



**AGENDA MEMO - COMMUNITY DEVELOPMENT**

**CITY COUNCIL MEETING DATE: MARCH 15, 2023**

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT/OWNER: JANKOSA, INC.**

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>22-0662-VAR1</b>	Staff recommends DENIAL, if approved subject to conditions:	
<b>22-0662-VAR2</b>	Staff recommends DENIAL, if approved subject to conditions:	22-0662-VAR1
<b>22-0662-SUP1</b>	Staff recommends DENIAL, if approved subject to conditions:	22-0662-VAR1 22-0662-VAR2
<b>22-0662-SDR1</b>	Staff recommends DENIAL, if approved subject to conditions:	22-0662-VAR1 22-0662-VAR2 22-0662-SUP1

**\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

15

**NOTICES MAILED**

460

**PROTESTS**

2

**APPROVALS**

1

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

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**22-0662-VAR1 CONDITIONS**

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**Planning**

1. Approval of and conformance to the Conditions of Approval for Variance (22-0662-VAR2), Special Use Permit (22-0662-SUP1) and Site Development Plan Review (22-0662-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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**22-0662-VAR2 CONDITIONS**

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**Planning**

1. Approval of and conformance to the Conditions of Approval for Variance (22-0662-VAR1), Special Use Permit (22-0662-SUP1) and Site Development Plan Review (22-0662-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.

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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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### **22-0662-SUP1 CONDITIONS**

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**Planning**

1. Approval of and conformance to the Conditions of Approval for Variance (22-0662-VAR1), Variance (22-0662-VAR2) and Site Development Plan Review (22-0662-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, as well as submitted as part of any business license application.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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### **22-0662-SDR1 CONDITIONS**

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**Planning**

1. Approval of and conformance to the Conditions of Approval for Variance (22-0662-VAR1), Variance (22-0662-VAR2) and Special Use Permit (22-0662-SUP1) shall be required, if approved.

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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 and landscape plan, date stamped 12/21/22 and building elevations, date stamped 12/08/22, except as amended by conditions herein.
4. The trash enclosure shall be screened and gated, with a roof or trellis.
5. A Waiver from 19.08.040 is hereby approved, to allow a three-foot northern perimeter landscape buffer where four feet was previously approved, five-foot eastern perimeter landscape buffer where eight feet is required, a seven-foot southern perimeter landscape buffer where 15 feet is required, and a five-foot western perimeter landscape buffer where 15 feet is required.
6. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

9. 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.
10. 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).

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11. Contact the City Engineer's Office at 702-229-6272 to coordinate the development of this project with the Owens Avenue System: Vegas, Shadow Mountain to Jones CIP project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer
12. Queues for the overall shopping center shall not extend into the public right-of-way as a result of the drive-thru operations on this site.
13. 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**

The applicant is proposing a new 3,080 square-foot Convenience Store with fuel pumps and canopy and a 1,695 square-foot restaurant with drive through on a site with existing landscaping and curbing at 1600 North Jones Boulevard.

**ISSUES**

- A previous Site Development Plan Review (SDR-7265) was approved in 2005 for a proposed 1,500 square-foot restaurant and bakery addition to an existing 3,650 square-foot convenience store on this site. The approval included waivers of perimeter and parking lot landscaping.
- A recent fire destroyed the convenience store portion of the building, leaving only the existing landscaping, curbs and restaurant addition.
- The applicant is requesting a Major Amendment to a previously approved Site Development Plan Review (SDR-7265) for 3,080 square-foot convenience store and 1,695 square-foot restaurant with drive through and waivers of the perimeter landscape buffer requirements. Staff does not support this request.
- A Special Use Permit for the Drive Through use is required for this project, as the proposed Drive Through does not meet Conditional Use Regulations, specifically the requirement for screening, which includes a landscape buffer. Staff does not support this request.
- The applicant has requested a Variance (22-0662-VAR1) to reduce the required number of parking stalls from 37 to 13. Staff does not support this request.
- The applicant has requested a Variance (22-0662-VAR2) to reduce the required Residential Adjacency setback from 77 feet to 18 feet. Staff does not support this request.
- A Waiver is requested to allow a three-foot perimeter landscape buffer along the north property line where four feet was previously allowed through SDR-7265. Staff recommends denial.
- A Waiver is requested to allow a seven-foot perimeter landscape buffer along the south property line and a five-foot buffer along the west property line where 15 feet is required. Staff recommends denial.
- A Waiver is requested to allow a five-foot perimeter landscape buffer along the east property line where eight feet is required. Staff recommends denial.
- Staff observed trash and graffiti during a routine site visit on 01/12/23 and reported the violation to Code Enforcement for further action.

