

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: JULY 20, 2022

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: S &amp; S FUELS, LLC

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>22-0240-VAR1</b>	Staff recommends DENIAL, if approved subject to conditions:	22-0240-VAR2 22-0240-SDR1
<b>22-0240-VAR2</b>	Staff recommends DENIAL, if approved subject to conditions:	22-0240-VAR1 22-0240-SDR1
<b>22-0240-SDR1</b>	Staff recommends DENIAL, if approved subject to conditions:	22-0240-VAR1 22-0240- VAR2

**\*\* NOTIFICATION \*\*****NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 24**NOTICES MAILED** 525**PROTESTS** 0**APPROVALS** 0

**\*\* CONDITIONS \*\***

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**22-0240-VAR1 CONDITIONS**

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**Planning**

1. A Variance is hereby approved to allow 15 parking spaces where 20 are required and to allow no loading zone space where one is required.
2. Approval of and conformance to the Conditions of Approval for Variance (22-0240-VAR2) and Site Development Plan Review (22-0240-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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**22-0240-VAR2 CONDITIONS**

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**Planning**

1. A Variance is hereby approved to allow a 10-foot rear yard setback where 20 feet is required.
2. Approval of and conformance to the Conditions of Approval for Variance (22-0240-VAR1) and Site Development Plan Review (22-0240-SDR1) shall be required, if approved.

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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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**22-0240-SDR1 CONDITIONS**

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**Planning**

1. 36-inch box trees shall be installed.
2. Approval of and conformance to the Conditions of Approval for Variances (22-0240-VAR1 and VAR2) 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 development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 04/27/22, except as amended by conditions herein.
5. A Waiver from Title 19.08 is hereby approved, to allow no landscape buffer along the north and east property lines where an eight-foot wide landscape buffer is required.
6. A Waiver from Title 19.08 is hereby approved, to allow a five-foot wide landscape buffer width along portions of the south and west property lines where 15 feet is required.
7. A Waiver from Title 19.08 is hereby approved, to not orient the building to the corner where such is required.

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8. An Exception from Title 19.08 is hereby approved, to allow four perimeter trees where 20 are required.
9. An Exception from Title 19.08 is hereby approved, to allow two interior trees where six are required.
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.
12. 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.
13. 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.
14. 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.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

16. The sidewalk adjacent to this site shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with development of this site. Grant any Pedestrian Access Easement needed to complete this requirement.

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17. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-2338 or emailed at [ece@lasvegasnevada.gov](mailto:ece@lasvegasnevada.gov).
18. 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.
19. Contact the City Engineer's Office at 702-229-6691 to coordinate the acquisition of public right-of-way, and design and construction of off-site improvements with the West Charleston Bus Turnouts CIP (MWA164) project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
20. 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 (702-229-4836).
21. 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 [or the submittal of a map for this site], whichever may occur first. Provide and improve all drainage ways as recommended.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a Variance (2), Special Use Permit (2) and Site Development Plan Review request for a proposed convenience store and gas station development located at the northeast corner of Charleston Boulevard and Antelope Way.

**ISSUES**

- It is noted the applicant intends to request a withdrawal of Special Use Permit requests (22-0240-SUP1 and SUP2) for a proposed Alcohol, Off-Premise Beer/Wine and Gaming Establishment, Restricted use (one to five machines).
  - a) Staff has determined the existing alcohol and gaming uses onsite can be treated as legal non-conforming uses.
  - b) This will allow the applicant to keep seven gaming machines.
  - c) Note that if the uses cease onsite for more than a year and an Extension of Time is not granted, the uses must comply with current code requirements.
- Variance (22-0240-VAR1) is requested to allow 15 parking spaces where 20 are required and to allow no loading zone space where one is required. Staff does not support the request.
- Variance (22-0240-VAR2) is requested to allow a 10-foot rear yard setback where 20 feet is required. Staff does not support the request.
- Special Use Permit (22-0240-SUP1) is requested for a proposed Alcohol, Off-Premise Beer/Wine Use. Staff does not support the request.
- Special Use Permit (22-0240-SUP2) is requested for a proposed Gaming Establishment, Restricted use (one to five machines). Staff does not support the request.
- A Waiver is requested to not orient the building to the corner where such is required. Staff does not support the request.
- A Waiver is requested to allow no landscape buffer along the north and east property lines where eight feet is required. Staff does not support the request.
- A Waiver is requested to allow a five-foot wide landscape buffer along the south and west property lines where 15 feet is required. Staff does not support the request.
- An Exception is requested to allow four perimeter trees where 20 are required. Staff does not support the request.
- An Exception is requested to allow two interior trees where six are required. Staff does not support the request.

