

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SDR-13880 - APPLICANT: ETHOS THREE ARCHITECTURE -
OWNER: AAMAX ENTERPRISES LLC**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-13881), Variance (VAR-14355), and Special Use Permits (SUP-13884, SUP-13877, and SUP-13880) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. 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, landscape plan, date stamped 06/30/06, and building elevations, date stamped 05/30/06, except as amended by conditions herein.
4. 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. The technical landscape plan shall show trees and shrubs along the perimeter, around the buildings, and in the parking lot.
5. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
6. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
10. 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.
11. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department 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.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All new or modifications to existing driveways shall be designed, located and constructed to meet the intent of Standard Drawing #222a.
14. 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. 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 rightsofway 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 onsite 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.

15. 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, submittal of any construction drawings or the submittal of a Map subdividing this site, 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. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Site Development Plan Review for a proposed 30,904 square foot retail center and a waiver of the perimeter landscape standard on 2.07 acres on the east side of Eastern Avenue, approximately 153 feet north of Mesquite Avenue. SUP-13884, VAR-13881, SUP-13882, and SUP-13877 were filed as companion items.

EXECUTIVE SUMMARY

The site plan shows a commercial development in two one-story buildings on the two parcels. The buildings are oriented to the south and Eastern Avenue, approximately 153 north of Mesquite Avenue. The larger of the two buildings is positioned up to the 20-foot setback from Eastern.

Parking areas are primarily along the south property line with some of the parking between the two buildings. Vehicular access into the site from Eastern will be via a shared access to the south of the proposed buildings.

The proposed development will be not compatible with the development around the site. The site is overbuilt, thus requiring the Variance for parking. This will impact adjacent development as public will be forced to utilize the neighborhood for parking needs.

BACKGROUND INFORMATION

A) Related Actions

- | | |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08/06/52 | The subject property was Annexed (Ordinance Number 498) into the City of Las Vegas as part of larger request. |
| 01/18/67 | The City Council approved a Rezoning (Z-0072-66) to C-1 (Limited Commercial) on an adjacent site. |
| 09/18/02 | The City Council approved a request for a Rezoning (Z-0062-02) FROM: R-E (Residence Estates) TO: C-1 (Limited Commercial) on 1.79 acres at 540 North Eastern Avenue. The Planning Commission and staff recommended approval. |

- 09/18/02 The City Council approved a request for a Site Development Plan Review [Z-0062-02(1)] and a Reduction of the Perimeter Landscaping Requirements to allow a five foot wide landscape planter on the north property line where an eight foot wide landscape planter is required for a proposed 25,200 square foot commercial center on 1.79 acres at 530 and 540 North Eastern Avenue. The Planning Commission recommended approval. Staff recommended denial.
- 03/17/04 The City Council approved a request for a Special Use Permit (SUP-3636) for a Liquor Establishment (Off-premise Consumption) in conjunction with a proposed grocery store adjacent to the east side of Eastern Avenue 150 feet north of Mesquite Avenue.
- 03/16/05 The City Council approved a request for a Reinstatement and Extension of Time (EOT-6043) for an approved Rezoning (Z-0062-02) FROM: R-E (Residence Estates) TO: C-1 (Limited Commercial) on 1.79 acres at 540 North Eastern Avenue.
- 08/10/06 The Planning Commission recommended denial of companion items VAR-13881, VAR-14355, SUP-13882 and SUP-13884 concurrently with this application.
- 08/10/06 The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #52/dr).

B) Pre-Application Meeting

- 05/10/06 The elements of a complete application for a Site Development Plan review and the following were discussed.
- Waiver of the landscaping buffer requirement is necessary.
 - Variance for parking needed.
 - The Waiver of the number loading zones to be in justification letter.
 - Expiration of the rezoning.
 - Special Use permits for gaming, auto title loan, and tavern.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.0

B) Existing Land Use

Subject Property: Undeveloped/ Commercial
 North: Commercial/Retail Center
 South: Commercial/Retail and Apartments
 East: Undeveloped and Single Family Residences
 West: Commercial/Retail

C) Planned Land Use

Subject Property: SC (Service Commercial)
 North: SC (Service Commercial)
 South: M (Medium Density Residential) and SC (Service Commercial)
 East: M (Medium Density Residential)
 West: SC (Service Commercial)

D) Existing Zoning

Subject Property: R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial) and C-1 (Limited Commercial)
 North: C-1 (Limited Commercial)
 South: R-3 (Medium Density Residential) and C-1 (Limited Commercial)
 East: R-3 (Medium Density Residential)
 West: C-1 (Limited Commercial)

E) General Plan Compliance

The site is designated as SC (Service Commercial) on the Southeast Sector map of the General Plan. The approved C-1 (Limited Commercial) zoning is in compliance with this land use designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site is not affected by any special plan areas or districts.

PROJECT DESCRIPTION

The site plan shows a total of 30,904 square feet of proposed commercial development in two one-story buildings on the two parcels. The buildings are oriented to the south and Eastern Avenue, approximately 153 north of Mesquite Avenue. The larger of the two buildings is positioned up to the 20-foot setback from Eastern.

