



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 10, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: UNITED BROTHERS ENTERPRISES, INC.

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-41385	Staff recommends DENIAL, if approved subject to conditions:	VAR-41386 SUP-41236 SUP-41384
VAR-41386	Staff recommends DENIAL, if approved subject to conditions:	VAR-41385 SUP-41236 SUP-41384
SUP-41236	Staff recommends DENIAL, if approved subject to conditions:	VAR-41385 VAR-41386 SUP-41384
SUP-41384	Staff recommends DENIAL, if approved subject to conditions:	VAR-41385 VAR-41386 SUP-41236
SDR-41235	Staff recommends DENIAL, if approved subject to conditions:	VAR-41385 VAR-41386 SUP-41236 SUP-41384

**** CONDITIONS ****

VAR-41385 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-41236); Special Use Permit (SUP-41384); and Site Development Plan Review (SDR-41235) shall be required, if approved.

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2. Conformance to the approved conditions for Site Development Plan Review (SD-0039-02), except as amended herein.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

VAR-41386 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-41236); Special Use Permit (SUP-41384); and Site Development Plan Review (SDR-41235) shall be required, if approved.
2. Conformance to the approved conditions for Site Development Plan Review (SD-0039-02), except as amended herein.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Prior to occupancy, 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.

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

SUP-41236 CONDITIONS

Planning

- 1.Approval of and conformance to the Conditions of Approval for Variance (VAR-41385); Variance (VAR-41386); Special Use Permit (SUP-41384); and Site Development Plan Review (SDR-41235) shall be required, if approved.
- 2.Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Financial Institution, Specified use.
- 3.A Waiver from Title 19.04 is hereby approved, to allow a 94-foot separation from another Financial Institution, Specified use where 1,000 feet are required.
- 4.This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
- 5.Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
- 6.These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
- 7.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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SUP-41384 CONDITIONS

Planning

- 1.Approval of and conformance to the Conditions of Approval for Variance (VAR-41385); Variance (VAR-41386); Special Use Permit (SUP-41236); and Site Development Plan Review (SDR-41235) shall be required, if approved.
- 2.Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Smog Check use.
- 3.This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
- 4.Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
- 5.These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
- 6.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-41235 CONDITIONS

Planning

- 1.Approval of and conformance to the Conditions of Approval for Variance (VAR-41385); Variance (VAR-41386); Special Use Permit (SUP-41384); and Special Use Permit (SUP-41236) shall be required, if approved.
- 2.Conformance to the approved conditions for Site Development Plan Review (SD-0039-02), except as amended herein.

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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 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 04/13/11, except as amended by conditions herein.
5. A Waiver is approved with the Site Development Plan Review to allow no landscape buffers along a 75-foot portion of the north perimeter and a 30-foot portion of the south perimeter and a two-foot wide landscape buffer along a 70-foot portion of the east perimeter where a fifteen-foot wide landscape buffer is required.
6. An Exception to Title 19.08.05(E)(4) is approved to allow a Trash Receptacle to be placed adjacent to the public right-of-way.
7. An Exception to Title 19.10.010(J)(11) is approved to allow no trees where two 24-inch box sized trees are required within the proposed parking lot.
8. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 04/13/11. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.
9. Prior to occupancy, 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.
10. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
11. 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, and 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.
12. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

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13. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
14. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
15. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
16. 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.
17. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

18. Remove all substandard sidewalk improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. The existing driveways accessing this site may remain.
19. 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.
20. The finished floor elevations of proposed new structures and drainage patterns shall comply with the recommendations made at the meeting held with the Flood Control Section on 3/14/2011.
21. Site development to comply with all previous conditions of approval for SD-39-02 and all other site-related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This proposal seeks to modify an existing site containing a Convenience Store with a fuel canopy and an Automated Car Wash Facility located at the northwest corner of Fremont Street and Charleston Boulevard. The applicant is proposing to remove the 1,400 square-foot Car Wash and replace it with a 2,600 square-foot commercial building. The new construction consists of a 1,500 square-foot Financial Institution, Specified, a 900 square-foot Office, and a 200-square-foot Auto Smog Check Facility. In addition to the proposed building, a 2,320 square-foot fuel canopy will be placed in line with the existing fuel canopy, running east-to-west. Staff recommends denial of this proposal, as it is substantially out of compliance with multiple sections of Title 19 and will result in a site that is overbuilt, as evidenced by the requested Variances, Waivers, and Exceptions. If denied, the site will remain as it is.