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## **ANALYSIS**

The 0.63-acre subject site is located at the northeast corner of the intersection of Vegas Drive and North Jones Boulevard. Surrounding zoning districts include R-1 (Single Family Residential), R-PD10 (Residential Planned Development – 10 Units per Acre), and C-1 (Limited Commercial). The site is zoned C-1 (Limited Commercial) with NMXU (Neighborhood Mixed Use Center) land use. The C-1 zoning district is “intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments.” The NMXU land use category is intended for “moderate intensity neighborhood-oriented mixed use and town centers.” Vegas Drive and Jones Boulevard are both 80-foot wide, four-lane Major Collector streets. Both are mainly residential in character within approximately a half-mile radius of the subject site, except for C-1 zoned neighborhood serving commercial at this intersection.

According to the submitted justification letter date stamped 12/21/22, this entitlement package is being requested due to a fire which partially destroyed the building in February 2022; only the 1,500 square-foot addition remains. The original Site Development Plan Review (SDR-7265) approval included a 1,500 square-foot restaurant and bakery addition with a Waiver of the perimeter buffer landscaping and parking lot tree standards on 09/07/05. The addition was to an existing 3,650 square foot convenience store. Unlike the Major Amendment currently proposed, the plans met parking standards, providing 32 spaces. The proposal met landscaping and perimeter buffer standards, except for the following Waivers and Exceptions that were approved and carried forward:

- Perimeter Landscape Buffers - A Waiver from Title 19.08 was approved, to allow the width of the northern landscape buffer to be four feet where eight feet was required.
- Parking Lot Trees - A Waiver from 19.08 was approved, to allow no parking lot islands and trees where five trees were required.
- Perimeter Tree Planting - An Exception from 19.08 was approved, to allow 17 perimeter trees where 26 were required.

The current development proposal includes a fuel canopy with eight fueling stations and two buildings totaling 4,773 square feet. One building proposed is a 1,695 square-foot Restaurant with Drive Through on the northeast portion of the site. The other building is a 3,080 square-foot convenience store on the southeast portion of the site. The proposal utilizes existing vehicular ingress/egress access points on Vegas Drive and Jones Boulevard. The buildings themselves feature typical commercial architecture with storefront windows and 11-foot awnings. Building materials include smooth stucco, stone and cedar wood facades and standing seam metal. Colors include beiges and brown tones.

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The applicant proposes to retain the 17 palm trees approved through Site Development Plan Review (SDR-7265), as well as adding one 24-inch box Honey Mesquite and six Mondell Pines to the site. The landscape plan proposes to add in five-gallon shrubs with Lantana, Yucca, Bottlebrush, and Red Bird of Paradise. The applicant is requesting Waivers of the perimeter landscape buffer requirements, which staff does not support. These Waiver requests include:

- To allow a three-foot wide perimeter landscape buffer along the north property line where four feet was previously approved through SDR-7265;
- To allow a five-foot wide perimeter landscape buffer along the east property line where eight feet is required;
- To allow a seven-foot wide perimeter landscape buffer along the south property line where 15 feet is required;
- To allow a five-foot wide perimeter landscape buffer along the west property line where 15 feet is required.

The proposal represents a significant increase in the development intensity at the site from what was previously approved in Site Development Plan Review (SDR-7265). As such, the applicant is applying for a related Variance to reduce the amount of required parking spaces from 37 to 13. The amount of parking required is calculated in accordance with 19.12 for the General Retail Store, Other Than Listed and Restaurant land uses. Reducing the parking requirement through the Variance (22-0662-VAR1) may pose traffic and circulation issues both on and off the site. Additional possible onsite issues range from motorists potentially parking in drive aisles and blocking circulation to illegal offsite parking. Offsite issues include traffic queuing into the right-of-way, thereby blocking vehicular and pedestrian traffic and posing an increased risk of accidents.

