



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: DECEMBER 13, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: DEER SPRINGS VILLAGE, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-66443	Staff recommends DENIAL, if approved subject to conditions:	
SUP-66444	Staff recommends DENIAL, if approved subject to conditions:	VAR-66443
SUP-66445	Staff recommends DENIAL, if approved subject to conditions:	VAR-66443 SUP-66444
SUP-66446	Staff recommends DENIAL, if approved subject to conditions:	VAR-66443 SUP-66444 SUP-66445
SDR-66447	Staff recommends DENIAL, if approved subject to conditions:	VAR-66443 SUP-66444 SUP-66445 SUP-66446

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 33

NOTICES MAILED 139 - VAR-66443 and SUP-66444

139 - SUP-66445 and SUP-66446

139 - SDR-66447

APPROVALS 2 - VAR-66443 and SUP-66444

1 - SUP-66445 and SUP-66446

3 - SDR-66447

PROTESTS 11 - VAR-66443 and SUP-66444

17 - SUP-66445

16 - SUP-66446

11 - SDR-66447

**** CONDITIONS ****

VAR-66443 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permits (SUP-66444, SUP-66445 and SUP-66446) and Site Development Plan Review (SDR-66447) shall be required.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-66444 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Car Wash, Full Service use.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-66443), Special Use Permits (SUP-66445 and SUP-66446) and Site Development Plan Review (SDR-66447) shall be required.

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

SUP-66445 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Liquor Establishment (Tavern) use.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-66443), Special Use Permits (SUP-66444 and SUP-66446) and Site Development Plan Review (SDR-66447) shall be required.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
6. Minors shall only be permitted in such areas wherein spirituous, malt or fermented liquors or wines are served only in conjunction with regular meals and where dining tables or booths are provided separate from the bar in conformance with Title 6.50.

7. Approval of this Special Use Permit does not constitute approval of a liquor license.
8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-66446 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Beer/Wine/Cooler Off-Sale Establishment use.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-66443), Special Use Permits (SUP-66444 and SUP-66445) and Site Development Plan Review (SDR-66447) shall be required.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-66447 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-66443) and Special Use Permits (SUP-66444, SUP-66445 and SUP-66446) 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 and landscape plan, date stamped 11/08/16 and building elevations, date stamped 08/25/16, except as amended by conditions herein.
4. A Waiver from Title 19.08.040(B)(6) is hereby approved, to allow the proposed convenience store to be set back from the corner where buildings on corner lots shall be oriented to the corner and street fronts.
5. A Waiver from Title 19.08.070 is hereby approved, to allow a five-foot perimeter landscape buffer along a portion of the south property line where eight feet is required.
6. A Waiver from 19.08.040(B)(4) is hereby approved, to allow a single car wash bay to face a public right-of-way (Deer Springs Way) where such is not allowed.
7. An Exception from Title 19.08.110(C)(12) is hereby approved, to allow 107 parking lot trees where 119 shade trees are required in islands and the ends of parking rows.
8. Parking areas shall be screened from adjacent roadways by a low wall or berm with a maximum height of 30 inches, a solid living hedge of approximately 36 inches or some other screening method as approved by the Department of Planning. The site plan and landscape plan shall be revised to indicate how the parking area will be screened.
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 Department of Building and Safety.

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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.
12. 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. The technical landscape plan shall include the following changes from the conceptual landscape plan:
 - A. Provide 24-inch box shade trees within the proposed amenity zone along Deer Springs Way a maximum of 40 feet on center in conformance with Complete Streets Standards.
 - B. Provide 24-inch box shade trees within the proposed amenity zone along Hualapai Way a maximum of 45 feet on center in conformance with Complete Streets Standards.
 - C. Provide four (4) additional 24-inch box trees in the proposed perimeter landscape buffer along the north property line, for a total of 19 trees. Provide four (4) five-gallon shrubs per required tree.
 - D. Provide four (4) additional 24-inch box trees in the proposed perimeter landscape buffer along the south property line, for a total of 19 trees. Provide four (4) five-gallon shrubs per required tree.
13. 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.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Dedicate 40 feet of right-of-way adjacent to this site for those portions of Deer Springs Way not previously dedicated and appropriate right-of-way for the north half of Inyo Avenue and the northern half of the Inyo Avenue cul-de-sac prior to issuance of building permits for this site. Additionally, dedicate a 35-foot radius with a Traffic Signal Chord Easement at the southeast corner of Hualapai Way and Deer Springs Way. Also dedicate additional right-of-way per Standard Drawing #201.1 on Hualapai Way and Deer Springs Way including an exclusive right turn lane on Hualapai Way prior to the issuance of building permits for this site.

