

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: AUGUST 23, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SDR-22540 - APPLICANT: DRAKE REAL ESTATE SERVICES - OWNER: STUART APOLLO

**** 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. Conformance to the conditions for Special Use Permit (SUP-22538) and Variance (VAR-23019) if approved.
3. All development shall be in conformance with the site plan, landscape plan, date stamped 08/08/07, and building elevations date stamped 07/17/07, except as amended by conditions herein.
4. A Waiver from Title 19.12 is hereby approved to allow a zero foot buffer along 135 lineal feet of the west property line where eight feet is required.
5. An Exception from Title 19.12 is hereby approved to allow one tree along the east property line, no trees along the interior property lines directly adjacent to the existing Las Vegas Valley Water District Pump Station property, and nine trees along the north property line.
5. All perimeter and retaining walls shall conform to Title 19.12.
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: (1) Include the use of ten 24-inch box shade trees in place of the California Fan Palm trees proposed within the parking lot finger islands.

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

Public Works

14. Construct all incomplete half-street improvements on Vegas Drive adjacent to this site concurrent with development of this site.
15. 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.
16. Provide a copy of a new, recorded access easement prior to the issuance of any permits in favor of Assessors Parcel #138-23-401-002 to ensure legal, usable access is maintained as the site plan submitted is showing the existing 20-foot access easement granted on the Parcel Map (File 80 Page 46) as being blocked off.

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17. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for the new driveway accessing this site from Vegas Drive.
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. 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. We note that a sign is proposed within the existing Sight Visibility Restriction Zone granted by document #991112:00780, the sign shall be located outside of the S.V.R.Z.
20. 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The project is a request for a Site Development Plan Review for a 14,028 square foot general retail store and Waiver of the perimeter landscape requirements to allow a zero foot buffer along 135 lineal feet of the west property line where eight feet is required on the north side of Vegas Drive, approximately 275 feet east of Rainbow Boulevard. A companion Variance (VAR-23019) for a reduction of the rear yard setback requirement will be considered concurrently with this request.

The project site is a partially developed dirt lot with part of the site currently developed with surface parking. The proposed structure will be directly adjacent to a Las Vegas Valley Water District (LVWD) pump station with a 20-foot LVWD access easement existing along the east property line and an eight foot maintenance easement between the proposed building and parking lot is proposed. Beyond the requested landscape and setback deviations, the proposal will conform to Title 19 commercial development standards. Staff recommendation is approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/07/91	The City Council approved C-1 (Limited Commercial) zoning for the site. (Z-57-91). The Planning Commission and staff recommended approval.
08/21/91	The City Council approved Special Use Permit (U-150-91) to allow a tavern in conjunction with a proposed restaurant and the sale of beer and wine in conjunction with a proposed convenience store. The Board of Zoning Adjustment and Planning staff recommended approval.
09/02/92	The City Council approved a one year Extension of Time (Z-57-91). The Planning Commission and staff recommended approval.
09/16/92	The City Council approved an Extension of Time (Z-57-91). The Planning Commission and staff recommended approval.
05/19/93	The City Council approved a Plot Plan and Building Elevation Review (Z-57-91) for a proposed restaurant/lounge and three fast food kitchens with common eating area on property located on the northeast corner of Vegas Drive and Rainbow Boulevard. The Planning Commission and staff recommended approval.
08/18/93	The City Council approved a one year Extension of Time of (Z-57-91). The Planning Commission and staff recommended approval.
10/21/93	The City Council approved an Extension of Time of (Z-57-91). The Planning Commission and staff recommended approval.
07/06/94	The City Council approved a second Extension of Time of (Z-57-91). The Planning Commission and staff recommended approval.
07/26/07	The Planning Commission voted to hold a Site Development Review (SDR-22540) request in Abeyance to allow the applicant to address Las Vegas Valley Water District adjacency issues.

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<i>Related Building Permits/Business Licenses</i>	
NA	
<i>Pre-Application Meeting</i>	
05/31/07	A Pre-Application Meeting was held with the applicant where Planning staff discussed the site plan relative to landscaping, parking and circulation, off-site public facilities, and residential adjacency issues.
<i>Neighborhood Meeting</i>	
NA	

<i>Field Check</i>	
06/21/07	A site visit was conducted and the project parcel is a flat area partially developed with paved surface parking and associated landscaping. A Las Vegas Valley Water District Pump station is located northeast of the subject parcel and single family residential to the east. Undeveloped residential land lies directly north as well as south across Vegas Drive, and existing commercial structures are situated to the west of the property.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.08 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Partially Landscaped Parking lot and Undeveloped vacant dirt lot	SC (Service Commercial)	C-1 (Limited Commercial)
North	Undeveloped residential lot and vacant undeveloped dirt lot, and Las Vegas Valley Water District Pumping Station	ML (Medium Low Density Residential) and PF (Public Facilities)	U(ML): Undeveloped (Medium Low Residential) and CV (Civic)
South	Vegas Drive Right-of-Way (ROW)	ROW, M (Medium Density Residential), and SC (Service Commercial)	R-E (Residence Estates)
East	Single-family Residential	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development 8 units per acre)
West	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08 the following Commercial Development Standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	NA	NA
Min. Lot Width	100 feet	296 feet	Y
Min. Setbacks			
• Front	20 feet	77 feet	Y
• Side	10 feet	66 and 10 feet	Y
• Corner	15 feet	NA	Y
• Rear	20 feet	9 and 88 feet	N*
Min. Distance Between Buildings	NA	NA	NA
Max. Lot Coverage	50 percent	15 percent	Y
Max. Building Height	NA	22 feet	NA
Trash Enclosure	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

*A companion Variance request will be considered with this application.

