

## AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: SDR-17735 - APPLICANT/OWNER: DURANGO  
STRUCTURES, LLC

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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 for Rezoning [Z-0076-98(11)], Special Use Permit (SUP-17737) 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 date stamped 1/03/07, landscape plan date stamped 1/04/07, and building elevations date stamped 12/27/06, 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 Master Sign Plan shall be submitted for approval of the Centennial Hills Architectural Review Committee Town Center (CHARC-TC) prior to the issuance of a Certificate of Occupancy for any building on the site and prior to the issuance of any sign permits.
11. 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.
12. Properly striped and located parking spaces shall be provided to accommodate 11 handicapped accessible parking spaces.
13. Per Map No. 7 of the Transportation Trails Element of the General Plan, bike lanes are required along Centennial Parkway and bike routes are required along Durango Drive.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

15. Dedicate the additional right-of-way on Centennial Parkway necessary for right turn lanes in accordance with Standard Drawing No. 201.1 and on Durango Drive for a bus turnout acceptable to the City Traffic Engineer prior to the issuance of any permits. In addition, dedicate 23.5 feet of right-of-way adjacent to this site for Juliano Road, including the appropriate area required for a cul-de-sac, prior to the issuance of any permits. Alternatively, record a Petition of Vacation for the existing portions of Juliano Road prior to the issuance of any permits.
16. Construct all incomplete half-street improvements on Durango Drive and Centennial Parkway adjacent to this site 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. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

17. Construct half-street improvements, including the cul-de-sac bulb with sufficient asphalt improvements acceptable to the Fire Protection Engineering Section of the Department of Fire Services and appropriate overpaving, on Juliano Road adjacent to this site concurrent with development of this site if the existing right-of-way is not vacated.
18. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
19. Landscape and maintain all unimproved rights-of-way, if any, adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
20. Submit an Encroachment Agreement for all landscaping, if any, located in the public right-of-way adjacent to this site prior to occupancy of this site.
21. Grant pedestrian access easements for all public sidewalk located outside of public street right-of-way, if any, prior to the issuance of any permits for this site.
22. 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 or the recordation of a Map subdividing this site. 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. If additional rightsofway are not required and Traffic Control devices are or may be proposed at this site outside of the public rightofway, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. 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.

23. 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.
  
24. Site development to comply with all applicable conditions of approval for Zoning Reclassification Z7698, Town Center standards and all other applicable siterelated actions.

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

**PROJECT DESCRIPTION**

This application is a request for a Site Development Plan Review for a 41,169 square-foot Retail Shopping Center. The applicant has also file a companion Special Use Permit application for a Restaurant with a drive through. Due to the site layout, the applicant has requested a waiver to the Town Center Development Standards Manual to allow 15 feet of perimeter landscape buffer adjacent to a drive-thru aisle where 25 feet is required on 3.82 acres.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/07/98	The City Council approved a Rezoning (Z-0076-98) to TC (Town Center) of a 1,468-acre portion of the Northwest. The subject site was not included within the 1998 Rezoning area.
11/07/01	The City Council approved the Town Center Development Standards Manual through Bill No. 2001-100.
05/01/02	The City Council approved Extension of Time applications U-0149-99(1) for a Supper Club and U-156-99(1) for a Liquor Establishment (Off Premise Consumption) with two year time limits.
7/12/06	The City Council approved a request for an Extension of Time (EOT-13647) of an approved Special Use Permit (U-0149-99) that allowed a Supper Club adjacent to the northeast corner of Centennial Parkway and Durango Drive
01/11/07	The Planning Commission recommended approval of companion item SUP-17737 concurrently with this application.  The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #17/mh).
<b><i>Related Building Permits/Business Licenses</i></b>	
NA	NA
<b><i>Pre-Application Meeting</i></b>	
08/23/06	A pre-application meeting was held regarding a Site Development plan Review for a 42,790 square foot Retail Center and a Special Use Permit for a Restaurant with drive-through.
<b><i>Neighborhood Meeting</i></b>	
11/02/06	The applicant states that a neighborhood meeting was held. However, there are no notes regarding time, place, or attendance submitted with the file.
<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	3.82 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property:	Undeveloped	SC-TC (Service Commercial- Town Center)	T-C (Town Center)
North:	Beltway	ROW	T-C (Town Center)
South:	Commercial & Single Family Dwellings	SC-TC (Service Commercial- Town Center) SX-TC (Suburban Mixed -Town Center)	T-C (Town Center)
East:	Undeveloped	SC-TC (Service Commercial- Town Center)	T-C (Town Center)
West:	Undeveloped	SC-TC (Service Commercial- Town Center) & ROW	T-C (Town Center)