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16. Grant pedestrian access easements for all public sidewalks located outside of the public right-of-way prior to issuance of building permits for this site.
17. Construct all half-street improvements on Hualapai Way and Deer Springs Way per current City Standards and matching improvements to the east on Deer Springs including traffic signal underground infrastructure at the southeast corner of Hualapai Way and Deer Springs Way adjacent to this site. All existing off-site improvements 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 design of improvements including median islands on Hualapai Way and Deer Springs Way must meet the approval of the City Traffic Engineer.
18. Per Condition #9 of TMP-64814, construct improvements on Inyo Avenue concurrent with the development of this site. Inyo Avenue improvements shall include complete half street improvements for the north half of Inyo Avenue, including a fully paved terminating cul-de-sac and temporary paving on the south half to accommodate two-way vehicular traffic concurrent with on-site development activities. Permits for the site may be issued without the Bureau of Land Management (BLM) grant for the south half of Inyo Avenue; however, no work on Assessor Parcel Number #125-19-301-012 is permitted without an issued BLM grant. The southwest quarter of the Inyo Avenue cul-de-sac was granted as right-of-way easement to Clark County by Document #20141208:01625.
19. Concurrent with development of this site, extend a public sewer line in Inyo Avenue from where it currently terminates to the terminating cul-de-sac bulb at a size and location acceptable to the Department of Public Works.
20. Submit an Encroachment Agreement to the City of Las Vegas for all landscaping and private improvements in the Hualapai Way and Deer Springs Way public rights-of-way adjacent to this site. The applicant must carry an insurance policy for the term of the Encroachment Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's Encroachment Agreement. The installation and maintenance of all private improvements in the public right of way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the Encroachment Agreement. Coordinate all requirements for the Encroachment Agreement with the Land Development Section of the Department of Building and Safety (702-229-4836).

VAR-66443, SUP-66444, SUP-66445, SUP-66446 and SDR-66447 [PRJ-66309]
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21. 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. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. 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.
22. 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.
23. Comply with all applicable conditions of approval of Tentative Map TMP-64814 and any other site related actions.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to develop a shopping center on 9.63 acres of undeveloped land at the southeast corner of Deer Springs Way and Hualapai Way. The center would be anchored by a grocery store and have three in-line multitenant buildings. A corner convenience store with fuel pumps and two additional pad sites are also proposed. The applications were held in abeyance at the request of the applicant in order to revise the site plan and landscape plan. As a result, the waiver request to allow five-foot perimeter landscape buffers along the north and west property lines is no longer needed. However, an additional parcel was also added to the project during this time, requiring a Rezoning and new tentative map, thereby requiring renotification of the public hearing.

ISSUES

- The applicant has requested to abey these items to the 01/10/17 Planning Commission meeting in order to submit applications for a Rezoning, Vacation and Tentative Map related to this site.
- The applicant has added a newly annexed parcel (APN 125-19-301-010) to the request. This parcel needs to be rezoned to match the associated parcels. The addition of this parcel also triggers the need for a Vacation of right-of-way and a new tentative map.
- The previously requested Waiver to allow a five-foot perimeter landscape buffer along a portion of the west property line and a five-foot perimeter landscape buffer along a portion of the north property line where 15 feet is required is no longer needed, as the applicant has submitted revised site and landscape plans that indicate 15-foot buffer widths. The redesign reduced parking by seven spaces, but the overall site will remain in conformance with Title 19 parking requirements.
- A trash enclosure that had been located in direct view of the Deer Springs way right-of-way was relocated behind the proposed car wash vacuum bays and screened by landscaping to conform to Title 19 commercial development standards.
- Approval of a Variance is necessary to allow a 15-foot rear yard setback for the "Shops A" building where 20 feet is required. Staff recommends denial of the Variance request.
- No landscape buffer is proposed along the east perimeter due to anticipation of a future commercial site on the adjacent lot, which is part of the same proposed commercial subdivision. Staff recommends denial of the associated Waiver.
- A Waiver is required to allow a five-foot perimeter landscape buffer along a portion of the south property line where eight feet is required. Staff recommends denial of the waiver.

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- A Waiver is required to allow buildings to not be oriented to the corner and street frontages where such is required. Staff recommends denial of the waiver.
- A Waiver is required to allow car wash bays to face a public right-of-way (Deer Springs Way) where such is not allowed. Staff recommends denial of the waiver.
- An Exception is required to allow 100 parking lot trees where 102 trees and accompanying shrubs are required. Staff recommends denial of the Exception.
- Additional trees are required within the perimeter landscape buffers. An Exception was not requested. A condition of approval addresses this deficiency, which is due to spacing trees too far apart.
- A Car Wash, Full Service use is permitted in the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit.
- A Liquor Establishment (Tavern) use is permitted in the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit. A Waiver to allow a 339-foot distance separation from a school where 1,500 feet is required has been requested. Staff recommends that the waiver be denied.
- A Beer/Wine/Cooler Off-Sale use is permitted in the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit.
- A Grocery Store with Alcohol is a conditional use in the C-1 (Limited Commercial) zoning district. All conditions can be met by the proposed use.
- A Drive-Through is a conditional use in the C-1 (Limited Commercial) zoning district. All conditions can be met by the proposed use.
- Two parking rows face the perimeter streets. Per Title 19.08.110, these rows must be screened from adjacent roadways in a manner acceptable to the Department of Planning. A condition of approval addresses this.

