

*City of Las Vegas***AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: NOVEMBER 18, 2020

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: RF 21,5 LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
20-0139-SUP1	Staff recommends APPROVAL, subject to conditions:	
20-0139-SUP2	Staff recommends APPROVAL, subject to conditions:	20-0139-SUP1
20-0139-SUP3	Staff recommends APPROVAL, subject to conditions:	20-0139-SUP1 20-0139-SUP2
20-0139-SDR1	Staff recommends APPROVAL, subject to conditions:	20-0139-SUP1 20-0139-SUP2 20-0139-SUP3

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 24**NOTICES MAILED** 480 (By City Clerk)**PROTESTS** 4**APPROVALS** 1

**** CONDITIONS ****

20-0139-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under the Town Center Development Standards Manual for a Liquor Establishment (Tavern) use.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (20-0139-SUP2), Special Use Permit (20-0139-SUP3), and Site Development Plan Review (20-0139-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. A Waiver from the Town Center Development Standards Manual is hereby approved, to allow the Liquor Establishment (Tavern) use to be located on a 1.12-acre parcel within the Service Commercial Land Use District where the minimum parcel size is 50 acres.
5. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
6. 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.
7. Approval of this Special Use Permit does not constitute approval of a liquor license.
8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

20-0139-SUP2 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under the Town Center Development Standards Manual for a Restaurant with Alcohol use.
2. Approval and conformance to the Conditions of Approval for Special Use Permit (20-0139-SUP1), Special Use Permit (20-0139-SUP3), and Site Development Plan Review (20-0139-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 Department of Building and Safety.
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. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

20-0139-SUP3 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under the Town Center Development Standards Manual for a Gaming Establishment, Restricted License.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (20-0139-SUP1), Special Use Permit (20-0139-SUP2), and Site Development Plan Review (20-0139-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. A Waiver from the Town Center Development Standards Manual is hereby approved, to allow a 31-foot distance separation from a single-family, detached dwelling where 330 feet is required.
5. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
6. 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.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

20-0139-SDR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (20-0139-SUP1), Special Use Permit (20-0139-SUP2), and Special Use Permit (20-0139-SUP3) 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, landscape plan, and building elevations, date stamped 08/21/20, except as amended by conditions herein.
4. A Waiver from the Town Center Development Standards Manual is hereby approved, to allow a 10-foot front yard setback where 15 is required.
5. A Waiver from the Town Center Development Standards Manual is hereby approved, to allow a six-foot side yard setback where 10 feet is required.
6. A Waiver from the Title 19.08 is hereby approved, to allow a zero-foot-wide landscape buffer adjacent to the eastern property line.
7. A Waiver from the Title 19.08 is hereby approved, to allow a zero-foot-wide landscape buffer adjacent to the southern property line.
8. An Exception from Title 19.08 is hereby approved, to allow eight trees where 10 are required within the western perimeter landscape buffer.
9. An Exception from the Title 19.08 is hereby approved, to allow 10 trees where 12 are required within the northern perimeter landscape buffer.
10. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
11. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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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 the visibility of any traffic control device. The technical landscape plan shall include the following changes from the conceptual landscape plan:
 - All Modesto Ash trees located within perimeter landscape buffers shall be replaced by one of the following: Washingtonia Robusta Hybrid (Mexican Fan Palm), Fraxinus Velutina Rio Grande (Rio Grande Ash), Chitalpa Tashkentensis (Chitalpa), or Robinia Ambigua "Purple Robe" (Purple Robe Locust).
 - Provide trees, 36" box in size, adjacent to Kevin Way.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants, and water supply, shall be installed and shall be functioning prior to the construction of any combustible structures.
14. A Comprehensive Construction Staging Plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
15. Prior to the submittal of a building permit application, the applicant shall meet with Department of Planning 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.
16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

17. Concurrent with on-site development, the applicant shall post no parking signs on Kevin Way as approved by the City Traffic Engineer.
18. Concurrent with development, construct all incomplete half street improvements on Kevin Way. If needed, dedicate appropriate right-of-way to accommodate construction of the public street cul-de-sac to meet current City standards.

