

## AGENDA MEMO

**CITY COUNCIL MEETING DATE: FEBRUARY 21, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SDR-18202 - APPLICANT/OWNER: BRUCE R. NOBLE**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE FEBRUARY 7, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN WEEKLY.***

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

The Planning Commission (6-1/se vote) recommends DENIAL. Staff recommends APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to the conditions for Rezoning (ZON-18203) and Variance (VAR-18204) 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 11/16/06, except as amended by conditions herein.
4. A Waiver from Title 19.12 is hereby approved, to allow an 11 foot wide buffer along Owens Avenue, a three foot wide buffer along the north property line, and no landscape buffers along the east and west property lines.
5. An Exception from Title 19.10J is hereby approved, to allow three parking lot trees where six are required.
6. 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 include the following changes from the conceptual landscape plan: The provision of seven 24-inch box trees within the buffer zone along the north property line and the provision of five 24-inch box trees within the buffer zone along the south property line
7. 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.

8. 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).
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. 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.
12. 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.
13. 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.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

15. Complete any remaining construction of the two offsite driveways which service this site and provide sufficient asphalt concrete (AC) paving to allow two way traffic between this site and the two driveways.
16. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the west of this site prior to the issuance of any permits.
17. All private improvements and landscaping 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.

18. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
19. Site development to comply with all applicable conditions of approval for ZON-18203 and all other site-related actions.

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

**PROJECT DESCRIPTION**

This is a request for a Site Development Plan Review for a proposed 3,997 square-foot shopping center with a waiver of the perimeter landscape buffer to allow no perimeter landscaping along the east and west property lines where an eight-foot wide buffer is required; to allow a three-foot wide buffer along the north property line where an eight foot wide buffer is required; and to allow an 11-foot wide buffer along the south property line, where a 15-foot wide buffer adjacent to a public right-of-way is required on 0.44 acres on the north side of Owens Avenue, approximately 333 feet east of Martin L. King Boulevard

The waivers and variance requested by the applicant will allow this property to have vehicular circulation with the commercial development to the east and west of this site, thereby creating a more orderly pattern of development. Staff recommends approval.

A related Rezoning ZON-18203 and a related Variance VAR-18204 will be considered concurrently.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |   |
|---|---|
| <b>Month/date/year</b>  | <b>Action</b>   |
| 11/15/95  | The City Council approved a rezoning of this site to C-1 (Limited Commercial) and a 12,000 square foot office building with one story at a height of 19 feet (Z-79-95).   |
| 01/11/07  | The Planning Commission recommended denial of companion item VAR-18024 and approval of ZON-18203 concurrently with this application.<br><br>The Planning Commission voted 6-1/se to recommend DENIAL (PC Agenda Item #25/ar). |
| <b><i>Pre-Application Meeting</i></b>                                     |   |
| 10/02/06  | Staff explained the requirements for a rezoning, site development plan review, and a variance.  |
| <b><i>Neighborhood Meeting</i></b>  |   |
| 12/14/06  | Staff contacted the applicant and suggested a neighborhood meeting. The applicant stated that he had met with adjacent property owners, anticipated no opposition, and declined staffs suggestion.                            |

| <b><i>Details of Application Request</i></b> |      |
|--|------|
| <b><i>Site Area</i></b>                      |      |
| Net Acres                                    | 0.44 |

| Surrounding Property | Existing Land Use                     | Planned Land Use            | Existing Zoning |
|----------------------|---------------------------------------|-----------------------------|-----------------|
| Subject Property     | Undeveloped                           | C (Commercial)              | R-3             |
| North                | Single family dwellings               | L (Low Density Residential) | R-1             |
| South                | Retail shops/ single family dwellings | C (Commercial)              | C-1 and R-1     |
| East                 | Child care facility                   | C (Commercial)              | R-3             |
| West                 | Convenience store                     | C (Commercial)              | C-1             |

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

**DEVELOPMENT STANDARDS**

*Per Title 19.08, the following standards apply:*

| <i>Standard</i>      | <i>Required/Allowed</i> | <i>Provided</i>  | <i>Compliance</i> |
|----------------------|-------------------------|--|-------------------|
| Min. Lot Size        | 6,500 sf                | 19,166 sf  | Y                 |
| Min. Lot Width       | N/A                     | 137 feet   | Y                 |
| Min. Setbacks        |                         |  |                   |
| • Front              | • 20 feet               | • 76 feet  | • Y               |
| • East Side          | • 5 feet                | • 62 feet  | • Y               |
| • West Side          | • 5 feet                | • 0 feet   | • *N              |
| • Rear               | • 20 feet               | • 8 feet   | • *N              |
| Max. Lot Coverage    | N/A                     | 21 %   | Y                 |
| Max. Building Height | 2 stories/35 feet       | 14 feet 6 inches along north property line; 18 feet in height along the south side of the building, adjacent to Owens Avenue | Y                 |

\*The proposed building does not comply with the setback standards of the C-1 zoning district. This issue is addressed within the related Variance VAR-18204.