The applicants are also requesting a Variance to reduce the required Residential Adjacency setback from 77 feet to 18 feet. The Residential Adjacency setback in this case is required due to the presence of an adjacent property zoned R-1. The residential adjacency requirements are intended to protect residential properties from nuisances commonly arising from commercial uses, including noise, odor, vehicle emission pollution, and light pollution. By reducing the Residential Adjacency setbacks, the proposed development poses a much greater risk of presenting these nuisances to the abutting residences. The Variance request indicates that the applicant is attempting to overbuild the site; therefore, staff finds the parking and setback Variance requests to be preferential in nature and recommends denial.

There are legally nonconforming gaming and package alcohol uses that may be resumed upon completion of this project. Pursuant to 19.16.110 Special Use Permit development standards, the applicant is allowed two years to reestablish a use that was discontinued due to an act of God. Therefore, according to records from the Gaming, Restricted Business License (X65-00052) for six slot machines, the property owners are granted two years from the activity ceasing due to fire damage on 03/07/22 to reestablish the use.



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According to records for the Package Liquor Business License (L15-00135), they are granted two years from the activity ceasing due to fire damage on 04/21/22 to reestablish the use.

In addition to the Site Development Plan Review and associated Variances, the applicant is requesting a Special Use Permit for a Drive Through use, due to the proposed drive through not meeting the Conditional Use Verification (CUV) requirements. The CUV requirements for a Drive Through use include landscape screening according to 19.08.040(F), which includes either an eight-foot wide landscape buffer for interior lot lines with trees planted 20 feet on center or another screening device. The proposed Drive Through features a five-foot landscape buffer with 24-inch box trees planted 20 feet on center.

The Drive Through use is defined as “The use of a dedicated drive lane that, incidental to a principal use, provides access to a station, such as a window, door or mechanical device, from which occupants of a motor vehicle receive or obtain a product or service.” The proposed use meets the Title 19 definition, as it is a drive through lane incidental to the proposed Restaurant development.

The Conditional Use Regulations for this 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 proposed use meets this requirement, as it accommodates stacking for six vehicles.*

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

*The proposed use does not meet this requirement, as the applicant is proposing a five-foot landscape buffer for screening instead of the required eight-foot buffer. Due to not meeting this requirement, the proposed Drive Through requires approval of a Special Use Permit.*

3. In the O (Office) and C-D (Designed Commercial) Districts, a drive-through shall be separated from any residentially zoned property by an intervening building and shall not have access to local residential streets.

*This requirement is not applicable because the site is zoned C-1 (Limited Commercial).*

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The applicant has chosen to utilize existing vehicular access points, but proposes the addition of a Drive Through and fuel pumps in addition to replacing the previously approved destroyed buildings. This represents a significant increase in development intensity, which will likely increase traffic and may increase the risk of automobile conflicts and circulation issues on the site as discussed regarding the Variance request for reduced parking. There is a moderate amount of multi-family and single-family residential units within walking distance, so it is possible that some people may walk to the convenience store and restaurant. Nevertheless, the development typology in the area remains automobile-oriented, which continues to make parking standards important and relevant.

The landscape plan exceeds the planting requirements per the previously approved Site Development Plan Review, but the development proposes new Waivers of landscape buffer requirements, which staff deems preferential and does not support. The Variances are being requested in order to accommodate a greater development intensity than the site can accommodate while meeting Title 19 development standards. Due to the Variances being preferential in nature, staff recommends denial of the Major Amendment to a previously approved Site Development Plan Review, associated Variances, and Special Use Permit, subject to conditions if approved.

**FINDINGS (22-0662-VAR1 and 22-0662-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."

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."

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing buildings and site appurtenances that do not meet the parking and residential adjacency setback requirements. Reducing the development intensity and meeting the parking and residential adjacency requirements 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 (22-0662-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 Drive Through does not comply with minimum landscape screening standards; therefore, the use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses.

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

Due to the increased development intensity proposed, as a part of the larger development proposal, the Drive Through use may pose circulation issues, and the site may be too small for the proposed use alongside the other proposed convenience store and fueling station uses.

