



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JULY 20, 2022

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: CLEVELAND WELTER, LLC - OWNER: DEBRA J. REOCH

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0070-SUP1	Staff recommends DENIAL, if approved subject to conditions:	
22-0070-SDR1	Staff recommends DENIAL, if approved subject to conditions:	22-0070-SUP1

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 25**NOTICES MAILED** 694**PROTESTS** 17**APPROVALS** 2

**** CONDITIONS ****

22-0070-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Liquor Establishment (Tavern) use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (22-0070-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 Title 19.12 is hereby approved, to allow a 444-foot distance separation from an individual care center licensed for more than 12 children where 1,500 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. 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.

22-0070-SDR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (22-0070-SUP1) 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 04/11/22; and floor plan date stamped 05/09/22, except as amended by conditions herein.
4. A Waiver from Title 19.08 is hereby approved, to allow a zero-foot landscape buffer adjacent to the east property line where eight 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.
7. Pursuant to LVMC Title 19.08.040.G for commercial and industrial properties, a perimeter wall shall be constructed adjacent to any residential zoning district or property used solely for residential purposes. The wall or fence is intended to screen the commercial or industrial activity from the residential property, and shall be of a solid decorative material that is a minimum of six feet in height measured from the side of the commercial or industrial property. In no case shall the wall or fence exceed the overall height limitation applicable to the adjacent zoning district or property unless approved through a Variance or other applicable means. The overall height of a wall or fence shall be measured from the side with the greatest vertical exposure above finished grade.

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8. 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:
 - 36-inch box shade trees shall be planted every 20 feet on center, with a minimum of four, 5-gallon shrubs planted for every required tree.
9. 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.
10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

11. Prior to the issuance of any building permits, grant a Pedestrian Access Easement along Rainbow Boulevard for any public sidewalk not within the public right-of-way. Additionally, the owner of this site shall grant joint access to the parcel to the north (APN 125-26-410-005) at the time of future access as shown on the approved site plan.
12. Construct half-street improvements on Rainbow Boulevard including any transition paving at the north edge of this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
13. This site shall connect to public sewer in Rainbow Boulevard.
14. 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.

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15. Submit a License Agreement for landscaping and private improvements in the public rights 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).
16. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to develop a 3,900 square-foot Liquor Establishment (Tavern) on 0.79 acres at 5640 North Rainbow Boulevard.

ISSUES

- Due to the existence of a quasi-municipal well at the rear of 5686 North Rainbow Boulevard, a 10-foot wide access easement is necessary to provide access to the well for maintenance and service. This access easement prevents the proposed development from providing the required eight-foot landscape buffer adjacent to the east property line as required by Title 19 and a Waiver is necessary. The required eight-foot wide landscape buffer is adjacent to the easement line instead.
- A Waiver is requested to allow a 444-foot distance separation between the proposed Liquor Establishment (Tavern) and an Individual Care Center Licensed for More Than 12 Children [Childcare] where 1,500 feet is required. Staff does not support this request.
- The subject site is located within the Ann-Rainbow portion of the Rainbow Boulevard North Corridor Plan.

ANALYSIS

The subject site was previously approved by the Planning Commission for a commercial development [Site Development Plan Review (SDR-75125)] that encompassed the four lots adjacent to the northeast corner of Ann Road and Rainbow Boulevard (5620, 5640, 5664 and 5686 North Rainbow Boulevard). The commercial development encompassed 3.24 acres. The commercial development consisted of two, single-story 8,400 square-foot buildings, and a 2,985 square-foot convenience store with fuel canopies located on the corner of Ann Road and Rainbow Boulevard. The development was approved with a Waiver to allow a zero-foot wide landscape buffer adjacent to the east perimeter due to the existing access easement required for an existing well that services the adjacent residential neighborhood to the east. Instead, the required landscape buffer was located adjacent to the easement line, providing a buffer between the commercial development and the existing single-family residences to the east.

