



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JUNE 12, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: CHARLESTON LAND, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
GPA-71561	Staff recommends DENIAL.	
ZON-71562	Staff recommends DENIAL.	GPA-71561
VAR-71563	Staff recommends DENIAL.	GPA-71561 ZON-71562
SUP-71565	Staff recommends DENIAL.	GPA-71561 ZON-71562 VAR-71563
SDR-71566	Staff recommends DENIAL.	GPA-71561 ZON-71562 VAR-71563 SUP-71565

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 28

NOTICES MAILED 117 - GPA-71561 and ZON-71562 (By City Clerk)
 117 - VAR-71563 and SUP-71565 (By City Clerk)
 117 - SDR-71566 (By City Clerk)

PROTESTS 12 - GPA-71561
 11 - ZON-71562
 11 - VAR-71563 and SUP-71565
 12 - SDR-71566

APPROVALS 66 - GPA-71561 and ZON-71562
 64 - VAR-71563 and SUP-71565
 62 - SDR-71566

**** CONDITIONS ****

VAR-71563 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-71562), Special Use Permit (SUP-71565) and Site Development Plan Review (SDR-71566) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-71565 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-71562), Variance (VAR-71563) and Site Development Plan Review (SDR-71566) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-71566 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-71562), Special Use Permit (SUP-71565) and Variance (VAR-71563) 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 11/09/17, and building elevations and building elevations date stamped 08/28/17 except as amended by conditions herein.
4. Waivers from Title 19.08 are hereby approved, to allow an eight-foot wide perimeter landscape buffer along a portion of the west property line where 15 feet is required; a 10-foot wide perimeter landscape buffer along the north property line where 15 feet is required; a two-foot wide perimeter landscape buffer along a portion of the east property line where 15 feet is required; to allow one perimeter tree along the east property line where seven are required; to allow three perimeter trees along the north property line where six are required; and to allow the proposed building to not be oriented towards the corner and street frontage on a corner lot.
5. An Exception from Title 19.08 is hereby approved, to allow three parking lot landscape islands where six are required.

GPA-71561, ZON-71562, VAR-71563, SUP-71565 and SDR-71566 [PRJ-71491]
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6. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. 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.
9. 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.
10. Prior to the submittal of a building permit application, the applicant shall meet with Department of Planning staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. Grant a five-foot Public Pedestrian Access Easement along Charleston Boulevard prior to the issuance of permits for this site. This condition will not be enforced for areas already occupied by a building.
13. Dedicate and construct a right turn lane on Charleston Boulevard concurrent with on-site development activity unless specifically not required in the approved Traffic Impact Analysis. Additionally, grant a traffic signal chord easement at the southwest corner of Westwood Drive and Charleston Blvd prior to issuance of permits.
14. Correct all American's with Disabilities Act (ADA) deficiencies on the sidewalks adjacent to this site on Charleston Boulevard in accordance with code requirements of Title 13.56.040, if any, to the satisfaction of the City Engineer concurrent with development of this site
15. The design of the driveway on Westwood Drive shall meet the approval of the City Traffic Engineer prior to issuance of permits for this site.

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16. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements on Westwood Drive prior to submittal of construction drawings for this site. Fire Department access shall be maintained at all times per Fire Department Standards.
17. Landscape and maintain all unimproved right-of-way adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
18. Contact the City Engineer's Office at 702-229-6272 to coordinate the development of this project with the Charleston Boulevard – Rancho Drive to Martin Luther King project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
19. 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 for this site, or the recordation of a map, whichever may occur first. Comply with drive through queuing analysis recommendations and mitigations to avoid a negative impact onto the public right-of-way. 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.
20. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.
21. Obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for all improvements in the Charleston Boulevard public right-of-way adjacent to this site prior to constructing any improvements within NDOT jurisdiction.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The request is for a 2,055 square-foot Restaurant, a drive-through, and parking lot improvements on 0.68 acres at the southwest corner of Westwood Drive and Charleston Boulevard.

