

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

CITY COUNCIL MEETING DATE: NOVEMBER 4, 2020

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: TERRIBLE HERBST, INC. - OWNER: CS 4015, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
20-0193-ROC1	Staff recommends DENIAL, if approved subject to conditions:	
20-0193-ROC2	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ******NOTICES MAILED** 688 (By Planning)**PROTESTS** 0**APPROVALS** 0

**** CONDITIONS ****

20-0193-ROC1 CONDITIONS

Planning

1. Condition Number One (1) of Special Use Permit (SUP-68413) shall be removed.
2. Conformance to the approved conditions for Special Use Permit (SUP-68413), except as amended herein.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

20-0193-ROC2 CONDITIONS

Planning

1. Condition Number Two (2) of Site Development Plan Review (SDR-68410) shall be removed.
2. Conformance to the approved conditions for Site Development Plan Review (SDR-68410), except as amended herein.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to amend the Conditions of Approval of Special Use Permit (SUP-68413) to allow a total of six fueling nozzles, and Site Development Plan Review (SDR-68410) to allow the convenience store and fueling pumps to be open 24 hours a day at 10591 West Lone Mountain Road.

ISSUES

- Condition Number One (1) of Special Use Permit (SUP-68413) states, “the service station [gasoline sales] use shall be limited to one canopy with a maximum of two MPD fuel dispensers and four fueling nozzles.” The applicant is requesting six fueling nozzles.
- Condition Number Two (2) of Site Development Plan Review (SDR-68410) states, “the hour of operation of the grocery store shall be from 5am to 11pm daily.” The applicant is requesting the hours of operation limitations to be removed, allowing the facility to operate 24 hours a day.

ANALYSIS

On August 16, 2017 the City Council approved multiple request (SUP-68411, SUP-68413, SUP-68414, SUP-68415, SUP-68416 and SDR-68410) that allowed the construction of a convenience store with incidental gaming, beer/wine/cooler off-sales, fueling stations with a canopy, and a car wash at the southwest corner of Lone Mountain Road and Cliff Shadows Parkway [10591 West Lone Mountain Road].

At the time of approval, the City Council imposed additional Conditions of Approval upon both Special Use Permit (SUP-68413) and Site Development Plan Review (SDR-68410). Condition Number One (1) of Special Use Permit (SUP-68413) stated, “the service station [gasoline sales] use shall be limited to one canopy with a maximum of two MPD fuel dispensers and four fueling nozzles,” and Condition Number Two (2) of Site Development Plan Review (SDR-68410) stated, “the hour of operation of the grocery store shall be from 5am to 11pm daily.” The applicant is requesting a Review of Condition of both conditions.

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The applicant is requesting to amend Condition Number One (1) of Special Use Permit (SUP-68413) to allow an additional MPD (Multiple Product Dispenser) fuel dispenser which would allow a total of six fueling nozzles where four were approved and constructed. Staff supports the decision of the City Council to limit the number of fueling stations and is recommending denial of the request. If approved, staff recommends removing the condition as the current development configuration and existing site constraints will determine and limit the number of fueling stations the site can accommodate.

