September 21, 2007

Ms. Margo Wheeler, Director
Department of Planning and Development
731 S. 4th Street
Las Vegas, NV. 89101

RE: Letter of Justification for Sagebrush Cantina; Rezoning to C-1 (Limited Commercial); Special Use Permit for a Tavern; Special Use Permit for a Service Station and a Site Plan Review (APN: 126-01-702-007)

Dear Margo:

On behalf of our client Land Baron Investments, we are requesting approval of a Rezoning to C-1, Special Use Permits for a Tavern and Service Station, and a Site Plan Review for a 3,710 square foot convenience store with gasoline pumps, a 5,504 square foot tavern and 3,600 square feet of retail space on a 2.48 acre site located on the southwest corner of Kyle Canyon Road and Oso Blanca.

These applications were tabled at the City Council meeting of December 21, 2005. Some changes to the site plan have been made since the time of the original submittal. These changes are addressed in this letter.

Land Use Designations

The request to C-1 is a conforming zone change, according to Table 2 of the Centennial Hills Sector Plan. The site is designated Service Commercial on the Centennial Hills Interlocal Land Use Plan Map (Map 3 of the Centennial Hills Sector Plan). The description of Service Commercial states:

"...allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers and areas, theaters, bowling alleys and other places of public assembly and public and semi-public uses. This includes offices either individually or grouped as office centers with professional and business services."

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The property is shown as VC (Village Commercial) on the Centennial Hills Concept Plan (Map 2 of the Centennial Hills Sector Plan). The Village Commercial designation is described as follows:

"...consists of development nodes of approximately 20 acres per designated intersection quadrant and contains all the commercial services required by the local area. It is expected these will be located near the major transportation areas of US 95 or the beltway interchanges."

Special Use Permits

Approval Criteria for Special Use Permits

Title 19.18.060 (L) lists determinations that the Planning Commission or City Council must find in order to approve a proposed Special Use Permit. Those are:

1. The proposed 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 site is located within the Village Center commercial node at the US 95/ Kyle Canyon Road interchange. The Village Center category contains all the commercial services required by the local area. It is reasonable to expect that these commercial services include service stations, convenience stores, ancillary and taverns. The proposed C-1 (Limited Commercial) zoning is a district allowed in the Service Commercial land use category described in the Centennial Hills Sector Plan.

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

   This 2.48 acre parcel is adequate in size to accommodate this development without any waivers from the Code for parking, landscaping or other standards.

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

   Kyle Canyon Road is designated as a Parkway (120' right-of-way); Oso Blanca is classified as Frontage Road (90' right-of-way). Both should be adequate in size to accommodate traffic generated by this request. It is understood that the Department of Transportation will be contacted regarding access to Kyle Canyon Road.

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

   All proposed uses will be subject to regular inspection by all applicable regulatory agencies to ensure the public health, safety and welfare of the public is not compromised. This application advances the overall goals, objectives and policies of the General, as these are the types of uses and services anticipated by the Village Commercial Concept Plan Designation and Service Commercial designation of the Centennial Hills Interlocal Land Use Plan.

Standard Conditions for Taverns

Title 19.04.050 sets forth base standards for approval for Liquor Establishment special use permits. It is the intent of this application to meet all of the standards listed for Liquor Establishment (Tavern) and for service stations.

Standard Conditions for Service Stations

The following are base conditions of approval for this use:

1. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:

   a. The dispensing of petroleum products
   b. The provision of Emergency services of a minor nature.
   c. The sale of items via vending machines which shall be located next to the main structure.

2. Pump islands shall be located a minimum of 20 feet from a street right-of-way line. A canopy or roof structure over a pump island may be located no closer than 10 feet from the street right-of-way line.

3. No vehicle shall be parked on the premises for the purposes of offering the vehicle for sale.

4. No used or discarded automotive parts or equipment or disable, junked, or wrecked vehicles shall be located in any open area outside the main structure.

5. Noise from bells or loudspeakers shall not be audible beyond the property line at any time.

6. The installation of LPG tanks shall only be permitted as allowed in Section 19.04.060 (B).

It is the intent of the applicant to meet all of these base criteria.

Approval Criteria for Rezoning Application

Title 19.18.040 (K) provides the determinations to be made by the Planning Commission or City Council to approve a proposed rezoning. Those are:

1. The proposal conforms to the General Plan.

   The site is designated SC (Service Commercial) on the Centennial Hills Interlocal Land Use Plan and Village Commercial on the Centennial Hills Concept Plan. The proposed C-1 (Limited Commercial) conforms to both of these designations.

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.

   The site lies within a 20 acre node around the US 95 and Kyle Canyon Road interchange. The uses allowed under the C-1 zoning districts and those proposed by the companion special use permits will be services needed by existing and future residents of this rapidly growing area of the City.

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

   The northwest area of the City continues to experience an explosive growth rate. As the Providence and other planned developments continue to build out, a wide range of commercial uses and services will be necessary.

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.

   There are no waivers or variances to the Code associated with any of these applications. The site is of adequate size and in an area where these uses can be reasonably expected to occur.

Site Plan Changes:

1) The overall square footage has changed from 10,070 to 12,814.

2) The tavern square footage has decreased from 6,444 square feet to 5,504 square feet.

3) The convenience square footage has remained the same.

4) A 3,600 square foot retail component and car wash have been added to the project.

The overall design of the project has been improved. The convenience store has been moved to the northeast corner of the site to provide a visual buffer from the gasoline islands. The islands have been oriented to enhance on-site traffic circulation. Additional landscaping has been provided along the west side of the site; the retail component and car wash will provide additional services make for a more vibrant project.

Summary

The benefits of this project are in keeping with the goals, objectives and policies of the Centennial Hills Sector Plan. There are no waivers or variances associated with these applications. We believe that the proposed uses can be operated in a manner that is conforming to all regulatory criteria and harmonious and compatible with the surrounding area.

We would appreciate your favorable consideration of this request. Please contact me if you have any questions or require any additional information.

Sincerely,

Dave Clapsaddle
Director of Planning

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