



# Planning Commission Agenda Item

Date: March 13, 2024

Item No: 6

**TO:** Planning Commission

**FROM:** Alfredo Melesio, Jr., AICP, EDFP, Director of Land Development & Community Services  
Prepared By: Bryan Saylor, Planner

**SUBJECT: SUP-08-2024 LOSEE & DEER SPRINGS (Public Hearing).** Applicant: Henry Moradi. Request: A Special Use Permit in a C-1 (Neighborhood Commercial District) to allow a Full "On-Sale" Liquor License with Restricted Gaming, and a Request for a Waiver of the Required 500-Foot Separation from Developed Residential. Location: Northeast Corner of Losee Road and Deer Springs Way (APN 124-24-201-005) Ward 4. (For Possible Action)

## **RECOMMENDATION: APPROVE WITH CONDITIONS**

### **PROJECT DESCRIPTION:**

The applicant is requesting Planning Commission consideration of a Special Use Permit to allow a "full on-sale" liquor license with restricted gaming and a waiver of the 500' separation to developed residential for a newly constructed tavern to be located in a C-1 (Neighborhood Commercial District).

### **BACKGROUND INFORMATION:**

Previous Action
N/A

### **RELATED APPLICATIONS:**

Application #	Application Request
<b>SUP-05-2024</b>	To allow a convenience food store with gas pumps.
<b>SUP-06-2024</b>	To allow a vehicle washing establishment attached to a convenience store
<b>SUP-07-2024</b>	To allow a standalone vehicle washing establishment
<b>SUP-09-2024</b>	To allow a mini-warehousing establishment

**GENERAL INFORMATION:**

	Land Use	Zoning	Existing Use
<b>Subject Property</b>	Mixed-Use Neighborhood	C-1 Neighborhood Commercial	Undeveloped
<b>North</b>	Mixed-Use Neighborhood	C-1 Neighborhood Commercial	Undeveloped
<b>South</b>	High Density Residential	R-3 Multi-Family Residential	Existing Multi-Family Residential
<b>East</b>	Mixed-Use Neighborhood	PUD Planned Unit Development	Existing Residential
<b>West</b>	PUD Planned Unit Development	PUD Planned Unit Development	Existing Residential

**DEPARTMENT COMMENTS:**

Department	Comments
Public Works:	Please see attached memorandum.
Police:	No Comment.
Fire:	No Comment.
Clark County School District:	No Comment.
Clark County Department of Aviation:	No Comment.

**ANALYSIS:**

The applicant is proposing to allow a full “on-sale” liquor license for a newly constructed tavern as part of a larger commercial development proposed for the northeast corner of Losee Road and Deer Springs Way. The proposed development will consist of a stand-alone car wash; convenience store with gas pumps and attached car wash; three (3) quick-serve restaurants; two (2) retail buildings; tavern, large footprint retail building and a mini-warehouse. This is the southern portion of a proposed two (2)



part development. Another commercial portion is planned for the parcel to the north of Bright Sunrays Avenue, north of the proposed site.

### **Requirements for Approval of a Special Use Permit**

In accordance with the Zoning Ordinance, the Planning Commission may, by motion, grant a special use permit if the Planning Commission finds, from the evidence presented, that all of the following facts exist:

***The proposed use is consistent with the Comprehensive Master Plan and all applicable provisions of this Code and applicable State and Federal regulations;***

Taverns with full “on-sale” liquor are permitted within the C-1, Neighborhood Commercial District. The location is ideal, the northeast corner of Losee Road (150’ right-of-way) and Deer Springs Way (80’ right-of-way).

***The proposed use is consistent with the purpose and intent of the zoning district in which it is located and any applicable use-specific standards and criteria in Chapter 17.20 of this Code;***

The purpose of the Neighborhood Commercial (C-1) district is to provide goods and services for the convenience of the residents of the adjacent neighborhood and accessible by walking from the adjacent neighborhoods. The uses allowed in this district should provide goods and services on a neighborhood market scale that are compatible with the residential character of the surrounding neighborhood. A tavern with full “on-sale” would be a welcome component as part of a commercial center catering to the nearby residents and surrounding neighborhood.

***The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (such as, but not limited to, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);***

A tavern would be one of potentially several businesses within the proposed development to be open 24 hours, other possibilities being the convenience store and one or more of the proposed quick serve restaurants on the site. The proposed tavern is part of an overall commercial development that is being proposed for the subject site and the undeveloped site to the north. The proposed site is at a major intersection, an area that staff would expect to see uses of this type.

