



## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: JULY 26, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - SDR-21916 - APPLICANT/OWNER: UNGAR INVESTMENTS, LP.**

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

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. 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.
2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 5/11/07, except as amended by conditions herein.
3. A Waiver from Title 19.12 is hereby approved, to allow:
  - a. A five-foot wide landscape buffer where an eight-foot wide landscape buffer is required along a 90-foot portion of the south property line.
  - b. No landscape buffer where an eight-foot wide landscape buffer is required along a 60-foot portion of the south property line.
  - c. No landscape buffer where an eight-foot wide landscape buffer is required along a 67-foot portion of the east property line.
4. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, showing the billboard located on site as removed.
5. Special Use Permit (U-141-94) is hereby expunged with the removal of the billboard.
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.
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.

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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. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

14. Coordinate with the City Surveyor to discuss filing an administrative joining of the two parcels that comprise this site.
15. Remove all substandard public street improvements and unused driveway cuts, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities. Pan driveways on Teddy Drive are acceptable.
16. Landscape and maintain all unimproved rightsofway, if any, on Teddy Drive and Sahara Avenue 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.
17. As appropriate, submit an Encroachment Agreement to the City of Las Vegas or obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Teddy Drive and Sahara Avenue public rightsofway adjacent to this site prior to the issuance of any permits.

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18. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

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

**PROJECT DESCRIPTION**

This requested Site Development Plan Review is for a proposed 3,029 square foot Service Station (without automotive repair) on 0.76 acres at the southwest corner of Teddy Drive and Sahara Avenue. The applicant has requested a waiver to the perimeter landscape buffering standards to allow a five-foot wide buffer where eight feet is required along a portion of the south perimeter and to allow no landscape buffer along a portion of the east perimeter where an 8-foot wide landscape buffer is required.

An existing billboard is located within the proposed Sahara Avenue access of the property entrance and has been conditioned for removal.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
10/05/94	The City Council approved a Special Use Permit (U-0141-94) for a 40-foot high, 14-foot by 48-foot (672 sq. ft. each side) off-premise advertising (billboard) sign on this site subject to a five-year review.
10/06/99	The City Council approved a Special Use Permit and Site Development Plan Review (U-0089-99) for Gasoline Sales in Conjunction with an Existing Convenience Store on this site. The Planning Commission recommended approval.
1/05/00	The City Council approved a Required Five-Year Required Review [U-0141-94(1)] on an approved Special Use Permit that allowed the off-premise advertising sign on this site subject to a two-year review. The Planning Commission recommended denial.
2/20/02	The City Council approved the most recent Extension of Time for the Special Use Permit and Site Development Plan Review [U0089-99(3)] for Gasoline Sales in Conjunction with an Existing Convenience Store on this site, which expired on February 20, 2003.
3/20/02	The City Council approved a Required Two-Year Review [U-0141-94(2)] on an approved Special Use Permit which allowed the off-premise advertising sign on this site subject to a one-year review. The Planning Commission recommended denial.
5/07/03	The City Council approved a Required Two-Year Review (RQR-1740) for an approved Special Use Permit which allowed the off-premise advertising sign on this site subject to a one-year review.

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<b>Related Building Permits/Business Licenses</b>	
3/25/04	Business License #C15-00008: Convenience Store at 2502 Teddy Drive.
3/17/04	Business License #G01-00638: Gaming Restricted at 2502 Teddy Drive.
6/12/00	Business License #L10-00017: Beer/Wine/Cooler Off-sale at 2502 Teddy DR.
<b>Pre-Application Meeting</b>	
4/11/07	A pre-application meeting was held with staff regarding the redevelopment of a convenience store located at 2502 Teddy Drive and the adjacent parcel to the north. Issues regarding Title 19 Design, Parking and Landscaping Standards were discussed, in addition to the current entitlement for beer/wine off-sale maintained by the existing license. Staff also recommended the removal of the billboard situated in the driveway from the Sahara Avenue access.
<b>Neighborhood Meeting</b>	
A neighborhood meeting was not required, nor was one held.	

<b>Field Check</b>	
5/31/07	The Department of Planning and Development conducted a field check and made the following observations: 1. An existing convenience store with restricted gaming and off-premise alcohol sales. 2. A billboard located on the east of the subject site. 3. There is an existing sidewalk and curb cuts fronting the lot to be included in the proposed site development plan review.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.76 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Retail Commercial	Service Commercial	C-1 (Limited Commercial)
North	ROW (Sahara Ave)	ROW (Sahara Ave)	ROW (Sahara Ave)
South	Casino	GTC (General Tourist Commercial)	C-1 (Limited Commercial)
East	Casino	GTC (General Tourist Commercial)	C-1 (Limited Commercial)
West	Apartments	H (High Density Residential)	R-4(High Density Residential)

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

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08, the following standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 feet	150 feet	Y or N
Min. Setbacks			Y or N
<ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	20 feet 10 feet 15 feet 20 feet	16 feet 90 feet 20 feet	
Max. Lot Coverage	50%	20%	Y
Trash Enclosure	Screened & covered	Screened & covered	Y
Mech. Equipment	Screened & covered	Screened & covered	Y

