



**AGENDA MEMO - COMMUNITY DEVELOPMENT**

**CITY COUNCIL MEETING DATE: JUNE 21, 2023**

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT: VAC DEVELOPMENT - OWNER: BLISS  
DEVELOPMENT 6, LLC**

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>23-0088-VAR1</b>	Staff recommends DENIAL, if approved subject to conditions:	23-0088-SDR1
<b>23-0088-VAR2</b>	Staff recommends DENIAL, if approved subject to conditions:	23-0088-SDR1
<b>23-0088-SUP1</b>	Staff recommends DENIAL, if approved subject to conditions:	23-0088-VAR1 23-0088-VAR2 23-0088-SDR1
<b>23-0088-SUP2</b>	Staff recommends DENIAL, if approved subject to conditions:	23-0088-VAR1 23-0088-VAR2 23-0088-SDR1
<b>23-0088-SUP3</b>	Staff recommends DENIAL, if approved subject to conditions:	23-0088-VAR1 23-0088-VAR2 23-0088-SDR1
<b>23-0088-SUP4</b>	Staff recommends DENIAL, if approved subject to conditions:	23-0088-VAR1 23-0088-VAR2 23-0088-SDR1
<b>23-0088-SDR1</b>	Staff recommends DENIAL, if approved subject to conditions:	23-0088-VAR1 23-0088-VAR2 23-0088-SUP1 23-0088-SUP2 23-0088-SUP3 23-0088-SUP4

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

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

17

**NOTICES MAILED**

655 (by City Clerk)

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PROTESTS 4

APPROVALS 1

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

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**23-0088-VAR1 CONDITIONS**

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**Planning**

1. A Variance (23-0088-VAR1) is hereby approved to allow 36 parking spaces where 65 are required.
2. Approval of and conformance to the Conditions of Approval for Variance (23-0088-VAR2), Special Use Permits (23-0088-SUP1 through SUP4) and Site Development Plan Review (23-0088-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 Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**23-0088-VAR2 CONDITIONS**

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**Planning**

1. A Variance (23-0088-VAR2) is hereby approved to allow a residential adjacency matching setback of 10 feet where 14 feet is required.
2. Approval of and conformance to the Conditions of Approval for Variance (23-0088-VAR1), Special Use Permits (23-0088-SUP1 through SUP4) and Site Development Plan Review (23-0088-SDR1) shall be required, if approved.

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3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**23-0088-SUP1 CONDITIONS**

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**Planning**

1. Approval of and conformance to the Conditions of Approval for Variances (23-0088-VAR1 and VAR2), Special Use Permits (23-0088-SUP2 through SUP4) and Site Development Plan Review (23-0088-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 Building and Safety Division.
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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## 23-0088-SUP2 CONDITIONS

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### Planning

1. Approval of and conformance to the Conditions of Approval for Variances (23-0088-VAR1 and VAR2), Special Use Permits (23-0088-SUP1, SUP3 and SUP4) and Site Development Plan Review (23-0088-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 Building and Safety Division.
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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## 23-0088-SUP3 CONDITIONS

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### Planning

1. Approval of and conformance to the Conditions of Approval for Variances (23-0088-VAR1 and VAR2), Special Use Permits (23-0088-SUP1, SUP2 and SUP4) and Site Development Plan Review (23-0088-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 Building and Safety Division.

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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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**23-0088-SUP4 CONDITIONS**

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**Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, Off-Premise Beer/Wine use.
2. Approval of and conformance to the Conditions of Approval for Variances (23-0088-VAR1 and VAR2), Special Use Permits (23-0088-SUP1 through SUP3) and Site Development Plan Review (23-0088-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 Building and Safety Division.
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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## 23-0088-SDR1 CONDITIONS

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### Planning

1. Approval of and conformance to the Conditions of Approval for Variances (23-0088-VAR1 and VAR2) and Special Use Permits (23-0088-SUP1 through SUP4) 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, building elevations and landscape plan date stamped 06/12/23, except as amended by conditions herein.
4. A Waiver from Title 19.08.070 is hereby approved, to allow a 10-foot wide landscape buffer along a portion of the north perimeter where 15 feet is required.
5. A Waiver from Title 19.08.070 is hereby approved, to allow a six-foot wide landscape buffer along a portion of the south perimeter where 15 feet is required.
6. A Waiver from Title 19.08.070 is hereby approved, to allow a 10-foot wide landscape buffer along the west perimeter where 15 feet is required.
7. A Waiver from Title 19.08.070 is hereby approved, to allow a five-foot wide landscape buffer along the east perimeter where eight feet is required.
8. An Exception from Title 19.08.040 is hereby approved, to allow 35 perimeter trees where 42 are required.
9. 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 Building and Safety Division.
10. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
11. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.