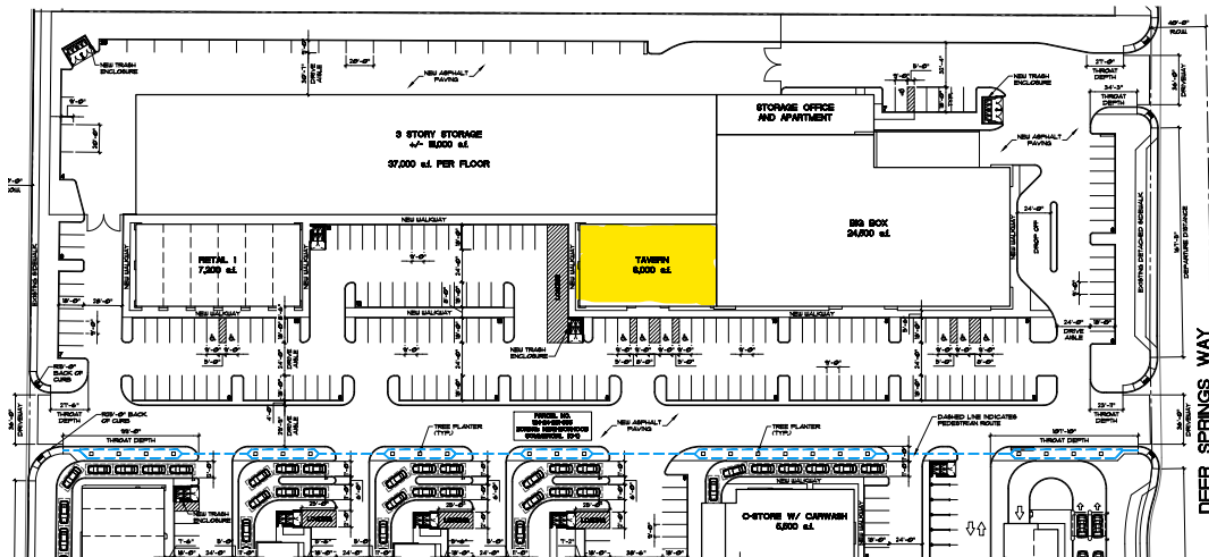
***Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable; and***

There are no significant adverse impacts anticipated from this use. All taverns have the potential to generate a higher number of issues compared to other uses allowed in a commercial district, but the proposed site should not provide more impact than any other tavern site, it is located in an area that was designated as commercial in the Comprehensive Plan and is zoned Neighborhood Commercial.

**Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development.**

All vital services and utilities are available to the proposed site. Public works has a list of conditions of approval that has been attached to this staff report. Fire Prevention and the Police Department both have no comment or concern for the proposed development.

The proposed tavern with a full “on-sale” liquor license does not meet the required 500’



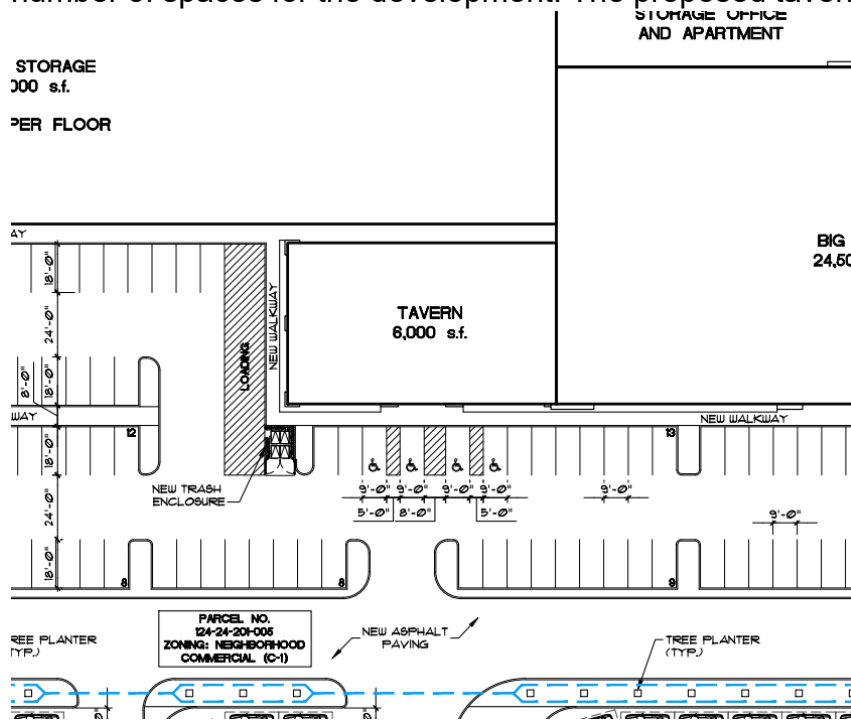
separation from developed residential dwellings. The existing residential units to the east of the proposed sight are 231'-9" away from the proposed tavern sight. The original placement of the tavern was at the north end of the development where "Retail 1" is now being shown. The applicant moved the location of the proposed tavern at staff's suggestion. There is a mini-warehouse establishment as part of this commercial development along the east property line. Staff feels that this would be an adequate barrier to the existing residential as they would have to travel well over the required 500' to