*Pursuant to Title 19.12, the following standards apply:*

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/ 6 Spaces	3 Trees	2	N
Buffer:				
Min. Trees	1 Tree/ 30 Linear Feet	24 Trees	16	N
<b>TOTAL</b>		27 Trees	18	N*
Min. Zone Width	8 Feet		0 feet*	N*

*\*The applicant has requested a Waiver from Title 19.12 to allow no landscape buffer for a portion of the southern and eastern property lines.*

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

<b>Parking Requirement</b>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Service Station (w/o automotive repair)	3,029 SF	1 space per 250 SF of GFA	13	1	18	1	
<b>TOTAL</b>			13	1	18	1	Y
Loading Spaces			1		1		Y

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To allow two parking lot trees	Three trees (1 tree per 6 spaces)	Approval
To allow no landscape buffer for a 60-foot portion of the south property line	Eight-foot wide landscape buffer along the interior lot lines.	Approval
To allow no landscape buffer for a 60-foot portion of the east property line	Eight-foot wide landscape buffer along the interior lot lines.	Approval
To allow a five-foot wide landscape buffer for a 90-foot portion of the south property line	Eight-foot wide landscape buffer along the interior lot lines.	Approval

## ANALYSIS

### •Land Use/Zoning

This subject site is located under the SC (Service Commercial) land use designation and is in the C-1 (Limited Commercial) zoning District. The proposed Service Station (without automotive repair) use is consistent with the General Plan designation and Title 19.04.

### •Site Plan

The site plan shows an approximate 3,029 square foot convenience store located towards the back of the property with canopy-covered self-service pumps centrally

located on site. Vehicular site access is provided on the west from Teddy Drive, an

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80-foot wide Local Street, and from the north on Sahara Avenue, classified as a Major Street. Parking spaces for 18 cars with one of those spaces meeting the accessibility standards as required in Title 19.10.010(G) are located at the north and west of the building.

The site layout is typical for a Service Station (without automotive service) and the applicant has made good effort in maintaining adequate site circulation with a minimum 24-foot wide access consistently provided around the proposed building.

**•Landscape Plan**

The provided landscape plan adequate landscaping at the front of the property but there is a reduction in allowable buffer widths at the southeast corner of the property. All plant species listed on the landscape schedule are appropriate for the native desert climate. A total of 18 24-box trees of four separate species are dispersed throughout the site. In addition to the tree coverage, an abundant amount shrubs and groundcover plants of different species are located throughout the site.

**• Waivers**

The applicant has requested waivers from the perimeter landscape buffer requirements. Specifically, the request is to allow a five-foot wide buffer width along a 90 foot portion of the southern property line and no landscape buffer along the remaining 60 feet of the southern property line where an 8-foot wide buffer is required along an interior property line. Additionally, a waiver to allow no landscape buffer along a 60-foot portion of the eastern property line has been requested where an eight-foot buffer is required. The applicant has requested these Waivers to accommodate the integrated design with existing parking garage located to the south. It is the applicants intent to prevent public access to the rear of the building in order to reduce potential vagrancy and increase security for the customers using the garage on the neighboring property.

The parking lot tree coverage also requires a waiver to allow two trees where Title 19.12 requires a total of three trees. Staff recommends approval for these requested waivers as the applicant has provided additional landscape plants in the provided landscape buffers.

**•Elevations**

The provided elevations are typical of a standard service station with a convenience store. The building façade is finished with standard brick and the window mullions and door frames are finished with a bronze-colored anodized aluminum that is in compliance with Title 19.08.

•**Floor Plan**

The provided floor plans show a single-story convenience store with the main entrance located at the north of the building. There are two restrooms, a backroom, and two office areas located at the west edge of the building. Additionally, a row of coolers are located along the eastern side of the building.

**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 Service Station (without automotive service) is appropriate, in terms of the type and intensity of permissible uses listed for areas under the SC (Service Commercial) land use code. The service station would be an anticipated use at the corner location, adjacent to a neighborhood casino.

- 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 applicant has requested Waivers to the Title 19.12 landscape standards and, as such, the proposed Service Station (without automotive service) is not consistent with Title 19.

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

The proposed development will be accessed from Teddy Drive and Sahara Avenue. Site access is provided primarily by Sahara Avenue, which is adequate in size to meet the moderate requirements set forth by this proposal. No negative impacts to neighborhood traffic are anticipated with this proposal.

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

The building and landscape materials for this proposed Service Station (without automotive service) are appropriate for both the immediate area and the City. In addition, the listed materials are in full compliance with the architectural and landscape requirements set forth by the Title 19.08 Commercial and industrial District Development Standards.

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The proposed commercial Service Station (without automotive service) is neither unsightly nor obnoxious in appearance. A condition has been placed, however, to remove the existing Billboard as the location is not compatible with the site circulation of the proposed development.

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

The proposed Service Station (without automotive service) will be subject to regular inspections for building and licensing; therefore, the development will not compromise the public health, safety or welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 14

**ASSEMBLY DISTRICT** 10

**SENATE DISTRICT** 3

**NOTICES MAILED** 111

**APPROVALS** 2

**PROTESTS** 2