ISSUES

- A Special Use Permit is required for a Financial Institution, Specified use in the C-1 (Limited Commercial) zoning District. This proposal includes a request for Waiver from the Title 19.04 requirement to allow a 94-foot separation from an existing Financial Institution, Specified use where 1,000 feet is required.
- A Special Use Permit is required to allow a proposed Auto Smog Check use that does not meet the Conditional Use requirements for facility size and vehicle queuing.
- A Variance to Title 19.04 is requested to allow 16 parking spaces where 25 spaces are required.
- A Variance to Title 19.08.050 is requested to allow a seven-foot rear yard setback where 20 feet is required and an eight-foot corner side yard setback where 15 feet is required.
- A Waiver is requested with the Site Development Plan Review to allow no landscape buffers along a 75-foot portion of the north perimeter and a 30-foot portion of the south perimeter and a two-foot wide landscape buffer along a 70-foot portion of the east perimeter where a 15-foot wide landscape buffer is required.
- An Exception to Title 19.08.050(E)(4) is requested to allow a Trash Receptacle to be placed adjacent to the public right-of-way.
- An Exception to Title 19.10.010(J)(11) is requested to allow no trees where two 24-inch box sized trees are required within the proposed parking lot.
- This proposal is deemed a Project of Regional Significance (PRS), based upon the requested Special Use Permit requests being within the 500-foot proximity of unincorporated Clark County. No comments have been provided regarding the proposed uses.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
08/15/01	The City Council approved requests for a Site Development Plan Review (SD-0029-01) for a proposed 2,800 square-foot Convenience Store with a reduction of required perimeter landscaping and a Special Use Permit (U-0088-01) for the sale of Beer and Wine for Off-Premise consumption. The Planning Commission recommended approval of both requests on July 12, 2001. Staff recommended approval of these requests.
01/24/02	The Planning Commission approved a request for a Site Development Plan Review [SD-0029-01(1)] for an approximately 800 square-foot addition to an approved Service Station and Full-Service Car Wash on the subject site. Staff recommended approval.
10/24/02	The City Council approved a request for a Site Development Plan Review (SD-0039-02) and a reduction in required perimeter landscaping for a proposed 3,285 square foot Convenience Store and fuel canopy on the subject site. The Planning Commission recommended denial. Staff recommended approval.
01/21/04	The City Council approved a Required Six Month Review (RQR-3541) of an approved Special Use Permit (U-0088-01) that allowed the sale of Beer and Wine for Off-Premise consumption in conjunction with an existing Convenience Store on the subject site. Staff recommended approval with no further reviews scheduled.
04/07/04	The City Council approved a Review Of Condition (ROC-3797) Number 4 of an approved Special Use Permit (U-0088-01) which prohibited the sale of individual containers of any size beer, wine coolers, or screw cap wine, which thereby allowed individual sales. This approval was subject to a Six-Month Review. Staff recommended denial of this request.
10/24/04	The City Council approved a Required Six Month Review (RQR-5115) of an approved Review of Condition (ROC-3797) of an approved Special Use Permit (U-0088-01) which allowed the individual sales of any size beer, wine coolers, and screw cap wine in conjunction with a convenience store at 2320 Fremont Street.

<i>Most Recent Change of Ownership</i>	
07/31/02	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
11/04/98	Business License #C02-00176 issued for a Car Wash Facility at 2320 Fremont Street.
08/29/03	Business License #L10-00241 issued for a Beer/Wine/Cooler Off-Sale at 2320 Fremont Street.
09/02/03	Business License #C05-02280 issued for a Retail Tobacco at 2320 Fremont Street.
02/19/04	Business License #G01-00176 issued for a Restricted Gaming and #C20-02156 for Convention Hall Tax at 2320 Fremont Street.
12/19/08	Business License #C15-00305 issued for a Gas Sales/Car Wash at 2320 Fremont Street.