ISSUES

- The applicant has requested a Withdrawal without Prejudice for the related General Plan Amendment, Rezoning, and Special Use Permit applications.
- The applicant has submitted revised site plan and building elevations depicting the replacement of a 2,955 square-foot restaurant with a drive-through with a 4,200 square-foot retail building. This increase in area will require public notification.
- A preliminary review of the submitted site plan and building elevations indicate that additional waivers and/or Variances are needed, which require additional applications, fees and public notification as well as Planning Commission review.
- Due to time constraints, a full review of the revised plans could not be completed and the staff report was not updated to reflect the proposed changes.
- Given the substantive changes made to the proposal, Staff recommends that new applications be submitted for the site.

- A General Plan Amendment is requested from O (Office) to SC (Service Commercial) for all three subject parcels. Staff does not support this request.
- Rezoning from P-R (Professional Office and Parking) to C-1 (Limited Commercial) is requested for two of the subject parcels as the subject parcel adjacent to Charleston Boulevard is currently zoned C-1 (Limited Commercial). Staff does not support this request.
- A Variance to allow 32 parking spaces where 37 are required has been requested. Staff does not support this request.
- The drive-through use is a conditional use within a C-1 (Limited Commercial) zoning district; however, the drive-through is not screened per the requirements of Title 19.08, and therefore a Special Use Permit is required. Staff does not support this request.
- A Site Development Plan review has been requested to allow for a 2,055 square-foot restaurant with several perimeter landscape waivers, a building orientation waiver, and a parking lot landscaping exception. Staff does not support these requests.

- The proposed Rezoning and Site Development Plan Review will expunge a number of conditions of approval that were included with a 1995 Rezoning and Plot Plan Review (Z-171-94) for the existing parking lot. The conditions were intended to provide protections for the surrounding residential neighborhood.

ANALYSIS

All three of the subject parcels are currently designated O (Office) which provides for small lot office conversions as a transition along primary and secondary streets from residential and commercial uses, and for large planned office areas. The proposed SC (Service Commercial) allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics. Examples of development for this land use designation include shopping centers, theaters, and other places of public assembly. The Service Commercial land use designation may also allow mixed-use development with a residential component.

The subject site is located within Study Area 1B of the Rancho Charleston Land Use Study & Strategic Plan. Area 1B was designated as O (Office) to ensure that there was a consistent land use buffer between the commercial uses north of Charleston Boulevard and the residential to the south. One of the goals stated by the Strategic Plan is, “to ensure that low-density residential land uses within mature neighborhoods can exist in close proximity to higher density residential, mixed-use, or non-residential land uses by mitigating adverse impacts where feasible.”.

The current zoning district of the two parcels adjacent to residentially zoned property is P-R (Professional Office and Parking). This zoning designation allows for the existing office parking lot while also providing the single family residences to the south a buffer from the more intense commercial uses that currently exist adjacent to Charleston Boulevard. Amending the zoning for the subject site to C-1 (Limited Commercial) would be inappropriate as it would allow for the introduction of medium intensity commercial uses directly adjacent to existing single family residential uses.

The existing P-R (Professional Office and Parking District) is an appropriate zoning for a parking lot and the proposed General Plan Amendment and Rezoning would allow more intense commercial uses on a site directly adjacent to single family residential. It is acknowledged that the request to the C-1 (Limited Commercial) zoning district is required in order to allow for the proposed restaurant drive-through as it is currently designed; however, a redesign of the site would make it possible to accommodate the restaurant on the existing C-1 (Limited Commercial) zoned parcel while retaining the P-R (Professional and Office) zoned parcels for the proposed parking lot and thus retaining the buffer for the adjacent single family residential. Staff finds the proposed General Plan Amendment and Rezoning request do not support the goals specified by the Rancho Charleston Land Use Study and Strategic Plan, nor are they compatible with the existing surrounding area; therefore, staff is recommending denial of both requests.

