



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: AUGUST 14, 2018
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: EASTERN 95, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
TMP-73834	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

NOTICES MAILED N/A

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

TMP-73834 CONDITIONS

Planning

1. Approval of the Tentative Map shall be for no more than four (4) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within four (4) years of the approval of the Tentative Map, this action is void.
2. Street names must be provided in accordance with the City's Street Naming Regulations.
3. 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.
4. The Final Map shall contain a note granting perpetual common access and parking across the entire subdivision.
5. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

6. Per Title 19.16.060.W.1, provide a note on the Final Map that states "All parcels created through this map shall have perpetual unobstructed access to all driveways servicing the overall subdivision unless incompatible uses can be demonstrated to the satisfaction of the City Engineer."
7. The onsite sewer shall be private and per Title 19.16.060.W. 2, sewer service for this commercial subdivision shall be shown in accordance with one of the following three alternatives, and the appropriate note shall appear on the face of the recorded Final Map:
 - i. Onsite sewers, 8-inches in diameter or larger, are public sewers where located within 20 foot wide dedicated public sewer easements.
 - ii. Onsite sewers are a common element privately owned and maintained per the Conditions, Covenants, and Restrictions (CC&Rs) of this commercial subdivision.
 - iii. Onsite sewers are a common element privately owned and maintained per the Joint Use Agreement of this commercial subdivision.

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8. Per Title 19.16.060.W.3, provide a note on the Final Map that states “All subdivided lots within this Final Map shall provide perpetual inter-lot drainage rights across all existing and future parcel limits.” This condition shall not be enforced if the Owner demonstrates to the satisfaction of the Flood Control Section of Public Works that each lot can drain independently to abutting public roadways.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant requests approval of a Tentative Map for a one-lot commercial subdivision on a 4.65 acre site at the northeast corner of Eastern Avenue and US 95.

ISSUES

- The site has been graded and is currently partially developed.
- Applicant has not proposed any perimeter walls with this request.

ANALYSIS

The site is located within the Las Vegas Redevelopment Plan Area and is utilized as a commercial land use. All existing structures on the site meet the Title 19 requirements for the C-1 (Limited Commercial) zoning district.

Access to the site exists from two driveways off of Eastern Avenue and Cedar Avenue. The site is partially developed, with an existing 4,189 square-foot convenience store with fuel canopy and dispensers and self-service car wash constructed in 1997 on the western portion of the subject site. Any future development proposed on the vacant portion of the property will require a Site Development Plan Review and must comply with all applicable Title 19 development standards. Site circulation is logical throughout the site and will be unaffected by mapping.

Parking and access is intended to be allowed across the site. A condition of approval will require that common perpetual access and parking will be granted across the entire proposed commercial subdivision.

The map meets and complies with the Title 19 and NRS 278 requirements for a Tentative Map; therefore, staff recommends approval with conditions. If denied, the existing parcel would remain.

FINDINGS (TMP-73834)

All Title 19 zoning and NRS 278 and technical requirements regarding tentative maps are satisfied. Therefore, staff recommends approval of the subject tentative map with conditions.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc</i>	
11/16/94	The City Council approved a Rezoning (Z-0115-94) request from R-3 (Medium Density Residential) to C-1 (Limited Commercial) on property located along the north side of Oran K. Gragson Highway, approximately 490 feet east of Eastern Avenue. Planning Commission and staff recommended approval.
03/23/95	The Planning Commission approved a Plot Plan and Elevation Review [Z-0115-94(1)] request for a convenience store on property located along the north side of Oran K. Gragson Highway, approximately 490 feet east of Eastern Avenue. Staff recommended approval.
05/17/95	The City Council approved a Special Use Permit (U-0042-95) request for a 14-foot by 48-foot Off-Premise Sign on property located along the north side of Oran K. Gragson Highway, approximately 490 feet east of Eastern Avenue. The Board of Zoning Adjustment recommended denial. The entitlement expired in 2008.
09/06/95	The City Council approved a Review of Condition [U-0042-95(1)] to modify condition #1 of U-42-95 from a required two year review to a five year review. The Board of Zoning Adjustment recommended approval.
05/24/99	The City Council approved a Special Use Permit (U-004-99) for a Service Station (Gasoline Sales) in conjunction with a proposed convenience store at 400 North Eastern Avenue. Planning Commission and staff recommended approval.
07/12/99	The City Council approved a Special Use Permit (U-0063-99) request for Restricted Gaming in conjunction with an existing convenience store at 400 North Eastern Avenue. Planning Commission and staff recommended approval.
01/19/00	The City Council approved a Special Use Permit (U-0123-99) request for a Beer/Wine/Cooler Off-Sale use in conjunction with an existing convenience store at 400 North Eastern Avenue. Planning Commission and staff recommended approval.
07/05/00	The City Council approved a five year Required Review [U-0042-95(2)] of a previously approved Special Use Permit (U-42-95) for an Off-Premise Sign on property located along the north side of Oran K. Gragson Highway, approximately 490 feet east of Eastern Avenue. Planning Commission and staff recommended approval.
10/16/02	The City Council approved a two year Required Review [U-0042-95(3)] of a previously approved Special Use Permit (U-0042-95) for an Off-Premise Sign on property located along the north side of Oran K. Gragson Highway, approximately 490 feet east of Eastern Avenue. Planning Commission and staff recommended denial.