<i>Pre-Application Meeting</i>	
02/28/11	A pre-application meeting was held with the applicant and the representative to discuss the proposed modifications of the existing site. The applicant was informed of the required Special Use Permit for the proposed Financial Institution, Specified use and the minimum requirements related to such use. The applicant was also informed of the requirements for the Site Development Plan Review. It was determined that a Variance would be required to allow 16 parking spaces where 25 spaces would be required.
03/30/11	A second pre-application meeting was held with the applicant and the representative to discuss the moderate changes to the proposed Site Development Plan Review and Special Use Permit request from the previous meeting. The applicant was informed that an additional Special Use Permit is required for the proposed Auto Smog Check, as it does not meet the minimum conditional use requirements. The applicant was also informed of the required Variance to allow a 10-foot setback where 20 feet is required and all of the related Waiver and Exception requests stemming from the proposed site design.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of request, nor was one heard.	

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Field Check	
03/31/11	A field check of the subject site was conducted, in which the following items were noted: • The site consists of a Convenience Store with a fuel canopy. The Automated Car Wash Facility appears to be operable. • The entire front and side yards are paved. • There are curb cuts/entrances from Eastern Avenue, Charleston Boulevard, and Fremont Street; • There are narrow landscape planters surrounding the property, with minimal landscaping along the curve of the east side adjacent to the Car Wash queuing lane. • The east side of the property, and portions of the north side, are enclosed by a 42-inch tall iron fence.

Details of Application Request	
Site Area	
Net Acres	0.92

Surrounding Property	Existing Land Use Per Title 19.04	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Convenience Store	C (Commercial)	C-2 (General Commercial)
North	Grocery Store	C (Commercial)	C-2 (General Commercial)
	Undeveloped		
South	Pawn Shop	C (Commercial)	C-2 (General Commercial)
East	Undeveloped	MXU (Mixed Use)	R-PD13 (Residential Planned Development – 13 Units per Acre)
	Tavern	Clark County	Clark County
West	Restaurant, less than 2000 SF (w/ drive through)	C (Commercial)	C-2 (General Commercial)

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<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Trails		X	N/A
Rural Preservation Overlay District	X		N
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Pursuant to 19.18.050, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	160 Feet	Y
Min. Setbacks			
• Front	20 Feet	242 Feet	Y
• Corner Side (Fremont Street)	15 Feet	10 Feet	N
• Corner Side (Charleston Boulevard)	15 Feet	8 Feet	N
• Rear	20 Feet	7 Feet	N
Max. Lot Coverage	50 %	32 %	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Gated, w/ a Roof	Y
Trash Enclosure	Located away from ROW	Adjacent to ROW	N
Mech. Equipment	Screened	Not shown	By condition

Pursuant to Titles 19.10 and 19.12, the following standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	7 Trees	1 Trees	N
• South	1 Tree / 20 Linear Feet	4 Trees	2 Trees	N
• East	1 Tree / 20 Linear Feet	4 Trees	1 Trees	N
TOTAL PERIMETER TREES		15 Trees	4 Trees	N

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Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	2 Trees	0 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	15 Feet		0 Feet	N
• South	15 Feet		0 Feet	N
• East	15 Feet		2 Feet	N

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Charleston Boulevard	Primary Arterial.	Master Plan of Streets and Highways	100	Y
Fremont Street	Primary Arterial.	Master Plan of Streets and Highways	100	Y

Pursuant to Title 19.04 and 19.10, the following parking standards apply:

Parking Requirement							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Convenience Store (w/ Car Wash removed)	3,600 SF	1:175 SF	15*				Y*
Financial Institution, Specified	1,500 SF	1:250 SF	6				
Office	900 SF	1:300 SF	3				
Auto Smog Check	-	-	1				
TOTAL SPACES REQUIRED			25		16		N
Regular and Handicap Spaces Required			24	1	14	2	N
Percent Deviation			36%				

*The portion of the site occupied by the Convenience Store and Car Wash is parking impaired stemming from the original Site Design approval SD-0039-02; 15 parking spaces were dedicated towards the Convenience Store and four spaces were dedicated to the Automated Car Wash facility at a parking ratio of 1:250 square feet of gross floor area.