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**GPA-71561, ZON-71562, VAR-71563, SUP-71565 and SDR-71566 [PRJ-71491]
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The Site Development Plan Review is for a 2,055 square-foot restaurant with a drive-through at the southwest corner of Charleston Boulevard and Westwood Drive. The subject site is currently developed with an office building and associated parking lot. The restaurant is proposed within the existing parking area located at the northeast portion of the site. The provided floorplans depict 700 square feet of seating area, and 1,355 square feet of back-of-house area. Access is proposed via drives from both Westwood Drive and Pahor Drive, and 32 parking spaces are being provided where 37 are required. One loading zone is being provided as required by Title 19. The applicant has requested a Variance application to provide relief from Title 19 parking requirements.

The site plan indicates a drive-through for the proposed restaurant. A drive-through is a Conditional Use within the C-1 (Limited Commercial) zoning district; however, it is not screened per the landscaping requirements of Title 19.08, and therefore a Special Use Permit is required.

The drive-through use is defined as “The use of a dedicated drive lane that, incidental to a principal use, provides access to a station, such as a window, door or mechanical device, from which occupants of a motor vehicle receive or obtain a product or service.” The proposed use meets the definition of a drive-through as it is intended for patrons to order and obtain meals while remaining in their vehicle.

Title 19.12 requires that the drive-through be screened per the landscaping requirements of Title 19.08. The subject site does not meet the minimum landscape buffering requirements along the north and east property lines, which are adjacent to the proposed drive-through. Without adequate landscape buffering, the drive through stacking lanes are fully exposed which results in unsightly views from both Charleston Boulevard and Westwood Drive. In addition, the subject site is located within the project limits for the City of Las Vegas Charleston Boulevard capital improvement project, which will enhance the pedestrian realm with the installation of wider sidewalks, street trees and other amenities between Rancho Drive and Martin L. King Drive. Once the City completes the project, the enhanced pedestrian path will be directly adjacent to the unscreened drive-through, exacerbating the visual impacts and possibly introducing pedestrian-auto conflicts due to the drive-through being in such close proximity to the sidewalk. This corridor improvement project constitutes a significant monetary investment on the part of the City of Las Vegas, and consideration should be given to the design of the subject site and how it fits within the corridor. Staff recommends denial of the Special Use Permit request.

The applicant is requesting a waiver to allow the proposed building to not be oriented towards the corner and street frontage as required on corner lots in order to accommodate the proposed drive-through. In addition to the aforementioned lack of screening adjacent to the proposed drive-through, the location of the building and drive-

through contradicts the pedestrian friendly policies included within the Mobility section of 2045 Downtown Master Plan. Once the City of Las Vegas constructs the proposed pedestrian improvements along Charleston Boulevard, not only will the automobile stacking lanes be directly adjacent to the pedestrian path, but there will also be no pedestrian access to the restaurant from the street frontage. The auto-centric design of the site negates any benefits gained from the pedestrian enhancements planned at this location, and it does not compliment the significant pedestrian investments that the City is making along the Charleston Boulevard corridor.

A redesign of the site with the building located to the corner of the site would further the goals of a pedestrian friendly environment stated within the 2045 Downtown Master Plan, alleviate the screening and pedestrian conflict issues associated with the drive-through located adjacent the street frontage, compliment the City's proposed capital improvements planned for Charleston Boulevard, and alleviate the need for the requested waiver. Staff recommends denial of the request.

The provided landscape plan does not depict the required perimeter landscape buffer widths along the east, north and west property lines. Along the east property line, eight feet is being provided where 15 feet is required; along the north property line, ten feet is being provided where 15 feet is required; and along portions of the east property line, two feet is being provided where 15 feet is required. Waivers have been requested for the reduction of perimeter landscape buffer widths along these areas. The landscape plan also does not depict the required amount of street trees along the north and east property lines. Along the north property line, three trees are being provided where six is required, and along the east property line, one street tree is being provided where seven is required. A waiver has been requested to allow a reduction of required street trees. An exception has been requested to allow three parking lot landscaping islands where six is required. The existing landscaping located adjacent to the office building and along the south property line will remain in place as is and will not be altered.