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19. Extend public sewer in Kevin Way and connect to the line at a location acceptable to the Sanitary Sewer Section of the Department of Public Works. Alternatively, this site may connect to the adjacent private sewer to the east as long as both parcels are combined with an appropriate mapping action, such as a commercial subdivision.
20. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
21. 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.
22. Submit a License Agreement for landscaping and private improvements in the Kevin Way public right-of-way, if any, prior to the issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the License Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property within the public right-of-way at the applicant's expense pursuant to the terms of the City's License Agreement. The installation and maintenance of all private improvements in the public right of way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the License Agreement. Coordinate all requirements for the License Agreement with the Land Development Section of the Department of Building and Safety (229-4836).
23. Contact the City Engineer's Office at 702-229-6272 to coordinate the development of this project with the Centennial Parkway Roadway Improvement project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer
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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to develop an 11,945 square-foot commercial building on 1.12 acres on the east side of Kevin Way approximately 550 feet north of Centennial Parkway.

ISSUES

- A Special Use Permit (20-0139-SUP1) is requested to allow a 4,880 square-foot Liquor Establishment (Tavern) with a 1,700 square-foot outdoor seating area.
- A Special Use Permit (20-0139-SUP2) is requested to allow a 3,625 square-foot Restaurant with Alcohol with a 1,690 square-foot outdoor seating area.
- A Special Use Permit (20-0139-SUP3) is requested to allow a Gaming Establishment, Restricted License within a 4,880 square-foot Liquor Establishment (Tavern).
- A Waiver from the Town Center Development Standards Manual is requested to allow a Liquor Establishment (Tavern) use on a 1.12-acre parcel within the Service Commercial Land Use District where the minimum parcel size is 50 acres. Staff supports this request.
- A Waiver from the Town Center Development Standards Manual is requested to allow a 10-foot front yard setback where 15 feet is required. Staff supports this request.
- A Waiver from the Town Center Development Standards Manual is requested to allow a six-foot side yard setback where 10 feet is required. Staff supports this request.
- A Waiver from Title 19.08 is requested to allow a 10-foot-wide landscape buffer adjacent to a portion of the western property lines where eight feet is required. Staff supports this request.
- A Waiver from Title 19.08 is requested to allow a zero-foot-wide landscape buffer adjacent to the southern and eastern property line where eight feet is required. Staff supports this request.
- An Exception from Title 19.08 is requested to allow eight trees where 10 are required within the western perimeter landscape buffer adjacent to the right-of-way. Staff supports this request.
- An Exception from Title 19.08 is requested to allow 10 trees where 12 are required within the northern perimeter landscape buffer adjacent to the freeway. Staff supports this request.

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ANALYSIS

The subject site is located in Town Center and subject to the development standards listed in the Town Center Development Standards Manual. The subject site is zoned as T-C (Town Center) with a SC-TC (Service Commercial-Town Center) Special Land Use Designation. The applicant is proposing to develop an 11,945 square-foot commercial building on 1.12 acres on the east side of Kevin Way approximately 550 feet north of Centennial Parkway.

In a justification letter date stamped on 08/21/20, the applicant intends to form a commercial subdivision with the property east of the site through a Tentative Map at a later time. For the time being, the applicant has provided a shared parking agreement between the two sites. As a result, the combined square-footage of both commercial sites will exceed 25,000 square feet forming a Shopping Center. The parking requirement for a Shopping Center is one space for every 250 square feet of gross floor area.

The floor plan date stamped on 08/21/20, divides the commercial building into two separate suites. On the east side of the building is a 4,880 square-foot Liquor Establishment (Tavern) with a 1,700 square-foot outdoor patio. On the west side of the building is a 3,625 square-foot Restaurant with Alcohol with a 1,690 square-foot outdoor patio. Both of the proposed land uses will require Special Use Permits to operate within the SC-TC (Service Commercial-Town Center) Special Land Use Designation.