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<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
No Financial Institution, Specified within 1,000 feet of another Financial Institution, Specified.	To allow a 94-foot separation from another Financial Institution, Specified.	Denial
A 15-foot wide Landscape Buffer is required adjacent to all rights-of-way.	To allow no landscape buffer for portions of the north, south, and east perimeter.	Denial

<i>Exceptions</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
Trash receptacles are to be placed away from the public right-of-way.	To place the trash receptacle adjacent to Charleston Boulevard.	Denial
Two 24-inch box sized trees are required for every six uncovered parking spaces.	To allow no trees within the parking lot.	Denial

ANALYSIS

Any proposal within 500 feet of the City's border with unincorporated Clark County that requires a Special Use Permit is deemed to be a "Project of Regional Significance". A questionnaire detailing the impacts of the Financial Institution, Specified use and Auto Smog Check use on the surrounding area was submitted at the time of application. Staff has reviewed the questionnaire for completion and has found no additional issues concerning the requested Special Use Permits being requested within close proximity to Clark County limits; it is important to note that staff is recommending denial of both Special Use Permits, as they are determined to not be suitable for the immediate area. No comments have been received from Clark County regarding the proposed uses.

The subject site is included in the Las Vegas Redevelopment Plan Area. One of the stated purposes of this plan is to redevelop underutilized properties by using methods of planning, and strengthen the economic base of this part of the City of Las Vegas. The proposal seeks to increase the economic performance of the site by removing the existing Automated Car Wash use and replacing it with a 2,600 square-foot building that will contain a 1,500 square-foot Financial Institution, Specified use, 900 square-feet of office space ancillary to the Convenience Store, and a 200 square-foot Auto Smog Check facility. Although the applicant's intent to redevelop the underutilized portion of his property meets the intent of the Redevelopment Plan, the design and the proposed uses do not contribute to the immediate area. The Redevelopment Plan encourages development that is in conformance with Title 19 requirements.

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In regards to the proposed uses, the requested Special Use Permit to allow the proposed Financial Institution, Specified use in the C-1 (Limited Commercial) zoning district is accompanied with a Waiver. The applicant is requesting that the proposed use be allowed to maintain a 94-foot separation from another Financial Institution, Specified Use. It is important to note that there are three existing Financial Institution, Specified uses and two Auto Title Loan uses located within 1,000 feet of this proposal. The Special Use Permit is required for the proposed Auto Smog Check use because it does not meet the Conditional Use requirements for adequate size or vehicle stacking. There are concerns that the proposed Smog Check Use will negatively impact site circulation due to the location and lack of vehicle queuing for customers. There are also anticipated negative impacts from the close proximity of the service space to the public sidewalk to the south, creating a potential public nuisance for pedestrians passing by or utilizing the Fremont Bus Rapid Transit (BRT) stop located to the north. There are also safety concerns for the service personnel regarding the close proximity of the trash enclosure in conjunction with restricted site circulation which may create pedestrian-vehicle conflict points.

The proposed site plan shows an additional 2,320 square-foot fuel canopy that will be placed in line with the existing fuel canopy. Currently, the site features eight fuel pumps that simultaneously service two cars for a total capacity of 16 vehicles. The proposed canopy features four more fuel pumps, with the ability to service eight vehicles, placed to the east of the existing canopy and slightly askew. The proposed canopies create multiple site access choke points and effectively divide the site from each of three ingress/egress points. In addition to the concerns with site circulation, the proposed 2,600 square-foot building is placed at a high-visibility commercial corner with the backside of the building oriented towards traffic. There is no pedestrian connection provided from the street corner, a severely deficient provision of landscaping, and little architectural interest created at the proposed development's most visible street front. In addition to the visual unattractiveness of the proposal, the applicant is requesting an Exception to Title 19.08.050(E)(4) to locate the trash receptacle adjacent to the sidewalk along Charleston Boulevard. There is concern that the location of the trash receptacle will create visual and odor nuisance, and could become a potential graffiti target that will be highly visible from both Charleston Boulevard and Fremont Street.