The perimeter landscape buffer waivers along the north and east property lines are a result of the placement of the proposed drive-through. The drive-through location encroaches into the required buffer areas and reduces the screening of the drive-through which results in the requirement the related Special Use Permit as well as the buffer width waivers. The reduction of buffer width along the west property line is required to accommodate the adjacent handicapped parking space. The reduction of street trees is required due to the narrowed buffer area widths along the east property line and required site visibility zones along the north property line. The parking lot landscape islands are being reduced in order to accommodate for additional parking. Staff recommends denial of all requests as a redesign of the site and relocation or removal of the drive-through would allow for conformance to Title 19 landscape requirements.

The provided elevations depict a building constructed of stucco and cultured stone with varied flat rooflines of up to 24 feet. The building contains glazing typical of a fast-foot type restaurant. The site is subject to Residential Ardency Standards along the south property line and must comply with the 3 to 1 proximity slope requirements outlined in Title 19.08. The proposed building is approximately 24 feet in height closest to the residential property, which requires a 72-foot setback. The building is setback approximately 86 feet and is in conformance with the residential adjacency standards. In addition, trash enclosures are required to be at least 50 feet from the protected use. The proposed enclosure is approximately 55 feet from the single family residence to the south, and is in conformance with this requirement.

In 1995, a Rezoning and Plot Plan Review (Z-171-94) was approved by the City Council for the existing site parking lot. The proposed rezoning from R-1 to P-R (Professional Office and Parking District) was approved in order to accommodate a proposed parking lot while still providing a neighborhood buffer from more intense commercial uses along Charleston Boulevard. The following conditions of approval were included to provide protection for the adjacent residential neighborhoods:

- Prohibition of vehicular access to Pahor Drive
- The construction a six-foot tall decorative wall along the east, south and west property lines.
- The installation of five-feet of landscaping, including trees and shrubs, located at the exterior of the required walls along the east and west property lines.
- The site was required to utilize the existing driveway at Westwood Drive and Charleston Boulevard.
- The installation of an eight-foot landscape buffer area on the interior side of the south wall.

The proposed Rezoning and Site Development Plan Review will expunge these conditions which were intended to provide protection for the adjacent residential neighborhoods. Specifically, approval of the request will allow for access to Pahor Drive, the removal of the existing decorative walls and mature landscaping along the east and west property lines, and the addition of a new driveway from Westwood Avenue. The wall and landscaping along the south property line will remain as it currently exists and continue to screen the parking area from the single family residential homes.

The proposed development is too intense for the proposed location, and is being overbuilt as evidenced by the need for a Special Use Permit, Variance, and numerous waivers. The development proposes a drive-through that fronts both Charleston Boulevard and Westwood Drive without adequate landscape screening, does not compliment the anticipated capital improvements for Charleston Boulevard, and is

contrary to the policies outlined within the Mobility section of the 2045 Downtown Master Plan. The approval of the request will result in the removal of neighborhood protections included with the 1995 rezoning and plot plan approval, including the removal of screen walls and mature landscaping along Westwood Drive and Pahor Drive. Staff recommends denial of the Site Development Plan Review request.

Las Vegas Valley Water District

These parcels are each independently served by the Las Vegas Valley Water District (LVVWD) and only APN 162-04-110-017 has the required backflow preventer per NAC 445A.67195. The proposed site plan would require a consolidation of parcels, or the recordation of a commercial subdivision, prior to LVVWD civil plan approval. Civil and plumbing plans will need to be submitted to LVVWD for domestic meter sizing, fire flow availability and backflow retrofit.

FINDINGS (GPA-71561)

Section 19.16.030(l) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1.The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,

The subject site shares the southern property line with existing single family residential with a land use designation of L (Low Density Residential). Amending the land use designation to SC (Service Commercial) would allow the introduction of medium intensity commercial uses which are not appropriate adjacent to low density single family residential.

2.The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,

The requested C-1 (Limited Commercial) zoning designation will allow for commercial uses that are not appropriate for this location as it is directly adjacent to single family residential.

