompliance of the code, staff recommends the denial of the requested Site Development Plan Review (23-0478-SDR1) with waiver. If approved, it should also be subject to specific conditions.

Staff Report Page Three**December 12, 2023 - Planning Commission Meeting****FINDINGS (23-0478-VAR1)**

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 a six-foot perimeter landscape buffer where 15 feet is required and to add six fuel pumps and canopy to an existing commercial development that fails to adhere to minimum Title 19 requirements and previously approved condition. 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 – SITE DEVELOPMENT PLAN REVIEW (23-0478-SDR1)

In order to approve a Site Development Plan application, per Title 19.16.100(E) the following shall be affirmed:

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

The proposed development is incompatible with adjacent development and development in the area as the proposed addition fails to adhere to minimum Title 19 requirements and previously approved condition.

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

The proposed development fails to adhere to minimum Title 19 requirements and previously approved condition in a C-1 (Limited Commercial) zone.

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

The site is accessed by Bonanza Road and Martin L. King Boulevard; both are 100-foot Primary Arterial, as designated by the Master Plan of Streets and Highways and are adequate for the proposed development.

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

There will be no changes to the existing building and landscape; the proposed building materials are appropriate for the area and for the City. The modern building materials and desert landscaping are appropriate for the location.

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;**

The proposed building addition is not unsightly or obnoxious in appearance, and creates an orderly and aesthetically pleasing environment that is compatible with development in the area.

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

The proposed commercial development will be subject to inspections in order to protect the public health, safety and general welfare by City staff.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
08/24/00	The City Council approved a request a Variance (V-0057-00) to allow a 100 foot high flag pole where 40 feet is the maximum height allowed on 0.80 acres located at 1500 west bonanza Road. Planning Commission recommended denial, staff recommended approval,
09/28/00	The City Council approved a request a Variance (V-0067-00) to allow a five foot corner side yard setback where fifteen feet is the minimum corner side yard setback allowed for a proposed full-service carwash at 1500 West Bonanza Road.
10/04/00	The City Council approved a Site Development Plan review (Z-0073-85) to add 10,075 square feet of commercial development with a waiver of the 15 foot landscape planters along major street frontages on 1.75 acres at the northwest corner of Martin L King Boulevard and Bonanza Road. Planning Commission and staff recommended approval.
10/04/00	The City Council approved for Rezoning (Z-0066-00) from: R-E (Residence Estates) to: C-1 (Limited Commercial) of 0.95 acres at 622 Sunny Place. Planning Commission recommended approval.
10/04/00	The City Council approved a Special Use Permit (U-0130-00) for a proposed full-service carwash at 1500 West Bonanza Road. Planning Commission recommended approval.
09/28/00	The City Council approved a Special Use Permit (U-0131-00) for a proposed 1,000 gallon liquid petroleum gasoline tank (propane) at 1500 West Bonanza Road. Planning Commission recommended approval.
05/17/06	The City Council approved a request to change the Future Land Use (GPA-9219) designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. Staff recommended approval.
06/02/21	The City Council approved a request to adopt the city of Las Vegas 2050 Master Plan and amend the City of Las Vegas General Plan (21-0029-GPA-1) from: various categories to: TOD-1 (Transit Oriented Development-1), TOD-2 (Transit Oriented Development-2), TOC-1 (Transit Oriented Corridor-1), Toc-2 (Transit Oriented Corridor-2), Or NMxu (Neighborhood Center Mixed Use) within the City Of Las Vegas (multiple APNs), All Wards. Planning Commission and staff recommended approval.
10/19/22	The City Council approved a request to of Street Name Change (22-0437-SNC1) from: Sunny Place to: Harvey Munford Street. Staff recommended approval.

