

**AGENDA MEMO - PLANNING****CITY COUNCIL MEETING DATE: NOVEMBER 16, 2022****DEPARTMENT: COMMUNITY DEVELOPMENT****ITEM DESCRIPTION: APPLICANT/OWNER: INVESTMENTS WEST, LLC****\*\* STAFF RECOMMENDATION(S) \*\***

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>22-0172-GPA1</b>	Staff recommends APPROVAL.	
<b>22-0172-ZON1</b>	Staff recommends APPROVAL.	22-0172-GPA1
<b>22-0172-SUP1</b>	Staff recommends APPROVAL, subject to conditions:	22-0172-GPA1 22-0172-ZON1
<b>22-0172-SUP2</b>	Staff recommends APPROVAL, subject to conditions:	22-0172-GPA1 22-0172-ZON1 22-0172-SUP1
<b>22-0172-SDR1</b>	Staff recommends APPROVAL, subject to conditions:	22-0172-GPA1 22-0172-ZON1 22-0172-SUP1 22-0172-SUP2

**\*\* NOTIFICATION \*\*****NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

N/A

**NOTICES MAILED**

77 (by City Clerk)

**PROTESTS**

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**APPROVALS**

12

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

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**22-0172-SUP1 CONDITIONS**

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**Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, On-Premise Full use.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (22-0172-SUP2) and Site Development Plan Review (22-0172-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, as well as submitted as part of any business license application.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**22-0172-SUP2 CONDITIONS**

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**Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Gaming Establishment, Restricted (6 to 15 Machines) use.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (22-0172-SUP1) and Site Development Plan Review (22-0172-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 1,195-foot distance separation from a parcel designated to become a City Park where 1,500 feet is the minimum allowed.
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. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**22-0172-SDR1 CONDITIONS**

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**Planning**

1. Approval of a General Plan Amendment (22-0172-GPA1) and Rezoning (22-0172-ZON1) and approval of and conformance to the Conditions of Approval for Special Use Permit (22-0172-SUP1) and Special Use Permit (22-0172-SUP2) 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 06/14/22 except as amended by conditions herein.
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. 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.
7. 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.
8. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

9. Prior to the issuance of permits for this site, dedicate 60-feet of right-of-way on Sheep Mountain Parkway (North Shaumber Road) and a 25-foot radius at the northeast corner Sheep Mountain Parkway and Kyle Canyon Road.
10. Concurrent with development, construct half-street improvements on Kyle Canyon Road with appropriate overpaving and transition paving. The Kyle Canyon Road cross section shall be approved by the Nevada Department of Transportation (NDOT). Additionally, construct half street improvements on Sheep Mountain Parkway based on a 90-foot total roadway-width cross section that is approved by the City Traffic Engineer.
11. Obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for all driveways or other private improvements in the East Charleston Boulevard public right-of-way adjacent to this site prior to constructing any improvements within NDOT jurisdiction.
12. Extend oversized public sewer in Kyle Canyon Road from its current terminus to this site, at a size, depth and location acceptable to the Sanitary Sewer Planning Section of the Department of Public Works. Coordinate with the Sanitary Sewer Planning Section to execute an Oversizing Agreement to be reimbursed for the cost difference of constructing an oversized sewer versus the minimum required 8-inch sewer.
13. Submit a License Agreement for landscaping and private improvements in the public right-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).

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 section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. 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.
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**

This is a request for a Site Development Plan Review for a proposed commercial development consisting of a 2,224 square-foot Restaurant with drive through and 3,800 square-foot Alcohol, On-Premise Full (Tavern) use on 1.80 acres located on the northeast corner of Kyle Canyon Road and Shaumber Road.

**ISSUES**

- The applicant has requested a General Plan Amendment (22-0172-GPA1) from PCD (Planned Community Development) to SC (Service Commercial) on the subject site. Staff recommends approval of the request.
- The applicant has requested a Rezoning (22-0172-ZON1) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to C-1 (Limited Commercial). Staff recommends approval of the request.
- The proposed Restaurant use is permitted, the Drive-Through use is permitted conditionally and the Alcohol, On-Premise Full (Tavern) use is allowed with an approved Special Use Permit within the proposed C-1 (General Commercial) zoning district.
- The applicant has requested a Special Use Permit (22-0172-SUP1) for a proposed 3,800 square-foot Alcohol, On-Premise Full (Tavern) use within the proposed development. Staff recommends approval of the request.
- The applicant has requested a Special Use Permit (22-0172-SUP2) for a proposed 3,800 square-foot Gaming, Restricted (6 to 15 machines) use with a Waiver to allow a 1,195-foot distance separation from site that is designated to be a City Park where 1,500 feet is required within the proposed Tavern. Staff recommends approval of the request.