3.There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

Adequate transportation, utility, and other facilities are able to accommodate the proposed SC (Service Commercial) General Plan designation.

4.The proposed amendment conforms to other applicable adopted plans and policies.

The proposed amendment does not conform to the Rancho Charleston Land Use Study and Strategic Plan which specifically recommended the subject sites for an O (Office) land use designation in order to provide an adequate buffer to the area residents and prevent the further encroachment of more intense land uses into the residential neighborhood.

FINDINGS (ZON-71562)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1.The proposal conforms to the General Plan.

If approved, the proposed C-1 (Limited Commercial) zoning district would conform to the proposed SC (Service Commercial) land use designation.

2.The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

Uses allowed by the C-1 (Limited Commercial) district are too intense for parcels adjacent to single family residential. The uses permitted in the C-1 (Limited Commercial) are not compatible with the surrounding residential land uses and zoning districts to the south of the subject site.

3.Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

Growth and development factors in the community do not indicate the need for commercial uses to encroach upon the existing single family residential neighborhood to the south. Moreover, with a redesign of the proposed restaurant and drive-through, the existing P-R (Professional Office and Parking) zoning district could accommodate the depicted parking lot while still providing a buffer from more intense commercial uses along the Charleston Boulevard frontage.

4.Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

The development will introduce additional traffic onto Pahor Drive and Westwood Avenue, which are primary intended to handle neighborhood traffic; however, they are adequate in size to meet the requirements of the proposed zoning district.

FINDINGS (VAR-71563)

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 overbuilding the site and not providing adequate parking for the proposed uses. Alternative design 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-71565)

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 inclusion of the drive-through correlates with the need for an inappropriate Rezoning, a parking Variance, and a site design that requires multiple waivers. As such, the proposed drive-through cannot be conducted in a manner that is

harmonious and compatible with the existing and future land uses as projected by the General Plan.

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

The drive-through use is typically a Conditional use in the C-1 (Limited Commercial) zoning district; however, the subject site requires a Special Use Permit due to the lack of landscape screening per Title 19.08. In addition, the inclusion of the drive-through also correlates with the need for an inappropriate Rezoning, a parking Variance, and multiple Site Development Plan Review design waivers. As such, it has been determined that the subject site is not physically suitable for the proposed 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.

The development will introduce additional traffic onto Pahor Drive and Westwood Avenue, which are primary intended to handle neighborhood traffic; however, they are adequate in size to meet the requirements of the proposed use.

4.Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

While approval of the Special Use Permit does not compromise public safety or welfare, the proposed drive-through is not consistent with the Mobility Section of the 2045 Downtown Master Plan, and it is not desirable to have a drive through stacking lane in such close proximity to the pedestrian path along Charleston Boulevard.

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

The drive-Through use is a conditional use within a C-1 (Limited Commercial) zoning district; however, the drive-Through is not screened per the requirements of Title 19.08, and therefore a Special Use Permit is required. There are no additional conditions required with the Special Use Permit.

FINDINGS (SDR-71566)

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

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

The proposed development is too intense for the proposed location and is being overbuilt as evidenced by the need for an inappropriate Rezoning, Special Use Permit, parking Variance, and numerous design waivers. The proposal is not compatible with the adjacent residential development to the south of the subject site.

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

The proposed development is not consistent with Title 19 as evidenced by the required landscape and building orientation waivers. The location of the building and drive-through also contradicts the pedestrian friendly policies outlined within the Mobility Section of 2045 Downtown Master Plan.

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

The development will introduce additional traffic onto Pahor Drive and Westwood Avenue, which are primary intended to handle neighborhood traffic. The rezoning/plot plan review (Z-171-94) for the existing parking lot contained conditions of approval that prohibited access to Pohor Drive, and which will be expunged with the approval of this proposal.

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

With the approval of the requested landscape waivers, the building and landscaping materials will be appropriate for the area and for 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 building orientation and the location of the proposed drive through creates an unsightly and undesirable view of the vehicle stacking lane as viewed from both Charleston Boulevard and Westwood Drive, and the lack of the required perimeter landscaping along multiple property lines exacerbates these issues. As such, the development is not harmonious or compatible with development in the area.