<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>			
T-C Town Center District	X		N*
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

**\*Town Center**

Development within Town Center will be subject to the Town Center Development Standards and the Town Center Land Use chapter of the Centennial Hills Sector Plan. The applicant is not in compliance and has therefore requested a waiver to the Town Center Standards.

**Trails**

There are two trails that affect this proposal: A Town Center Parkway Trail and a Multi Use Transportation Trail, as shown on Map 6 of the Master Plan Transportation Trails Element adjacent to this northern edge of this site.

**INTERAGENCY ISSUES**

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a Project of Regional Significance because it was determined that the average vehicular motor trips was totaled to be approximately 4,584 exceeds the 3,000 average daily vehicle trips any Special Use Permit that is proposed within 500 feet of an unincorporated boundary.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. A summary of the comments received, including recommendations for mitigation measures is as follows:

- 1) The City of Las Vegas Department of Public Works has no comment.
- 2) Las Vegas Metropolitan Police Department found no significant issues.

**DEVELOPMENT STANDARDS**

The following Town Center Development Standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	166,784 sq ft	NA
Min. Lot Width	NA	600 feet	NA
Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	15-foot max. 10 feet 15 feet 20 feet	20 feet 35 feet 20 feet 20 feet	N Y Y Y
Min. Distance Between Buildings	NA	42 feet	NA
Max. Lot Coverage	NA	26%	NA
Max. Building Height	2 stories	39 feet, three inches (2 stories)	Y
Trash Enclosure	50 feet from residential/ screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

*Pursuant to Title 19.08.060 the following standards apply.*

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	117 feet, 8 inches	210 feet	Y
Trash Enclosure	50 feet from residentially zone property	450 feet	Y

*Pursuant to Title 19.12 the following 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	24 Trees	34 Trees	Y
Buffer: Min. Trees	1 Trees/ 30 Linear Feet	29 Trees	40 Trees	Y
<b>TOTAL</b>		53 Trees	74 Trees	Y
Min. Zone Width	15 Feet		20 Feet	Y

*Pursuant to the Town Center Development Standards Manual, the following standards apply.*

<b>Streetscape Standards</b>	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
Town Center Parkway Arterial	9-foot , 6-inch sidewalk w/ 5 foot amenity zone	5-foot sidewalk w/ 20-foot landscape area	Y
Frontage Road	5-foot sidewalk w/ 4-foot amenity zone.	20-foot sidewalk w/ 4-foot amenity zone.	Y

*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	
Retail Center	41,169 sq ft	1: 250 sq ft	165	7	284	3	
<b>TOTAL (including handicap)</b>			165	7*	284	3**	N
Loading Spaces			3		4		Y

\*Due to a series of revisions, the applicant has reduced the Gross Floor Area of the Retail Center from the advertised 42,790 square feet to the current Gross Floor Area of 41,169 square feet.

\*\*Handicapped accessible spaces are determined from the total parking stalls provided. As the proposed plans show 284 stalls, there shall be accommodation for a total of 7 spaces

\*\*\*The site plans show 11 handicapped accessible parking spaces where only three are in compliance with Title 19.10. Per Figure 4 of *Title 19.10.010(K)*, five-foot loading zones are required on each side of the parking stall. As there is abundant space for handicapped accessible parking, a condition for approval has been placed to adequately re-stripe the provided handicap spaces so as to comply with Title 19.10.