ANALYSIS

Development within this site is subject to the requirements of LVMC Title 19, specifically 19.08 Commercial Development Standards and C-1 (Limited Commercial) zoning district standards and 19.12 regarding permitted uses. Several changes were made to the site and landscape plans on 11/08/16 to bring certain aspects of these plans into conformance with Title 19. The applicant has acquired the triangular shaped parcel between the original site and the drainage channel along Clark County 215. The additional space is proposed to be used for parking and a truck turnaround. The portions of the north and west perimeter buffers that were less than 15 feet were widened to 15 feet. In order to free up additional area for these buffers, seven parking spaces were eliminated, one drive aisle was narrowed and the sidewalk adjacent to Shops C was narrowed. The plans were also corrected to remove areas of the parking lot that were within the north side of the Inyo Avenue cul-de-sac, which is required to be improved by condition of the related Tentative Map (TMP-64814). As a result of these changes, there will not be any excess parking spaces available for this development in the future. The pad site proposed along Deer Springs Way was removed and replaced

with additional parking. In addition, the proposed grocery store was reduced in size to 57,584 square feet. The additional changes will need to be renotified to the public.

The site is located at the intersection of two major streets (Hualapai Way and Deer Springs Way), both of which will be improved adjacent to the development. Freeway access to Clark County 215 is available at the Hualapai Way interchange. Parcels are undeveloped in every direction from the site. The Providence Master Planned Community is located to the west, an undeveloped property zoned for commercial uses is located to the east, the Clark County 215 Beltway right-of-way is located to the south, and undeveloped low density residential parcels in both the City and County jurisdictions are located to the north of Deer Springs Way.

A General Plan Amendment (GPA-64811) to change the land use designation to SC (Service Commercial) and a Rezoning (ZON-64812) to C-1 (Limited Commercial) on Assessor's Parcel Number 125-19-301-001 were approved by the City Council on 09/07/16, as well as a two-lot Tentative Map (TMP-64814) for a commercial subdivision that spans this site and the lot to the east of this site. This commercial development is proposed on the westernmost commercial lot only. A final map must still be recorded to consolidate the existing parcels that make up this property. Improvements on Inyo Avenue were deferred until the time of development through the approved Tentative Map (TMP-64814).

Use Definitions and Conditions per LVMC Title 19

Grocery Store With Alcohol

A Grocery Store is defined by Title 19.18 as "A business establishment which occupies all of the business premises of a building or a portion of the business premises of a building which is segregated physically or spatially from the rest of the business premises, and which contains more than five thousand square feet of floor space, exclusive of warehouse and office space, for the display and sale of foodstuffs, whether fresh, frozen, canned or packaged, and may include the sales of other products, including non-food items, alcoholic beverages (if licensed by the City for the sale of alcoholic beverages) and pharmaceuticals, provided the sale of such pharmaceuticals is incidental to the primary business of selling products other than pharmaceuticals." The proposed grocery store would be located on the east side of the lot, would contain 57,884 square feet and sell alcoholic beverages in the form of beer, wine and packaged liquor.

When alcohol is sold, Title 19.12.070 describes this use as a Grocery Store:

"1. Whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold; and

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2. In which the sale of alcoholic beverages is ancillary to the grocery store use, and in which no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages. This use includes an establishment that provides on-premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license for that location.”

This use is conditional in the C-1 (Limited Commercial) zoning district. As this proposed Grocery Store with Alcohol will contain greater than 50,000 square feet of retail floor space, the minimum 400-foot distance separation requirements do not apply, although it currently meets such requirements (i.e., from a church/house of worship, school, individual care center or city park). All other conditional use regulations will be met by the proposed Grocery Store.

Drive-Through

Title 19.18 defines this use as “the use of a dedicated drive lane that, incidental to a principal use, provides access to a station, such as a window, door or mechanical device, from which occupants of a motor vehicle receive or obtain a product or service.” This use is conditional in the C-1 (Limited Commercial) zoning district. Drive-throughs are proposed both around a proposed automated car wash and fast food restaurant. Both stacking lanes will accommodate at least six vehicles, as shown on the site plan.

Car Wash, Full Service

The Car Wash, Full Service use is defined as “An establishment that provides for the washing, cleaning, waxing or detailing of passenger vehicles, either by means of employees or by means of automated or semi-automated methods of cleaning, or by a combination thereof.” The proposed use meets the definition, as an automated mechanism will be housed to the east of the 5,075 square-foot convenience store (General Retail Store) establishment for the purpose of cleaning and waxing of vehicles. Two parking spaces are reserved for vacuuming of vehicles.

The Minimum Special Use Permit Requirement for this use is the following:

1. Each wash bay shall have a stacking lane that will accommodate at least six cars.

The proposed use meets this requirement, as a single wash bay will be provided with a stacking lane that wraps around the proposed convenience store building and which supports six vehicles in queuing position.

The use can be accessed from any of the driveways on the site; however, vehicles enter the 12-foot wide wash bay drive-through lane from the west. The drive-through is

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adequately screened from the adjacent parking area by landscaping consisting of shrubs and Mexican fan palms. The wash bay faces Deer Springs Way, which requires a waiver through the accompanying Site Development Plan Review.

Liquor Establishment (Tavern)

The Liquor Establishment (Tavern) use is defined as “a facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold.” The proposed use meets the definition, as the establishment intends to sell alcoholic beverages for consumption on the premises.