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12. 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.
13. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, which shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
14. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
15. Prior to the submittal of a building permit application, the applicant shall meet with Department of Community Development staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

17. Per Title 13.12, dedicate the appropriate right-of-way on Mohawk Street and Alpine Place such that a 60-foot right-way is maintained on both streets with a 15-foot radius at the southeast corner of Mohawk Street and Alpine Place prior to the issuance of permits for the site or concurrent with a mapping action for this site, whichever may occur first.
18. In accordance with Section 2.2 of the City's Vision Zero Action Plan, the sidewalk adjacent to this site shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with development of this site. Grant any Pedestrian Access Easement needed to complete this requirement.



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19. 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 702-229-6594 or emailed at [ece@lasvegasnevada.gov](mailto:ece@lasvegasnevada.gov).
20. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
21. Contact the City Engineer's Office at 702-229-6272 to coordinate the development of this project with the "Meadows-Charleston Storm Drain" project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
22. Construct a median in Charleston Boulevard to limit the driveway on Charleston Boulevard to rights in/ rights out and limit the Mohawk Street access to rights in/rights out and lefts in, unless otherwise allowed by the City Traffic Engineer. Driveway geometry may change based on these access requirements. Compliance with this condition may be modified through coordination with the "Meadows-Charleston Storm Drain" project.
23. Landscape and maintain all unimproved right-of-way adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
24. 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, in accordance with Section 2.2 of the City's Vision Zero Action Plan, 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, in accordance with Section 2.2 of the City's

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Vision Zero Action 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.

25. Queues for the overall shopping center shall not extend into the public right-of-way as a result of the operations on this site.
26. 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 Site Development Plan Review request for a proposed commercial development including a convenience store with fuel pumps and canopy, two restaurants with drive-throughs and a minor auto repair garage on 1.75 acres located at the northeast corner of Charleston Boulevard and Mohawk Street.

**Plan Revisions (Date Stamped 06/12/23)**

- The Auto Repair Garage building has been reduced from 4,000 square feet to 3,623 square feet.
- The northern setback has been increased from five feet to 10 feet.
- The northern landscape buffer is now 10 feet.
- A portion of the eastern setback has been increased from five feet to 10 feet.
- Due to the reduction in size of the Auto Repair Garage, the parking Variance (23-0088-VAR1) request is now to allow 36 parking spaces where 65 are required. Staff does not support the request.
- Variance (23-0088-VAR2) request to allow a reduced front and side yard setback are no longer needed. The request to allow a residential adjacency matching setback of 10 feet where 14 feet is still required. Staff does not support the request.

**ISSUES**

- A Drive Through use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Conditional Use Verification.
- Approval of Special Use Permits (23-0088-SUP1 and SUP2) are requested as both proposed drive throughs fail to comply with screening requirements set forth by Title 19.08 and Title 19.12. Staff does not support the requests.
- An Auto Repair Garage, Minor use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit. Staff does not support the request.
- An Alcohol, Off-Premise Beer/Wine use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit. Staff does not support the request.
- Waivers are requested to allow reduced landscape buffer widths. Staff does not support the request.
- Exceptions are requested to allow a reduced amount of required perimeter trees. Staff does not support the request.
- The proposed development does not align with the City of Las Vegas 2050 Master Plan for the Charleston Area.

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**ANALYSIS**

The subject undeveloped, 1.75-acre site is zoned C-1 (Limited Commercial) and subject to Title 19 development standards. Properties adjacent to the south, east and west are also zoned C-1 (Limited Commercial) and developed with general commercial uses. Properties adjacent to the north are developed with detached single family dwellings and are zoned R-1 (Single Family Residential) and R-CL (Single Family Compact-Lot). The applicant proposes develop the subject site with a 9,590 square-foot commercial development including a convenience store with fuel pumps and canopy, two restaurants with drive-throughs and a minor auto repair garage.