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The commercial building portion of that development was not pursued, and on August 10, 2021 the Planning Commission approved a Site Development Plan Review (21-0320-SDR1) for a proposed 2,985 square-foot convenience store with fuel pumps and canopy on the 0.82 acre corner of Ann Road and Rainbow Boulevard. The convenience store is currently under construction and will operate as a “7-11.” This left the adjacent three lots to the north zoned C-1 (Limited Commercial) with single-family residences on them.

This application is for a 3,900 square-foot tavern on the 0.79 acre lot directly adjacent to the north property line of the convenience store currently under construction.

Special Use Permit

The Liquor Establishment (Tavern) use is described by Title 19.12 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. Requirement 1: Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both a minimum distance separation between liquor establishments (tavern), and a minimum distance separation between a liquor establishment (tavern) and certain other uses that should be protected from the impacts associated with a liquor establishment (tavern). Therefore, except as otherwise provided in these Requirements, no liquor establishment (tavern) may be located within 1500 feet of any other liquor establishment (tavern), church/house of worship, school, individual care center licensed for more than 12 children, or City park.

The proposed use does not meet this requirement as there is an individual care center licensed for more than 12 children located on the west side of Rainbow Boulevard, approximately 444 feet away when measured parcel line to parcel line.

2. Requirement 2: The distance separation requirement set forth in Requirement 1 does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

This requirement is not applicable.

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3. Requirement 3: The distance separation requirement set forth in Requirement 1 may be waived in accordance with the provisions of LVMC 19.12.050(C), but only in connection with a proposed liquor establishment (tavern) that:
- a. Will be located on a parcel within the C-V District, the Market District or Symphony Park District as shown in Figure 3 of the Development Standards adopted in LVMC 19.10.110(B), the Gaming Enterprise Overlay District, or the Downtown Casino Overlay District;
 - b. Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as an historic property, historic building, or landmark;
 - c. Will be located within a regional mall; or
 - d. Will be located within a mixed-use development:
 - i. That has been approved by means of Special Use Permit pursuant to LVMC Chapters 19.12 and 19.16;
 - ii. That has a minimum net site area of 15 acres; and
 - iii. Whose gross floor area of nonresidential space is a minimum of 250,000 square feet;
 - e. Will be separated from the existing use by a street or highway with a minimum right-of-way width of 100 feet;
 - f. Will have a general on-sale alcoholic beverage license operated in conjunction with an establishment listed in LVMC 6.50.060; or
 - g. Will have a tavern-restricted alcoholic beverage license pursuant to LVMC 6.50.253.

A Waiver of the required 1,500 feet distance separation is requested in accordance with "e" above, as Rainbow Boulevard is classified as a Primary Arterial by the Master Plan of Streets and Highways, and once fully improved will have a width of 100 feet.

4. Requirement 4: The use shall conform to, and is subject to, the provisions of LVMC Chapters 6.40 and 6.50.

If approved, this requirement will be a Condition of Approval and will be strictly enforced.

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Due to the requested Waiver of the required distance separation from a childcare facility, staff is not able to support the requested Special Use Permit and is recommending denial of the request.

Site Development Plan Review

The applicant is proposing to construct a 3,900 square-foot, single-story, 22-foot tall structure with parapets that reach the height of 30 feet. The proposed tavern floor plan depicts a floor area able to accommodate up to 15 gaming machines, a dining area, bar, kitchen, a manager's and clerk's office, and restrooms.

The front building façade (west) depicts stone accents, awnings and windows. The north elevation facing residences contains no windows and the continuation of the stone accent along the bottom portion of the structure. The south elevation facing the convenience store depicts windows with an awning, and the continuation of the stone accent along the bottom portion of the structure. The rear of the structure (east elevation) facing the rural single-family residences does not contain any windows, awnings, but does contain the accent stone along the bottom of the proposed structure for continuity and a coherent design of all building elevations as required by Title 19.08.