The applicant is also requesting to amend Condition Number Two (2) of Site Development Plan Review (SDR-68410) which limited the hours of operation to 5:00 a.m. to 11:00 p.m. Staff supports the decision of the City Council to limit the hours of operation and recommends denial of this request. If approved, staff recommends eliminating this condition which would allow the facility to operate 24 hours a day.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/18/02	The City Council approved a request for a Major Modification [Z-0024-99(44)] to the Lone Mountain West Master Development Plan to add approximately five acres to the plan and to designate the northern half VC (Village Commercial) and the southern half as ML (Medium Low Density Residential) adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway.
	The City Council approved a request for a Special Use Permit (U-0081-02) for the sale of packaged liquor for off-premise consumption in conjunction with a proposed convenience store adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway.
	The City Council approved a request for a Special Use Permit (U-0082-02) for gasoline sales in conjunction with a proposed convenience store adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway.
	The City Council approved a request for a Special Use Permit (U-0083-02) for a tavern adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway.
	The City Council approved a request for Site Development Plan Review [Z-0067-99(2)] for a convenience store with gasoline pumps and a tavern on approximately two acres adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/06/04	The City Council approved a request for an Extension of Time (EOT-5064) of an approved Special Use Permit (U-0081-02) that allowed the sale of packaged liquor for off-premise consumption in conjunction with a proposed convenience store adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. Staff recommended approval.
	The City Council approved a request for an Extension of Time (EOT-5066) of an approved Special Use Permit (U-0082-02) that allowed gasoline sales in conjunction with a proposed convenience store adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. Staff recommended approval.
	The City Council approved a request for an Extension of Time (EOT-5068) of an approved Special Use Permit (U-0083-02) for a proposed tavern adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. Staff recommended approval.
	The City Council approved a request for an Extension of Time (EOT-5070) of an approved Site Development Plan Review [Z-0067-99(2)] that allowed a tavern and convenience store with fuel pumps adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. Staff recommended approval.
09/20/06	The City Council approved a request for an Extension of Time (EOT-15963) of an approved Special Use Permit (U-0081-02) that allowed the sale of packaged liquor for off-premise consumption in conjunction with a proposed convenience store adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. Staff recommended approval.
	The City Council approved a request for an Extension of Time (EOT-15962) of an approved Special Use Permit (U-0082-02) that allowed gasoline sales in conjunction with a proposed convenience store adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. Staff recommended approval.
	The City Council approved a request for an Extension of Time (EOT-15961) of an approved Special Use Permit (U-0083-02) to allow a tavern adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. Staff recommended approval.
	The City Council approved a request for an Extension of Time (EOT-15958) of an approved Site Development Plan Review [Z-0067-99(2)] that allowed a tavern and convenience store with fuel pumps adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. Staff recommended approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/05/07	The City Council approved a request for a Variance (VAR-22100) to allow a 27.2-foot tall retail building to be 20 feet from residential property where residential adjacency standards require an 81.6-foot setback on 2.00 acres adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. The Planning Commission and staff recommended denial.
	The City Council approved a request for a Variance (VAR-21993) to allow 123 parking spaces where 134 parking spaces are required for a proposed 16,663 square-foot commercial shopping center on 2.00 acres adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. The Planning Commission and staff recommended denial.
	The City Council approved a request for a Site Development Plan Review (SDR-21992) for a proposed 9,663 square-foot commercial shopping center with a 3,500 square-foot tavern and 3,000 square-foot convenience store with Waivers of Lone Mountain West landscape standards and Waivers to allow zero-foot perimeter landscape buffer on a portion of the north property line where 15 feet is required, a three-foot perimeter landscape buffer on a portion of the east property line where 15 feet is required, a zero-foot perimeter landscape buffer on a portion of the south property line where eight feet is required, and a four-foot perimeter landscape buffer on a portion of the west property line where eight feet is required on 2.00 acres adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. The Planning Commission and staff recommended denial.
04/02/08	The City Council approved a petition to vacate (VAC-26442) a 20-foot public drainage easement located at 10591 West Lone Mountain Road. The Planning Commission and staff recommended approval.
07/16/08	A Parcel Map (PMP-27288) recorded for reversion to acreage of approximately 2.00 acres located at the southwest corner of Lone Mountain Road and Cliff Shadows Parkway.
10/15/08	The City Council approved a request for an Extension of Time (EOT-29765) of an approved Special Use Permit (U-0081-02) that allowed the sale of packaged liquor for off-premise consumption in conjunction with a proposed convenience store adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. Staff recommended approval.
	The City Council approved a request for an Extension of Time (EOT-29764) of an approved Special Use Permit (U-0082-02) that allowed gasoline sales in conjunction with a proposed convenience store adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. Staff recommended approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/15/08	The City Council approved a request for an Extension of Time (EOT-29763) of an approved Special Use Permit (U-0083-02) to allow a tavern adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. Staff recommended approval.
12/17/08	The City Council approved a request for a Review of Condition (ROC-32322) to amend condition number twenty-two (22) of an approved Site Development Plan Review (SDR-21992) which required a traffic impact analysis prior to issuance of permits to allow traffic impact fees to be in accordance with Title 4.32 for an approved 9,663 square-foot commercial shopping center on 2.00 acres adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. Staff recommended approval.
03/12/10	Code Enforcement processed a complaint (#87371) for a vacant lot with trash and debris dumped on site. The case was resolved on 04/06/10.
08/16/17	The City Council approved a request for a Special Use Permit (SUP-68411) for a proposed convenience store on 2.00 acres at the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Special Use Permit (SUP-68413) for a proposed service station [car wash and gasoline sales] on 2.00 acres at the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Special Use Permit (SUP-68414) for proposed beer sales on 2.00 acres at the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Special Use Permit (SUP-68415) for proposed wine sales on 2.00 acres at the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Special Use Permit (SUP-68416) for proposed gaming [incidental gaming machines only] on 2.00 acres at the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Site Development Plan Review (SDR-68410) for a proposed 4,620 square-foot convenience store with service station [gasoline sales with a 3,666 square-foot canopy and a 1,020 square-foot car wash] on 2.00 acres at the southwest corner of Lone Mountain Road and Cliff Shadows Parkway. The Planning Commission and staff recommended approval.