The Liquor Establishment use is defined as “A facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold.” The Minimum Special Use Permit Requirements for this use include:

1. No tavern shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than twelve children or city park.

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

2. Uses licensed as taverns or other comparable establishments, shall have no specific spacing requirements between similar uses. However, the Las Vegas City Council may consider the concentration and spacing of such uses as part of its deliberation and approval of any requests for such establishments

There is an existing Liquor Establishment (Tavern) located at 6430 North Durango Drive that is approximately 407 feet away from the subject site.

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3. The distances referred to in paragraphs a. and b. shall be measured in a straight line from the property line of the church, synagogue, school, child care facility or from the nearest property line of a city park to the property line of the proposed liquor premises, and in a straight line from the property line of the proposed tavern to the property line of any existing tavern or comparable establishment, disregarding all intervening obstacles.

The distances measured above were based on this measurement system by measuring from property line to property line.

4. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC 6.50.

A condition of approval has been added to ensure this requirement is met.

5. No tavern shall be located within any Service Commercial District unless it is part of a development with an aggregate acreage exceeding 50 acres with a majority of the acreage located within a zone which allows taverns.

The applicant is requesting a Waiver, as the subject site is a 1.12-acre parcel.

The Restaurant with Alcohol use is defined as "A restaurant and bar operation with alcoholic beverage sales in which:

1. The actual seating available at all times within the dining area will accommodate at least 100 persons. For purposes of this requirement, the "dining area" does not include bar stool seating at the bar or lounge seating, but may include table or booth seating within the bar area and table seating within a patio area;
2. Alcoholic beverages are served in the restaurant area only in conjunction with the service of food;
3. Full-course meals are available during all hours the bar area is open to the public;
4. A cook and food server, other than a bartender, are available at all times the bar area is open to the public; and
5. The restaurant operation is the principal portion of the business."

The Minimum Special Use Permit Requirements for this use include:

1. No Restaurant with Alcohol shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than twelve children, or city park.

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

2. Uses licensed as a Restaurant with Alcohol or other comparable establishments, shall have no specific spacing requirements between similar uses. However, the Las Vegas City Council may consider the concentration and spacing of such uses as part of its deliberation and approval of any requests for such establishments.

An existing shopping center is located at the northeast corner of Durango Drive and Centennial Parkway. This shopping center features a variety of commercial uses including restaurants that are licensed for beer/wine/cooler on-sale consumption as an ancillary function to their restaurant. This shopping center is located at 6430 North Durango Drive, approximately 407 feet away from the subject site.

3. The distances referred to in paragraphs a. and b. shall be measured in a straight line from the property line of the church, synagogue, school, child care facility, or from the nearest property line of a City park to the property line of the proposed tavern to the property line of an existing tavern or comparable establishment, disregarding all intervening obstacles

The distances measured above were based on this measurement system by measuring from property line to property line.

4. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC 6.50.

A condition of approval has been added to ensure this requirement is met.

In conjunction with the proposed 4,880 square-foot Liquor Establishment (Tavern), the applicant is requesting a Special Use Permit to allow a Gaming Establishment with a Restricted License for this location. The Gaming Establishment, Restricted License use is defined as "An establishment which is used or intended to be used for gaming activities for which a restricted gaming license is required 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, incidental to the primary business at the establishment, and no other game or gaming device." The Minimum Special Use Permit Requirements for this use include:

1. A Special Use Permit is required for any new gaming establishment.

The applicant is requesting a Special Use Permit (20-0139-SUP3), thereby meeting this requirement.

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2. May not locate within 330 feet of any single-family detached dwelling.

The applicant is requesting a Waiver, as the subject site is located 31 feet away from single-family detached dwellings. To the east of the subject site is an existing residential neighborhood in which 34 existing single-family detached dwellings fall within the 330-foot distance separation requirement. These residences are located within Clark County's jurisdiction.

The building elevations date stamped on 08/21/20 demonstrates a 27-foot tall single-story structure primarily comprised of painted stucco. The structure is accented by decorative fencing, a patio planter, and a CMU wall with a City of Las Vegas historical mural. All sides of the proposed building are coherently designed and treated with a consistent level of detailing and finish in compliance with Title 19.08.