Parking areas are primarily along the south property line with some of the parking between the two buildings. Vehicular access into the site from Eastern will be via a shared access to the south of the proposed buildings.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Requested	Compliance
Min. Lot Size	N/A	86,870	Y
Min. Lot Width	100 Feet	155.37	Y
Min. Setbacks			
• Front	20Feet	20	Y
• Side	10 Feet	10	Y
• Corner	N/A	N/A	N/A
• Rear	20 Feet	20	Y
Max. Lot Coverage	50 %	35.6	Y
Max. Building Height	N/A	1 STORY	N/A
Trash Enclosure	Y	Y	Y
Loading Zone	3	2	N
Mech. Equipment	Screened	Not indicated	N/A

The proposal meets the requirements of commercial development per Title 19, except for loading zones. The applicant has request a Variance (VAR-13881) from this requirement.

A2) Residential Adjacency Standards

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

- a) Proximity slope. The maximum height of the apartment buildings adjacent to protected residential properties along the east property lines is 35 feet. The Proximity Slope limitation requires the easternmost building to be set back 70.75 feet from the residential property lines. These buildings are setback 20 feet from the residential use to the east. A Variance (VAR-14355) to allow the reduced setback will be required. The amount of deviation is 72 percent.
- b) Building setback. The apartment buildings must be set back a minimum of 20 feet to meet this requirement, which equals the rear yard setback of the protected properties.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Financial Institution	1,360 SF.	1/200 GFA	7			
Restaurant	2,500S F 846 SF	1/50 GFA	50			
		1/200 GFA	5			
General Retail	26,198 SF	1/250 GFA	105			
TOTALS	30904 SF		167	6 of total	103	5 of total

The proposal needs a Variance (VAR-13881) from the requirements. In addition the applicant will need to provide for one additional handicap space, an if approved condition has been added for this requirement. This request represents a deviation of 38 %.

Metro expressed concerns about how insufficient parking will contribute to onsite congestion and unsafe conditions for pedestrians.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Trees/6 Spaces	17 Trees	9 Trees
Buffer:			
• Min. Trees	1 Trees/20 Linear Feet along Eastern	8 Trees	4 Trees
	1 Trees/20 Linear Feet along South and East perimeter	35 Trees	20 Trees
	1 Trees/30 Linear Feet along North perimeter	19 Trees	17 Trees
Total		62 Trees	41 Trees
• Min. Zone Width	15 Feet along Eastern 8 Feet along the North, South and East		6 Feet 4 Feet
• Wall height	6 Feet		

The applicant has requested waivers from the Title 19.12 parking and perimeter landscape requirements.

A5) Sign Standards

Insufficient information was provided that would have facilitated review of on site signage pursuant to Title 19.14. Review of proposed signage will be conducted in a follow up submittal of requisite materials.

B) General Analysis and Discussion

•Zoning

The proposed site plan conforms to the regulations of the C-1 (Limited Commercial) Zoning District.

•Site Plan

The site plan shows a total of 30,904 square feet of proposed commercial development in two one-story buildings on the two parcels. The buildings are oriented to the south and Eastern Avenue, approximately 153 north of Mesquite Avenue. The larger of the two buildings is positioned up to the 20-foot setback from Eastern.

Parking areas are primarily along the south property line with some of the parking between the two buildings. Vehicular access into the site from Eastern will be via a shared access to the south of the proposed buildings. A separate application to identify signage on the site will need to be submitted by the applicant.

The site is overbuilt and requires multiple Variances and Waivers.

- Waivers

The applicant requests waivers of the following.

- Parking lot landscaping.
- Perimeter landscaping.

The waivers can not be supported as the site is over built as designed. A development of lesser scope would facilitate compliance to standards. The landscaping waivers cannot be supported as the applicant has not shown any plant material on the plans.

- Landscape Plan

The plan shows decreased planter width and fewer parking lot fingers than is required. If the development were redesigned to a smaller scale the plan would be in compliance with standards. Waivers from standards have requested, as discussed above.

- Elevation

The building elevations show single story buildings with flat roofs and recessed entry doors and display windows on three of the four sides of the exteriors. The elevations are compatible to the existing development around the site.

- Floor Plan

The floor plan shows interior design typical to this type of use. The interiors show that the floor area can be divided into individual suites

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 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 a commercial complex that will be not compatible with the development around the site. The site is overbuilt, thus requiring the Variance for parking. This will impact adjacent development as public will be forced to utilize the neighborhood for parking needs.

- 2. The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;**

The proposal is not consistent with the standards and policies of the city as shown by the number of requested waivers and the need for the parking Variance.

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

The site access and circulation will negatively impact adjacent roadways and neighborhood traffic as the parking area for the site is too small for potential uses on the site.

- 4. Building and landscape materials are appropriate for the areas and for the City;**

The building and landscape materials are appropriate for this type of development.

- 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 elevations are typical of office and retail developments in this vicinity and will be compatible with surrounding development.

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

The proposed development will be subject to the Uniform Building Code, and therefore the development will not compromise the public health, safety or welfare.

PLANNING COMMISSION ACTION

Note: Reference to SUP-13877 in condition #1 shall be deleted.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 11

SENATE DISTRICT 2

NOTICES MAILED 467 by Planning Department

APPROVALS 0

PROTESTS 0