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

The building will be subject to regular building and licensing inspection and therefore the public safety and general welfare will be protected.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
08/06/86	The City Council approved a request for a Reclassification of Property (Z-0046-86) located 65 feet south of Charleston Boulevard, between Pahor Drive and Westwood Drive from R-1 (Single Family Residential) to P-R (Professional Office and Parking) for a proposed parking lot.
10/19/88	The City Council approved a request for a Reinstatement and Extension of Time (Z-0046-86) on property located at 1105 Pahor Drive and 1106 Westwood Drive R-1 (Single Family Residential) zone, under Resolution of Intent to P-R (Professional Office and Parking).
03/15/95	The City Council approved a request for a Reclassification of Property (Z-0171-94) located at 1105 Pahor Drive and 1106 Westwood Drive from R-1 (Single Family Residential) to P-R (Professional Office and Parking) for a proposed parking lot. The Planning Commission recommended denial, staff recommended approval.
05/01/96	The City Council approved a request for an Extension of Time [Z-0171-94(1)] for a 30,000 square-foot parking lot located at 1105 Pahor Drive and 1106 Westwood Drive.
06/05/17	Code Enforcement processed a complaint (#179319) for graffiti at 2001 West Charleston Boulevard. The case was closed on 06/20/17.
10/10/17	The Planning Commission voted (7-0) to abey a related General Plan Amendment (GPA-71561) from O (Office) to SC (Service Commercial) and Rezoning (ZON-71562) from P-R (Professional Office and Parking District) to C-1 (Limited Commercial) to the 11/14/17 Planning Commission meeting.
11/14/17	The Planning Commission voted (7-0) to abey a related General Plan Amendment (GPA-71561) from O (Office) to SC (Service Commercial) and Rezoning (ZON-71562) from P-R (Professional Office and Parking District) to C-1 (Limited Commercial) to the 01/09/18 Planning Commission meeting.
01/09/18	The Planning Commission voted to recommend APPROVAL on the following requests: <ul style="list-style-type: none"> • General Plan Amendment (GPA-71561) FROM: O (OFFICE) TO: SC (SERVICE COMMERCIAL) • Rezoning (ZON-71562) FROM: P-R (PROFESSIONAL OFFICE AND PARKING) TO: C-1 (LIMITED COMMERCIAL) • Variance (VAR-71563) TO ALLOW 32 PARKING SPACES WHERE 38 ARE REQUIRED