**ANALYSIS**

The subject site is comprised of one undeveloped 1.80 acre parcel. The site is currently zoned U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] with a PCD (Planned Community Development) General Plan Designation and is subject to the development standards outlined in Title 19. The subject site is located on the northeast corner of Kyle Canyon Road and Shaumber Road alignment and is currently surrounded by undeveloped parcels with similar zoning and general plan designations.

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Also, the subject site is located within the Kyle Canyon Area as outlined in the City of Las Vegas 2050 Master Plan. The districts character is predominantly detached single-family residential and has several areas under development agreements, open desert, and large-lot estates. The area plan indicates that few major or significant employers or commercial centers exist within Kyle Canyon, with limited new suburban commercial will be constructed at major interchanges.

The applicant has proposed a General Plan Amendment (22-0172-GPA1) from PCD (Planned Community Development) to SC (Service Commercial). The Service Commercial category generally allows low to medium intensity retail, office and other commercial uses that serve primarily local patrons, and do not include more intense general commercial characteristics. The SC (General Commercial) General Plan land use designation allows the P-O (Professional Office and Parking), O (Office) and C-1 (Limited Commercial) zoning districts.

In addition, the applicant has proposed Rezoning (22-0172-ZON1) the subject site from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to C-1 (Limited Commercial). The C-1 (Limited Commercial) zoning district is intended to provide most retail shopping and personal services. This district should be intended to be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors and is consistent with the Service Commercial category of the General Plan.

Staff has determined that the proposed C-1 (Limited Commercial) zoning district and SC (Service Commercial) General Plan land use designation are consistent with the surrounding area. Furthermore, the Kyle Canyon Area plan indicates the Shaumber Road alignment is designated to become the Sheep Mountain Parkway alignment, which will create a major intersection that is suitable for commercial development on the subject site. The Department of Public Works states, "That although the right-of-way width for Sheep Mountain Parkway is determined, the physical roadway cross section has yet to be determined. However, we anticipate having a final determination on the Sheep Mountain Parkway roadway section prior to the submittal of technical studies for this project." A condition of approval has been added which will require the applicant to dedicate 60-feet of right-of-way on Sheep Mountain Parkway (North Shaumber Road) and a 25-foot radius at the northeast corner Sheep Mountain Parkway and Kyle Canyon Road. In addition, the applicant will also have to construct half-street improvements on Kyle Canyon Road.

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The permitted Restaurant use is described in Title 19.12 as, “An establishment providing for the preparation and retail sale of food and beverages, including without limitation cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e. pizza) and similar uses. The associated Drive-Through use is listed as a conditional land use within the C-1 (Limited Commercial) zoning district. Title 19.12 describes the use as, “The use of a dedicated drive lane that, incidental to a principal use, provides access to a station, such as a window, door or mechanical device, from which occupants of a motor vehicle receive or obtain a product or service.”

**The Conditional Use Requirements for the use include:**

1. A single-station drive-through shall have a stacking lane that will accommodate a minimum of six vehicles, including the vehicle at the station. A multiple-station drive-through shall have stacking lanes that will accommodate a minimum of three vehicles per station, including the vehicle at that station.

*The submitted site plan indicates that the proposed Restaurant with a Drive-Through will provide a single-station drive-through that will provide a stacking lane that will accommodate nine vehicles.*

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

*The submitted landscaping plan indicates that the proposed development complies with all Title 19.08.040(F) landscape buffer screening requirements by providing a 15-foot wide landscape buffer adjacent to the drive-through with all required planting materials.*

In addition, the applicant has requested a Special Use Permit (22-0172-SUP1) for a proposed 3,800 square-foot Alcohol, Off-Premise Full use with the proposed Tavern. The Alcohol, On Premise Full use is described in Title 19.12 as, “An establishment licensed to sell alcoholic beverages, not limited to the sale of beer, wine and coolers, for consumption on the premises where the same are sold.” This use requires approval of a Special Use Permit within a C-1 (Limited Commercial) zoning district in Title 19.

