

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: DECEMBER 16, 2020

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: GOOD CLUCK WEST, LLC - OWNER: MLK CAREY, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
20-0118-SDR1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

7

NOTICES MAILED

255 (By City Clerk)

PROTESTS

2

APPROVALS

0

**** CONDITIONS ****

20-0118-SDR1 CONDITIONS

Planning

1. 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.
2. All development shall be in conformance with the site plan and landscape plan date stamped 09/17/20; and building elevations date stamped 08/24/20, except as amended by conditions herein.
3. Mechanical Equipment shall be screened in accordance with Title 19.08.040 development standards.
4. Trash Enclosures shall be screened and gated with a roof or trellis.
5. A Waiver of Title 19.08.070 is hereby approved to allow an 11-foot landscape buffer along the south property line where 15 feet is required.
6. 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.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. 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.

Conditions Page Two
December 16, 2020 – City Council Meeting

9. 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. The technical landscape plan shall include the following changes from the conceptual landscape plan:
10. 24-inch box trees shall be provided every 20 linear feet within the required landscape buffer areas.
11. All landscape materials shall adhere to the recommendations of the Southern Nevada Regional Coalition Plant List
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. Dedicate and construct a bus turn-out / deceleration lane meeting Standard Drawing #234.3 for the existing bus stop on Carey Avenue adjacent to this site concurrent with development of this site. Additionally, grant a Bus Shelter Pad Easement for the existing bus stop on Carey Avenue adjacent to this site unless the Regional Transportation Commission (RTC) acknowledges in writing that this easement is not required.
15. The sidewalk along Martin L King Boulevard and Carey Avenue 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.
16. Connect to the existing public sewer service laterals in either Miller Avenue or Carey Avenue concurrent with development.

Conditions Page Three
December 16, 2020 – City Council Meeting

17. 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.
18. 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. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall include a pedestrian circulation/access 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. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 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. 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.
19. 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 Page One
December 16, 2020 – City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Site Development Plan Review request for a proposed commercial development including an Office building and Restaurant with Drive Through on four parcels located at the southeast corner of Martin L King Boulevard and Carey Avenue.

ISSUES

- An Office, other than listed use is permitted in the C-1 (Limited Commercial) zoning district.
- A Restaurant use is permitted in the C-1 (Limited Commercial) zoning district.
- A Drive Through use requires approval of an administrative Conditional Use Permit in the C-1 (Limited Commercial) zoning district.
- A Waiver of Title 19.08.070 is requested to allow an 11-foot landscape buffer along the south property line where 15 feet is required. Staff supports the request.
- A condition of approval has been added requiring additional trees in the required landscape buffer areas.
- A condition of approval has been added requiring the applicant to work with City Staff regarding combining the subject lots via mapping action.

ANALYSIS

The subject undeveloped lots are located on the southeast corner of Martin L King Boulevard and Carey Avenue. The properties are zoned C-1 (Limited Commercial) and subject to Title 19 development standards. It is directly adjacent to the City of North Las Vegas to the north. The proposed commercial development consists of a 3,000 square-foot Office building and a 2,380 square-foot Restaurant with Drive Through use.

Per Title 19, a 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.”

Minimum Conditional Use Regulations:

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.

Staff Report Page Two
December 16, 2020 – City Council Meeting

This requirement is met, as the site plan depicts a drive through that can accommodate a minimum of six vehicles.

2. The drive-through shall be screened in accordance with LVMC 19.08.040(F).

This requirement will be met, as a condition of approval has been added to ensure an adequate amount of landscape buffer screening is provided along Martin L King Boulevard.

3. In the O (Office) and C-D (Designed Commercial) 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.

This requirement is not applicable to the subject site as it is not zoned O (Office) or C-D (Designed Commercial).

Title 19 requires proposed buildings on corner lots to be oriented to the corner and to the street fronts in order to maintain a strong street edge. The applicant complies with this requirement as the proposed restaurant building is oriented to the corner of Martin L King Boulevard and Carey Avenue. The submitted elevation plans depict single story buildings featuring a modern industrial color palate. The proposed building materials are compatible with the existing development in the surrounding area. The applicant exceeds the minimum parking requirement, providing a total of 67 parking spaces where 36 are required.

Per the City Traffic Engineering Division, this project will add approximately 1,150 trips per day on Carey Avenue and Martin L King Boulevard. Currently, Carey is at about 43 percent of capacity and Martin L King is at about 82 percent of capacity. With this project, Carey is expected to be at about 46 percent of capacity and Martin L. King is expected to be at about 84 percent of capacity. Based on Peak Hour use, this development will add into the area roughly 99 additional peak hour trips, or about five every three minutes

The proposed development as designed is compatible and harmonious with the surrounding and future land development in the area. It also adheres to minimum Title 19 development standard requirements. Therefore, staff recommends approval of the requested Site Development Plan Review, subject to conditions.

FINDINGS (20-0118-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:

Staff Report Page Three
December 16, 2020 – City Council Meeting

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

The proposed Restaurant with Drive Through and Office building is compatible with the existing commercial and recreational development in the surrounding area.

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

This project is consistent with the SC (Service Commercial) General Plan designation and the uses allowed in the C-1 (Limited Commercial) zoning district. A condition of approval has been added to enhance the landscaping within the required landscape buffers.