Related Relevant City Actions by Planning, Fire, Bldg., etc.	
01/09/18	<p>The Planning Commission voted to recommend APPROVAL on the following requests:</p> <ul style="list-style-type: none"> • Special Use Permit (SUP-71565) FOR A PROPOSED DRIVE THROUGH USE • Site Development Plan Review (SDR-71566) FOR A PROPOSED 2,055 SQUARE-FOOT RESTAURANT WITH WAIVERS FOR A TWO-FOOT WIDE PERIMETER LANDSCAPE BUFFER ALONG A PORTION OF THE EAST PROPERTY LINE WHERE 15 FEET IS REQUIRED, AN EIGHT-FOOT WIDE PERIMETER LANDSCAPE BUFFER ALONG A PORTION OF THE WEST PROPERTY LINE WHERE 15 FEET IS REQUIRED, A REDUCTION OF PERIMETER TREES ALONG THE NORTH AND EAST PROPERTY LINES, AND TO ALLOW THE BUILDING TO NOT BE ORIENTED TO THE CORNER AND STREET FRONTAGE WHERE SUCH IS REQUIRED on 0.69 acres at the southwest corner of Charleston Boulevard and Westwood Drive (APNs Multiple), C-1 (Limited Commercial) and P-R (Professional Office and Parking) Zones [PROPOSED: C-1 (Limited Commercial)] Ward 1 (Tarkanian) [PRJ-71491].
02/21/18	<p>The City Council voted to hold in abeyance following requests to the March 21, 2018 City Council meeting.</p> <ul style="list-style-type: none"> • Special Use Permit (SUP-71565) FOR A PROPOSED DRIVE THROUGH USE • Site Development Plan Review (SDR-71566) FOR A PROPOSED 2,055 SQUARE-FOOT RESTAURANT WITH WAIVERS FOR A TWO-FOOT WIDE PERIMETER LANDSCAPE BUFFER ALONG A PORTION OF THE EAST PROPERTY LINE WHERE 15 FEET IS REQUIRED, AN EIGHT-FOOT WIDE PERIMETER LANDSCAPE BUFFER ALONG A PORTION OF THE WEST PROPERTY LINE WHERE 15 FEET IS REQUIRED, A REDUCTION OF PERIMETER TREES ALONG THE NORTH AND EAST PROPERTY LINES, AND TO ALLOW THE BUILDING TO NOT BE ORIENTED TO THE CORNER AND STREET FRONTAGE WHERE SUCH IS REQUIRED on 0.69 acres at the southwest corner of Charleston Boulevard and Westwood Drive (APNs Multiple), C-1 (Limited Commercial) and P-R (Professional Office and Parking) Zones [PROPOSED: C-1 (Limited Commercial)] Ward 1 (Tarkanian) [PRJ-71491].
03/21/18	<p>The City Council voted to hold the following items in abeyance to the April 18, 2018 City Council meeting.</p> <ul style="list-style-type: none"> • General Plan Amendment (GPA-71561) FROM: O (OFFICE) TO: SC (SERVICE COMMERCIAL) • Rezoning (ZON-71562) FROM: P-R (PROFESSIONAL OFFICE AND PARKING) TO: C-1 (LIMITED COMMERCIAL) • Variance (VAR-71563) TO ALLOW 32 PARKING SPACES WHERE 38 ARE REQUIRED Special Use Permit (SUP-71565) FOR A PROPOSED DRIVE THROUGH USE

Related Relevant City Actions by Planning, Fire, Bldg., etc.	
03/21/18	<ul style="list-style-type: none"> • Special Use Permit (SUP-71565) FOR A PROPOSED DRIVE THROUGH USE • Site Development Plan Review (SDR-71566) FOR A PROPOSED 2,055 SQUARE-FOOT RESTAURANT WITH WAIVERS FOR A TWO-FOOT WIDE PERIMETER LANDSCAPE BUFFER ALONG A PORTION OF THE EAST PROPERTY LINE WHERE 15 FEET IS REQUIRED, AN EIGHT-FOOT WIDE PERIMETER LANDSCAPE BUFFER ALONG A PORTION OF THE WEST PROPERTY LINE WHERE 15 FEET IS REQUIRED, A REDUCTION OF PERIMETER TREES ALONG THE NORTH AND EAST PROPERTY LINES, AND TO ALLOW THE BUILDING TO NOT BE ORIENTED TO THE CORNER AND STREET FRONTAGE WHERE SUCH IS REQUIRED on 0.69 acres at the southwest corner of Charleston Boulevard and Westwood Drive (APNs Multiple), C-1 (Limited Commercial) and P-R (Professional Office and Parking) Zones [PROPOSED: C-1 (Limited Commercial)] Ward 1 (Tarkanian) [PRJ-71491].
04/18/18	The City Council voted to remand GPA-72561, ZON-72562, VAR-72563, SUP-72565 and SDR-72566 [PRJ-71491] back to the June 12, 2018 Planning Commission meeting.

Most Recent Change of Ownership	
07/26/17	A deed was recorded for a change in ownership for all three subject sites.

Related Building Permits/Business Licenses	
12/08/05	A business license (P50-01397) was issued for a law office at 2001 West Charleston Boulevard. The license is active as of 09/28/17.
02/13/13	A building permit (#229617) was issued for a tenant improvement at 2001 West Charleston Boulevard. The permit received its final inspection on 06/06/13.
03/27/13	A building permit (#232336) was issued for a wall sign at 2001 West Charleston Boulevard. The permit received its final inspection on 07/31/13.