- 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.**

Street facilities, including Vegas Drive and Jones Boulevard, both 80-foot Major Collector streets as designated by the Master Plan of Streets and Highways, are adequate in size to meet the requirements of the proposed use.

- 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.**

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The Special Use Permit for a Drive Through may pose circulation issues onsite, as well as automobile related noise and other nuisances to neighboring residential properties. In addition, the General Plan does not support noncompliance with Title 19. Therefore, the Drive Through use may compromise public health and welfare, and is inconsistent with the objectives of the General Plan.

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

The Drive Through use, as proposed, does not meet the screening requirements per Title 19.12; therefore, a Special Use Permit is required for this use.

**FINDINGS (22-0662-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;**

As evidenced by the Variance requests for reduced parking and reduced residential adjacency setbacks, the site is too small in area for the proposed development, and is not compatible with adjacent development and development 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 development is not consistent with Title 19 development standards due to the requested Variances. The General Plan does not support noncompliance with Title 19 development standards.

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

Due to the severely reduced parking requested and increased development intensity, the development as proposed may increase the likelihood of traffic conflicts on adjacent Vegas Drive and Jones Boulevard.

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

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Building and landscape materials include smooth stucco, stone and cedar wood facades, and standing seam metal; colors include beiges and brown tones. Landscape materials include existing palm trees, a Western Honey Mesquite, six Mondell Pines, and various shrubs. The building and landscape materials 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;**

Building elevations, featuring a typical building type for a commercial auto-oriented development, do not add significant value to the area, but generally are not unsightly, undesirable, or obnoxious in appearance, and are generally harmonious and compatible with 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 construction 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>	
07/03/85	The City Council approved a Rezoning (Z-0092-84) from R-1 (Single Family Residential) to C-1 (Limited Commercial) for the subject property. The Planning Commission recommended approval.
05/10/99	The City Council approved a Special Use Permit (U-0024-99) for the off-premise sale of beer and wine in conjunction with a proposed convenience store. The Planning Commission recommended approval and the staff recommended denial.
07/05/00	The City Council approved a Required One Year Review [U-0024-99(1)] on an approved Special Use Permit which allowed off-premise beer and wine sales in conjunction with a proposed convenience store. The Planning Commission recommended approval and the staff recommended denial.
10/16/02	The City Council approved a Required One Year Review [(U-0024-99(2)] on an approved Special Use Permit which allowed off-premise beer and wine sales in conjunction with a proposed convenience store. The Planning Commission recommended approval and the staff recommended denial.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
09/07/05	The City Council approved a request for Site Development Plan Review (SDR-7265) for a proposed 1,500 square-foot restaurant/bakery addition and a waiver of the perimeter and parking landscaping and buffering requirements adjacent to the northeast corner of Jones Boulevard and Vegas Drive. The Planning Commission and staff recommended approval.
01/18/06	The City Council approved a Special Use Permit (SUP-9616) for a proposed Financial Institution, Specified and for waivers from the 200-foot distance separation requirement from a residential use and from the 1,000-foot separation requirement from another Financial Institution, Specified.
08/16/06	The City Council approved a request for a Special Use Permit (SUP-13847) for a Package Liquor Off-Sale Establishment at 1600 North Jones Boulevard. The Planning Commission and staff recommended approval.
09/05/07	The City Council approved a request for a Required Review (RQR-23334) for a required six month review of an approved Special Use Permit (SUP-13847) for a Package Liquor Off-Sale Establishment at 1600 North Jones Boulevard. Staff recommended approval of the request.
10/17/07	The City Council approved a request for an Extension of Time (EOT-24351) of an approved Site Development Plan Review (SDR-7265) for a proposed 1,500 square-foot restaurant/bakery addition and a waiver of the perimeter and parking landscaping and buffering requirements adjacent to the northeast corner of Jones Boulevard and Vegas Drive.
10/01/08	A Code Enforcement case (#70367) was processed for graffiti on the trash enclosure at 1600 North Jones Boulevard. The case was resolved on 10/15/08.
07/13/10	A Code Enforcement case (#92729) was processed for a port-a-potty on the parking lot at 1600 North Jones Boulevard. The case was resolved on 07/14/10.
04/17/13	The City Council approved a request for a Review of Condition (ROC-48344) of an approved Special Use Permit (SUP-13847) to delete Condition #5 which states "the sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited" at 1600 North Jones Boulevard. Staff recommended approval.
01/13/20	The Department of Planning approved a request for a Conditional Use Verification (CUV-78206) for an Open Air Vending use at 1600 North Jones Boulevard.