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

Access to the site is provided by two 100-foot Primary Arterials, as designated by the Master Plan of Streets and Highways. Both Martin L King Boulevard and Carey Avenue are sufficient in size to accommodate the needs of the proposed development.

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

The proposed development will utilize building materials appropriate for the area. A condition of approval has been added to ensure the proposed landscape materials adhere to the recommendations of the Southern Nevada Regional Coalition Plant List.

- 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 submitted building elevation design characteristics are not unsightly, undesirable or obnoxious in appearance.

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

The proposal will be subject to building permits and business licensing, thereby ensuring the protection of public health, safety and welfare.

Staff Report Page Four
December 16, 2020 – City Council Meeting

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc</i>	
03/03/10	The City Council approved a General Plan Amendment (GPA-36841) to amend a portion of the Southeast Sector Plan of the General Plan From SC (Service Commercial) and MLA (Medium-Low Attached Density Residential) to GC (General Commercial) on 1.77 acres at the southeast corner of Martin L King Boulevard and Carey Avenue. Planning Commission and staff recommended approval.
	The City Council approved a Rezoning (ZON-36839) from R-2 (Medium-Low Density Residential) and C-2 (General Commercial) to C-2 (General Commercial) on 1.77 acres at the southeast corner of Martin L King Boulevard and Carey Avenue. Planning Commission and staff recommended approval.
03/10/20	The applicant withdrew without prejudice Variance (VAR-78100) request to allow 72 parking spaces where 131 are required at 2360 N Martin L King Boulevard.
	The applicant withdrew without prejudice Site Development Plan Review (SDR-78101) for an 18,180 square-foot commercial development at 2360 N Martin L King Boulevard.
04/15/20	The City Council approved General Plan Amendment (GPA-77891) from MXU (Mixed Use) to SC (Service Commercial) at 2360 N Martin L King Boulevard. The Planning Commission and Staff recommended approval.
10/13/20	The Planning Commission voted (7-0) to hold 20-0118-SDR1 in ABEYANCE to the November 10, 2020 Planning Commission meeting.
11/20/20	The Planning Commission unanimously voted to recommend APPROVAL on a Land Use Entitlement project request for a Site Development Plan Review FOR A 2,380 SQUARE-FOOT RESTAURANT WITH DRIVE THROUGH AND A 3,000 SQUARE-FOOT OFFICE BUILDING DEVELOPMENT on 1.53 acres at 2360 North Martin L King Boulevard (APN 139-21-510-001 through 004), C-1 (Limited Commercial) Zone, Ward 5 (Crear).

<i>Most Recent Change of Ownership</i>	
12/23/09	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
No relevant Building Permits or Business Licenses.	

Staff Report Page Five
December 16, 2020 – City Council Meeting

Pre-Application Meeting	
08/04/20	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.

Field Check	
09/01/20	Staff conducted a routine field check and found vacant lots with many political signs.

Details of Application Request	
Site Area	
Net Acres	1.77

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
North	City of North Las Vegas	N/A	N/A
South	Undeveloped	MXU (Mixed-Use) MLA (Medium-Low Attached Density Residential)	C-2 (General Commercial)
East	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
West	General Retail	MXU (Mixed-Use)	C-1 (Limited Commercial)

Staff Report Page Six
December 16, 2020 – City Council Meeting

Master and Neighborhood Plan Areas	Compliance
West Las Vegas Plan	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District - (105 Feet)	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 1	Y
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:

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks			
• Front	10 Feet	37 Feet	Y
• Side	10 Feet	164 Feet	Y
• Corner	10 Feet	30 Feet	Y
• Rear	20 Feet	24 Feet	Y
Max. Lot Coverage	50 %	7 %	Y
Max. Building Height	N/A	22 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	By Condition	Y
Mech. Equipment	Screened	By Condition	Y

Pursuant to Title 19.08, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	15 Trees	10 Trees	N*
• South	1 Tree / 20 Linear Feet	13 Trees	3 Trees	N*
• East	1 Tree / 20 Linear Feet	12 Trees	2 Trees	N*
• West	1 Tree / 20 Linear Feet	11 Trees	3 Trees	N*
TOTAL PERIMETER TREES		51 Trees	18 Trees	N*

Staff Report Page Seven
December 16, 2020 – City Council Meeting

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	24 Trees	14 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	15 Feet		17 Feet	Y
• South	15 Feet		11 Feet	N**
• East	8 Feet		10 Feet	Y
• West	15 Feet		15 Feet	Y

*A Condition of Approval has been added that requires 24-inch box trees shall be installed every 20 linear feet within the required landscape buffer areas.

**A Waiver is requested to allow an 11-foot landscape buffer width along the south property line.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
MLK Boulevard	Primary Arterial	Master Plan of Streets and Highways	100	Y
Carey Avenue	Primary Arterial	Master Plan of Streets and Highways	100	Y

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

Parking Requirement							
Use	Gross Floor Area	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Other than Listed	3,067 SF	1:300 SF	11				
Restaurant	841 SF of seating & waiting; 1,539 SF other	1:50 SF of seating & waiting; 1:200 SF other	25				
TOTAL SPACES REQUIRED			36				
Regular and Handicap Spaces Required			34	2	64	3	Y
Loading Spaces	5,447 SF	<10,000	1				Y