The applicant is requesting a Variance to allow 16 parking spaces where 25 spaces are required. Typically, the total required parking would be 30 spaces; however, the previous Site Development Plan Review (SD-0039-02) approved a Service Station (without Automotive Repair) Use with the Automated Car Wash use with 17 spaces. This site was located in the Downtown Centennial Plan area at the time of approval, and the full requirement of 19 parking spaces, based on a rate of 1 space per 250 square feet of gross floor area, was not applied. Since this approval, the Convenience Store Use was established and requires one parking space per 175 square feet of gross floor area, thus making this a parking-impaired property. With the removal of the Car Wash use, the existing parking requirement for the existing Convenience Store is 15

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spaces with the additional parking for the proposed construction bringing the total required parking to 25 spaces. The applicant has made a provision of 16 spaces with the anticipation that the fuel canopy will accommodate customers without providing for parking spaces that meet City standards. Staff recommends denial based on the deficiency of adequate parking caused by additional uses and that the pumping stations under the fuel canopy do not function as an alternative to safe and unimpeded parking spaces.

The proposed landscape plan is deficient in adequate landscape buffer width and plant material. There is not adequate reason to support the requested waiver and exceptions, as these are again caused by the overdevelopment of the site. Being that this site has such high visibility from three highly-travelled roadways and sidewalks, the proposed reduction of landscaping cannot be supported.

Approval of this proposal would create more adverse issues than what the applicant seeks to address with the redevelopment of the under-utilized car wash. This proposal, as presented, is contrary to what is sought after in the Downtown Redevelopment Plan. This property is uniquely located to provide multiple points of street visibility, has close access to the developing Fremont Bus Rapid Transit (BRT) line, and is a visual gateway to Downtown Las Vegas. The proposed development, in both its design execution and proposed uses, does not create a vibrant redevelopment of this street corner and will result in an overbuilt site; therefore, staff recommends denial.

FINDINGS (VAR-41385)

In accordance with the provisions of Title 19.18.070(B), 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 19.18.070(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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Evidence of a unique or extraordinary circumstance has been presented as the site is oddly shaped; however, the applicant has created a self-imposed hardship by proposing to overbuild the site. An alternative design with a reduced floor area and site arrangement 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 (VAR-41386)

In accordance with the provisions of Title 19.18.070(B), 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 19.18.070(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."

Evidence of a unique or extraordinary circumstance has been presented as the site is oddly shaped; however, the applicant has created a self-imposed hardship by proposing an overbuilt site. The alternative placement of a smaller structure, along with a re-working of the site circulation, 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 (SUP-41236)

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

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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 use does not meet the Minimum Special Use Permit Requirements for distance separation and is not compatible with the surrounding area.

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

As evidenced by the requested Waiver, and accompanying Variances, this site is not physically suitable for the proposed Financial Institution, Specified 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.

This site is primarily accessed by Charleston Boulevard to the south, with secondary access provided by Fremont Street to the north and Eastern Avenue to the west. In consideration of the requested Variance to allow 16 parking spaces where 25 are required and the additional fuel pumps, the site will not adequately serve this 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.

Approval of this requested Special Use Permit would be inconsistent with the overall objectives of the General Plan and the Redevelopment Plan, as there are already five such uses within 1,000 feet of this proposal.

5.The use meets all of the applicable conditions per Title 19.04.

The requested Waiver to allow a 94-foot separation from another Financial Institution, Specified demonstrates that this proposal does not meet all of the applicable conditions required of such use. There are five such similar uses within 1,000-feet of this proposal.