**Special Use Permits (23-0088-SUP1 and SUP2)**

Per Title 19, a 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. It is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Conditional Use Verification. The applicant proposes two drive throughs for the subject site that fail to comply with the LVMC 19.08.040(F) minimum regulations regarding screening from the right-of-way. Associated landscaping Waivers and Exceptions are requested which staff does not support. As such, staff recommends denial of both Special Use Permit requests for both Drive Throughs.

**Special Use Permit (23-0088-SUP3)**

Per Title 19, an Auto Repair Garage, Minor use is defined as, “A facility for the performance of minor repairs and service on vehicles of 10,000 pounds gross vehicle weight or less. Such repairs and service are limited to electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, front end alignments, battery recharging, lubrication, selling/installing minor parts and accessories, and other similar activities. This use also includes the repair and installation of other minor elements of an automobile such as windshield wipers, hoses, windows, etc., but excludes general engine repairs, engine installation, and the repair and installation of transmissions and differentials.” The applicant requests to operate an Auto Repair Garage, Minor use within a 3,623 square-foot building located in the northeast area of the subject site. There are no minimum Special Use Permit requirements listed for the Auto Repair Garage, Minor use. It is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit. Staff does not support the request as the proposed garage is not compatible with the existing residential development adjacent to the north. There is also a concern of on-street parking on Alpine Place. Therefore, staff recommends denial of the Special Use Permit request.

**Special Use Permit (23-0088-SUP4)**

Per Title 19, an Alcohol, Off-Premise Beer/Wine use is defined as, “An establishment licensed to sell alcoholic beverages, limited to the sale of beer, wine and coolers, to

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consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the business is conducted.” The applicant proposes to sell alcoholic beer/wine beverages within a proposed 3,085 square-foot convenience store. The use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit. Staff does not support the associated Site Development Plan Review and thereby does not support the proposed land use.

**Minimum Special Use Permit Requirements:**

\*1 Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a minimum distance separation between an Alcohol, Off-Premise Beer/Wine establishment and certain other uses that should be protected from the impacts associated with that establishment. Therefore, except as otherwise provided in these Requirements, no Alcohol, Off-Premise Beer/Wine establishment may be located within 400 feet of any of the following uses:

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

*This requirement is met, as there are no protected land uses within 400 feet of the subject site.*

- 2. The distance separation requirement set forth in Requirement 1 does not apply to:
  - a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
  - b. A proposed establishment having more than 50,000 square feet of retail gross floor area.

*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.*

- 3. The minimum distance separation requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived:
  - a. In accordance with the provisions of LVMC 19.12.050(C) for any establishment which is proposed to be located on a parcel within the Downtown Las Vegas Overlay District, as described in LVMC 19.10.110;

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- b. In accordance with the provisions of LVMC 19.12.050(C) for any establishment having between 15,000 square feet and 50,000 square feet of retail gross floor space, if no more than 10 percent of the retail gross floor space is regularly devoted to the display or merchandising of alcoholic beverages;
- c. In accordance with the provisions of LVMC 19.12.050(C) for any retail establishment having less than 15,000 square feet of retail gross floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right-of-way with a width of at least 100 feet; or
- d. In accordance with the applicable provisions of the “Town Center Development Standards Manual” for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan.

*This requirement is not applicable, as the proposed land use is not located within the Downtown Las Vegas Overlay District, associated with an establishment having between 15,000 square feet and 50,000 square feet of retail gross floor space, associated with a retail establishment having less than 15,000 square feet separated by a highway or right-of-way with a width of at least 100 feet or located within the Town Center Master Plan Area.*

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

*If approved, the proposed use will be subject to business licensing requirements outlined in LVMC Chapter 6.50.050. In addition, the subject site is not located on or within a Pedestrian Mall.*

**Site Development Plan Review (23-0088-SDR1)**

The submitted plans depict a 9,590 square-foot commercial development that has ingress and egress access from Charleston Boulevard and Mohawk Street. The development includes a 3,204 square-foot fuel canopy, a 4,500 square-foot building featuring a 3,085 square-foot convenience store, a 1,415 square-foot restaurant with drive through, a 1,467 square-foot standalone restaurant with drive through and a 3,623 square-foot minor auto repair garage. Both proposed drive throughs provide a minimum of six stacking spaces. The proposed buildings are single-story with a maximum height of 28 feet. The primary façade material is stucco accented by brick veneer in neutral tones.