The landscape plan date stamped on 08/21/20 depicts landscape throughout the subject site. Trees species used throughout the site include Modesto Ash within the perimeter landscape buffers and Sonoran Emerald Palo Verde throughout the parking lot. The Town Center Development Standards Manual identifies four types of trees to be used in the perimeter landscape buffers. As such, a Condition of Approval Number 12 has been added requesting the applicant modify the landscape plan to replace the Modesto Ash with either Washingtonia Robusta Hybrid (Mexican Fan Palm), Fraxinus Velutina Rio Grande (Rio Grande Ash), Chitalpa Tashkentensis (Chitalpa), or Robinia Ambigua "Purple Robe" (Purple Robe Locust). Provided shrubs include five-gallon Weeping Lantana and Dwarf Yaupon Holly. To accommodate the design of the subject site and the associated landscape plan, the applicant is requesting Waivers and Exceptions of the perimeter landscape buffer requirements. The applicant is requesting a Waiver to allow zero-foot-wide landscape buffers where eight feet is required adjacent to the southern and eastern property lines. Additionally, two Exceptions are requested allowing a reduction in the number of trees. An Exception is requested to allow eight trees where 10 are required within the western perimeter landscape buffer. Additionally, an Exception is requested to allow 10 trees where 12 are required within the northern perimeter landscape buffer. The Town Center Development Standards Manual requires a minimum of 20 percent of the subject site dedicated to open space, which can consist of any combination of open space, recreation facilities, multi-purpose trails, pedestrian, and bikeway facilities, other common community facilities, and landscaped areas in public rights-of-way. The subject site provides 20 percent of open space, thereby meeting this requirement.

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The Department of Public Works has conducted a traffic study and concluded that the proposed development will add approximately 954 trips per day on Kevin Way, Centennial Parkway, and Durango Drive. Currently, Centennial Parkway is at about 47 percent of capacity and Durango Drive is at about 39 percent of capacity. With this project, Centennial Parkway is expected to be at about 53 percent of capacity and Durango Drive is expected to be at about 42 percent of capacity. Traffic counts are not available for Kevin Way, but it is believed to be under capacity. Based on Peak Hour use, this development will add into the area roughly 85 additional peak hour trips, or about three every two minutes.

The proposed development is located within 500 feet of the City boundary with Clark County. The Special Use Permit applications require a submittal of a Project of Regional Significance form. There were no comments or concerns made by outside agencies regarding these applications.

Due to the unique shape and location of the subject site, staff supports the requested Special Use Permits, Waivers, and Exceptions. On the east side of the subject site is an existing commercial center. Staff supports the requested Waivers allowing a reduction in building setbacks and landscape requirements in order to allow accessibility between the two commercial properties. The subject site is an irregularly shaped lot uniquely located off an existing cul-de-sac and adjacent to the Clark County 215 Beltway off-ramp. The subject site is the only accessible property on Kevin Way after the intersection at Rudia Creek Avenue. As such, staff supports the Exception requests allowing a reduction in trees as this will have a minimal visual impact on neighboring properties and traffic. Lastly, the associated Special Use Permits will further contribute and support the existing commercial shopping center. Therefore, staff is recommending approval on all associated applications, subject to conditions.

FINDINGS (20-0139-SUP1)

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.**

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The proposed Liquor Establishment (Tavern) development will be located within a SC-TC (Service Commercial – Town Center) Special Land Use Designated zone. A Waiver is requested to allow a Liquor Establishment (Tavern) use on a 1.12-acre parcel within the Service Commercial Land Use District where the minimum parcel size is 50 acres.

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

The subject site can physically accommodate the proposed Liquor Establishment (Tavern) use and is in close proximity to other similar commercial uses in the surrounding area.

- 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 Kevin Way, a 54-foot local street that is adequate in size to serve the proposed use. The proposed use would not negatively affect the traffic circulation for the remainder of the shopping center.

- 4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

The proposed Liquor Establishment (Tavern) would not compromise the public health, safety, or welfare as the use would be subject to regular inspections to ensure compliance with all applicable code requirements.