<b>Related Relevant City Actions by Planning, Fire, Bldg., etc.</b>	
02/15/23	<p>The Planning Commission voted (7-0) to recommend APPROVAL of the following Land Use Entitlement project requests on 0.52 acres at 1600 North Jones Boulevard (APN 138-24-401-002), C-1 (Limited Commercial) Zone, Ward 5 (Crear)</p> <p><b>22-0662-VAR1</b> - VARIANCE - TO ALLOW 13 PARKING SPACES WHERE 37 ARE REQUIRED</p> <p><b>22-0662-VAR2</b> - VARIANCE - TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 18 FEET WHERE 77 FEET IS REQUIRED</p> <p><b>22-0662-SUP1</b> - SPECIAL USE PERMIT - FOR A DRIVE THROUGH USE</p> <p><b>22-0662-SDR1</b> - SITE DEVELOPMENT PLAN REVIEW - FOR A MAJOR AMENDMENT TO AN APPROVED SITE DEVELOPMENT PLAN REVIEW (SDR-7265) FOR A PROPOSED 3,080 SQUARE-FOOT RETAIL AND 1,695 SQUARE-FOOT RESTAURANT WITH DRIVE THROUGH DEVELOPMENT WITH WAIVERS OF THE PERIMETER LANDSCAPE BUFFER REQUIREMENTS</p>

<b>Most Recent Change of Ownership</b>	
03/11/10	A deed was recorded for a change in ownership.

<b>Related Building Permits/Business Licenses</b>	
09/01/99	A business license (C15-00236) was issued for Convenience Store (Apollo Market) at 1600 North Jones Boulevard. The license was marked out of business on 03/10/22.
09/06/06	A business license (L15-00135) was issued for Package Liquor (Apollo Market) at 1600 North Jones Boulevard. The license was marked out of business on 04/21/22.
11/20/07	<p>A building permit (102172) was issued for a 1,500 square-foot addition to the existing building at 1600 North Jones Boulevard. The permit was finalized on 03/27/09.</p> <p>A building permit (102173) was issued for on-site improvements at 1600 North Jones Boulevard. The permit was finalized on 03/16/09</p>
02/11/08	A building permit (108113) was issued for a retaining wall at 1600 North Jones Boulevard. The permit was finalized on 04/29/08.
01/29/09	A business license (G01-02348) was issued for Gaming Restricted (Apollo Market) at 1600 North Jones Boulevard. The license was marked out of business on 11/14/17.

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<b>Related Building Permits/Business Licenses</b>	
04/07/09	A business license (R10-00945) for a Food Services or Café (Lareina Mexican Food) at 1600 North Jones Boulevard, Suite #110. The license was marked out of business on 02/28/15.
12/17/15	A business license (G63-09287) for a Restaurant (Lareina Mexican Food) at 1600 North Jones Boulevard, Suite #110. The license was marked out of business on 11/14/17.
10/26/17	A business license (P65-00199) was issued for Gaming, Restricted (Sartini Gaming, LLC) with six slot machines at 1600 North Jones Boulevard. The license was marked out of business on 03/07/22.
	A business license (X65-00052) was issued for Gaming, Restricted (Sartini Gaming, LLC) with six slot machines at 1600 North Jones Boulevard. The license was marked out of business on 03/07/22.
11/16/17	A business license (G65-07367) for a Food Services or Café (Lulu's Bakery) at 1600 North Jones Boulevard, Suite #110. The license was marked out of business on 04/15/19.
02/05/20	A business license (G68-00276) for an Open Air Vendor (Kounty Kettle Popcorn) at 1600 North Jones Boulevard (parking lot). The license is still active and expires on 02/01/23.
04/06/20	A business license (G68-02153) for a Restaurant (Felipitos Mexican Food) at 1600 North Jones Boulevard, Suite #110. The license was marked out of business on 03/30/22.