Waivers and Exceptions are requested regarding required landscaping. Per Title 19, a 15-foot landscape buffer is required adjacent to the right-of-way and an eight-foot buffer is required along the interior lot line. The applicant requests Waivers to allow a 10-foot buffer width along the west and north property lines where 15 feet is required; a six-foot

wide landscape buffer along the south property line where 15 feet is required; and a five-foot wide landscape buffer along the east property line where eight feet is required. In addition, an Exception is requested to allow 35 perimeter trees where 42 are required. Staff does not support the requests for the reduction in landscaping as the City is committed to reducing the heat island effect within the valley.

**Variances (23-0088-VAR1 and VAR2)**

A Variance (23-0088-VAR1) is requested to allow a 55 percent reduction in required parking. Per Title 19.12, a total of 65 parking spaces are required for the proposed development. The applicant proposes to provide 36 spaces of which four are handicap accessible. Variance (23-0088-VAR2) is requested to allow a residential adjacency matching setback of 10 feet where 14 feet is required. Per Title 19 residential adjacency standards, "In addition to the required building setback line, no building setback on property subject to the standards of this Section shall be less than the required building setback for the protected property." Property adjacent to the north is zoned R-CL (Single Family Compact-Lot) and has a minimum front yard setback of 14 feet. Staff finds both Variance requests to be self-imposed hardships and not compatible with existing development in the surrounding area. Therefore, staff recommends denial of each Variance request as the applicant is proposing to overdevelop the subject site.

The Department of Public Works - Traffic Engineering Division has commented, "This project is expected to add an additional 3,726 trips per day on Charleston Boulevard, Mohawk Street and Brush Street. Currently, Charleston is at about 69 percent of capacity and Brush is at about 17 percent of capacity. With this project, Charleston is expected to be at about 75 percent of capacity and Brush to be at about 40 percent of capacity. Counts are not available for Mohawk in this vicinity, but it is believed to be under capacity. Based on Peak Hour use, this development will add into the area roughly 313 additional peak hour trips, or about five every minute."

The subject site is located within the City of Las Vegas 2050 Master Plan Charleston Area with a land use designation of TOC-1 (Transit Oriented Corridor - High). The Charleston Boulevard corridor is the City's major east-west link and commercial corridor between Downtown Las Vegas and its western suburbs. Comprised of both the City's earliest inner-ring suburbs and new suburban neighborhoods, this area has high potential for transit-oriented development and new place types along multiple corridors with the introduction of high capacity transit over the next thirty years. The subject site is a prime location for a transit-oriented project development. Areas designated Corridor Mixed-Use are currently predominantly commercial corridors that are intended to transition to accommodate a mixture of uses, particularly residential. These traditionally auto-oriented areas are planned to gradually transform to more walkable corridors to better support transit.



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Staff finds the proposed development does not align with the City of Las Vegas 2050 Master Plan, which calls for more intense, higher density transit-oriented development and developing new place and housing types at specific locations and strips along Charleston Boulevard. Furthermore, the development as proposed is overbuilt. This is evidenced by the requested Variance, Waiver and Exception requests. Therefore, Staff recommends denial of all requested entitlements. If approved, the development will be subject to licensing and building permit requirements.

**FINDINGS (23-0088-VAR1 and VAR2)**

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

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

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 proposing a commercial development that fails to comply with minimum Title 19 development standards. Redesign of the site would allow conformance to Title 19 parking and setback 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 (23-0088-SUP1 and SUP2)**

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:



1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed Drive Through uses cannot be conducted in a manner that is harmonious and compatible with the surrounding land uses due to the associated requests for landscaping Waivers and Exceptions.

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

The subject site is not physically suitable for the Drive Through use due to the lack of screening from the right-of-way. Waivers are requested to allow reduced landscape buffer widths.

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

The subject can be accessed from Mohawk Street and Charleston Boulevard which are adequate in size to meet the needs 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.**

If approved, the proposed use will be subject to licensing and building permit requirements, thereby protecting the public health, safety and welfare.

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

The proposed Drive Through uses fail to comply with minimum Condition Use Requirements regarding screening. As such, approval of a Special Use Permit is requirement for each Drive Through. There are no minimum Special Use Permit requirements listed for the Drive Through use.