**The Minimum Special Use Permit Requirements for this use include:**

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, On-Premise Full 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, On-Premise Full establishment may be located within 400 feet of any of the following uses:

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

*This requirement has been met as there are no protected land uses within 400 feet of the subject site. All measurements have been taken from the perimeter boundary of APN 126-01-301-013.*

2. The distance separation requirement set forth in Requirement 1 does not apply to the following:

- 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. Any Alcohol, On-Premise Full use located on property within the Pedestrian Mall, as defined in LVMC Chapter 11.68; the Downtown Entertainment Overlay District, as described in LVMC 19.10.120; or the 18b Arts District, as described in Appendix F to this Title. The Special Use Permit approval may include conditions designed to mitigate any impacts related to distance separation.

*This requirement is not applicable, as the proposed land use is not associated with a non-restricted gaming license with a hotel having more than 200 rooms or an establishment having more than 50,000 square feet of retail floor space.*

Also, the applicant has requested a Special Use Permit (22-0172-SUP2) for a proposed 3,800 square-foot Gaming Establishment, Restricted (6 to 15 Machines) in conjunction with the proposed Tavern. The Gaming Establishment, Restricted use is described in Title 19.12 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." This use requires approval of a Special Use Permit within a C-1 (Limited Commercial) zoning district in Title 19.

**The Minimum Special Use Permit Requirements for this use include:**

\*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:

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- 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 has been not been met, there is an existing parcel (APN 126-01-401-013) located approximately 1,195 feet to the southeast across Kyle Canyon Road that is designated to be developed as a City Park where a 1,500-foot separation is required.*

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;
  - 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.

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*Pursuant to condition #2(d) the applicant has requested a Waiver to allow a reduced separation from the protected land use as the subject site is separated from the City Park by the Kyle Canyon Road right-of-way width that exceeds 100 feet, which staff supports.*

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

*The proposed use will be subject to all business licensing requirements outlined in LVMC Chapter 6.40 if approved.*

The submitted building elevations indicate both structures will be one-story, with building façades that include a stone veneer exterior with painted stucco exterior finish, and is consistent with commercial development within the desert environment. The submitted landscape plan indicates the primary tree species being utilized throughout the development is the 24-inch box Mexican Sycamore, 24-inch box Golden Rain and 24-inch box Red Puss Pistache trees with a variety of five-gallon shrubs.

The proposed commercial development and use of the structures is consistent with the Kyle Canyon Area as outlined in the City of Las Vegas 2050 Master Plan and the surrounding area. The proposed project is compatible with the adjacent land uses and meets all the minimum requirements of Title 19 and the conditions of approval of the previous site development plan reviews for the commercial development with exception of the distance separation Waiver associated with the Gaming Restricted use; therefore, staff recommends approval the requested General Plan Amendment, Rezoning, Special Use Permits and Site Development Plan Review.

**FINDINGS (22-0172-GPA1)**

Section 19.16.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

- 1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,**

The proposed SC (Service Commercial) designation is compatible with the existing adjacent land use designations. The proposed amendment would allow for a commercial development at this location.

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

The proposed amendment would allow for the C-1 (Limited Commercial) zoning district, will be compatible with the proposed land uses and development trends outlined in the City of Las Vegas 2050 Master Plan – Kyle Canyon Area plan.

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

There are transportation, recreation, utility and other facilities that are adequate to accommodate the uses and densities permitted by the proposed General Plan Amendment.

4. **The proposed amendment conforms to other applicable adopted plans and policies.**

The proposed amendment conforms to the policies for development outlined in the Las Vegas 2050 Master Plan for the Kyle Canyon area.

#### **FINDINGS (22-0172-ZON1)**

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1. **The proposal conforms to the General Plan.**

The proposed Rezoning to C-1 (Limited Commercial) would conform to the SC (Service Commercial) General Plan designation if approved.

2. **The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.**

The proposed C-1 (Limited Commercial) zoning district would allow for the proposed Restaurant development as permissible land use, Drive-Through as a conditional use and Alcohol, On Premise Full and Gaming, Restricted uses with an approved Special Use Permit. This is compatible with the surrounding uses within the subject site.

3. **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

The pattern of development in this area supports rezoning to C-1 (Limited Commercial).

4. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.**

Site access is provided from Kyle Canyon Road a 200-foot Primary Arterial Street as designated in the Master Plan of Streets and Highways. This street is sufficient in size to accommodate the needs of the proposed commercial land uses.

#### **FINDINGS (22-0172-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 proposed Alcohol, On-Premise Full use is appropriate for commercially zoned property on the corner of a major intersection with in the Kyle Canyon area.