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## **ANALYSIS**

The subject site is zoned C-1 (Limited Commercial) and subject to Title 19 development standards. It is developed with an existing convenience store and surrounded by other commercial uses. Per the submitted justification letter, the applicant proposes to demolish the existing convenience store building and develop the site with a new 3,436 square-foot convenience store including fuel pumps under a canopy. Variances are requested to allow a reduction in parking and the rear yard setback area. Special Use Permits are requested for proposed gaming and off-premise beer/wine uses.

Per Title 19, the Alcohol, Off-Premise Beer/Wine use is defined as, “An establishment licensed to sell alcoholic beverages, limited to the sale of beer, wine and coolers, to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the business is conducted.” The proposed development complies with this definition as the applicant proposes to sell beer and wine in conjunction with the General Retail Store, Other than Listed use. The alcoholic beverages will only be sold to be consumed off-site therefore meeting the Alcohol, Off-Premise Beer/Wine use.

### **Minimum Special Use Permit Requirements:**

\*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 a minimum distance separation between an Alcohol, Off-Premise Beer/Wine establishment and certain other uses that should be protected from the impacts associated with that establishment. Therefore, except as otherwise provided in these Requirements, no Alcohol, Off-Premise Beer/Wine establishment may be located within 400 feet of any of the following uses:

- a. Church/house of worship;
- b. School;
- c. Individual care center licensed for more than 12 children; or
- d. City park.

*This requirement is met as there are no protected uses located within the required distance separation.*

- 2. The distance separation requirement set forth in Requirement 1 does not apply to:
  - a. 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; or
  - b. A proposed establishment having more than 50,000 square feet of retail gross floor area.

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*This requirement is not applicable as there are no protected uses located within the required distance separation.*

3. The minimum distance separation requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived:
- a. In accordance with the provisions of LVMC 19.12.050(C) for any establishment which is proposed to be located on a parcel within the Downtown Las Vegas Overlay District, as described in LVMC 19.10.110;
  - b. In accordance with the provisions of LVMC 19.12.050(C) for any establishment having between 15,000 square feet and 50,000 square feet of retail gross floor space, if no more than 10 percent of the retail gross floor space is regularly devoted to the display or merchandising of alcoholic beverages;
  - c. In accordance with the provisions of LVMC 19.12.050(C) for any retail establishment having less than 15,000 square feet of retail gross floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right-of-way with a width of at least 100 feet; or
  - d. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan.

*This requirement is not applicable as there are no protected uses located within the required distance separation.*

\*4 Except as otherwise permitted pursuant to LVMC 6.50.050, the establishment shall not be located on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

*This requirement is met as the subject development is not located adjacent to the Pedestrian Mall.*

Title 19 defines the Gaming Establishment, Restricted use (one to five machines) as, "An establishment which is primarily used for some business other than gaming but in which restricted gaming is permitted 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, and no other game or gaming device. The applicant meets this requirement as five machines are proposed to be operated within the subject development.



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**Minimum Special Use Permit Requirements:**

1. Pursuant to its general authority to regulate gaming, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a minimum distance separation between a Gaming Establishment, Restricted use and certain other uses that should be protected from the impacts associated with that establishment, or that otherwise should be separated so as to minimize impacts on surrounding areas. Therefore, except as otherwise provided in these Requirements, the following distance separation requirements apply:

a. For one to five gaming machines, no less than 400 feet to the nearest:

- i. Church/house of worship;
- ii. School;
- iii. Individual care center licensed for more than 12 children; or
- iv. City park.

\*b. For six to fifteen gaming machines, no less than 1500 feet to the nearest:

- i. Church/house of worship;
- ii. School;
- iii. Individual care center licensed for more than 12 children; or
- iv. City park;
- v. Gaming Establishment, Restricted use with six to fifteen gaming machines; or
- vi. Gaming Establishment, Non-restricted use.

\*c. For one to fifteen gaming machines, and operating independently of Requirement 1.b. above, no less than 1500 feet to the nearest Gaming Establishment, Restricted use or Gaming Establishment, Non-restricted use located within the Resort & Casino District, as described in LVMC Title 19, Appendix F.