### **FINDINGS (23-0088-SUP3)**

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.**

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The proposed Auto Repair Garage, Minor use cannot be conducted in a manner that is harmonious and compatible with the surrounding land uses as evidenced by the requested associated Variances, Waivers and Exceptions.

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

The proposed use is not physically suitable for the subject site as evidenced by the associated requested Variances, Waivers and Exceptions.

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

The subject can be accessed from Mohawk Street and Charleston Boulevard which are adequate in size to meet the needs 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.**

If approved, the proposed use will be subject to licensing and building permit requirements, thereby protecting the public health, safety and welfare.

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

There are no minimum Special Use Permit requirements listed for the Auto Repair Garage, Minor use. However, staff does not support the associated Site Development Plan Review and thereby does not support the proposed land uses.

#### **FINDINGS (23-0088-SUP4)**

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed Alcohol Off-Premise, Beer/Wine use cannot be conducted in a manner that is harmonious and compatible with the surrounding land uses as evidenced by the requested associated Variances, Waivers and Exceptions.

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

The proposed use is not physically suitable for the subject site as evidenced by the associated requested Variances, Waivers and Exceptions.

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

The subject can be accessed from Mohawk Street and Charleston Boulevard which are adequate in size to meet the needs 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.**

If approved, the proposed use will be subject to licensing and building permit requirements, thereby protecting the public health, safety and welfare.

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

The proposed use meets all applicable conditions listed for the Alcohol Off-Premise, Beer/Wine use. However, staff does not support the associated Site Development Plan Review and thereby does not support the proposed land uses.

## **FINDINGS (23-0088-SDR1)**

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with the adjacent development in the surrounding area as evidenced by the associated requested Variances, Waivers and Exceptions.

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

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The proposed development is not consistent with Title 19 as Variances and Waivers are requested to allow reduced setbacks and landscaping. The proposed development also does not align with the 2050 Master Plan which calls for transit-oriented development.

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

The subject can be accessed from Mohawk Street and Charleston Boulevard which are adequate in size to meet the needs of the proposed use.

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

The proposed stucco building façade is appropriate for this area and the City. The proposed landscaping adheres to the recommendations of the Southern Nevada 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 elevation designs are not unsightly or obnoxious in appearance. However, they do not create an orderly environment as evident by the requested Variance, Waivers and Exception.

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

If approved, the proposed use will be subject to licensing and building permit requirements, thereby protecting the public health, safety and welfare.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
07/08/14	The Planning Commission approved a request for a Site Development Plan Review (SDR-54240) for two commercial buildings totaling 15,400 square feet with Waivers to allow a 10-foot wide landscape buffers along the north and west perimeters where 15 feet is required on 1.84 acres located at the northeast corner of Charleston Boulevard and Mohawk Street. Staff recommended approval.
10/28/14	The City Council approved a request for a Special Use Permit (SUP-55297) for a proposed 6,020 square-foot Medical Marijuana Dispensary at 5350 West Charleston Boulevard. The Planning Commission recommended denial, staff recommended approval.
	The City Council approved a request for a Compliance Permit for a Medical Marijuana Establishment (Dispensary) [DIR-56396] at 5350 West Charleston Boulevard.
06/09/16	A complaint (#167695) was processed by Code Enforcement for weeds, graffiti and an abandoned sign at 5300 West Charleston Boulevard. The case was resolved on 08/09/16.
02/27/17	A complaint (#175040) was processed by Code Enforcement for squatters, trash and debris on the subject site (APNs 138-36-803-015 and 016). The case was resolved on 06/07/17.
01/16/18	A complaint (#185441) was processed by Code Enforcement for graffiti on a block wall at the subject site (APNs 138-36-803-015 and 016). The case was resolved on 02/08/18.
05/17/18	A complaint (#189344) was processed by Code Enforcement for graffiti on a block wall at the subject site (APN 138-36-803-002). The case remains open as of 05/22/18.
07/18/18	The City Council approved Vacation (VAC-73284) The Planning Commission and Staff recommended approval.
	The City Council approved Special Use Permit (SUP-73287) for an alternative parking standard to allow 119 parking spaces where 162 parking spaces are required for a proposed facility to provide testing, treatment, or counseling for drug or alcohol abuse at the subject site. The Planning Commission and Staff recommended approval.
	The City Council approved Special Use Permit (SUP-73288) for a facility to provide testing, treatment, or counseling for drug or alcohol abuse use at the subject site. The Planning Commission and Staff recommended approval.