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

The proposed commercial development is physically suitable for the intensity of the proposed Alcohol, On-Premise Full 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.**

Site access is provided from Kyle Canyon Road a 200-foot Primary Arterial Street as designated in the Master Plan of Streets and Highways, which is adequate in size to accommodate the proposed commercial development.

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 proposed use will be subject to regular inspections by multiple governmental agencies to ensure the public health, safety and welfare are not compromised.

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

The proposed Alcohol, On-Premise Full use meets the minimum requirements set forth by Title 19.12.

#### **FINDINGS (22-0172-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 Gaming Establishment, Restricted (6 to 15 Machines) use is appropriate for commercially zoned property on the corner of a major intersection with in the Kyle Canyon area.

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

The subject site is an proposed commercial development which is physically suitable for the intensity of the proposed Gaming Establishment, Restricted 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.**

Site access is provided from Kyle Canyon Road a 200-foot Primary Arterial Street as designated in the Master Plan of Streets and Highways, which is adequate in size to accommodate the proposed commercial development.

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 proposed use will be subject to regular inspections by multiple governmental agencies to ensure the public health, safety and welfare are not compromised.

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

The proposed Gaming Establishment, Restricted (6 to 5 Machines) use meets the minimum requirements set forth by Title 19.12, with the exception of the requested Waiver to allow a 1,195-foot distance separation from site that is designated to be a City Park where 1,500 feet is required. Staff finds the Waiver request will have minimal negative impact to the future development of the City Park, since the use is separated by a 200-foot wide Kyle Canyon right-of-way which will limit access to the park.

#### **FINDINGS (22-0172-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 commercial development is located in the Kyle Canyon Area of the City of Las Vegas 2050 Master Plan and will serve as a commercial development that is complementary to the other single-family residential land uses in the surrounding area and is the type of use that is encouraged in the area.

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

The proposed site plan conforms to the General Plan, Title 19 and the overall site development plan for the commercial development.

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

Site access is provided from Kyle Canyon Road a 200-foot Primary Arterial Street as designated in the Master Plan of Streets and Highways, which is adequate in size to accommodate the proposed commercial development.

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

The proposed building and landscape materials are appropriate for the surrounding area and 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 unsightly or obnoxious in appearance and would be compatible with future development in the area.

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

The proposed development is subject to building permit review and regular inspections during the construction phase to ensure the public health, safety and general welfare are protected.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
06/01/05	The City Council approved a request for a Petition to Annex (ANX-5528) property generally located north of Iron Mountain Road and west of Hualapai Way, containing approximately 529 acres of land.
07/12/22	<p>The Planning Commission (6-0 vote) recommends APPROVAL on the following Land Use Entitlement project requests on 1.80 acres at the northeast corner of Kyle Canyon Road and Shaumber Road (APN 126-01-301-013), Ward 6 (Fiore)</p> <ul style="list-style-type: none"> <li>• <b>22-0172-GPA1</b> - GENERAL PLAN AMENDMENT - FROM: PCD (PLANNED COMMUNITY DEVELOPMENT) TO: SC (SERVICE COMMERCIAL)</li> <li>• <b>22-0172-ZON1</b> - REZONING - FROM: U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] TO: C-1 (LIMITED COMMERCIAL)</li> <li>• <b>22-0172-SUP1</b> - SPECIAL USE PERMIT - FOR A PROPOSED 3,800 SQUARE-FOOT ALCOHOL, ON-PREMISE FULL USE</li> <li>• <b>22-0172-SUP2</b> - SPECIAL USE PERMIT - FOR A PROPOSED 3,800 SQUARE-FOOT GAMING ESTABLISHMENT, RESTRICTED (6 TO 15 MACHINES) USE WITH A WAIVER TO ALLOW A 1,195-FOOT DISTANCE SEPARATION FROM A SITE THAT IS DESIGNATED TO BE CITY PARK WHERE 1,500 FEET IS REQUIRED</li> <li>• <b>22-0172-SDR1</b> - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED 6,024 SQUARE-FOOT COMMERCIAL DEVELOPMENT CONSISTING OF TWO BUILDINGS WITH AN 828 SQUARE-FOOT OUTDOOR PATIO AREA</li> </ul>
08/17/22	The City Council voted unanimously to hold this item IN ABEYANCE to the September 21, 2022 City Council Meeting
09/21/22	The City Council voted unanimously to hold this item IN ABEYANCE to the October 19, 2022 City Council Meeting
10/19/22	The City Council voted unanimously to hold this item IN ABEYANCE to the November 16, 2022 City Council Meeting

<b><i>Most Recent Change of Ownership</i></b>	
08/25/11	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
There are no Building Permits or Business Licenses associated with the subject site.	