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Related Relevant City Actions by Planning, Fire, Bldg., etc	
11/17/04	The City Council approved a two year Required Review (RQR-5164) of a previously approved Special Use Permit (U-0042-95) which allowed a 50-foot tall, 14-foot by 48-foot Off-Premise Sign at 410 North Eastern Avenue. Planning Commission and staff recommended approval.
12/10/13	The Planning Commission recommended approval of a Special Use Permit (SUP-51693) request for a 55-foot tall, 14-foot by 48-foot Off-Premise Sign at 400 North Eastern Avenue. Special Use Permit (SUP-51693) scheduled to be heard by the City Council on 01/22/14.
03/19/14	The City Council approved a request for a Special Use Permit (SUP-52101) for a Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 4,184 square-foot Convenience Store with a waiver to allow a 242-foot distance separation from Church/House of Worship where 400 feet is required at 400 North Eastern Avenue. The Planning Commission recommended approval and staff recommended denial.
05/07/14	A Conditional Use Verification (CUV-54059) was approved for Open Air Vending to sell tacos, chips from a cart that is approximately 70 sq. ft in size at 400 N. Eastern Ave. The cart will be located to the west of the gas pumps next to the landscaping area. The hours of operation shall be limited to 10:00 a.m. to 8:00 p.m. per conditional use requirements.
05/13/14	The Planning Commission approved a Tentative Map (TMP-53409) for a one-lot commercial subdivision on 4.65 acres at 400 North Eastern Avenue. Staff recommended approval of the request.
09/13/16	The Planning Commission approved a Special Use Permit (SUP-65959) for an existing Open Air Vending Use (Taco Cart) adjacent to residentially zoned property to allow proposed hours of operation from 9:00 am to 11:30 pm, where 10:00 am to 8:00 pm is allowed at 400 North Eastern Avenue. Staff recommended approval of the request.

Most Recent Change of Ownership	
10/08/13	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
08/28/96	A building permit (#95385846) was issued for the completion of a general retail building at 400 North Eastern Avenue. The permit was finalized on 10/22/96.

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Related Building Permits/Business Licenses	
07/23/04	A Code Enforcement case (#18710) was processed for signage violations at 400 North Eastern Avenue. The case was resolved on 09/29/04.
07/13/07	A Code Enforcement case (#55607) was processed for signage violations at 400 North Eastern Avenue. The case was resolved on 07/26/07.
09/30/10	A business license (#L10-00202) was issued for Beer/Wine/Cooler Off-Sale at 400 North Eastern Avenue. The license was marked out on 10/16/13.
10/28/13	A business license (#C15-00426) was issued for a Convenience Store at 400 North Eastern Avenue. The license is active.
	A business license (#C05-02884) was issued for a Tobacco Dealer at 400 North Eastern Avenue. The license is active.
12/04/13	A business license (#L10-98576) was issued for on Beer/Wine/Cooler Off-Sale at 400 North Eastern Avenue.
05/15/14	A business license (#G62-04378) was issued for an Open Air Vendor at 400 North Eastern Avenue.
07/29/14	A Code Enforcement case (#143925) was processed for a gas station with an abundance of signage at 400 North Eastern Avenue. The case was resolved on 08/13/14.
08/07/14	A Code Enforcement case (#144276) was processed for a food truck violation at 400 North Eastern Avenue. The case was resolved on 09/11/14.
08/13/14	A Code Enforcement case (#144448) was processed for a food trailer parking next to our restaurant at 400 North Eastern Avenue. The case was resolved on 08/14/14.
09/22/14	A Code Enforcement case (#145906) was processed for a repeat offender of open air vending past 8 pm at 400 North Eastern Avenue. The case was resolved on 10/13/14.
10/01/14	A Code Enforcement case (#146285) was processed for an open air vendor at 400 North Eastern Avenue. The case was resolved on 10/01/14.
02/24/15	A Code Enforcement case (#150857) was processed for unpermitted signage and pennants at 400 North Eastern Avenue. The case was resolved on 05/14/15.
01/06/16	A Code Enforcement case (#162129) was processed for removed landscaping materials at 400 North Eastern Avenue. The case was resolved on 09/01/16.

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Related Building Permits/Business Licenses	
03/03/16	A Code Enforcement case (#164145) was processed for Open Air Vendor operation beyond 8:00 per Conditional Use Verifiication (CUV-54059) at 400 North Eastern Avenue. The case was resolved on 09/22/16.
03/16/16	A Code Enforcement case (#164506) was processed for fence line opened up near car wash building and homeless on parcel at 400 North Eastern Avenue. The case was resolved on 04/27/16.
08/08/16	A Code Enforcement case (#169429) was processed for unpermitted advertising banners on the chain-link fence surrounding the property at 400 North Eastern Avenue. The case was resolved on 02/14/17.
11/28/17	A Code Enforcement case (#184456) was processed for observed violations at 400 North Eastern Avenue. The case was resolved on 12/21/17.

Pre-Application Meeting	
06/19/18	A pre-application conference was held with the applicant to discuss the Tentative Map submittal requirements for a one-lot commercial subdivision.

Neighborhood Meeting	
A Neighborhood meeting was not required, nor was one held.	

Field Check	
07/03/18	Staff conducted a routine field check and found the subject site to be a well maintained commercial development with an existing convenience store with fuel canopy and dispensers and self-service car wash.

Details of Application Request	
Site Area	
Net Acres	4.65

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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	General Retail/ Car Wash, Self Service	SC (Service Commercial)	C-1 (Limited Commercial)
North	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Right-of-Way (US 95)	Right-of-Way (US 95)	Right-of-Way (US 95)
East	Undeveloped	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)

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

DEVELOPMENT STANDARDS

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Eastern Avenue	Primary Arterial	Master Plan of Streets & Highways	100	Y
Cedar Avenue	Local Street	Title 13	60	Y