***Per Title 19.08.060 the following standards apply:***

| <b><i>Residential Adjacency Standards</i></b> | <b><i>Required/Allowed</i></b> | <b><i>Provided</i></b> | <b><i>Compliance</i></b> |
|---|--------------------------------|------------------------|--------------------------|
| 3:1 proximity slope                           | N/A                            | 8 Feet                 | N/A                      |
| Adjacent development matching setback         | N/A                            | 8 Feet                 | N/A                      |
| Trash Enclosure                               | 50 Feet                        | 52 Feet                | Y                        |

The proximity slope and adjacent development matching setback standards do not apply to this application as the proposed building is less than 15 feet in height in the north portion of the site, and the portion of the building with a height of 18 feet is located 55 feet from residentially developed property.

***Per Title 19.12 the following standards apply:***

| <b><i>Landscaping and Open Space Standards</i></b> |                        |                     |                        |                          |
|--|------------------------|---------------------|------------------------|--------------------------|
| <b><i>Standards</i></b>                            | <b><i>Required</i></b> |                     | <b><i>Provided</i></b> | <b><i>Compliance</i></b> |
|  | <b><i>Ratio</i></b>    | <b><i>Trees</i></b> |                        |                          |
| Parking Area                                       | 1 tree/6 spaces        | 6 trees             | 3 trees                | N                        |
| Buffer: Min. Trees                                 |                        |                     |                        |                          |
| South prop line                                    | 1 tree /30 linear feet | 5 trees             | 4 trees                |                          |
| North prop line                                    | 1 tree/20 linear feet  | 7 trees             | 5 trees                | N                        |
| Min. Zone Width                                    |                        |                     |                        |                          |
| North prop line                                    |                        | 8 feet              | 3 feet                 | N                        |
| South prop line                                    |                        | 15 feet             | 11 feet                | N                        |
| East prop line                                     |                        | 8 feet              | 0 feet                 | N                        |
| West prop line                                     |                        | 8 feet              | 0 feet                 | N                        |

The applicant has requested an exception with the subject Site Development Plan Review (SDR-18202) to allow three parking lot trees where six are required. Since most of the parking spaces are adjacent to property line buffers, staff recommends approval of this waiver.

The applicant has requested a waiver to allow a reduction in the amount of trees to be provided along the north and south property lines. Staff finds that compliance with this portion of the landscape standards would only require the placement of one additional tree along the south property line and two additional trees along the north property line and does not support this waiver.

The applicant has also requested a waiver to allow reductions in the widths of the buffers along all property lines. Staff finds that these reductions would encourage circulation between this site and the properties to the east and west and recommends approval of this waiver.

***Pursuant to Title 19.10, the following parking standards apply:***

| <b><i>Parking Requirement</i></b> |   |                             |                       |                     |                        |                     |                          |
|-----------------------------------|---|-----------------------------|-----------------------|---------------------|------------------------|---------------------|--------------------------|
| <b><i>Use</i></b>                 | <b><i>Gross Floor Area or Number of Units</i></b> | <b><i>Required</i></b>      |                       |                     | <b><i>Provided</i></b> |                     | <b><i>Compliance</i></b> |
|                                   |   | <b><i>Parking Ratio</i></b> | <b><i>Parking</i></b> |                     | <b><i>Parking</i></b>  |                     |                          |
|                                   |   |                             | <b>Regular</b>        | <b>Handi-capped</b> | <b>Regular</b>         | <b>Handi-capped</b> |                          |
| General retail                    | 1,750 sf  | 1/175 sf                    | 10                    |                     |                        |                     |                          |
| Barber shop                       | 3 chairs  | 2 spaces per chair          | 6                     |                     |                        |                     |                          |
| Office                            | 1,200 sf  | 1/300 sf                    | 4                     |                     |                        |                     |                          |
| Restaurant seating area           | 500 sf  | 1/50 sf                     | 10                    |                     |                        |                     |                          |
| Restaurant non-customer areas     | 500 sf  | 1/250 sf                    | 3                     |                     |                        |                     |                          |
| <b>TOTAL</b>                      |   |                             | 33                    | 2                   | 34                     | 2                   | Y                        |