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
07/18/18	The City Council approved Site Development Plan Review (SDR-73289) for a proposed three-story, 48,375 square-foot office development with landscaping waivers on 1.75 acres at the northeast corner of Charleston Boulevard and Mohawk Street. The Planning Commission and Staff recommended approval.
06/02/21	The City Council approved General Plan Amendment (21-0029-GPA1) request to adopt the City Of Las Vegas 2050 Master Plan and amend the City Of Las Vegas general plan From various categories to TOD-1 (Transit Oriented Development-1), TOD-2 (Transit Oriented Development-2), TOC-1 (Transit Oriented Corridor-1), TOC-2 (Transit Oriented Corridor-2), or NMUX (Neighborhood Center Mixed Use) within the City Of Las Vegas.
10/13/22	Code Enforcement Case #CE22-05503 was opened regarding a homeless encampment at the subject site. The case was resolved on 12/15/22.
03/15/23	Code Enforcement Case #CE23-01416 was opened regarding a damaged fence on the sidewalk at the subject site. <a href="#">The case was resolved as of 04/10/23.</a>
05/09/23	<p>The Planning Commission voted (7-0) to recommend APPROVAL of following Land Use Entitlement project requests on 1.75 acres at the northeast corner of Charleston Boulevard and Mohawk Street (APNs 138-36-803-001, 002, 015 and 016), C-1 (Limited Commercial) Zone, Ward 1 (Knudsen)</p> <p><b>23-0088-VAR1</b> - VARIANCE - TO ALLOW 36 PARKING SPACES WHERE 66 ARE REQUIRED</p> <p><b>23-0088-SUP1</b> - SPECIAL USE PERMIT - FOR A PROPOSED DRIVE THROUGH USE</p> <p><b>23-0088-SUP2</b> - SPECIAL USE PERMIT - FOR A PROPOSED DRIVE THROUGH USE</p> <p><b>23-0088-SUP4</b> - SPECIAL USE PERMIT - FOR A PROPOSED 3,085 SQUARE-FOOT ALCOHOL, OFF-PREMISE BEER/WINE USE</p>

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
05/09/23	<p>The Planning Commission voted (7-0) to recommend DENIAL of following Land Use Entitlement project requests on 1.75 acres at the northeast corner of Charleston Boulevard and Mohawk Street (APNs 138-36-803-001, 002, 015 and 016), C-1 (Limited Commercial) Zone, Ward 1 (Knudsen)</p> <p><b>23-0088-VAR2</b> - VARIANCE - TO ALLOW A FIVE-FOOT FRONT AND SIDE YARD SETBACK WHERE 10 FEET IS REQUIRED AND A RESIDENTIAL ADJACENCY MATCHING SETBACK OF FIVE FEET WHERE 14 FEET IS REQUIRED</p> <p><b>23-0088-SUP3</b> - SPECIAL USE PERMIT - FOR A PROPOSED AUTO REPAIR GARAGE, MINOR USE</p> <p><b>23-0088-SDR1</b> - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED 9,967 SQUARE-FOOT COMMERCIAL DEVELOPMENT INCLUDING A CONVENIENCE STORE WITH FUEL PUMPS AND CANOPY, TWO RESTAURANTS WITH DRIVE THROUGHS AND A MINOR AUTO REPAIR GARAGE WITH WAIVERS OF THE PERIMETER LANDSCAPE BUFFER REQUIREMENTS</p>

<b><i>Most Recent Change of Ownership</i></b>	
09/16/21	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
06/06/17	A building permit (#C-343946) was issued for the demolition of a pool and building at 5300 West Charleston Boulevard. The permit was finalized on 06/14/17.

<b><i>Pre-Application Meeting</i></b>	
02/14/23	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed commercial development.

