

## AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 20, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-17302 - APPLICANT: WEST ONE PROPERTIES, LTD -  
OWNER: ASP REALTY, INC.

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### \*\* CONDITIONS \*\*

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

#### Planning and Development

1. Conformance to the Conditions of Approval for Variance (VAR-17306) and Reclassification of Property (Z-0032-78), if approved.
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, and building elevations, date stamped 10/03/06, 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.
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 luminaries. 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 existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
14. Provide a copy of a recorded Joint Access and Parking Agreement between this site and the parcel adjacent to this site (Assessors Parcel Number 140-32-101-012) prior to the issuance of any permits.
15. 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, the submittal of any construction drawings or the recordation of a map for this site, whichever may occur first. 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.

16. 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.
  
17. The applicant shall enhance landscaping to the west of the site along the frontage

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is proposing to add a 6,180 square-foot development on a vacant pad of an existing retail development. The proposed project would consist of 4,480 square feet of retail space and a 1,700 square-foot restaurant with a drive-through. The proposed development is parking impaired and this development would increase the parking deficiency by a total of ten spaces. A Variance (VAR-17306) has been requested to permit this deviation from standards. Due to the proposed development increasing the parking deficiency at this location, denial of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/17/78	The City Council approved a reclassification of property (Z-0032-78) at this location for a proposed shopping center. The Planning Commission recommended approval.
11/16/06	A companion Variance (VAR-17306) will be heard concurrently with this item.
11/16/06	The Planning Commission recommended approval of companion item VAR-17306 concurrently with this application.  The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #36/ng).
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no permits or licenses related to this request.	
<b><i>Pre-Application Meeting</i></b>	
12/21/05	A pre-application meeting was held. It was noted that handicapped parking must be brought up to Code requirements and that this is a parking impaired development. Parking requirements were discussed and a cross access agreement would be required.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	0.63
Net Acres	0.63

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Parking-lot	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		X	
<b>Trails</b>		X	Y
<b>Rural Preservation Overlay District</b>		X	Y
<b>Development Impact Notification Assessment</b>		X	Y
<b>Project of Regional Significance</b>		X	Y

**DEVELOPMENT STANDARDS**

*Per Title 19.08, the following Development Standards apply:*

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Lot Width	100 Feet	110 Feet	Y
Min. Setbacks			
• Front	20 Feet	76 Feet	Y
• Side	10 Feet	15 Feet	Y
• Corner	15 Feet	N/A	N/A
• Rear	20 Feet	77 Feet	Y
Max. Lot Coverage	50 %	23 %	Y
Trash Enclosure	50 Feet from a protected property	53 Feet	Y
Mech. Equipment	Screened	Screened	Y

Per Title 19.12, the following Landscape Standards apply:

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Parking Area	1 Tree/6 Spaces	7 Trees	10 Trees	Y
Buffer: Min. Trees	1 Tree/30 Linear Feet	3 Trees	4 Trees	Y
<b>TOTAL</b>			19 Trees	Y
Min. Zone Width	15 Feet right-of-way 8 Feet		15 Feet Zero Feet	Y Y (per Z-32-78)

Pursuant to Title 19.10, the following parking standards apply:

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Parking Ratio</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>
			<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center (existing)	96,017 SF	1:250 SF	384	7			
Retail Pad (proposed)	6,180 SF	1:250 SF	25	2			
<b>SubTotal</b>			409	9	360	14	
<b>TOTAL</b>			409		360		N
Loading Spaces			1		1		Y
Percent Deviation					12 % Deviation from requirements		

## ANALYSIS

The proposed development would fill in a pad on an existing retail site. The development would consist of four suites. Three of these suites are proposed to be used for retail development and the fourth is for a restaurant with a drive-through.

The site does not provide landscaping in the side yard; however this is an existing condition common to the entire shopping center and a waiver is not required. As it was part of the approval of Z-0032-78, the perimeter wall on this property is three feet tall where the property is adjacent to commercial development and six feet tall where adjacent to residential development. Elevations for the proposed development show a single story building. The design is typical of small commercial development. Materials include stucco, aluminum, metal trellis and canopies, and parapets for accents.

The site is currently parking impaired. A land use or building which is existing on the effective date of this Title and which complied with the applicable parking standards at the time the use or building was established, but which does not comply with the requirements of this Section, shall not be considered a nonconforming use or non-conforming building; but rather, it shall be considered a parking-impaired development. The proposed development would increase this deficiency by ten spaces; thus the parking Variance (VAR-17306) indicates that the variance is to allow 15 spaces where 25 spaces are required. This development is making a site that is already deficient in parking by current standards deficient by an additional ten spaces. Due to this increase in the parking deficiency on the site, denial of this request is recommended.

## 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;**

Although the proposed retail and restaurant uses are compatible with adjacent development, the proposed development cannot be supported as the development would require an increase in the current parking deficiency at this location.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is not consistent with Title 19.10 parking requirements. A Variance (VAR-17306) has been requested and will be heard concurrently with this item. The proposed development is consistent with all other plans and policies.

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

The site gains access from Bonanza Road and Lamb Boulevard. Both are 100-foot primary arterials. These streets provide adequate access to and from the site.

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

Building and landscape materials are appropriate for the area and the City of Las Vegas.

**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;**

Building elevations and design characteristics are not unsightly and will be harmonious and compatible with development in the area.

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

The site will not compromise the public health or the general welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 14

**SENATE DISTRICT** 10

**NOTICES MAILED** 287 by Planning Department

**APPROVALS** 0

**PROTESTS** 0