

**AGENDA MEMO - PLANNING****CITY COUNCIL MEETING DATE: OCTOBER 19, 2022****DEPARTMENT: PLANNING****ITEM DESCRIPTION: APPLICANT/OWNER: PRE RANCHO CRAIG, LLC**

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>22-0174-VAR1</b>	Staff recommends DENIAL, if approved subject to conditions:	
<b>22-0174-SDR1</b>	Staff recommends DENIAL, if approved subject to conditions:	22-0174-VAR1

**\*\* NOTIFICATION \*\*****NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 23**NOTICES MAILED** 876 (by City Clerk)**PROTESTS** 2**APPROVALS** 5

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

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**22-0174-VAR1 CONDITIONS**

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**Planning**

1. Approval of and conformance to the approved conditions of approval for Site Development Plan Review (22-0174-SDR1) 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 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**22-0174-SDR1 CONDITIONS**

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**Planning**

1. 36-inch box shade trees shall be planted within the perimeter landscape buffers.
2. Approval of and conformance to the Conditions of Approval for Variance (22-0174-VAR1) 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.

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4. All development shall be in conformance with the [site plan date stamped 07/26/22](#); [landscape plan date stamped 09/07/22](#); and [building elevations, date stamped 06/14/2022](#),
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.
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.
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.

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10. Prior to or at the time of submittal for any building permit, the applicant shall provide written verification by the FAA and/or the Clark County Department of Aviation of the following:
  - a. Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Clark County Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Clark County Department of Aviation;
  - b. No Building Permit or other construction permit shall be issued for any structure greater than 35 feet above the surface of land that, based upon the FAA's 7460 airspace determination (the outcome of filing the FAA Form 7460-1) would (a) constitute a hazard to air navigation, (b) would result in an increase to minimum flight altitudes during any phase of flight (unless approved by the Department of Aviation), or (c) would otherwise be determined to pose a significant adverse impact on airport or aircraft operations.
  - c. Applicant is advised that FAA's airspace determinations are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments.
  - d. Applicant is advised that the FAA's airspace determinations include expiration dates and that the separate airspace determinations will be needed for construction cranes or other temporary equipment.
11. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 06/14/2022, except as amended by conditions herein.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

13. Per the intent of a commercial subdivision, this site may connect to the on-site private sewer system. Alternatively, this site may connect to public sewer in Craig Road.

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14. 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. The Traffic Impact Analysis shall also 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. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. 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. A Master Traffic Impact analysis for the entire commercial subdivision may be used to address this condition.
15. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

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

**PROJECT DESCRIPTION**

The applicant is proposing to construct a 40,103 square foot EOS Health Club near the intersection of Rancho Drive and Craig Road. The proposal utilizes 4.3 acres of a 20.73 acre single-lot commercial subdivision that fronts on both Craig Road and Rancho Drive. The remaining portions of the parcel are earmarked for future development.

**REVISIONS:**

- The applicant has submitted a revised landscape plan date stamped 09/07/22, where the landscape buffer is planted with 36-inch box trees every 15 feet on center, exceeding the minimum requirements; and eliminating the need for an Exception for the parking lot landscape island tree scape.

**ISSUES**

- The applicant is requesting a Variance to allow a 95-foot Residential Adjacency Setback where 97 feet is required. Staff does not support this request.

**ANALYSIS**

The applicant is proposing a 40,103 square foot 'EOS' Health Club with 292 parking spaces, and a 2,466 square foot outdoor amenity area. The Health Club use is defined by Title 19.12 as, "an establishment that operates physical fitness facilities, sports clubs or recreation clubs." The proposed use meets the definition in 19.12 as it is a stand-alone Health Club with no other uses proposed.

The subject property is zoned C-2 (General Commercial) and is bound to the applicable development standards in Title 19. The property's designated land use is GC (General Commercial). According to the City of Las Vegas 2050 Master Plan, the General Commercial land use is suitable for higher intensity retail, service, wholesale, office, and other general business uses. The General Commercial land use designation supports the existing C-2 (General Commercial) zoning district.

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The subject site is a commercial subdivision that fronts both Rancho Drive and Craig Road, both Primary Arterials with 120 feet right-of-way widths characterized as commercial corridors. The businesses fronting on these two Primary Arterials consist of a wide range of neighborhood serving retail and services. Immediately to the west is a car wash and 'Dutch Bros' Coffee drive through. The properties fronting on West Craig Road and North Rancho Drive are zoned C-2 (General Commercial) on the same block. The use of the proposed development is suitable to the surrounding area.