- 5. The use meets all of the applicable conditions per the Town Center Development Standards Manual.**

The proposed use has met all of the Minimum Special Use Permit Requirements except for Condition Five, which requires that taverns located within any Service Commercial District to be part of a development with an aggregate acreage exceeding 50 acres. The applicant is requesting a Waiver to meet this condition, as the subject site is a 1.12-acre parcel.

FINDINGS (20-0139-SUP2)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed Restaurant with Alcohol use will be located in a SC-TC (Service Commercial – Town Center) Special Land Use Designated zone, which accommodates low to medium intensity retail, office, or other commercial use. The proposed use can be conducted in a manner that is harmonious and compatible with existing commercial and residential development in the surrounding area.

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

The subject site can physically accommodate the proposed Restaurant with Alcohol use and is in close proximity to other similar commercial uses in the surrounding area.

- 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 Kevin Way, a 54-foot local street that is adequate in size to serve the proposed use. The proposed use would not negatively affect the traffic circulation for the remainder of the shopping center.

- 4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

The proposed Restaurant with Alcohol would not compromise the public health, safety, or welfare as the use would be subject to regular inspections to ensure compliance with all applicable code requirements.

- 5. The use meets all of the applicable conditions per the Town Center Development Standards Manual.**

The proposed use meets all of the applicable conditions for a Restaurant with Alcohol listed in the Town Center Development Standards Manual.

FINDINGS (20-0139-SUP3)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed Gaming Establishment, Restricted License development will be located a SC-TC (Service Commercial – Town Center) Special Land Use Designated zone. A Waiver is requested to allow a 31-foot distance separation from single-family detached dwellings where 330 feet is required. The subject site is located on a cul-de-sac and is the only accessible property on Kevin Way after the intersection at Rudia Creek Avenue. Existing residential perimeter walls and the 54-foot-wide Kevin Way may also help mitigate the proximity of these two land uses. Lastly, the proposed Gaming Establishment, Restricted License is for the commercial building that is farthest away from the single-family detached dwellings. Thereby, the proposed use can be harmonious and compatible with the existing commercial and residential uses.

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

The subject site is zoned as SC-TC (Service Commercial – Town Center) which was established to accommodate low to medium intensity retail, office, or other commercial uses such as a Gaming Establishment, Restricted License use.

- 3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

Site access is provided by Kevin Way, a 54-foot local street that is adequate in size to serve the proposed use. The proposed use would not negatively affect the traffic circulation for the remainder of the shopping center.

- 4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

The proposed Gaming Establishment, Restricted License would not compromise the public health, safety, or welfare, as the use would be subject to regular inspections to ensure compliance with all applicable code requirements.

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5. The use meets all of the applicable conditions per the Town Center Development Standards Manual.

The proposed use has met all of the Minimum Special Use Permit Requirements except for Condition Two, which requires that Gaming Establishment, Restricted Licenses be located 330 feet away from any single family, detached dwelling. The applicant is requesting a Waiver to meet this condition, as the subject site is located 31 feet away.

FINDINGS (20-0139-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 commercial buildings are compatible with the adjacent commercial and residential land uses within the surrounding area of the subject site.

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

The applicant is requesting Waivers in order to create a development that is compatible with the Town Center Development Standards Manual and the majority of the Title 19 requirements.

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

Site access is provided by Kevin Way, a 54-foot local street that is adequate in size to serve the scale of the proposed development. The proposed development would negatively affect the traffic circulation for the remainder of the shopping center.

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

The submitted elevation plan date stamped on 08/24/20, show the building façade composed of painted stucco. All sides of the proposed building are coherently designed and treated with a consistent level of detailing and finish in compliance with Title 19.08. The on-site landscaping consists of a 24-inch Modesto Ash and Sonoran Emerald Palo Verde with five-gallon Weeping Lantana and Dwarf Yaupon Holly. The building and landscape materials are appropriate for a desert climate 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;**

The design characteristics of the proposed commercial development are not unsightly and are compatible with the neighboring commercial area. The proposed materials are suitable for the surrounding commercial and residential uses and the desert environment.