The Minimum Special Use Permit Requirements for this use include:

1. Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both a minimum separation between liquor establishments (tavern), and a minimum separation between a liquor establishment (tavern) and certain other uses that should be protected from the impacts associated with a liquor establishment (tavern). Therefore, except as otherwise provided below, no liquor establishment (tavern) may be located within 1500 feet of any other liquor establishment (tavern), church/house of worship, school, individual care center licensed for more than 12 children, or City park. (NONWAIVABLE EXCEPT AS PROVIDED BELOW)

The proposed use does not meet this requirement, as there is a high school located 339 feet southwest of the property. This requirement is waivable under Special Use Permit Requirement 5e, as the protected use (school) is separated from the proposed Liquor Establishment (Tavern) by a freeway (Clark County 215).

2. The distance separation referred to in Requirement 1 shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (tavern) which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed liquor establishment (tavern). The distance shall be measured in a straight line without regard to intervening obstacles. (NONWAIVABLE)

Measurement is taken from the boundaries of APN 125-19-301-001, the current parcel on which the use would be located. Future consolidation of the parcels on the subject site would not change the separation distance from property line to property line.

3. For the purpose of Requirement 2, and for that purpose only:
 - a. The “property line” of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and
 - b. The “property line” of a liquor establishment (tavern) refers to:
 - i. The property line of a parcel that has been created by an approved and recorded parcel map or commercial subdivision map; or
 - ii. The property line of a parcel that is located within an approved and recorded commercial subdivision and that has been created by a record of survey or legal description, if:
 - A. Using the property line of that parcel for the purpose of measuring the distance separation referred to in Requirement 1 would qualify the parcel under the distance separation requirement;
 - B. The proposed liquor establishment (tavern) will have direct access (both ingress and egress) from a street having a minimum right-of-way width of 100 feet. The required access may be shared with a larger development but must be located within the property lines of the parcel on which the proposed liquor establishment (tavern) will be located;
 - C. All parking spaces required by this Subchapter 19.12.070 for the liquor establishment (tavern) use will be located on the same parcel as the use; and
 - D. The owners of all parcels within the commercial subdivision, including the owner of agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.
(NONWAIVABLE)

A commercial subdivision map is expected to be recorded that creates a 9.62-acre lot by which measurement to protected uses is taken. Future record of survey lines may be recorded that may or may not capture all measurement requirements in Subparagraphs A-D.

4. The distance separation requirement set forth in Requirement 1 does not apply to 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.

This requirement does not apply, as neither circumstance applies to the subject establishment.

5. The distance separation requirement set forth in Requirement 1 may be waived in accordance with the provisions of LVMC 19.12.050(C), but only in connection with a proposed liquor establishment (tavern) that:
 - a. Will be located on a parcel within the C-V District, the Parkway Center District within the Downtown Centennial Plan, the Gaming Enterprise Overlay District, or the Downtown Casino Overlay District;
 - b. Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as an historic property, historic building, or landmark;
 - c. Will be located within a regional mall; or
 - d. Will be located within a mixed-use development
 - i. That has been approved by means of Special Use Permit pursuant to LVMC Chapters 19.12 and 19.16;
 - ii. That has a minimum net site area of 15 acres; and
 - iii. Whose gross floor area of nonresidential space is a minimum of 250,000 square feet; or
 - e. Will be separated from the existing use by a street or highway with a minimum right-of-way width of 100 feet.

This requirement applies, as a waiver of distance separation is necessary. The protected use (high school) is separated from the proposed Liquor Establishment (Tavern) by a freeway (Clark County 215).

6. The use shall conform to, and is subject to, the provisions of LVMC Chapters 6.40 and 6.50. (NONWAIVABLE)

The proposed use is required to comply with this requirement as a condition of approval.

The proposed Tavern would be located in a 4,000 square-foot tenant space at the west end of the Shops 'A' building. The Tavern would contain two kitchens, a lounge with 22 seats and 15 gaming machines and a dining area with 28 seats. By virtue of the location of the overall parcels, this use will be located within 1,500 feet of a public high school to the southwest. The school property is situated on the south side of the Clark County 215 freeway, 339 feet from the closest point of the subject property. Per Title 19.12.070, the separation requirement is waivable. However, staff does not support the requested waiver, as it does not support the related Site Development Plan Review.

Beer/Wine/Cooler Off-Sale Establishment

The Beer/Wine/Cooler Off-Sale use is defined by Title 19.18 as "an establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold, and is operated in connection

with a grocery store, drug store, convenience store or specialty merchandise store.” The proposed use meets the definition, as only beer, wine and wine coolers are proposed to be sold in connection with a convenience store in their original sealed containers for off-premises consumption. The floor plan indicates that beer, wine and wine coolers would be located within a bank of coolers along the south side of the store.

The Minimum Special Use Permit Requirements for this use include:

1. Except as otherwise provided, no beer/wine/cooler off-sale establishment (hereinafter “establishment”) shall be located within 400 feet of any church/house of worship, school, individual care center licensed for more than 12 children, or City park. (NONWAIVABLE EXCEPT AS PROVIDED BELOW)

The proposed use does not meet this requirement, as a public high school is located 339 feet southwest of the property where 400 feet is required. This requirement is waivable under Special Use Permit Requirement 7d, as the protected use (school) is separated from the proposed Beer/Wine/Cooler Off-Sale Establishment by a minimum 330-foot right-of-way (Clark County 215).