| <b><i>Waivers</i></b>                            |  |  |
|--|--|--|
| <b><i>Request</i></b>                            | <b><i>Requirement</i></b>                        | <b><i>Staff Recommendation</i></b>                     |
| Three parking lot trees                          | Six parking lot trees                            | Approval   |
| Five trees along north property line             | Seven trees along north property line            | Denial the buffer can accommodate two additional trees |
| Four trees along south property line             | Five trees along south property line             | Denial the buffer can accommodate one additional tree  |
| 11 foot wide buffer along Owens Avenue           | 15 foot wide buffer along Owens Avenue           | Approval   |
| Three foot wide buffer along north property line | Eight foot wide buffer along north property line | Approval   |
| No buffer along east property line               | Eight foot wide buffer along east property line  | Approval   |
| No buffer along west property line               | Eight foot wide buffer along west property line  | Approval   |

These waivers will be considered in conjunction with the subject Site Development Plan Review (SDR-18202).

## **ANALYSIS**

The applicant proposes to construct a 3,997 square foot commercial building on this undeveloped site. The narrowness of this site and the applicants intent to allow vehicular circulation between this site and the existing commercial developments to the east and west has resulted in the following instances of non-compliance with city standards:

- 1) The placement of the building eight feet from the rear property line, where the C-1 zoning standards require 20 feet. This issue has been addressed in the related variance;
- 2) An 11 foot wide buffer along Owens Avenue where a 15 foot wide buffer is required. This issue has been addressed as a Waiver within the subject Site Development Plan Review;
- 3) A three foot wide buffer along the north property line where an eight foot wide buffer is required. This issue has also been addressed as a Waiver within the subject Site Development Plan Review; and
- 4) No landscape buffers along the east and west property lines where an eight foot wide buffer is required. This issue has also been addressed as a Waiver within the related Site Development Plan Review.

Staff finds that the submitted site plan is a reasonable attempt to address the issues associated with this parcel and has no objection to the related variance and the waivers.

Staff notes that the amount of trees proposed for the north buffer zone is deficient by two, and the amount proposed for the south buffer is deficient by one. Both of the buffers can accommodate the required amount of trees and staff has included a condition of approval which addresses this issue.

The elevations depict a stucco exterior with signification articulation along the sides and roof of the building.

## **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 uses allowed with the proposed C-1 (Limited Commercial) zoning district are compatible with the commercial uses to the east and west of this site.

**In regard to 2:** The proposed C-1 (Limited Commercial) zone would be in conformance with C (Commercial) General Plan designation.

The applicant has requested a waiver of Title 19 standards to allow three parking lot trees where six are required. Since most of the parking spaces are adjacent to property line buffers, staff recommends approval of this waiver.

The applicant has requested a waiver of Title 19 standards to allow a reduction in the amount of trees to be provided along the north and south property lines. Staff finds that compliance with this portion of the landscape standards would only require the placement of one additional tree along the south property line and two additional trees along the north property line and does not support this waiver.

The applicant has also requested a waiver of Title 19 standards to allow reductions in the widths of the buffers along all property lines. Staff finds that these reductions would encourage circulation between this site and the properties to the east and west and recommends approval of this waiver.

The applicant has also requested a related Variance (VAR-18204) to allow a proposed building zero feet from the side property line where 10 feet is the minimum setback required and eight feet from the rear property line where 20 feet is the minimum setback required.

Staff finds that the narrowness of this site and the applicants intent to allow vehicular circulation between this site and the existing commercial developments to the east and west has resulted in the necessity of this Variance and recommends approval.

**In regard to 3:** Owens Avenue is a 100 foot wide Primary Arterial which will not be adversely impacted by the proposed C-1 (Limited Commercial) zoning district.

**In regard to 4:** The building and landscape materials are appropriate for commercial development in this area of the city.

**In regard to 5:** The waivers and variance requested by the applicant will allow this property to have vehicular circulation with the commercial development to the east and west of this site, thereby creating a more orderly pattern of development.

**In regard to 6:** The proposed use will not compromise the public health, safety, and welfare because the use will be constructed in compliance with applicable city standards.

#### **PLANNING COMMISSION ACTION**

The Planning Commission considered recommending a change to condition #16 to add access from the east. New elevations were shown at the Planning Commission meeting.

#### **NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 17

**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 4

**NOTICES MAILED** 196 by Planning Department

**APPROVALS** 0

**PROTESTS** 0