physically access the tavern. The existing residential developments to the north and the south of the proposed site are both over the required 500' separation requirement.

Access to the proposed site will be from one of four (4) points being proposed. One (1) access point from Bright Sunrays Avenue to the north of the site. One (1) access from Losee Road on the west side of the site. And two (2) access points from Deer Springs Way to the south. Parking provided for the site, 323 spaces, meets the 321 required number of spaces for the development. The proposed tavern requires eighty (80) parking

spaces. There are plenty of parking spaces as the proposed site is centrally located in the development.



The applicant has not included a preliminary landscape plan, but in reviewing the site plan it appears that the areas being provided for landscaping meet the design requirements. Landscaping is being provided in the parking areas; foundation landscaping looks like it is being provided as well. Landscaping will need to

be provided on the sides of the trash enclosure, but that is a minor issue and can be addressed during the permit process. The landscaping areas will also need to meet or exceed the required tree counts and groundcover requirements. The tree wells in the walkway to the west of the tavern running through the center of the site should be modified to provide a five (5) foot wide landscaping strip along the walkway as it will promote greater health for the trees being installed and provide a better pedestrian separation from the adjacent drive lane.

The proposed Tavern will be 6,000 square feet in size and 23'-8" in total height. The colors being presented, grey & white, are only permitted as accent colors and may not be the majority of coverage on a building. The colors will need to be earth tone and neutral colors indigenous to the valley.



The proposed use is consistent with the current land use designation, the commercial nature of the center and the surrounding area. The proposed tavern with full “on-sale” liquor at this location should not pose a negative impact on the surrounding uses or properties. Staff has no objections to the proposed use and recommends approval with conditions.

## **CONDITIONS:**

### ***Planning and Zoning:***

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. An approved Unified Sign Plan will be required for this development prior to approval of any signage permits.

### ***Public Works:***

3. All known geologic hazards shall be shown on any preliminary development plans and civil improvement plans submitted to the City. Subsequent identification of additional hazards may substantially alter development plans.
4. Approval of a drainage study is required prior to submittal of the civil improvement plans.
5. Approval of a traffic study is required prior to submittal of the civil improvement plans. Please contact Traffic Engineering at 633-2676 to request a scope.
6. The size and number of driveways and their locations are subject to review and approval by the City Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.040 and *Clark County Area Uniform Standard Drawing* number 222.1, including throat depths. Conformance may require modifications to the site plan.
7. Commercial driveways are to be constructed in accordance with Clark County Area Uniform Standard Drawing numbers 222.1, including throat depths, and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
8. The developer is required to construct a raised median along Deer Springs Way to 50-feet east of the westernmost driveway. The median shall be constructed per Clark County Area Uniform Standard Drawing numbers 218 and 219 “A” type island curb. A thirteen (13) foot wide permanent travel lane with four-foot-wide Type II shoulder shall be constructed south of the median.



9. The property owner is required to grant a roadway easement for commercial driveway(s).
10. The property owner is required to grant a public pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
11. A revocable encroachment permit for landscaping within the public right of way is required if applicable.
12. If the property is subdivided in the future, the applicant must submit a commercial subdivision map.
13. The applicant is responsible for acquiring any easements needed to construct the project.
14. All off-site improvements must be completed prior to final inspection of the first building.
15. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if impacted by the proposed development of the parcel or if the pole impedes upon the proper ADA clearances for sidewalk. Under no circumstances will new down guy wires be permitted.

**ATTACHMENTS:**

Public Works Memorandum  
Letter of Intent  
Site Plan  
Floor Plan  
Building Elevations  
Clark County Assessor's Map  
Location and Zoning Map