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

The development of the site will be subject to building permit review and inspection, thereby protecting the health, safety, and general welfare of the public.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
07/06/05	The City Council approved a Petition to Annex (ANX-6173) property located adjacent to the east side of Kevin Way, approximately 340 feet north of Centennial Hills Parkway, containing approximately 1.31 acres. The Planning Commission and Staff recommended approval.
01/18/06	The City Council approved a Rezoning (ZON-9871) from: U (Undeveloped) [TC (Town Center) General Plan Designation] to: T-C (Town Center) [SC-TC (Service Commercial – Town Center) Town Center Special Land Use Designation] on 1.31 acres on the east side of Kevin Way, approximately 286 feet north of Centennial Parkway. The Planning Commission and Staff recommended approval.
	The City Council approved a Site Development Plan Review (SDR-9872) for a proposed 10,191 square-foot retail development and Waivers of the perimeter, parking lot, and foundation landscaping requirements; and a Waiver to allow 15% open space where the Town Center Development Standards require 20% open space on 1.31 acres on the east side of Kevin Way, approximately 286 feet north of Centennial Parkway. The Planning Commission and Staff recommended denial.
05/16/08	A Code Enforcement case (CE-65658) was reported for a damaged and abandoned trailer on a vacant lot. The case was resolved on 06/04/08.
07/18/17	A Code Enforcement case (CE-180893) was reported for a vacant lot full of trash. The case was resolved on 08/01/17.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
12/03/18	A Code Enforcement case (CE-195077) was reported for furniture and trash on a vacant lot. It was believed that customers from the neighboring mini-storage facility were throwing items and trash onto this lot however there was no proof. The case was resolved on 12/04/18.
02/06/19	A Code Enforcement case (CE-196381) was reported for dumping in a vacant lot. The case was resolved on 03/25/19.
06/02/20	A Code Enforcement case (CE20-03183) was reported for illegal dumping that was not cleaned up. The case was resolved on 07/13/20.
10/13/20	<p>The Planning Commission unanimously voted to recommend APPROVAL on the following Land Use Entitlement project requests on 1.12 acres on the east side of Kevin Way approximately 550 feet north of Centennial Parkway (APN 125-20-402-015), T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) Special Land Use Designation], Ward 6 (Fiore).</p> <ul style="list-style-type: none"> • 20-0139-SUP1 - FOR A PROPOSED 4,880 SQUARE-FOOT LIQUOR ESTABLISHMENT (TAVERN) USE WITH 1,700 SQUARE FEET OF OUTDOOR SEATING AREA WITH A WAIVER TO ALLOW SAID USE WITHIN THE SERVICE COMMERCIAL DISTRICT ON 1.12 ACRES WHERE A MINIMUM OF 50 ACRES IS REQUIRED • 20-0139-SUP2 - FOR A PROPOSED 3,625 SQUARE-FOOT RESTAURANT WITH ALCOHOL USE WITH 1,690 SQUARE FEET OF OUTDOOR SEATING AREA. • 20-0139-SUP3 - FOR A PROPOSED 4,880 SQUARE-FOOT GAMING ESTABLISHMENT, RESTRICTED LICENSE USE WITH A WAIVER TO ALLOW A 31-FOOT DISTANCE SEPARATION FROM A SINGLE-FAMILY DETACHED DWELLING WHERE 330 FEET IS REQUIRED. • 20-0139-SDR1 - FOR A PROPOSED 11,945 SQUARE-FOOT COMMERCIAL DEVELOPMENT WITH WAIVERS TO ALLOW A TEN-FOOT FRONT YARD SETBACK WHERE 15 FEET IS REQUIRED, A SIX-FOOT SIDE YARD SETBACK WHERE 15 FEET IS REQUIRED AND A WAIVER OF THE PERIMETER LANDSCAPE BUFFER REQUIREMENTS.

Most Recent Change of Ownership

03/11/20	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

There are no related building permits or business licenses for the subject site.	
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Pre-Application Meeting	
08/12/20	A pre-application meeting was held with the applicant to discuss the submittal requirements for Special Use Permits and a Site Development Plan Review pertaining to a proposed 11,945 square-foot commercial building featuring a Liquor Establishment (Tavern) and a Restaurant with Alcohol with separate outdoor seating areas for both.