2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:
 - a. Any leasehold parcel; or
 - b. Any parcel which lacks access to a public street or has no area for onsite parking and which has been created so as to avoid the distance limitation described in Requirement 1. (NONWAIVABLE)

Measurement is taken from the boundaries of APN 125-19-301-001, the current parcel on which the use would be located. Future consolidation of the parcels on the subject site would not change the separation distance from property line to property line.

3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:

- a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
- b. In the case of a proposed establishment which will be located within a shopping center or other multiple tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles. (NONWAIVABLE)

This requirement does not apply, as the parcel is less than 80 acres in size.

4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

This requirement applies, as a waiver of distance separation is necessary.

5. The minimum distance requirements in Requirement 1 do not apply to:
 - a. An establishment which has a nonrestricted 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 floor space.

Neither condition above applies to this request; therefore, the minimum distance requirements apply.

6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50. (NONWAIVABLE)

The proposed use is required to comply with this requirement as a condition of approval.

7. The minimum distance 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 Casino Overlay District;

- b. 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;
- c. In connection with a proposed establishment having between 20,000 square feet and 50,000 square feet of retail floor space, if no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages; or
- d. In connection with a retail establishment having less than 20,000 square feet of retail 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.

This requirement applies, as a waiver of distance separation is necessary. The protected use (high school) is separated from the proposed Liquor Establishment (Tavern) by a roadway of at least 100 feet (Clark County 215).

- 8. No beer/wine/cooler off-sale establishment shall be permitted on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

This requirement does not apply, as the proposed use would not be located on or adjacent to the Pedestrian Mall.

Variance and Waivers

The Shops 'A' building is located adjacent to the drainage channel located within the Clark County 215 right-of-way. The C-1 (Limited Commercial) zoning district requires a 20-foot rear yard setback; however, 15 feet is being provided, as according to the applicant, moving the building an additional five feet to the north would eliminate a row of parking that is necessary to meet parking requirements. A nine-foot sidewalk abuts the building on all sides. Staff does not support the variance, as there are no physical constraints to the property and this building or other planned buildings could be reduced or otherwise reconfigured on the site to both retain the building and meet parking requirements.

Title 19.08.040(B)(6) requires buildings on corner lots to be oriented to the setback lines to form a street edge. The proposed convenience store is designed to be located away from the corner, with an open fuel canopy occupying the corner. The applicant requests that a waiver allowing this design be approved for purposes of maintaining visibility and functionality for the shopping center tenants and customers. As this is the first development in what is expected to be a large commercial center on vacant land, it sets a precedent for a similar pattern of future development along Deer Springs Way and Hualapai Way. As there are no extraordinary circumstances with the land that would

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preclude the building from being situated at the corner, staff recommends that the waiver be denied.

The proposed car wash bay faces Deer Springs Way where bay openings are required to be oriented away from public rights-of-way per Title 19.08.040(B)(4). The applicant has requested to waive this standard, as the bay opening would face one of the two perimeter streets regardless of the design, and would not face any residential uses. However, if the convenience store and wash bay were rotated 90 degrees, the orientation would be less likely to negatively impact future residential development across from this site, given that Hualapai Way will be improved to at least 100 feet in width. The layout as currently submitted is not sufficiently screened from street views, as a five-foot landscape buffer is proposed along Deer Springs Way across from the wash bay. Staff recommends denial of this waiver.

Perimeter landscape buffer widths are substandard along all sides of the development. The east perimeter is devoid of landscaping in anticipation of a future commercial development and shared vehicular access between this site and the parcel to the east, which will be part of the same commercial subdivision. An eight-foot buffer that narrows down to five feet is proposed to be provided along the south property line adjacent to the Clark County 215 right-of-way and intervening drainage channel. The applicant claims that the narrower landscape buffer widths along portions of Deer Springs Way and Hualapai Way where 15 feet is required are justified, as a detached sidewalk and additional landscaping will be provided in the amenity zones, and additional right-of-way is requested for a right turn lane. Staff agrees that the landscaping abutting Clark County 215 is not visible from the freeway and would serve little purpose, and would support a waiver of the eight-foot buffer requirement; however, the lack of landscaping along the east property line is the result of a self-created hardship executed through the previous request for a two-lot subdivision in which the shopping center will have perpetual cross access between lots, and there is no basis on which staff can recommend approval of a waiver. Along public rights-of-way, Title 19 requires 15 feet of landscaping in addition to streetscape required for shading of sidewalks and protection of pedestrians and bicyclists.

Other Issues

Hualapai Way is classified as a Primary Arterial street. Complete Streets Standards require a five-foot sidewalk and a three-foot amenity zone with trees 45 feet on center. The landscape plan indicates that a five-foot detached sidewalk and 5.5-foot amenity zone will be provided, with only five-gallon shrubs to be planted. A condition of approval will require that 24-inch box shade trees be provided within the amenity zone at least 45 feet on center in conformance with Complete Streets Standards.

Deer Springs Way is classified as a Major Collector street. Complete Streets Standards require a five-foot sidewalk and a three-foot amenity zone with trees 40 feet on center.

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The landscape plan indicates that a five-foot detached sidewalk and 3.5-foot amenity zone will be provided, with only five-gallon shrubs planted. A condition of approval will require that 24-inch box shade trees be provided within the amenity zone at least 40 feet on center in conformance with Complete Streets Standards.