Due to the existence of a quasi-municipal well at the rear of 5686 North Rainbow Boulevard, a 10-foot wide access easement is necessary to provide access to the well for maintenance and service. This access easement prevents the proposed development from providing the required eight-foot landscape buffer adjacent to the east property line as required by Title 19 and a Waiver is necessary. Per the Department of Public Works, *"no onsite improvements shall be constructed within the easement."* This extraordinary site condition prevents the applicant from meeting the minimum standards for the eastern landscape buffer. As an alternative, the applicant is proposing to install a landscape buffer adjacent to the easement line that varies in width from eight feet to 10 feet as required by Title 19.08 for perimeter landscape buffer requirements.

When the subject site was part of an overall commercial development, interior drive aisle access was provided between the buildings and uses that would reduce the number of commercial driveways on Rainbow Boulevard. Currently, the convenience store (7-11) under construction on the northeast corner of Ann Road and Rainbow Boulevard does not provide an interior access aisle to the subject site to the north, resulting in a second commercial driveway being proposed for Rainbow Boulevard. If approved, a Condition of Approval has been added by staff for an interior access drive aisle to be provided to the commercially zoned property to the north (5664 North Rainbow Boulevard) if developed. The proposed development provides four extra parking spaces and a Variance would not be necessary if three parking spaces were lost to a future driveway.

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On February 15, 2017 the City Council adopted the Rainbow Boulevard North Corridor Plan. The Plan area boundaries consist of all properties located adjacent to Rainbow Boulevard, between Rancho Drive and CC-215. The purpose of the Rainbow Boulevard North Corridor Plan is to approach community planning and transportation planning as an intertwined process that focuses on Rainbow Boulevard as a community corridor. Rainbow Boulevard serves as a multi-modal spine (buses, cars, bikes, and pedestrians) that traverses multiple neighborhoods and serves primarily local residents that live within a distinctly characterized area. Issues develop when a rural community loses its character because the primary roadway is classified as, but does not operate at, an urban level.

The vision for the Rainbow Boulevard North Corridor is a walkable corridor that exudes the feeling of small town Americana similar to what can be found in many Western Main Streets. The Plan seeks to preserve the essence of the small amounts of remaining rural character along the Rainbow Boulevard North Corridor by emphasizing uses that serve the corridor community and encouraging development patterns that align with the single-family neighborhoods. It is important to note that this Plan does not exclude commercial or multi-family residential uses along the corridor; rather, it seeks to encourage those uses to contribute to the needs of the neighborhoods and aesthetically blend in with the community. It is anticipated that establishing a sense of place along the corridor is one of the strongest strategies for preserving the remaining elements of rural character by facilitating community involvement and strengthening the identity of the corridor.

Most of the land uses in the Ann-Rainbow portion of the Plan are dedicated to residential: the variety of zoning districts include: R-CL (Single Family Compact-Lot), R-1 (Single Family Residential), Residential Planned Development (R-PD) ranging in density from R-PD2 to R-PD8 and, in a smaller percentage, Single Family Residential – Restricted (R-D) and R-E (Residence Estates). Three of the four corners at the Ann Road and Rainbow Boulevard intersection and the three lots north of the northeast corner of Ann Road and Rainbow Boulevard are now zoned C-1 (Limited Commercial), which includes the subject site. Because of the subject site's adjacency to low density detached residential neighborhoods, the subject site is one of four lots that mostly affects the quality of life of the current residents.

The Plan recommends commercial development be limited to the Ann and Rainbow intersection and south thereof. The Plan's inventory analysis found that commercial development located elsewhere along the corridor would negatively impact the quality of life of existing residents, and non-residential development located north of Ann Road within the Plan area is highly discouraged. The preferred development outlined by the Rainbow North Corridor Plan for this section of the Character Area is residential and include:

- Duplexes that retain the bulk and scale of the surrounding neighborhood developments;
- Townhouses that are oriented to Rainbow Boulevard.