Neighborhood Meeting	
09/30/20	<p>A neighborhood meeting was conducted at 5:30 PM on September 30th, 2020 at the City Hall training rooms located at 495 South Main Street. The meeting was also broadcasted and recorded via WebEx.</p> <p>The meeting was attended physically by one staff member from the Department of Planning, one individual representing the applicant/project, and one member of the public. Three members of the public attended virtually through WebEx.</p> <p>The meeting began with the applicant gave an overview of the proposed development as it relates to neighboring properties in the area. Concerns voiced by the members of the public were as follows:</p> <ul style="list-style-type: none"> Concerns were made about the increase in traffic affecting children's safety. The public discussed how children in the neighborhood utilize the cul-de-sac since there is no playground in the neighborhood or nearby area. The members from the public suggested designating Kevin Way for no on-street parking. <p><i>The applicant discussed that they met the shopping center's parking requirements and would theoretically not need to use on-street parking on Kevin Way and said they would be fine with that if allowed by the Department of Public Works.</i></p> <p>The public also discussed removing the drive aisle on Kevin Way thereby requiring access to the site through the existing commercial area to the east.</p> <p><i>The applicant explained how the drive aisle on Kevin Way was required to accommodate firetruck access to the proposed development. The applicant discussed how they anticipated the majority of access to the site be made off either Durango Drive or Centennial Parkway.</i></p>

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Neighborhood Meeting	
09/30/20	<ul style="list-style-type: none"> Concerns were made about drunk people from either establishment wandering into their neighborhood. Members from the public said they would like a wall built along the street frontage on Kevin Way to further separate the land uses preventing pedestrian traffic into the neighborhood. <i>The applicant stated their intention was to create a welcoming neighborhood commercial development and that a wall would not be perceived as inviting. The applicant stated they would work with their landscape architect to increase the size of the shrubs to prevent wanders.</i> Concerns were made about air quality with smokers on the patio spaces. <i>The applicant stated they would work with their landscape architect to look into incorporating larger 36-inch box trees to further increase the buffer between the land uses.</i> Concerns were made about an increase in noise <i>The applicant stated they would work with their landscape architect to look into larger 36-inch box trees to further increase a noise buffer between the land uses. The public was reminded that any issues with the business operation could be subject to a Code Enforcement case.</i> <p>Overall, the public seemed to have a variety of opinions on the proposed development. The meeting was concluded at 6:45 PM.</p>

Field Check	
09/03/20	A routine field check was conducted by staff; staff found an undeveloped site with minor debris and trash scattered throughout.

Details of Application Request	
Site Area	
Net Acres	1.12

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Undeveloped	TC (Town Center)	T-C (Town Center)
North	Interstate 215 Beltway	Interstate 215 Beltway	Interstate 215 Beltway
South	Mini-Storage Facility	TC (Town Center)	T-C (Town Center)
East	Restaurants		
	Financial Institution, Specified		
	Office, Other than Listed		
	Office, Medical or Dental		
	General Personal Service		
	Auto Smog Check		
West	Single Family, Detached – Clark County	RS (Residential Suburban) – Clark County	R-2 (Medium Density Residential [8 Units per Acre]) – Clark County

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
T-C (Town Center) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	Y
Project of Regional Significance	Y

DEVELOPMENT STANDARDS

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

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	48,787 SF	Y
Min. Lot Width	N/A	262 Feet	Y
Min. Setbacks			
• Front	15 Feet	10 Feet	N*
• Side (North)	10 Feet	33 Feet	Y
• Side (South)	10 Feet	6 Feet	N*
• Rear	20 Feet	20 Feet	Y
Max. Lot Coverage	N/A	24.4%	Y
Max. Building Height	2 Stories	1 Story	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

**The applicant is requesting Waivers of the following development standards.*

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
Trash Enclosure	50 Feet	88 Feet	Y