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

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<b>Field Check</b>	
03/30/23	Staff conducted a routine field check and found an undeveloped site with damaged fencing. There was an existing Off-Premise Sign (Billboard) and freestanding sign. The site contains multiple concrete pads and various vegetation materials scattered through the site. These are remnants from prior development that has since been demolished.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.75

<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	TOC-1 (Transit Oriented Corridor - High)	C-1 (Limited Commercial)
North	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
		L (Low Density Residential)	R-1 (Single Family Residential)
South	Building & Landscape Material/Lumber Yard	TOC-1 (Transit Oriented Corridor - High)	C-1 (Limited Commercial)
East	General Retail Store, Other Than Listed	TOC-1 (Transit Oriented Corridor - High)	C-1 (Limited Commercial)
	Boat & Trailer Dealership		
West	Financial Institution, General	TOC-1 (Transit Oriented Corridor - High)	C-1 (Limited Commercial)

<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
Las Vegas 2050 Master Plan Area: Charleston	N*
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
A-O (Airport Overlay) District (200 Feet)	Y



<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 2	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

\*The proposed development does not align with the transit oriented development vision for the subject site.

## DEVELOPMENT STANDARDS

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

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Lot Width	100 Feet	248 Feet	Y
Min. Setbacks			
• Front	10 Feet	10 Feet	Y*
• Side	10 Feet	10 Feet	Y
• Corner	10 Feet	10 Feet	Y
Max. Lot Coverage	50%	13%	Y
Max. Building Height	N/A*	28 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

\*Building heights may be affected by the residential adjacency standards set forth in LVMC 19.08.040(H).

<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	65 Feet	65 Feet	Y
Adjacent development matching setback	14 Feet	10 Feet	N*
Trash Enclosure	50 Feet	191 Feet	Y

\*A Variance is requested to allow a reduced matching residential adjacency setback.

***Pursuant to Title 19.08, 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	14 Trees	14 Trees	Y
• South	1 Tree / 20 Linear Feet	11 Trees	11 Trees	Y
• East	1 Tree / 30 Linear Feet	8 Trees	1 Trees	N*
• West	1 Tree / 20 Linear Feet	9 Trees	9 Trees	Y
<b>TOTAL PERIMETER TREES</b>		<b>42 Trees</b>	<b>35 Trees</b>	<b>N*</b>
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	16 Trees	20 Trees	Y
<b>LANDSCAPE BUFFER WIDTHS</b>				
Min. Zone Width				
• North	15 Feet		10 Feet	N**
• South	15 Feet		6 Feet	N**
• East	8 Feet		5 Feet	N**
• West	15 Feet		10 Feet	N**
Wall Height	6 to 8 Feet Adjacent to Residential		Not Indicated	By Condition

\*Exceptions are requested to allow a reduced amount of planting materials.

\*\*Waivers are requested to allow reduced landscape buffer widths.

<b><i>Street Name</i></b>	<b><i>Functional Classification of Street(s)</i></b>	<b><i>Governing Document</i></b>	<b><i>Actual Street Width (Feet)</i></b>	<b><i>Compliance with Street Section</i></b>
Charleston Boulevard	Primary Arterial	Master Plan of Streets and Highways	100	Y
Mohawk Street	Local Street	Title 13	64	Y
Alpine Place	Local Street	Title 13	60	Y

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

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail, Other than Listed	3,085 SF	1:175 SF of GFA.	18				
Restaurant	550 SF (public)	1:50 SF of public seating and waiting area, plus 1:200 SF of remainin g GFA	23				
	2,332 SF (BOH)						
Auto Repair Garage, Minor	3,623 SF	5 plus 1:200 SF of GFA.	24				
TOTAL SPACES REQUIRED			65		36		N*
Regular and Handicap Spaces Required			62	3	32	4	N*
Loading Spaces	Less than 10,000		1		1		Y
Percent Deviation			55%				

\*A Variance is requested to allow a parking reduction.

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<b>Waivers</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
Provide a 15-foot wide landscape buffer adjacent to right-of-way.	To allow a 10-foot wide landscape buffer along a portion of the north perimeter.	Denial
Provide a 15-foot wide landscape buffer adjacent to right-of-way.	To allow a six-foot wide landscape buffer along a portion of the south perimeter.	Denial
Provide a 15-foot wide landscape buffer adjacent to right-of-way.	To allow a 10-foot wide landscape buffer along a portion of the west perimeter.	Denial
Provide an eight-foot wide landscape buffer adjacent to interior lot lines.	To allow a five-foot wide landscape buffer along the east perimeter.	Denial

<b>Exceptions</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
Provide one tree per 20 linear feet within required landscape buffer areas (42)	To allow 35 perimeter trees within required landscape buffer areas	Denial