Pre-Application Meeting	
08/23/17	A pre-application meeting was held and general submittal requirements were discussed.

GPA-71561, ZON-71562, VAR-71563, SUP-71565 and SDR-71566 [PRJ-71491]
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June 12, 2018 - Planning Commission Meeting

Neighborhood Meeting	
09/27/17	<p>A neighborhood meeting was held by the applicant at 6:30 PM at the Grace Presbyterian Church. There were five members of the development team, five staff members, and 36 members of the public in attendance. The concerns raised included the following:</p> <ul style="list-style-type: none"> • The C-1 zoning is not appropriate for the area • The proposed C-1 zoning would remove the buffer from the neighborhood and more intense commercial uses. • The area didn't need another fast food restaurant. • Several members of the public did not object to the proposed restaurant use.

Field Check	
08/31/17	During a routine field check staff observed the subjects sites. The existing building and parking lot was well-maintained and free of trash and debris.

Details of Application Request	
Site Area	
Net Acres	0.69

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Office, Other Than Listed	O (Office)	C-1 (Limited Commercial)
			P-R (Professional Office and Parking)
North	Hospital	LVMD (Las Vegas Medical District)	PD (Planned Development)
South	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	Vacant	O (Office)	R-4 (High Density Residential)
		O (Office)	R-1 (Single Family Residential)
West	General Retail Store, Other Than Listed	SC (Service Commercial)	C-1 (Limited Commercial)

GPA-71561, ZON-71562, VAR-71563, SUP-71565 and SDR-71566 [PRJ-71491]
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Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District - 200 Feet	Y
Other Plans or Special Requirements	Compliance
Rancho Charleston Land Use Study	N*
Trails	N/A
Las Vegas Redevelopment Plan Area – Redevelopment Area 2	Y**
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

*See analysis.

** The subject sites are subject to the City of Las Vegas Redevelopment Plan for Development Area 2 if and when development is proposed for the subject sites.

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	6 Trees	3 Trees	N
• East	1 Tree / 20 Linear Feet	7 Trees	1 Trees	N
• West	1 Tree / 20 Linear Feet	3 Trees	3 Trees	Y
TOTAL PERIMETER TREES		16 Trees	8 Trees	N
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	6 Trees	3 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	15 Feet		15 Feet	Y
• East	15 Feet		2 Feet	N
• West	15 Feet		8 Feet	N
Wall Height	6 to 8 Feet Adjacent to Residential		Existing 6-foot wall	Y

GPA-71561, ZON-71562, VAR-71563, SUP-71565 and SDR-71566 [PRJ-71491]
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Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Charleston Boulevard	Primary Arterial	Master Plan of Streets and Highways	100	Y
Pahor Drive	Local Street	Title 13	50	Y
Westwood Drive	Local Street	Title 13	60	Y

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Other than listed	4,667 SF	1 space per 300 sf	16				

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

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Restaurant	700 sf	1 space per 50 sf of seating area	14				
	1,355 sf	1 space per 200 sf of all other areas	7				
TOTAL SPACES REQUIRED			37		32		N
Regular and Handicap Spaces Required			35	2	30	2	N
Loading Spaces			1		1		Y
Percent Deviation			13%				

GPA-71561, ZON-71562, VAR-71563, SUP-71565 and SDR-71566 [PRJ-71491]
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Waivers		
Requirement	Request	Staff Recommendation
15-foot perimeter buffer area along the east property line	2-foot buffer area along the east property line	Denial
15-foot perimeter buffer area along the east property line	8-foot buffer area along the east property line	Denial
15-foot perimeter buffer area along the east property line	10-foot buffer area along the north property line	Denial
6 perimeter trees along the north property line	3 perimeter trees along the north property line	Denial
7 perimeter trees along the north property line	1 perimeter tree along the east property line	Denial

Exceptions		
Requirement	Request	Staff Recommendation
1 parking lot landscape island for every six spaces	3 parking lot landscape islands where 6 are required	Denial