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Staff continues to support the Rainbow Boulevard North Corridor Plan and finds the continued encroachment of commercial buildings and land uses north of Ann Road to be incompatible with the existing residential development that surrounds the subject site, including property zoned R-E (Rural Estates Residential) within an RNP (Rural Neighborhood Preservation) area in Clark County Nevada to the east. While the subject sites is zoned C-1 (Limited Commercial), it is still able to be rezoned and redeveloped into a residential land use that is compatible with the existing surrounding residential zoning districts and land uses.

One of the desired results of the implementation of the City of Las Vegas 2050 Master Plan is to strengthen the character of mature neighborhoods with the least intrusive infill development, such as single-family homes, townhomes and condominiums that also provide a mix of housing types in neighborhoods where transportation alternatives exist. Approximately 150 feet from the northwest corner off Ann Road and Rainbow Boulevard is a bus stop, in addition to one located approximately 170 feet from the southwest corner of Ann Road and Rainbow Boulevard making the subject site suitable for housing as outlined by the 2050 Master Plan.

In addition, a Waiver is requested to allow the proposed Liquor Establishment (Tavern) land use to be located 444 feet from an Individual Care Center [Child Care] Licensed for more than 12 Children where 1,500 feet is required. Staff is not able to support a Special Use Permit that does not meet the minimum Special Use Permit requirements set forth by Title 19.12 and is recommending denial of the requested Special Use Permit and Site Development Plan Review.

FINDINGS (22-0070-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.**

The existence of a childcare center and large-lot single-family residential homes in the immediate area make the subject site incompatible with the existing surrounding land uses. The Rainbow Boulevard North Corridor Plan recommends commercial land uses not expand northward on Rainbow Boulevard past the immediate corner of Ann Road and Rainbow Boulevard encroaching upon the residential neighborhoods to the north.

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

The subject site shares a property line with a large lot, rural single-family residential home to the east, and is less than 500 feet from an existing childcare facility on the west side of Rainbow Boulevard making the subject site not suitable for the proposed Liquor Establishment (Tavern) 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.**

If approved, half street improvements adjacent to the site including curb, gutter and sidewalk are required in association with the proposed development. Rainbow Boulevard is classified as a Primary Arterial by the Master Plan of Streets and Highways and will be adequate in size after the improvements are completed.

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.**

Approval of the requested Special Use Permit at the subject site is inconsistent with the General Plan which intends the existing Service Commercial land use designation to support low intensity commercial offices, businesses or retail.

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

The proposed Tavern use does not meet the minimum distance separation requirements between a Liquor Establishment (Tavern) and an individual care center licensed for more than 12 children located on the west side of Rainbow Boulevard, and a Waiver of this requirement is requested, which staff does not support.

FINDINGS (22-0070-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;**

Staff finds the proposed tavern development to be incompatible with the existing residential development adjacent to the subject site. Staff does not support the continuing encroachment of commercial development into a predominantly residential area, especially when the proposed commercial development is directly adjacent to property zoned R-E (Rural Estates Residential) within an RNP (Rural Neighborhood Preservation) area in Clark County Nevada. In addition, the subject site is within the North Rainbow Corridor Plan which specifically recommends residential type uses such as townhomes for the subject site if developed.

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

If the Special Use Permit and Site Development Plan Review requests are approved, the proposed development would be consistent with the Rainbow North Corridor Plan which recommends residential development such as townhomes, not commercial development and land uses.

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

Site access would be provided from Rainbow Boulevard, a 100-foot Primary Arterial as classified by the Master Plan of Streets and Highways. At the intersection of Ann Road and Rainbow Boulevard, Rainbow Boulevard is a fully improved 100-foot right-of-way, but tapers down to approximately 50 feet due to the fact that north of the intersection are existing lot-large single family homes that are rural in nature and half street improvements are not required for such development. If this application is approved, half street improvements including sidewalk, curb and gutter will be required, and Rainbow Boulevard will be 100 feet in width adjacent to the subject site, only to immediately drop back down to 50 feet in width since the remaining parcels on the block directly north of the subject sites are still utilized as rural single-family homes with no street improvements. This will create a roadway that will negatively impact the predominantly residential neighborhood traffic that exists north of Ann Road.