Additional trees are required within the perimeter landscape buffers. The deficiency is the result of spacing trees too far apart. Trees must be spaced no further apart than 20 feet along Deer Springs Way and Hualapai Way and 30 feet in the buffer along the south property line. An Exception from these standards was not requested; therefore, a condition of approval addresses this deficiency.

Portions of the parking areas directly face Deer Springs Way and Hualapai Way. These rows of parking must be adequately screened from rights-of-way by a low wall or berm, low hedge or other screening acceptable to the Department of Planning. The site plan and/or landscape plan must be revised to indicate how parking will be screened.

Freestanding pylon signs are indicated at the access driveways from the perimeter streets. A monument sign is also proposed at the corner of Deer Springs Way and Hualapai Way. Signs will be reviewed for conformance to Title 19 standards under separate permit.

The development overall is suitable for this site, as it is located at the corner of two planned major thoroughfares and backs up to a freeway. However, the building configuration and design elements are conducive only to automobile and truck traffic and little consideration is given to other modes of transportation. In addition, this project is projected to strain Hualapai Way beyond traffic handling capacity. As the first commercial development proposed in this area, the proposal is not the model for the future pattern of development along these corridors; staff therefore recommends denial of all applications, with conditions if approved.

FINDINGS (VAR-66443)

In accordance with the provisions of Title 19.16.140(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 19.16.140(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 situating the proposed Shops ‘A’ building in such a way that the other buildings and required parking spaces cannot otherwise be provided to code standards. Reduction of building size or reconfiguration of the other buildings and parking area 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-66444)

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 use can be conducted in a harmonious and compatible manner with the existing and future development within the surrounding area. However, as staff recommends denial of the companion Site Development Plan Review application, staff also recommends that this Special Use Permit request be denied. It is noted that as part of that review, staff also recommends denial of a waiver request to allow the wash bay to face Deer Springs Way where such openings shall not face public rights-of-way.

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

The Shopping Center site covers 9.63 acres and will have access on three sides. Sufficient parking is provided to meet the needs of the proposed Car Wash, Full Service 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.

Hualapai Way is classified as a Primary Arterial and Deer Springs Way is classified as a Major Collector. Both roadways are adequate in size to meet the needs of the proposed Car Wash, Full Service 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.

The proposed Car Wash, Full Service use will be subject to building permit and licensing review and inspections, thereby safeguarding the health, safety and welfare of the public, as well as the objectives of the General Plan.

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

The proposed site meets the minimum six-car stacking requirement of Title 19.12.

FINDINGS (SUP-66445)

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 Liquor Establishment (Tavern) use would be located within a multitenant building with similar commercial uses that is proposed adjacent to a future commercial center to the east and undeveloped parcels to the north and west. The proposed location abuts the Clark County 215 right-of-way and is oriented toward the interior of the shopping center; however, the subject site is located within 1,500 feet of a protected use (school). The Tavern can be conducted in a manner that is harmonious and compatible with the adjacent uses; however, as staff recommends denial of the companion Site Development Plan Review application, staff also recommends that this Special Use Permit request be denied.

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

The Shopping Center site covers 9.63 acres and will have access on three sides. Sufficient parking is provided to meet the needs of the proposed Liquor Establishment (Tavern) 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.

Hualapai Way is classified as a Primary Arterial and Deer Springs Way is classified as a Major Collector by the Master Plan of Streets and Highways. Both roadways are adequate in size to meet the needs of the proposed Liquor Establishment (Tavern) 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.

The proposed Liquor Establishment (Tavern) use will be subject to building permit and licensing review and inspections, thereby safeguarding the health, safety and welfare of the public, as well as the objectives of the General Plan.

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

A public school is located within 1,500 feet of the subject property; the applicant is requesting a waiver of the separation requirement.

FINDINGS (SUP-66446)

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 Beer/Wine/Cooler Off-Sale Establishment would be operated within a proposed convenience store in a commercial shopping center along two major thoroughfares. Although it is oriented to Deer Springs Way, the subject property is located within 400 feet of a protected use (school). The subject property and school are separated by a freeway (Clark County 215). This use can be conducted in a manner that is harmonious and compatible with surrounding land

uses; however, as staff recommends denial of the companion Site Development Plan Review application, staff also recommends that the Special Use Permit request be denied.

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

The Shopping Center site covers 9.63 acres and will have access on three sides. Sufficient parking is provided to meet the needs of the car wash and convenience store apart from the fuel stations.

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.

Hualapai Way is classified as a Primary Arterial and Deer Springs Way is classified as a Major Collector. Both roadways are adequate in size to meet the needs of the proposed Beer/Wine/Cooler Off-Sale Establishment 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.

The proposed alcohol use will be subject to routine inspection for compliance, thereby safeguarding the public health, safety and welfare.

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

A public school is located within 400 feet of the subject property; the applicant is requesting a waiver of the separation requirement.

FINDINGS (SDR-66447)

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 shopping center use is appropriate for this location; however, the building and parking configuration and landscaping design do not conform to Title 19 standards, which are intended to improve aesthetics and provide amenities for other modes of transportation.

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;

The proposed shopping center requires a rear yard setback variance and waivers of building placement, car wash bay orientation and perimeter landscape buffer widths, most of which staff cannot support, as there is no sufficient justification based on the physical characteristics of the land to warrant these deviations. Parking and uses will be consistent with the C-1 (Limited Commercial) zoning district and SC (Service Commercial) General Plan Designation.