*This requirement is met as the applicant will be limited to operate five machines and there are no protected uses located within the required 400-foot distance separation area. This location does not qualify for six to fifteen machines as there are existing establishments with six to fifteen machines within 1,500 feet of the subject site.*

2. The distance separation requirement set forth in Requirement 1.b. may be waived in accordance with the provisions of LVMC 19.12.050(C) for the following:

- a. An establishment located on property within one or more of the following Special Area and Overlay Districts:
  - i. The Civic District, as described in LVMC 19.10.010;

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- ii. The Market District or the Symphony Park District within the Downtown Las Vegas Overlay District, as described in LVMC Title 19, Appendix F; or
  - iii. The Gaming Enterprise Overlay District, as described in LVMC 19.10.130, except for any portion of the Gaming Enterprise Overlay District that falls entirely within the Resort & Casino District, as described in LVMC Title 19, Appendix F.
- b. An establishment located within a Regional Mall, as defined by LVMC 19.18.020;
  - c. An establishment located within a Mixed-Use development, as defined by LVMC 19.18.020;
  - d. An establishment that will be separated from an existing protected use by a street or highway with a minimum right-of-way width of 100 feet; or
  - e. An establishment that is located on a site, or within a building or structure, that is designated on the City of Las Vegas Historic Property Register.

*This requirement is not applicable as there are no protected uses located within the required 400-foot distance separation area.*

\*3. The use shall conform to, and is subject to, the provisions of LVMC Chapter 6.40.

*This requirement will be met via Conditions of Approval.*

The submitted plans depict a single-story, 3,436 square-foot building oriented to the northeast corner of the subject site. A Variance is requested to allow a 10-foot rear yard setback where 20 feet is required and a Waiver is requested to orient the building away from the corner. Per Title 19, buildings on corner lots should be oriented to the corner and to the street fronts, and should make a strong tie to the building lines of each street unless the applicant can demonstrate by substantial and convincing evidence that to do so would be infeasible. Parking and curb cuts shall be located away from corners.

A Variance is requested to allow a total of 15 parking spaces are proposed where 20 are required and to allow no loading zone space where one is required. Per Title 19, a loading space, fifteen feet in width, twenty-five feet in length, with a fifteen foot vertical clearance shall be provided to reduce the potential for traffic congestion and hazards. Waivers and Exceptions are requested to allow reduced landscape buffer widths and a reduction in planting materials. A core vision within the 2050 Las Vegas Master Plan is to reduce the notable increases in the urban heat island effect. It is a priority to increase the tree canopy across all areas of the City for multiple public health and environmental benefits. Mitigation efforts of the urban heat island effect include planting and maintaining trees. The applicant has not provided sufficient evidence to support the Variance, Waiver and Exception requests; therefore, staff recommends denial.

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The Department of Public Works – Traffic Engineering Division has commented, “This project will add approximately 498 trips per day on Charleston Boulevard and Antelope Way. Currently, Charleston Boulevard is at about 62 percent of capacity and Antelope Way is at about 23 percent of capacity. With this project, Charleston Boulevard is expected to be at about 63 percent of capacity and Antelope Way to be at about 26 percent of capacity. Based on Peak Hour use, this development will add about 63 vehicles in the peak hour, or about one every minute.”

The subject site is located within the 2050 Las Vegas Master Plan Charleston Area. This area includes the Charleston Boulevard corridor which is the City’s major east-west link and commercial corridor between Downtown Las Vegas and its western suburbs. Comprised of both the City’s earliest inner-ring suburbs and new suburban neighborhoods, this area has high potential for transit-oriented development and new place types along multiple corridors with the introduction of high capacity transit over the next thirty years. The future focus is for more intense, higher density transit-oriented development and developing new place and housing types at specific locations and strips.

Per the submitted justification letter, the City of Las Vegas has requested up to 15 feet of frontage property on Charleston be dedicated for a future right turn lane. As a result of this request, the existing building placement will not allow for proper site circulation with the addition of a proposed fueling canopy. Therefore, the building must be demolished and rebuilt 10 feet to the north of where it is currently sited. In addition the proposed fueling canopy will also move further north on the site to accommodate the City requested right-of-way expansion.

Staff finds that even with the requested dedication, there is adequate space to design the proposed development in closer alignment with the development standards set forth by Title 19.08 for a commercially zoned property. The applicant has created a self-imposed hardship by proposing a site design that has resulted in the need for Variances, Waivers and Exceptions. Therefore, staff recommends denial of all applications, subject to conditions if approved.