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

The proposed building materials include stucco, stone and metal which are appropriate materials for the area and the City. The proposed landscape materials include 'Desert Willow' trees and 'Desert Sage' shrubbery which are appropriate for a desert climate.

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 elevations are not obnoxious or unsightly, and meet the minimum requirements set forth by Title 19.08 that requires all sides of a building to be coherently designed and treated with a consistent level of detailing and finish being required for all sides of a building.

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

If approved, the proposed development would be subject to review during the plan check and permitting process, as well as regular site inspections during construction. Once constructed, the use would be subject to business license review and continuing compliance once licensed. These measures are in place to protect the public health, safety, and general welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
01/17/18	The City Council approved a request for a General Plan Amendment (GPA-67883) from DR (Desert Rural Density Residential) and R (Rural Density Residential) to SC (Service Commercial) on 2.42 acres on the east side of Rainbow Boulevard, approximately 85 feet north of Ann Road. The Planning Commission recommended approval, staff recommended denial.
	The City Council approved a request for a Rezoning (ZON-67884) from R-E (Residence Estates) to C-1 (Limited Commercial) on 2.42 acres on the east side of Rainbow Boulevard, approximately 85 feet north of Ann Road. The Planning Commission recommended approval, staff recommended denial.

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
	The City Council approved a request for a Site Development Plan Review (SDR-68324) for a proposed 28,800 square-foot general retail store, other than listed with a Waiver to allow a zero-foot landscape buffer where eight feet is required along the east perimeter on 2.42 acres on the east side of Rainbow Boulevard, approximately 85 feet north of Ann Road. The Planning Commission recommended approval, staff recommended denial.
04/23/19	The Planning Commission approved a request for a Special Use Permit (SUP-75124) for a proposed 2,985 square-foot Beer/Wine/Cooler Off-Sale Establishment Use at the northeast corner of Ann Road and Rainbow Boulevard. Staff recommended denial.
	The Planning Commission approved a request for a Site Development Plan Review (SDR-75125) for a proposed 19,785 square-foot Commercial Center including a 2,985 square-foot Convenience Store with Fuel Pumps and Canopy; and two, 8,400 square-foot Commercial Buildings with Waivers to not orient the buildings to the corner or the street front where such is required; to allow portions of the landscape buffer adjacent to the west property line to be three feet, and portions of the south property line to be five feet where 15 feet is required for both; and to allow portions of the landscape buffer adjacent to the east property line to be five feet where eight feet is required on 3.24 acres at the northeast corner of Ann Road and Rainbow Boulevard. Staff recommended denial.
08/10/21	The Planning Commission approved a request for a Special Use Permit (21-0320-SUP1) for a proposed 2,985 square-foot Beer/Wine/Cooler Off-Sale Establishment Use at 5620 North Rainbow Boulevard. Staff recommended denial.
	The Planning Commission approved a request for a Site Development Plan Review (21-0320-SDR1) for a proposed 2,985 square-foot Convenience Store with Fuel Pumps and Canopy with Waivers of Title 19 Landscape Buffer Requirements and to not orient the building to the corner where such is required on 0.82 acres at 5620 North Rainbow Boulevard. Staff recommended denial.
04/12/22	The Planning Commission voted (7-0) to hold in ABEYANCE 22-0070 [SUP1 and SDR1] to the May 10, 2022 Planning Commission meeting.