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

Site access will be taken from one driveway from Hualapai Way and two driveways from Deer Springs Way, designated as a Primary Arterial and Major Arterial, respectively. Each access will be right-in, right-out. Access is also proposed at the eastern boundary of the site along Deer Springs Way, to be shared with a future commercial development. Improvements will be made pending results of a Traffic Impact Analysis. According to the Department of Public Works, this project will add approximately 9,637 trips per day on Deer Springs Way and Hualapai Way. Currently, Deer Springs Way is at about 17 percent of capacity and Hualapai Way is at about 77 percent of capacity. With this project, Deer Springs Way is expected to be at about 79 percent of capacity and Hualapai Way to be over capacity.

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

Building materials include painted stucco exteriors, stone veneer accents, clay tile roofs, metal awnings and precast columns. These materials are typical of shopping centers and are appropriate for this area. Landscape materials are drought tolerant and appropriate for this location. Additional trees and shrubs shall be provided in the north and south landscape buffers.

5.Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The proposed building elevations are typical of those for shopping centers in the nearby Town Center area, with arched walkways, varied rooflines with cornices, and popouts at storefronts. The outlying pad buildings are compatible with the larger anchor buildings in terms of architectural style. Overall, the elevations are sensitive to development in the area, which is primarily residential in character.

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

The proposed development is subject to permit review and inspection, thereby protecting the public health, safety and general welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/07/07	The City Council approved a Petition to Annex (ANX-12215) 207.83 acres generally located north of Centennial Parkway between Shaumber Road and Fort Apache Road. The Planning Commission and staff recommended approval. The annexation became effective 02/16/07.
06/06/07	The City Council approved a General Plan Amendment (GPA-20465) from R (Rural Density Residential) to PCD (Planned Community Development) on 23.30 acres south of Deer Springs Way, east of Hualapai Way. The Planning Commission and staff recommended denial.
	The City Council approved a Rezoning (ZON-25758) from U (Undeveloped) [PCD (Planned Community Development) General Plan designation] to PD (Planned Development) on 23.62 acres south of Deer Springs Way, east of Hualapai Way, which included the Providence Square Master Development Plan and Design Standards. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a Petition to Vacate (VAC-25759) U.S. Government Patent Easements generally located east of Hualapai Way, south of Deer Springs Way. The Planning Commission and staff recommended approval. The approval expired 04/16/11.
	The City Council approved a Site Development Plan Review (SDR-25760) for a proposed 205,000 square-foot commercial development on 23.62 acres at the southeast corner of Deer Springs Way and Hualapai Way. The Planning Commission recommended approval; staff recommended denial. The approval expired 04/16/12.
08/06/08	The City Council approved a Petition to Vacate (VAC-28087) U.S. Government Patent Easements east of Hualapai Way, south of Deer Springs Way. The Planning Commission and staff recommended approval. The approval expired 08/07/11.
	The City Council approved a General Plan Amendment (GPA-49489) from PCD (Planned Community Development) to ML (Medium Low Density Residential) on 7.97 acres on the south side of Deer Springs Way, approximately 960 feet east of Hualapai Way. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a Rezoning (ZON-49494) from PD (Planned Development) to R-CL (Single Family Compact-Lot) on 7.97 acres on the south side of Deer Springs Way, approximately 960 feet east of Hualapai Way. The Planning Commission recommended approval; staff recommended denial.

VAR-66443, SUP-66444, SUP-66445, SUP-66446 and SDR-66447 [PRJ-66309]
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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/18/15	The City Council approved a General Plan Amendment (GPA-57033) from PCD (Planned Community Development) to ML (Medium Low Density Residential) on 10.42 acres on the south side of Deer Springs Way, approximately 285 feet east of Hualapai Way. Planning Commission and staff recommended approval.
05/20/15	The City Council approved a Rezoning request from PD (Planned Development) to R-CL (Single Family Compact-Lot) on 10.42 acres on the south side of Deer Springs Way, approximately 285 feet east of Hualapai Way. The Planning Commission and staff recommended approval.
07/14/15	The Planning Commission voted to withdraw without prejudice a Tentative Map (TMP-58507) for a 58-lot single family residential subdivision on 10.42 acres on the south side of Deer Springs Way, approximately 285 feet east of Hualapai Way at the applicant's request. Staff had recommended approval.
10/13/15	The Planning Commission approved a Petition to Vacate (VAC-60834) U.S. Government Patent Easements generally located south of Deer Springs Way, east of Hualapai Way. An Order of Relinquishment of Interest was recorded 05/03/16.
11/18/15	The City Council approved a General Plan Amendment (GPA-60635) from ML (Medium Low Density Residential) to SC (Service Commercial) [amended from the original request of GC (General Commercial)] on 10.42 acres on the south side of Deer Springs Way, approximately 285 feet east of Hualapai Way. The Planning Commission recommended approval of the SC designation; staff recommended denial.
	The City Council approved a Rezoning (ZON-60636) from R-CL (Single Family Compact-Lot) to C-1 (Service Commercial) [amended from the original request of C-2 (General Commercial)] on 10.42 acres on the south side of Deer Springs Way, approximately 285 feet east of Hualapai Way. The Planning Commission recommended approval of the C-1 designation; staff recommended denial.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/07/16	The City Council approved a request for a General Plan Amendment (GPA-64811) from PCD (Planned Community Development) to SC (Service Commercial) on 4.27 acres at the southeast corner of Deer Springs Way and Hualapai Way. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Rezoning (ZON-64812) from PD (Planned Development) to C-1 (Limited Commercial) on 4.27 acres at the southeast corner of Deer Springs Way and Hualapai Way. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Tentative Map (TMP-64814) for a two-lot commercial subdivision on 14.27 acres at the southeast corner of Deer Springs Way and Hualapai Way. The Planning Commission and staff recommended approval.
10/11/16	The Planning Commission voted (6-0) to hold VAR-66443, SUP-66444, SUP-66445, SUP-66446 and SDR-66447 in abeyance to the November 1, 2016 Planning Commission meeting at the applicant's request.
11/01/16	The Planning Commission voted (4-0) to hold VAR-66443, SUP-66444, SUP-66445, SUP-66446 and SDR-66447 in abeyance to the December 13, 2016 Planning Commission meeting at the applicant's request.