FINDINGS (SUP-41384)

In order to approve a Special Use Permit application, per Title 19.18.060 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 Auto Smog Check use does not meet the Conditional Use Regulations for size or vehicle stacking, hence the need for the Special Use Permit. The location of the use, combined with inadequate space for vehicle stacking, parking, and servicing indicates that it cannot be conducted in a manner that is harmonious and compatible with the surrounding land uses. As this proposal is within the Redevelopment Plan Area, it is expected that uses with more commercial appeal would be placed at the forefront of the property.

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

The site is not physically suitable for the proposed fuel canopy or the additional Financial Institution, Specified building and adjoining Auto Smog Check. The proposed layout will severely limit onsite circulation as the existing and proposed fuel canopies will bisect the property. The lack of sufficient space on site to provide for the required 400 square feet of space, in addition to the poor site placement in proximity to a public sidewalk, demonstrates that this proposal is inappropriate for this location.

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.

This site is primarily accessed by Charleston Boulevard to the south, with secondary access provided by Fremont Street to the north and Eastern Avenue to the west. In consideration of the requested Variance to allow 16 parking spaces where 25 are required, the additional fuel pumps, and the lack of adequate vehicle stacking, the site has a significant potential onsite congestion that will spill onto these three roadways.

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.

Approval of this requested Special Use Permit would be inconsistent with the overall objectives of the General Plan and the Redevelopment Plan. There are additional concerns regarding the public health and safety of this use being placed alongside Charleston Boulevard.

5.The use meets all of the applicable conditions per Title 19.04.

The requested Auto Smog Check does not meet applicable Conditional Use Regulations for facility size and for vehicle stacking. This proposed use would be conditionally allowed for this location had the applicant provided a 400 square-foot facility (of which 200 square feet are enclosed) and vehicle stacking for three cars.

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FINDINGS (SDR-41235)

In order to approve a Site Development Plan application, per Title 19.18.050 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 existing Convenience Store and the surrounding area. There are concerns regarding the potential impact regarding the placement of an Auto Smog Check facility and a trash receptacle at the edge of Charleston Boulevard. In addition, there are concerns regarding site circulation and building placement that will have an undesirable appearance for such a prominent business location.

2.The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;

Waivers are needed from perimeter landscape requirements on all affected sides of the proposed development, an exception from parking lot landscaping requirements is required, and variances for parking and setbacks are needed to allow the project to proceed. The waiver requests reduce or eliminate the intended purpose of the required buffers and do not allow for an adequate provision of a pedestrian-friendly sidewalk.

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

Site access is currently adequate for the existing Convenience Store with fuel sales. There are three points of access to the site that all come in from separate directions. With the inclusion of the second fuel canopy, the site will be divided by a series of 12 fuel pumps that will service up to 24 vehicles at one time. The proposed construction is located at the east end of the site and will have limited access from two of the site entry points: Fremont Street and Eastern Avenue. The primary access to the site, Charleston Boulevard, can only provide access to the Convenience Store by driving under the fuel canopies. The confusing site circulation will be exacerbated by the companion Variance request to allow 16 parking spaces where 25 spaces are required, as well as the location of the service space for the proposed Auto Smog Check use.

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

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Building and landscaping materials are to remain generally consistent with those utilized for the existing Convenience Store and fuel canopy. There is little additional landscaping provided, as seen in the requested Waiver to the landscape buffer requirements; therefore, the lack of landscape materials is inappropriate 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;

The elevations and features of the proposed 2,600 square-foot building are compatible with the existing structures on site; however the proposed structures are oriented away from the corner and street fronts, and do not establish ties to the street as recommended by Title 19.08.050(D)(2)(e). The proposed locations of the Auto Smog Check and Trash Receptacle place service functions closest to the public, along Charleston Boulevard.

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

The proposed 2,600 square-foot Commercial Building will require all necessary permits and inspections prior to occupancy, in order to protect the public's health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 172

APPROVALS 1

PROTESTS 0