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<b>Pre-Application Meeting</b>	
03/21/22	Staff conducted a pre-application meeting where the submittal requirements for a General Plan Amendment, Rezoning, Variance, Special Use Permits and Site Development Plan Review were discussed for a proposed tavern and drive-through restaurant development.

<b>Neighborhood Meeting</b>	
05/19/22	<p>A neighborhood meeting was held at the Centennial Hills YMCA Multipurpose Room at 6601 North Buffalo Drive, at 5:30pm to discuss the proposed General Plan Amendment and Rezoning at Assessor's Parcel 126-01-301-013.</p> <p>The meeting was attended by one Department of Planning staff member and no Council Ward 6 liaison. There were two members of the public in attendance; as such the following concerns were raised regarding the proposed development.</p> <ul style="list-style-type: none"> <li>• How future commercial development would impact future traffic on Kyle Canyon Road and Shaumber Road</li> <li>• Expressed that commercial development would be a great addition since there will be neighboring residents in need of a close commercial center</li> <li>• What future business types are being thought to occupy the future commercial center</li> </ul>

<b>Field Check</b>	
05/26/22	During a routine site visit staff noted the subject site is undeveloped with natural desert vegetation.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.80

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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	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation]
North	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation]
South	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation]
East	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation]
West	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation]

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<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
Master Plan 2050 Area: Kyle Canyon	N/A
Northwest Open Space Plan	N/A
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
No Applicable Special Area or Overlay Districts	N/A
<b>Other Plans or Special Requirements</b>	<b>Compliance</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 19.08.080, the following standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Width	100 Feet	333 Feet	Y
Min. Setbacks – Coffee Shop			
• Front (south)	10 Feet	30 Feet	Y
• Side (east)	10 Feet	170 Feet	Y
• Side (west)	10 Feet	39 Feet	Y
• Rear (north)	20 Feet	165 Feet	Y
Min. Setbacks – Tavern			
• Front (south)	10 Feet	15 Feet	Y
• Side (east)	10 Feet	65 Feet	Y
• Side (west)	10 Feet	128 Feet	Y
• Rear (north)	20 Feet	165 Feet	Y
Max. Lot Coverage	50 %	8 %	Y
Max. Building Height	N/A	24 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

<b>Existing Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation]	1du/lot	1du/lot
<b>Proposed Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
C-2 (General Commercial)	N/A	N/A
<b>Existing General Plan</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
PCD (Planned Community Development)	8du/acre	14
<b>Proposed General Plan</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
GC (General Commercial)	N/A	N/A

**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	14 Trees	14 Trees	Y
• South	1 Tree / 20 Linear Feet	12 Trees	12 Trees	Y
• East	1 Tree / 20 Linear Feet	11 Trees	11 Trees	Y
• West	1 Tree / 20 Linear Feet	12 Trees	20 Trees	Y
<b>TOTAL PERIMETER TREES</b>		<b>49 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	22 Trees	31 Trees	Y
<b>LANDSCAPE BUFFER WIDTHS</b>				
Min. Zone Width				
• North	8 Feet		8 Feet	Y
• South	15 Feet		15 Feet	Y
• East	8 Feet		8 Feet	Y
• West	8 Feet		15 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		Not Indicated	Y

<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>
Kyle Canyon	Primary Arterial	Master Plan of Streets and Highways	32	Y*
Shaumber Road - alignment	Local	Title 13	Zero	N*

\*Half-street improvement will be required pursuant conditions.

**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				
Alcohol, On Premise, Full (Tavern)	3,800 SF	Public: 1:50 SF (2,130 SF)	43							
		Back of House: 1:200 SF (1,670 SF)	9							
Restaurant with Drive Through (Coffee Shop)	2,224 SF	Public: 1:50 SF (838 SF)	17							
		Back of House: 1:200 SF (1,386 SF)	7							
TOTAL SPACES REQUIRED			76			79		Y		
Regular and Handicap Spaces Required			72	4	75	4	Y			
Loading Spaces	0 – 10,000 SF (6,024 SF)		1		2		Y			