<i>Most Recent Change of Ownership</i>	
06/20/16	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no relevant building permits or licenses related to this site.	

<i>Pre-Application Meeting</i>	
08/16/16	Application requirements for a Site Development Plan Review were discussed. It was determined at this meeting that a setback variance and three Special Use Permits would also be required. A neighborhood meeting was strongly recommended, as the residents in the area have not yet seen the proposed plans for the shopping center.

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Field Check	
09/01/16	The site is undeveloped and contains natural vegetation. The rear of the property abuts a drainage channel and the Clark County 215 Freeway.

Details of Application Request	
Site Area	
Gross Acres	9.63

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
North	Undeveloped	R (Rural Density Residential)	R-E (Residence Estates)
		RL (Residential Low) – Clark County Designation	R-E (Rural Estates Residential) – Clark County Designation
South	CC 215 Beltway	ROW (Right-of-Way)	ROW (Right-of-Way)
East	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
West	Undeveloped	PCD (Planned Community Development)	PD (Planned Development)

Master Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Purpose and Overlay Districts	Compliance
No Applicable Special Purpose or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
Trails (Beltway Trail)	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Area	N/A	403,801 SF	N/A
Min. Lot Width	100 Feet	630 Feet	Y
Min. Setbacks			
• Front	10 Feet	15 Feet	Y
• Side	10 Feet	27 Feet	Y
• Corner	10 Feet	37 Feet	Y
• Rear	20 Feet	15 Feet	N

Standard	Required/Allowed	Provided	Compliance
Max. Lot Coverage	50 %	23.5 %	Y
Max. Building Height	N/A	46 Feet	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof; do not face rights-of-way	Y
Mech. Equipment	Screened	Parapet screened	Y

Pursuant to Title 19.08.040, the following standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	96 Feet	95 Feet	Y
Adjacent development matching setback	10 Feet	15 Feet	Y
Trash Enclosure	50 Feet	130 Feet	Y

Pursuant to Title 19.08, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	19 Trees	15 Trees	N
• South	1 Tree / 30 Linear Feet	19 Trees	15 Trees	N
• East	1 Tree / 30 Linear Feet	19 Trees	0 Trees	N
• West	1 Tree / 20 Linear Feet	25 Trees	29 Trees	Y
TOTAL PERIMETER TREES		82 Trees	59 Trees	N
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the	119 Trees	107 Trees	N

	end of each row of spaces			
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December 13, 2016 - Planning Commission Meeting

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	15 Feet		15 Feet	Y
• South	8 Feet		5 Feet	N
• East	8 Feet		0 Feet	N
• West	15 Feet		15 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		None	N/A

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Hualapai Way	Primary Arterial	Master Plan of Streets and Highways Map	50	N
Deer Springs Way	Major Collector	Master Plan of Streets and Highways Map	32	N

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	
Shopping Center	98,759 SF	1 space per 250 SF GFA	396				
TOTAL SPACES REQUIRED			396		475		Y
Regular and Handicap Spaces Required			388	8	466	9	Y
Loading Spaces	98,759 SF	3, plus 1 per each 100,000 SF over 50,000 SF	4		6		Y

VAR-66443, SUP-66444, SUP-66445, SUP-66446 and SDR-66447 [PRJ-66309]

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Waivers		
Requirement	Request	Staff Recommendation
Buildings on corner lots shall be oriented to the corner and street fronts	To allow the proposed convenience store to be set back from the corner (fuel canopy would occupy the corner)	Denial
15-foot perimeter landscape buffer shall be provided along all property lines adjacent to public ROW	To allow a zero-foot perimeter landscape buffer along a portion of the south property line	Denial
8-foot perimeter landscape buffer shall be provided along all interior property lines	To allow a zero-foot perimeter landscape buffer along a portion of the east property line	Denial
Openings to service or wash bay doors shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties	To allow a single car wash bay to face a public right-of-way (Deer Springs Way)	Denial

Exceptions		
Requirement	Request	Staff Recommendation
One 24-inch box shade tree for every six uncovered spaces in parking areas in islands, plus one tree at the ends of each parking row (119 trees required)	To allow 107 parking lot trees	Denial