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Most Recent Change of Ownership	
10/2001	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
09/10/18	A building permit (C18-01482) was issued for on-sites, trash enclosure, and fuel canopy at 10591 West Lone Mountain Road. A building permit (C18-01481) was issued for a ground up grocery store at 10591 West Lone Mountain Road.
10/29/18	A building permit (C18-04659) was issued for a retaining wall at 10591 West Lone Mountain Road.
02/28/19	A building permit (C19-00858) was issued for two wall signs at 10591 West Lone Mountain Road.
03/25/19	A building permit (C19-01027) was issued for four wall signs and one monument sign at 10591 West Lone Mountain Road.
04/15/19	A building permit (C19-01638) was issued for a flag pole at 10591 West Lone Mountain Road.
05/16/19	A business license (P66-00335) was issued for a beer/wine/cooler off-sale establishment at 10591 West Lone Mountain Road. The license is active as of 10/08/20.
	A business license (L67-00080) was issued for a beer/wine/cooler off-sale establishment at 10591 West Lone Mountain Road. The license is active as of 10/08/20.
	A business license (P66-00376) was issued for a restricted gaming establishment at 10591 West Lone Mountain Road. The license is active as of 10/08/20.
	A business license (G66-07811) was issued for tobacco sales at 10591 West Lone Mountain Road. The license is active as of 10/08/20.
	A business license (G67-03481) was issued for a grocery store at 10591 West Lone Mountain Road. The license is active as of 10/08/20.
05/28/19	A business license (X67-00030) was issued for a restricted gaming at 10591 West Lone Mountain Road. The license is active as of 10/08/20.
12/06/19	A business license (G67-07338) was issued for an automated teller machine (ATM) at 10591 West Lone Mountain Road. The license is active as of 10/08/20.

Pre-Application Meeting
A pre-application meeting was not required, nor was one held.

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

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Field Check	
10/12/20	Staff performed a routine field check to observe the subject site. Staff noted a well-maintained convenience store with fuel pumps during the visit. Nothing of concern was noted by staff.

Details of Application Request	
Site Area	
Net Acres	2.00

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Convenience Store with Fuel Pumps	PCD	PD
North	Mining, Sand & Gravel Excavation	PCD	U (PCD)
South	Single Family, Detached	PCD	PD
West	Single Family, Detached	PCD	PD
East	Single Family, Attached	MLA (Medium Low Density Residential)	R-PD12 (Residential Planned Development – 12 Units Per Acre)

Master Plan Areas	Compliance
Lone Mountain West	Y
Special Purpose and Overlay Districts	Compliance
PD (Planned Development) District	Y
Other Plans or Special Requirements	Compliance
Centennial Hills Sector Plan	Y
Northwest Open Space Plan	Y
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Lone Mountain Road	Primary Arterial	Master Plan of Streets and Highways	40	Y
Cliff Shadows Parkway	Major Collector	Master Plan of Streets and Highways	80	Y