<b>Pre-Application Meeting</b>	
11/10/22	A pre-application meeting was conducted with the applicant to go over the application materials and submittal requirements for a Site Development Plan Review for a new convenience store and quick serve restaurant with drive through.

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

<b>Field Check</b>	
01/12/23	Staff conducted a routine site visit and found the site to have a vacant commercial building, with trash and graffiti on the site. Code enforcement has been notified.



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<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.63

<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	Convenience Store with Package Liquor	NMXU (Neighborhood Mixed Use Center)	C-1 (Limited Commercial)
	Financial Institution, Specified		
	Restaurant		
North	Single Family, Attached	ML (Medium Low Density Residential)	R-PD10 (Residential Planned Development – 10 Units per Acre)
South	General Retail Store, Other Than Listed	NMXU (Neighborhood Mixed Use Center)	C-1 (Limited Commercial)
	Financial Institution, Specified		
East	Single Family, Attached	ML (Medium Low Density Residential)	R-PD10 (Residential Planned Development – 10 Units per Acre)
West	General Retail Store, Other Than Listed	NMXU (Neighborhood Mixed Use Center)	C-1 (Limited Commercial)

<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
Master Plan 2050 Area: Twin Lakes	Y
<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	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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***Pursuant to 19.08.040, the following standards apply:***

<b><i>Residential Adjacency Standards</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
3:1 proximity slope	77 Feet	18 Feet	N*
Adjacent development matching setback	15 Feet	18 Feet	Y
Trash Enclosure	50 Feet	80 Feet	Y

\*The applicant is requesting a Variance of residential adjacency requirements.

***Pursuant to the previously approved Site Development Plan Review (SDR-7265) and 19.08.040, the following standards apply:***

<b><i>Landscaping and Open Space Standards</i></b>				
<b><i>Standards</i></b>	<b><i>Required</i></b>		<b><i>Provided</i></b>	<b><i>Compliance</i></b>
	<b><i>Ratio</i></b>	<b><i>Trees</i></b>		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	8 Trees	9 Trees	Y
• South	1 Tree / 20 Linear Feet	5 Trees	5 Trees	Y
• East	1 Tree / 20 Linear Feet	8 Trees	3 Trees	Y*
• West	1 Tree / 20 Linear Feet	5 Trees	5 Trees	Y
<b>TOTAL PERIMETER TREES</b>		<b>26 Trees</b>	<b>22 Trees</b>	<b>Y*</b>
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	3 Trees	1 Trees	Y*
<b>LANDSCAPE BUFFER WIDTHS</b>				
Min. Zone Width				
• North	4 Feet		3 Feet	N**
• South	15 Feet		7 Feet	N**
• East	8 Feet		5 Feet	N**
• West	15 Feet		5 Feet	N**
Wall Height	6 to 8 Feet Adjacent to Residential		6 Feet	Y

\*Waivers were approved through Site Development Plan Review (SDR-7265), to allow no parking lot islands and trees, a four-foot planter width along the northern property line where eight feet is required, and 17 perimeter trees where 26 are required.

\*\*The applicant is requesting Waivers of perimeter landscaping buffer requirements as a part of this Major Amendment.

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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>
Vegas Drive	Major Collector	Master Plan of Streets and Highways Map	80	Y
Jones Boulevard	Major 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	
Restaurant	Dining: 715 SF  Kitchen: 980 SF	1/50 SF Dining/Waiting  1/200 SF Kitchen	20				
General Retail Store, Other than Listed	3,080 SF	1/175 SF	17				
TOTAL SPACES REQUIRED			37				
Regular and Handicap Spaces Required			35	2	12	1	N*
Percent Deviation			65%				

\*The applicant is requesting a Variance for reduced parking as a part of this entitlement package.

<b>Waivers</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
15-foot southern perimeter buffer	7-foot southern perimeter buffer	Denial
15-foot western perimeter buffer	5-foot western perimeter buffer	Denial
Eight-foot eastern perimeter buffer	5-foot eastern perimeter buffer	Denial
Four-foot northern perimeter buffer per SDR-7265	3-foot northern perimeter buffer	Denial