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To allow over a 20-foot build-to-line standard.	15-foot max	Denial
To allow 15 feet of perimeter landscape buffer adjacent to a drive-through aisle.	25 feet	Denial

**ANALYSIS**

The site plan depicts a 41,169 square-foot shopping center with design standards that are not compliant with the Town Center Design Standards. The site is broken up into five separate buildings with the larger buildings located at the rear of the property and two smaller buildings located at the opposite corners of the lot.

Waivers to the Town Center Development Standards Manual have been submitted with this application to allow a front setback that exceeds the 15-foot build-to-line minimum and to allow a drive-through with 15 feet of perimeter landscaping where 25 feet of landscaping is required.

The submitted landscape plan depicts a tasteful layout with plentiful trees of the appropriate size and species for this site. The applicant has provided trees well in excess of the minimum required per Title 19.12 and there are multiple landscaped buffers that exceed the minimum standards as well.

The elevations and floor plans show a selection of building materials and interesting architectural features that reflect the Town Center Standards for quality.

Being that this is a substantial commercial development located at a crucially important corner location, staff is recommending denial. The proposal does not meet the intent of Town Center in reducing the impact of parking on the pedestrian environment. With the two-level parking lot fronting Centennial Parkway, the tie between the buildings and street has been weakened and adversely affects the intended Town Center streetscape. If approved, subsequent development along Centennial Parkway will be compelled to continue with the established pattern of development which would lead to a compromise of the intent of Town Center. The applicant has not demonstrated the need for the waiver to standards other than to accommodate an excess of parking.

## **FINDINGS**

The following findings must be made for an SDR:

- 1. The proposed development is compatible with adjacent development and development in the area;**
- 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;**
- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**
- 4. Building and landscape materials are appropriate for the area and for the City;**
- 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;**
- 6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

### **In regard to 1:**

The proposed retail center is compatible with the adjacent Town Center commercial land use category however there are limited amounts of development in the area to compare it to. The affected property and the properties to the east, west, and north are undeveloped with new commercial construction and residential development to the south. The commercial use and intensity adheres to the existing Town Center Land Use code of SC-TC (Service Commercial-Town Center).

### **In regard to 2:**

The proposed retail center is located on land with the appropriate General Plan Category of TC (Town Center) and the Town Center Land Use Code SC-TC (Service Commercial-Town Center). The proposal does not comply with the Town Center Design Standards Manual in that the Drive-Through is not adequately landscaped nor does the project comply with the build-to-line setback standards.

**In regard to 3:**

The site access and circulation is not expected to have any negative impact on the adjacent roadways or neighborhood traffic. A Development Impact Notice Agreement (DINA) has been filed with the companion Special Use Permit (SUP-17737) so as to ensure adequate consideration to the traffic impact is taken into account.

**In regard to 4:**

The building and landscape materials chosen for this project are in compliance with the town Standards Manual and the proposal shows interesting elevations that contribute to the visual appearance of the area. Although the Drive-through will require a waiver to the required landscaping buffer, landscaping shows a variety of appropriate tree species and shrubs that are all appropriate for the area.

**In regard to 5:**

Although there is adequate landscaping and interesting building elevations to provide an aesthetic asset to the existing vacant lot, the massing of the parking lot along the pedestrian walkways is out of character with the intent of the Town Center Design Standards. Because of the massing and location of the two-level parking lot, the views of the building elevations from street level are questionable as well. If the overall site design were to be reversed so that the buildings were to front Centennial Parkway with the parking structure set into the rear of the property, an aesthetically pleasing and harmonious environment that is compatible with the local area would be obtained.

**In regard to 6:**

The appropriate measures are taken in securing and protecting the public health, safety and general welfare through the inspections required of Building and Safety for all commercial construction, through the Business Licensing Division for all licensed commercial activity, and through Code Enforcement for the general application of the Las Vegas Municipal Code.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 4

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 66 by Planning Department

**APPROVALS** 0

**PROTESTS** 0