**FINDINGS (22-0240-VAR1 and VAR2)**

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

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Additionally, Title 19.16.140(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by not adhering to minimum Title 19 parking and setback requirements. Redesigning the proposed development would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**FINDINGS (22-0240-SUP1 and 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 Alcohol, Off-Premise Beer/Wine and Gaming Establishment, Restricted uses would be in conjunction with a General Retail Store, Other than Listed (Convenience Store). The uses cannot be conducted in a manner that is harmonious and compatible with the existing surrounding land uses as evidenced by the associated Variance and Waiver requests for site design.

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

The subject site is not physically suitable for the type and intensity of the proposed land uses as evidenced by the associated Variance and Waiver requests for site design.

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.**

The subject site is accessed from Charleston Boulevard, a 100-foot Primary Arterial and Antelope Way, an 80-foot Collector Street, both adequate in size to meet the needs of the proposed uses.

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.**

If approved, the Special Use Permits will be subject to conditions of approval, business license approval, and compliance inspections to ensure the public health, safety, and welfare is not compromised.

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

The proposed Alcohol, Off-Premise Beer/Wine and Gaming Establishment, Restricted uses comply with all minimum Special Use Permit Requirements per Title 19.12.

## **FINDINGS (22-0240-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 development is not compatible with existing commercial development adjacent to the south. The applicant has requested a Waiver to allow the proposed building to not be oriented to the corner.

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

Waivers of Title 19 standards are requested in regards to landscaping and building orientation and is not consistent with the newly adopted 2050 Master Plan.

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

The subject site is accessed from Charleston Boulevard, a 100-foot Primary Arterial and Antelope Way, an 80-foot Collector Street; both adequate in size to meet the needs of the proposed development.

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

Building materials are typical for commercial development in this area. Landscape materials are drought tolerant and are appropriate for the area 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;**

While the proposed building elevations are not unsightly or obnoxious, the lack of landscape materials does not create an aesthetically pleasing environment.

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

If approved, the proposed development will be subject to building permit review and regular inspections during construction, as well as regular inspections while in operation for licensing and food related land uses thereby protecting the health, safety, and general welfare of the public if approved.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
06/02/21	The City Council approved a General Plan Amendment (21-0029-GPA1) to adopt The City of Las Vegas 2050 Master Plan and amend the City of Las Vegas General Plan from: various categories to: TOD-1 (Transit Oriented Development-1), TOD -2 (Transit Oriented Development-2), TOC-1 (Transit Oriented Corridor-1), TOC -2 (Transit Oriented Corridor-2), Or NMX-U (Neighborhood Center Mixed Use) within The City Of Las Vegas.
06/21/22	<p>The Planning Commission (6-0 vote) recommends APPROVAL on the following Land Use Entitlement project requests on 0.51 acres at the northeast corner of Charleston Boulevard and Antelope Way (APNs 138-34-802-005 and 006), C-1 (Limited Commercial) Zone, Ward 1 (Knudsen)</p> <ul style="list-style-type: none"> <li>• <b>22-0240-VAR1</b> - VARIANCE - TO ALLOW 15 PARKING SPACES WHERE 20 ARE REQUIRED AND TO ALLOW NO LOADING SPACE WHERE ONE IS REQUIRED</li> <li>• <b>22-0240-VAR2</b> - VARIANCE - TO ALLOW A 10-FOOT REAR YARD SETBACK WHERE 20 FEET IS REQUIRED</li> <li>• <b>22-0240-SDR1</b> - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED 3,436 SQUARE-FOOT CONVENIENCE STORE WITH FUEL PUMPS AND CANOPY WITH WAIVERS OF TITLE 19 LANDSCAPE BUFFER REQUIREMENTS AND A WAIVER TO NOT ORIENT THE BUILDING TO THE CORNER WHERE SUCH IS REQUIRED</li> </ul>

<b><i>Most Recent Change of Ownership</i></b>	
12/23/20	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
c.1972	A commercial building was constructed.
04/15/09	A Business License (W10-00263) was issued for wire transfer services at 6950 West Charleston Boulevard. The license is currently active and set to expire on 03/01/23.
10/21/09	A Business License (G50-07750) was issued for a DVD rental kiosk at 6950 West Charleston Boulevard. The license is currently active and set to expire on 09/01/22.
09/02/20	A Business License (X68-00011) was issued for five slot type gaming machines at 6950 West Charleston Boulevard. The license is currently active and set to expire on 10/01/22.