Related Building Permits/Business Licenses	
10/12/01	A License Agreement (A-20716) to allow parking spaces adjoining the north side of Bonanza Road beginning approximately 140' west of the Martin Luther King Boulevard centerline and ending approximately 220' west of the Martin L King Boulevard centerline. This License Agreement is completed.
10/17/01	A License Agreement (A-20714) was issued for an approximate 16' wide strip of landscaping on the north side of Bonanza Road extending approximately 141' between Martin Luther King Boulevard and Sunny Place, an approximate 8' wide strip of landscaping on the west side of Martin Luther King Boulevard extending northward from Bonanza Road for approximately 291' and an approximate 3.5' wide strip of landscaping on the east side of Sunny Place extending northward from Bonanza Road for approximately 320'. Each encroachment will consist of 24" landscape rocks, 10' palm trees, sod, red crushed landscape rock, and an irrigation system to satisfy conditions of Z-0066-00, VAC-0038-00, U-0130-00, U-0131-00, and Z-0073-85(1).

Pre-Application Meeting	
09/06/23	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Site Development Plan Review.

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

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Bonanza Road	Primary Arterial	Planned Streets and Highways Map	100	Y
Martin L. King Boulevard	Primary Arterial	Planned Streets and Highways Map	100	Y

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.55

<i>Field Check</i>	
11/15/23	Staff conducted a routine field check; nothing was noted of concern.

<i>Most Recent Change of Ownership</i>	
12/30/10	A deed was recorded for a change in ownership.

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	General Retail Store, Other Than Listed	TOD-2 (Transit Oriented Development – Low)	C-1 (Limited Commercial)
	Car Wash, Full Service or Auto Detailing		
North	Residential, Single Family, Detached	TOD-2 (Transit Oriented Development – Low)	R-E (Residential Estates)
South	Storage Yard	TOD-2 (Transit Oriented Development – Low)	C-M (Commercial/Industrial)
East	General Retail Store, Other Than Listed	FBC (Form-Based Code)	T5-M (T5 Maker)
	Alcohol, Off-Premise Beer/Wine		
West	Vacant	C (Commercial)	R-E (Residential Estates)

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Master and Neighborhood Plan Areas	Compliance
2050 Master Plan Area - West Las Vegas Plan	Y
West Las Vegas Plan	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (140 Feet)	Y
Other Plans or Special Requirements	Compliance
Trails (Share Use Trail)	N/A
Las Vegas Redevelopment Plan Area 1	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 19.08.070, the following standards apply:*

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	200 Feet	Y
Min. Setbacks (New Fuel Canopy)			
• Front	10 Feet	42 Feet	Y
• Side	10 Feet	80 Feet	Y
• Rear	20 Feet	56 Feet	Y

Pursuant to the approved [Z-0073-85] and Title 19 requirements, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required Parking		Provided Parking		Compliance
			<i>Regular</i>	<i>Handi-capped</i>	<i>Regular</i>	<i>Handi-capped</i>	
General Retail, Other Than Listed	3,236 SF	1 Per 175 SF	19				
TOTAL SPACES REQUIRED			19		23		Y
Regular and Handicap Spaces Required			18	1	23	1	Y

Pursuant to the approved Site Development Plan Review [Z-0073-85] and Title 19 requirements, the following Landscaping and Open Space Standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	10 Trees	10 Trees	Y
• West	1 Tree / 20 Linear Feet	7 Trees	7 Trees	Y
TOTAL PERIMETER TREES		17 Trees	17 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	4 Trees	4 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		6 Feet	N*
• West	15 Feet		6 Feet	N*

*Per previously approved Site Development Plan Review (Z-0073-85), Condition #2 state, "The landscape plan shall be revised to depict a minimum 15-foot planter along Sunny Place and provide the minimum number and size of required trees and other plantings within the planter, unless a Variance is approved to reduce the minimum requirements, prior to the issuance of any permits for this site as required by the Planning and Development Department". The applicant is proposing Variance for a six-foot perimeter landscape buffer where 15 feet is required. A Waiver from Title 19.08.070 is hereby approved, to allow six feet perimeter landscape buffer on the north interior lot lines where eight feet is required

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
Minimal Landscape Buffer for Interior Lot Lines is 8 Feet	To allow a 6 Foot Landscape Buffer on the north interior lot lines	Denial