Related Relevant City Actions by Planning, Fire, Bldg., etc.	
05/10/22	<p>The Planning Commission (4-3 vote) approved the following Land Use Entitlement project request on 1.05 acres at 5609 Ano Drive (APN 125-24-304-005), R-E (Residence Estates) Zone, Ward 6 (Fiore)</p> <ul style="list-style-type: none"> • 22-0070-SUP1 - SPECIAL USE PERMIT - FOR A PROPOSED 3,900 SQUARE-FOOT LIQUOR ESTABLISHMENT (TAVERN) USE WITH A WAIVER TO ALLOW A 444-FOOT DISTANCE SEPARATION FROM A SCHOOL / INDIVIDUAL CARE CENTER LICENSED FOR MORE THAN 12 CHILDREN WHERE 1,500 FEET IS REQUIRED • 22-0070-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED 3,900 SQUARE-FOOT TAVERN DEVELOPMENT WITH A WAIVER OF THE PERIMETER LANDSCAPE BUFFER REQUIREMENTS
05/16/22	<p>The Office of the City Clerk received an Appeal of the Approval of 22-0070-SUP1 and a Council Review of the Approval of 22-0070-SDR1 by the Planning Commission on the following Land Use Entitlement project requests on 0.79 acres at 5640 North Rainbow Boulevard (APN 125-26-410-006), C-1 (Limited Commercial) Zone, Ward 6 (Fiore)</p> <ul style="list-style-type: none"> • 22-0070-SUP1 - SPECIAL USE PERMIT - FOR A PROPOSED 3,900 SQUARE-FOOT LIQUOR ESTABLISHMENT (TAVERN) USE WITH A WAIVER TO ALLOW A 444-FOOT DISTANCE SEPARATION FROM A SCHOOL / INDIVIDUAL CARE CENTER LICENSED FOR MORE THAN 12 CHILDREN WHERE 1,500 FEET IS REQUIRED • 22-0070-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED 3.900 SQUARE-FOOT TAVERN DEVELOPMENT WITH A WAIVER OF THE PERIMETER LANDSCAPE BUFFER REQUIREMENTS.

Most Recent Change of Ownership	
04/1999	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
There are no building permits or business licenses related to the subject site.	

Pre-Application Meeting	
02/10/22	Staff provided the applicant a submittal checklist for the proposed tavern development.

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<i>Neighborhood Meeting</i>

A neighborhood meeting was not required, but a voluntary neighborhood meeting was held on April 5, 2022. Staff was not in attendance of the voluntary neighborhood meeting.

<i>Field Check</i>

02/26/22	Staff performed a routine field check to observe the subject site and confirm the existence of a child care facility located on the west side of Rainbow Boulevard. The existing single-family structure was in good condition, but staff was unable to determine if it was or wasn't currently being utilized as a single-family residence, or vacant.
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<i>Details of Application Request</i>
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<i>Site Area</i>

Gross Acres	0.79
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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	Single Family, Detached	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family, Detached	SC (Service Commercial)	C-1 (Limited Commercial)

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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>
South	Convenience Store (Under Construction)	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single Family, Detached	RNP (Rural Neighborhood Preservation) Clark County	R-E (Rural Estates Residential) Clark County
		RL (Residential Low) Clark County	
West	Single Family, Detached	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development – 8 Units per Acre)
	General Retail Store	R (Rural Density Residential)	C-1 (Limited Commercial)

<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>
No Applicable Special Area or Overlay Districts	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Rainbow Boulevard North Corridor Plan	N*
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

**The Rainbow Boulevard North Corridor Plan recommends residential development for this area such as townhomes, and no commercial development north of the corner of Ann Road and Rainbow Boulevard.*

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	126 Feet	Y
Min. Setbacks			
• Front	10 Feet	177 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	10 Feet	N/A	N/A
• Rear	20 Feet	20 Feet	Y
Max. Lot Coverage	50 %	11 %	Y
Max. Building Height	15 Feet	30 Feet	Y*
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	By Condition	
Mech. Equipment	Screened	By Condition	

**All property to be developed for nonresidential or multifamily residential use that is located adjacent to property which is zoned R-E, R-D, R-1, R-SL or R-CL, unless such adjacent property is developed with a nonresidential use, shall conform to the residential adjacency standards set forth in this Subsection. The residential properties located along the east property line are not within the City limits and the Residential Adjacency Standards set forth by Title 19.08 do not apply. If applicable, Residential Adjacency Standards would require a 66-foot setback from the east property line as long as the parapets met the 3:1 slope requirement. If not, then the setback required would be 90 feet.*