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

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 30 Linear Feet	12 Trees	10 Trees	N**
• South	1 Tree / 20 Linear Feet	15 Trees	0 Trees	N*
• East	1 Tree / 20 Linear Feet	5 Trees	2 Trees	N*
• West	1 Tree / 20 Linear Feet	10 Trees	8 Trees	N**
TOTAL PERIMETER TREES		42 Trees	19 Trees	N**
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	9 Trees	10 Trees	Y

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Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		8 Feet	Y
• South	8 Feet		0 Feet	N*
• East	8 Feet		0 Feet	N*
• West	15 Feet		10 Feet	N*

*The applicant is requesting Waivers of the following perimeter landscape buffer requirements.

**The applicant is requesting Exceptions of the following perimeter landscape buffer requirements.

Open Space – Town Center					
Total Site Acreage	Required		Provided		Compliance
	Percent	Area	Percent	Area	
1.12	20%	9,757.44 SF	20%	9,770 SF	Y

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Kevin Way	Local Street	Title 13	54	Y

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	26,725 SF	1 per 250 SF	107				
TOTAL SPACES REQUIRED			107		151		Y
Regular and Handicap Spaces Required			102	5	143	8	Y
Loading Spaces			1		1		Y

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Waivers		
Requirement	Request	Staff Recommendation
The front yard setback in the Service Commercial Special Land Use District is 15 feet	To allow a 10-foot front yard setback	Approval
The side yard setback in the Service Commercial Special Land Use District is 10 feet.	To allow a six-foot side yard setback	Approval
Landscape buffers adjacent to right-of-way must be 15 feet wide in width.	To allow a 10-foot landscape buffer adjacent to a portion of the western property line	Approval
Landscape buffers adjacent to interior lot lines must be eight feet wide in width.	To allow a zero-foot landscape buffer adjacent to the eastern property line	Approval
	To allow a zero-foot landscape buffer adjacent to the southern property line	Approval
No tavern shall be located within any Service Commercial Special Land Use District unless it is a part of a development with an aggregate acreage exceeding 50 acres with a majority of the acreage located within a zone which allows taverns	To locate a proposed Liquor Establishment (Tavern) use on a 1.12-acre parcel in the Service Commercial Special Land Use District.	Approval
A Gaming Establishment, Restricted License must be 330 feet away from a single family detached dwelling	To be located a proposed Gaming Establishment, Restricted License 34 feet away from a single-family detached dwelling	Approval

Exceptions		
Requirement	Request	Staff Recommendation
One 24-inch box tree every 20 linear feet with landscape buffers adjacent to the right-of-way	To allow eight trees where 10 are required within the western perimeter landscape buffer	Approval
One 24-inch box tree every 30 linear feet with landscape buffers adjacent to the freeway	To allow 10 trees where 12 are required within the northern perimeter landscape buffer	Approval

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Department of Public Works Traffic Study

Site Development Plan Review for a Proposed 8,505 Square-Foot Expansion of an Existing 14,543 Square-Foot Shopping Center – East side of Kevin Way, North of Centennial Parkway				
Existing Use				
Average Daily Traffic (ADT)	SHOPPING CENTER [1000 SF]	14.543	37.75	549
AM Peak Hour			0.94	14
PM Peak Hour			3.81	55
Proposed Expansion				
Average Daily Traffic (ADT)	HIGH-TURNOVER (SIT-DOWN RESTAURANT) [1000 SF]	8.505	112.18	954
AM Peak Hour			9.94	85
PM Peak Hour			9.77	83
Proposed Expansion				
Average Daily Traffic (ADT)	TOTAL	23.048		1,503
AM Peak Hour				99
PM Peak Hour				138
Existing Traffic on Nearby Streets				
Centennial Parkway				
Average Daily Traffic (ADT)			12,218	
PM Peak Hour (Heaviest 60 Minutes)			977	
Durango Drive				
Average Daily Traffic (ADT)			20,905	
PM Peak Hour (heaviest 60 minutes)			1,672	
Traffic Capacity of Adjacent Streets:				
Adjacent Street ADT Capacity				
Thom Boulevard			25,935	
Rome Boulevard			53,445	