In addition to Craig Road and Rancho Drive, the subject site also abuts a newly constructed detached, single-family residential neighborhood to the southeast, and Residential Adjacency Standards are applicable. The applicant is requesting a Variance for a Residential Adjacency Setback of 95 feet where 97 feet are required. While this is a slight Variance request, nevertheless, staff is not able to support this Variance request as it is preferential in nature

The applicant is also requesting an Exception for planting materials to allow a reduction of the required number of trees for the site. Since this is a commercial subdivision, the only landscape buffer required for the applicant to install is the landscape buffer adjacent to the northeastern property line and the single-family residences, landscape buffers are not required for interior "ownership" lot lines. The applicant has submitted a revised landscape plan date stamped 07/26/22, where the landscape buffer is planted with 36-inch box trees every 15 feet on center, exceeding the minimum requirements.

Within commercial developments, parking lots are required to contain one landscape island with 24-inch box shade trees for every six uncovered parking spaces and at the end of each row of parking. Staff has calculated that 60 trees would be required within the proposed parking lot configuration and the applicant is proposing 36 trees. The tree deficiency is mostly accounted for in missing landscape amongst the rows of proposed parking. Staff finds this to be a self-imposed hardship as there are no circumstances that prevent the applicant from meeting Title 19.08 requirements for surface parking lot landscape requirements, and is recommending denial of the Exception.

In addition to providing a much needed buffer to the neighboring residential homes, a goal outlined in the 2050 City of Las Vegas Master Plan is to prioritize the increase in tree canopy across all areas of the City for multiple public health and environmental benefits. This goal includes the planting of "60,000 'Bulletproof' native and adaptive trees on public and private property that are heat, cold, and wind tolerant; water efficient; low maintenance; noninvasive, and pest and disease resistant."

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The planting of trees improves air quality and reduces the urban heat island impacts felt across the City due to the lack of trees. Approving the requested Exception will increase the City's deficiency in trees and support the growing heat island effect the City continues to endure year after year. Planting trees does not negatively impact the existing water issues the entire southwest is enduring right now. As a matter of fact, the planting of heat tolerant, desert species use less water and reduces the heat island effect that ultimately requires the consumption of more water and energy. Staff supports the City's 2050 Master Plan and is recommending denial of the Exception request to plant an insufficient number of shade trees as it is preferential in nature and a self-imposed hardship that only benefits the applicant.

This project will add approximately 1,383 trips per day on Craig Road, Rancho Drive and Jones Boulevard. Currently, Craig Road is at about 60 percent of capacity, Rancho Drive is at about 41 percent of capacity and Jones Boulevard is at about 46 percent of capacity. With this project, Craig Road is expected to be at about 62 percent of capacity, Rancho Drive to be at about 43 percent of capacity and Jones Boulevard to be at about 49 percent of capacity.

While the proposal is consistent with the intent of the General Commercial land use category and the C-2 zoning district, the proposed development does not meet the goals and standards of the 2050 Master Plan that strives to fight the heat island effect by providing much needed shade trees within the City limits. In addition, the applicant has requested a Variance for a reduction of the Residential Adjacency setback from 97 to 95 feet. While this is a slight Variance request, nevertheless, staff is not able to support this Variance request as it is preferential in nature. Due to the requested Variance of the Residential Adjacency Setback Standards and Exception for the minimum required landscape materials (trees) in the parking lot, staff is not able to support the overall proposed development and is recommending denial of both the requested Variance, Exception and Site Development Plan Review.

**FINDINGS (22-0174-VAR1)**

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 requesting a 95-foot Residential Adjacency Setback where 97 feet is required. Moving the southern extent of the building north by two feet 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 (22-0174-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 incompatible with adjacent development due to the requested Variance of the Residential Adjacency setback requirement and an Exception for planting materials such as trees that would provide a much needed shade to the patrons and the City.

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

The proposed development has requested a Variance of the required Residential Adjacency Setback requirements and an Exception of the required parking lot landscape islands and parking lot trees which is inconsistent with Title 19 development standards.

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

The subject site is accessed by West Craig Road, a 120-foot wide Primary Arterial as designated by the Master Plan of Streets and Highways and will not negatively impact the adjacent roadways.

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

The proposed painted CMU and wood siding building façade and color palette is deemed appropriate for the desert environment. The primary tree species utilized are the 36-inch box “Desert Museum Palo Verde” and 36-inch box “Chitalpa” trees, which are consistent with the Southern Nevada Regional Plan Coalition Regional 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 proposed building elevations and materials are not unsightly, undesirable, or obnoxious in appearance, but due to the requested Variance of the Residential Adjacency Setback requirements, the proposed scale of the structure is not compatible with the adjacent residential neighborhood and is not harmonious nor compatible with the existing development in the area.