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<b>Related Building Permits/Business Licenses</b>	
10/28/20	A Business License (L69-00025) was issued for a liquor license at 6950 West Charleston Boulevard. The license is currently active and set to expire on 10/01/22.
	A Business License (P68-00188) was issued for beer/wine/cooler off-sales at 6950 West Charleston Boulevard. The license is listed as expired as of 10/01/21.
	A Business License (G68-06958) was issued for tobacco sales at 6950 West Charleston Boulevard. The license is currently active and set to expire on 10/01/22.
06/11/19	A Building Permit (C19-02561) was issued for one illuminated wall sign at 6590 West Charleston Boulevard.
01/28/20	A Building Permit (C20-00362) was issued for one exterior sign cabinet at 6590 West Charleston Boulevard.

<b>Pre-Application Meeting</b>	
04/25/22	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed gas station development.

<b>Neighborhood Meeting</b>	
A neighborhood meeting was not required, nor was one held.	

<b>Field Check</b>	
05/12/22	Staff conducted a routine field check and found an existing convenience store. No issues were noted.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.51



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<b><i>Surrounding Property</i></b>	<b><i>Existing Land Use Per Title 19.12</i></b>	<b><i>Planned or Special Land Use Designation</i></b>	<b><i>Existing Zoning District</i></b>
Subject Property	General Retail, Other than Listed	TOD-1 (Transit Oriented Development – High)	C-1 (Limited Commercial)
North	Undeveloped	TOD-1 (Transit Oriented Development – High)	C-1 (Limited Commercial)
South	Restaurant/Tavern	TOD-1 (Transit Oriented Development – High)	C-1 (Limited Commercial)
East	Undeveloped	TOD-1 (Transit Oriented Development – High)	C-1 (Limited Commercial)
West	Shopping Center	TOD-1 (Transit Oriented Development – High)	C-1 (Limited Commercial)

<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
2050 Master Plan Area: Charleston	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
No Applicable Special Area or Overlay Districts	N/A

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<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
Trails	N/A
Las Vegas Redevelopment Plan	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

**DEVELOPMENT STANDARDS**

***Pursuant to Title 19.08, the following standards apply:***

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Lot Size	N/A	22,215 SF	Y
Min. Lot Width	100 Feet	150 Feet	Y

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<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Setbacks			
• Front	10 Feet	28 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	10 Feet	20 Feet	Y
• Rear	20 Feet	10 Feet	N*
Max. Lot Coverage	50%	25%	Y
Max. Building Height	N/A	27 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

\*A Variance is requested to allow a reduced rear yard setback area.

**Pursuant to Title 19.08, the following standards apply:**

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Buffer Trees:				
• North	1 Tree / 30 Linear Feet	5 Trees	0 Trees	N*
• South	1 Tree / 20 Linear Feet	4 Trees	2 Trees	N*
• East	1 Tree / 30 Linear Feet	7 Trees	0 Trees	N*
• West	1 Tree / 20 Linear Feet	4 Trees	2 Trees	N*
<b>TOTAL PERIMETER TREES</b>		<b>20 Trees</b>	<b>4 Trees</b>	<b>N*</b>
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	6 Trees	2 Trees	N*
<b>LANDSCAPE BUFFER WIDTHS</b>				
Min. Zone Width				
• North	8 Feet		0 Feet	N**
• South	15 Feet		5 Feet	N**
• East	8 Feet		0 Feet	N**
• West	15 Feet		5 Feet	N**

\*The applicant has requested an Exception to allow a reduction in planting materials.

\*\*The applicant has requested Waivers to allow reduced landscape buffer widths.

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<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Charleston Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	Y
Antelope Way	Collector	Master Plan of Streets and Highways Map	80	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	
General Retail, Other than Listed	3,436 SF	1:175 SF	20				
TOTAL SPACES REQUIRED			20		15		N*
Regular and Handicap Spaces Required			19	1	14	1	N*
Loading Spaces	Less than 10,000 SF		1		0		N*
Percent Deviation			25%				

\*A Variance has been requested to allow a reduction in required parking spaces.

<b>Waivers</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
Buildings on corner lots shall be oriented to the corner	To not orient the building to the corner	Denial
Provide an eight-foot landscape buffer along the interior lot lines	To allow no landscape buffer along the interior lot lines	Denial
Provide a 15-foot landscape buffer adjacent to the right-of-way	To allow a five-foot landscape buffer adjacent to the right-of-way	Denial

<b><i>Exceptions</i></b>		
<b><i>Requirement</i></b>	<b><i>Request</i></b>	<b><i>Staff Recommendation</i></b>
Provide 20 trees within the perimeter landscape buffer areas	To allow four perimeter trees	Denial
Provide six interior parking area trees	To allow two interior parking area trees	Denial