



City of Las Vegas

Agenda Item No.: 28.

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: MAY 8, 2012**

**DEPARTMENT: PLANNING
DIRECTOR: FLINN RAGG**

☐ Consent ☒ Discussion

SUBJECT: SUP-44851 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: PROVIDENCE PLAZA, LLC. For possible action on a request for a Special Use Permit FOR GAMING (INCIDENTAL GAMING MACHINES ONLY) WITHIN A PROPOSED 5,730 SQUARE-FOOT PROVIDENCE STORE at 7161 North Hualapai Way (APN 126-24-517-004), PD (Planned Development) Zone [VC (Village Commercial) Cliff's Edge Special Land Use Designation], Ward 6 (West). Staff recommends DENIAL.

FINAL ACTION: (Unless Appealed within 10 Days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

24

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

618

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps - SUP-44851, SUP-44852 and SDR-44850
2. Conditions and Staff Report - SUP-44851, SUP-44852 and SDR-44850
3. Supporting Documentation
4. Photos - SUP-44851, SUP-44852 and SDR-44850
5. Providence Design Review Committee Approval Letter
6. Justification Letter - SUP-44851, SUP-44852 and SDR-44850
7. Protest/Support Postcards SUP-44851, SUP-44852 and SDR-44850
8. Submitted after Final Agenda Supplemental Staffs Report for SUP-44851, SUP-44852 and SDR-44850, Protest Emails/Letter and Protest Support Postcards for SUP-44851 and SUP-44852
9. Submitted at Meeting - Support Petition by Mark Fiorentino

Motion made by TODD L. MOODY to Approve subject to conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

TRINITY HAVEN SCHLOTTMAN, TODD L. MOODY, RICHARD TRUESDELL, VICKI QUINN, GUS FLANGAS, BYRON GOYNES, RICHARD P. BONAR; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR QUINN declared the Public Hearing open for Items 28-30.

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STEVE GEBEKE, Planning, indicated the request is for a convenience store with gas pumps, a drive-through restaurant and a car wash located within the VC (Village Commercial) Land Use Designation of the Cliff's Edge Master Development Plan; however, the proposed uses are too intense for the adjacent residential development. Landscaping and screening are either not present or not sufficient to mitigate the negative impact on the adjacent residential. The project will result in an overdeveloped site that is not compatible with the surrounding residential development. Staff recommended denial.

ATTORNEY MARK FIORENTINO, 8355 West Sunset Road, appeared on behalf of the applicant and provided an overview of the many businesses the applicant has developed. The proposed site is part of the Providence Master Planned Community planned for commercial uses. The requested uses are all permitted in the Providence Standards. The site shares a joint access with the residential apartments to the west and south, and it was approved as part of the overall project. The partially developed site has been struggling due to the economy, as well as not having had an anchor tenant to draw business. The applicant has been working for the past six months on this project and as a result of many meetings, revisions have been made to the site plan with three primary goals: maintain the integrity of the well designed and landscaped entrance to minimize the impact on immediate residential circulation within and the exterior of the site.

Regarding the waiver of landscaping, ATTORNEY FIORENTINO pointed out the area is three feet in depth. Landscaping outside the line is on a separate parcel and is being maintained by the homeowners association and not a burden on the property line. The trash enclosure can be relocated on the site. He submitted a petition with over 600 signatures.

TODD FARLOW, Las Vegas resident, remarked that a similar development on Eastern Avenue, Fremont Street and Charleston Boulevard is a traffic disaster and he hopes the same will not happen to the proposed project, as the site is overbuilt.

JONATHAN FONTENOT stated that Providence residents want this area to succeed but the use is too intense and will create traffic and noise issues at this location.

CHRISTOPHER DVORAK supports the development as this area is struggling due to the economy, and feels this new development would attract new home buyers. Currently, the residents have to drive several miles to get to similar businesses.

COMMISSIONER MOODY pointed out the petition did not refer to the drive-through or the car wash. He stated that City Stops are a tremendous benefit to a community. There is a general consensus that the residents would like a convenience store, but he believes the use is too intense for this particular site. He asked if the applicant is willing to give up the drive-through.

ATTORNEY FIORENTINO replied they would rather keep the drive-through, as they are trying to maximize the ability to make this center a success. The petition did not specifically include the car wash use but he feels comfortable that the residents who signed the petition realize the type of uses to be developed on this site. COMMISSIONER MOODY remarked that this

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community is best suited for a pedestrian friendly project. His recommendation would be for denial if the project is not decreased.

HANK GORDON, 1770 North Buffalo Drive, explained that Bank of America foreclosed on the property and there is no other commercial zoning in the area. To mitigate the traffic issue, he convinced Public Works to put in a break in the traffic so traffic could get in and out. Without the convenience store the shopping center will not be successful. He entered into this venture with BRUCE FAMILIAN, owner of City Stop. MR. GORDON gave a brief history of their plans and the process during their revisions. Typical space is up to 30,000 square feet and the site has 46,000 square feet, so there is sufficient space for the type of development desired. Given the extreme neighborhood support, he believes this is good for the area and asked for approval.

COMMISSIONER GOYNES remarked that the development adds credibility, and believes this is what one would want out here given the fact that shopping centers are not nearby. There might be a false sense that the site would be overloaded with cars. It serves its purpose and these are the type of centers preferred. He believes they will see desired customers and supported the project as submitted.

COMMISSIONER SCHLOTTMAN opined that if this is the only business within miles the site will experience heavy traffic. He concurred with COMMISSIONER MOODY's comments regarding overbuilding the site. If the car wash was removed and additional room was between the gas pumps, he could probably support the project.

COMMISSIONER FLANGAS supports the request as there are no similar businesses in the immediate area to support the residents needs. He does not see this as a destination for residents residing outside the area.

COMMISSIONER MOODY asked if there are conditions on the hours of operation for gaming, car wash and deliveries. ATTORNEY FLORENTINO said agree to limited hours of operation on the car wash and deliveries, such as dusk to dawn but not on the gaming as it is an integral part of the store.

Regarding Item 30, MR. GEBEKE verified for COMMISSIONER TRUESDELL that a condition already exists regarding the relocation of the trash enclosure to a minimum of 50 feet away from residential.

CHAIR QUINN declared the Public Hearing closed for Items 28-30.