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

Site development is subject to building permit review and inspection, thereby protecting the public’s health, safety and welfare.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
11/18/15	The City Council approved a request for a General Plan Amendment (GPA-60900) from SC (Service Commercial) to GC (General Commercial) on 51.21 acres on the southeast corner of Rancho Drive and Craig Road.
11/18/15	The City Council approved a request for a Rezoning (ZON-60901) from C-2 (General Commercial) and R-E (Residence Estates) to C-2 (General Commercial) on 51.21 acres on the southeast corner of Rancho Drive and Craig Road.
11/18/15	The City Council approved a request for a Tentative Map (TMP-60902) for a one-lot commercial subdivision on 51.21 acres on the southeast corner of Rancho Drive and Craig Road.
07/12/22	<p>The Planning Commission (6-0 vote) recommends APPROVAL on the following Land Use Entitlement project requests on 20.76 acres on the South Side of Craig Road, approximately 470 feet east of Rancho Drive (APN 138-02-715-008), C-2 (General Commercial) Zone, Ward 5 (Crear)</p> <ul style="list-style-type: none"> <li>• <b>22-0174-VAR1</b> - VARIANCE - TO ALLOW A 95-FOOT RESIDENTIAL ADJACENCY SETBACK WHERE 97 FEET IS REQUIRED</li> <li>• <b>22-0174-SDR1</b> - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED 41,103 SQUARE-FOOT HEALTH CLUB</li> </ul>
08/17/22	The City Council voted to HOLD IN ABEYANCE 22-0174 [VAR1 and SDR1] to the September 21, 2022 City Council meeting.
09/21/22	The City Council voted to HOLD IN ABEYANCE 22-0174 [VAR1 and SDR1] to the October 19, 2022 City Council meeting.

<b><i>Most Recent Change of Ownership</i></b>	
08/28/19	A deed was recorded for a change in ownership.

<b><i>Pre-Application Meeting</i></b>	
03/23/22	A pre-application meeting was held with the applicants to discuss the project.

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

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<b>Field Check</b>	
06/01/22	Staff conducted a routine site visit and found the undeveloped property to be free of trash and debris.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	20.76 acres
Net Acres	4.3 acres

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
North	Office, Other than Listed	TOD-2 (Transit Oriented Development – 2)	C-1 (Limited Commercial)
	Restaurant		
South	Single Family, Detached	ML (Medium Low)	R-CL (Single Family Compact-Lot)
East	Vacant Commercial	GC (General Commercial)	C-2 (General Commercial)
West	Car Wash, Full Service or Auto Detailing	GC (General Commercial)	C-2 (General Commercial)

<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
No Applicable Master Plan Area	N/A
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
A-O (Airport Overlay) District (140 Feet)	Y
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
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

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## DEVELOPMENT STANDARDS

*Pursuant to 19.08.080, the following standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Width	100 Feet	373 Feet	Y
Min. Setbacks			Y
• Front	10 Feet	83 Feet	Y
• Rear	20 Feet	95 Feet	Y
Max. Lot Coverage	50 %	21 %	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	CMU	Y
Mech. Equipment	Screened	Screened	Y

<b>Residential Adjacency Standards</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
3:1 proximity slope	97 Feet	95 Feet	N
Trash Enclosure	50 Feet	99 Feet	Y

*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 / 20 Linear Feet	18 Trees	29 Trees	Y
• South	1 Tree / 20 Linear Feet	22 Trees	28 Trees	Y
<b>TOTAL PERIMETER TREES</b>		<b>40 Trees</b>	<b>57 Trees</b>	<b>Y</b>
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	60 Trees	60 Trees	Y
<b>LANDSCAPE BUFFER WIDTHS</b>				
Min. Zone Width				
• North	15 Feet		20 Feet	Y
• South	8 Feet		8 Feet	Y

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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>
West Craig Road	Primary Arterial	Title 13	126	Y
North Rancho Road	Primary Arterial	Title 13	125	Y

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

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>	
		<b>Parking Ratio</b>	<b>Parking</b>		<b>Parking</b>		
			Regular	ADA	Regular	ADA	
Health Club	40,103	200 SF:1	201				
<b>TOTAL SPACES REQUIRED</b>			201		292		Y
<b>Regular and Handicap Spaces Required</b>			194	7	284	8	Y