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	13 Trees	8 Trees	N*
• South	1 Tree / 20 Linear Feet	13 Trees	8 Trees	N*
• East	1 Tree / 20 Linear Feet	7 Trees	6 Trees	N*
• West	1 Tree / 20 Linear Feet	3 Trees	0 Trees	N*
TOTAL PERIMETER TREES		36 Trees	22 Trees	N*
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	12 Trees	12 Trees	Y

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		8 Feet	Y
• East	8 Feet		0 Feet	N**
• West	15 Feet		15 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		Not Indicated	By Condition

**The applicant proposed trees planted every 30 feet on center which is not compliant with the minimum requirements of Title 19.08. Staff has added a Condition of Approval requiring trees be planted every 20 feet on-center as required by Title 19.08.*

***Due to an existing easement, the landscape buffer is not able to be located adjacent to the property line.*

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Rainbow Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	76-102	N*

**If approved, half street improvements including curb, gutter and sidewalk are required adjacent to the subject site.*

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	ADA	Regular	ADA	
Liquor Establishment (Tavern)	1,044 SF	1:50 SF for Public Areas	21				
	2,856 SF	1:200 SF for Back-of-House	15				
TOTAL SPACES REQUIRED			36		40		Y
Regular and Handicap Spaces Required			34	2	38	2	Y

Waivers		
Requirement	Request	Staff Recommendation
A 1,500 distance separation is required between a Liquor Establishment (Tavern) and an individual care center licensed for more than 12 children.	To allow a 444-foot distance separation from an individual care center licensed for more than 12 children.	Denial
An eight-foot wide landscape buffer is required adjacent to interior lot lines.	To allow a zero-foot wide landscape buffer adjacent to the east property line.	No Recommendation*

**Staff recognizes this Waiver request is not self-imposed, but due to the distance separation Waiver requested, staff is not able to support the proposed land use and associated development.*

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July 20, 2022 - City Council Meeting

Department of Public Works Traffic Study

Proposed 3.9 Thousand Square-Foot Tavern Replacing a Single-Family Dwelling				
Existing Use	Description	#Unit	Rate/#Unit	Total
Average Daily Traffic (ADT)	SINGLE FAMILY	1.000	9.44	9
AM Peak Hour	DETACHED		0.74	1
PM Peak Hour	[DWELL]		0.99	1
Proposed Use	Description	#Unit	Rate/#Unit	Total
Average Daily Traffic (ADT)	HIGH-TURNOVER	3.900	112.18	437
AM Peak Hour	(SIT-DOWN)		9.94	39
PM Peak Hour	RESTAURANT [1000 SF]		9.77	38
Proposed Use	Description	#Unit	Rate/#Unit	Total
Average Daily Traffic (ADT)	NET CHANGE	N/A	N/A	428
AM Peak Hour				38
PM Peak Hour				37
Existing Traffic on Nearby Streets				
Rainbow Boulevard				
Average Daily Traffic (ADT)			6,504	
PM Peak Hour (Heaviest 60 Minutes)			520	
Ann Road				
Average Daily Traffic (ADT)			29,379	
PM Peak Hour (heaviest 60 minutes)			2,350	
Traffic Capacity of Adjacent Streets:				
Adjacent Street ADT Capacity				
Rainbow Boulevard			29,085	
Bradley Road			59,900	
Summary				
This project will add approximately 428 trips per day on Rainbow Boulevard and Ann Road. Currently, Rainbow Boulevard is at about 22 percent of capacity and Ann Road is at about 49 percent of capacity. With this project, Rainbow Boulevard is expected to be at 24 percent of capacity and Ann Road to be at about 50 percent of capacity.				
Based on Peak Hour use, this expansion will add into the area roughly 38 additional peak hour trips, or about two every three minutes.				