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	66 feet	66 feet	Y
Adjacent development matching setback	2 feet	58 feet	Y
Trash Enclosure	55 feet	208 feet	Y

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Pursuant to Title 19.10 the following Commercial and Parking Landscape 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 Trees/6 Spaces	16 Trees	19 Trees	Y
Buffer: Min. Trees	1 Trees/30 Linear Feet along ROW	10 Trees (South P.L.)	10 Trees	Y
	1 Trees/20 Linear adjacent to residential	10 Trees (East P.L.) 14 Trees (West P.L.) 21 Trees (North P.L. and along LVWD property)	1 Trees 6 Trees 9 Trees	N* N N
TOTAL		71 Trees	45 Trees	N
Min. Zone Width	15 Feet along Public Right-of-Way 8 Feet interior lot lines		15 feet 8 to 0 feet	Y N*
Wall Height	8 feet		4 feet with 6 foot fence	Y

*A Waiver of landscape buffer requirements is included in this request.

Pursuant to Title 19.10, the following parking standards apply:

<i>Parking Requirement</i>							
<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	
General Retail Less than 25,000 square feet	14,028 square feet	1 space per 175 square feet	80	5	101	5	Y
SubTotal			80		101		
TOTAL			80		101		Y
Loading Spaces			2		1 bay with dock		Y
Percent Deviation			NA		NA		NA

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Waivers		
Request	Requirement	Staff Recommendation
Zero foot landscape buffer along the east property line for 135 lineal feet.	8 feet	APPROVAL
One tree along the east property line	10 trees	APPROVAL
9 trees along the north property line and along the LVWD property	21 trees	APPROVAL

ANALYSIS

- **General Plan and Zoning**

The project is located within an area designated in the General Plan as SC (Service Commercial) with the underlying zone of C-1 (Limited Commercial) consistent with this land use designation. The project site is surrounded by existing commercial uses to the west, single family residential to the south and east, a Las Vegas Valley Water District pump station to the northeast, and an undeveloped residential parcel to the north.

- **Site Plan**

The site plan depicts a one-story, 14,028 square foot commercial structure with associated hardscape and landscape improvements. Driveway access to the project site will be provided along Vegas Drive and shared access and parking will be provided from a developed commercial parcel directly west of the subject site.

An existing LVWD access easement runs parallel to the east property line and will be partially landscaped however no trees will be placed within this easement. The applicant will also provide a maintenance access easement to the district for the area between the north parking area and the proposed building and will have controlled access with eight foot tall metal gates and adjoining eight foot tall combination CMU block and metal fencing west and south of the pump station property.

- **Landscaping**

A Waiver of perimeter landscaping requirements with regard to buffer width is included in this request to allow a zero foot buffer along the west property line, as access and parking to be shared with the adjacent parcel is proposed. No trees are proposed along the east property line to allow for access to the existing Las Vegas Valley Water District (LVVWD) pump station, which directly abuts the project site. Furthermore, the 20 foot buffer between the pump station property and the proposed commercial building will not contain any vegetation but will have $\frac{3}{4}$ inch rock for ground cover. Staff supports the waivers as the deviations will assist in providing efficient circulation among parcels and access to essential public infrastructure.

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The plant palette includes the use of various trees including 24-inch box Arizona Ash and Sweet Bay trees along the public right-of-way and interior lot lines. California Fan Palm trees are proposed within the parking lot finger islands however Title 19.10 Parking Standards requires these trees to be a minimum of 24-inch box trees. A condition will be incorporated into the project requiring the use of 24-inch shade trees rather than palm trees in parking lot islands.

- **Parking**

A total of 101 parking spaces are proposed including five handicapped parking spaces in conformance with Title 19.04 requirements.

- **Elevations**

Plan elevations depict a modern/contemporary architectural design with the use of earth tone stucco and glass. Existing developed single family residential is situated along the east property line and as such, conformance to the Building Height and Proximity Slope setback requirements of Title 19.08 - Residential Adjacency Standards (RAS) is required. The proposed building is designed to be 22 feet tall along the eastside of the structure and in accordance with RAS requirements will be setback 66 feet from the residential property line.

The following findings must be made for an SDR:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed commercial development will be compatible with adjacent existing commercial, public facility, and residential development within the immediate project 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;**

The project will be consistent with the General Plan designated Service Commercial land use. The requested Waivers of Title 19 with regard to landscaping are supported by staff as the site plan will allow for efficient egress/ingress from existing commercial development and the LVVWD facility.

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

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Existing access to the project site exists via a major thoroughfare on Vegas Road and is capable of accommodating existing vehicle trips associated with the proposed commercial development.

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

With implementation of the project conditions and to the maximum extent feasible considering the requirements of the adjacent pump station, proposed landscaping will generally conform with Title 19.12 and will utilize vegetation appropriate for a desert environs and this area of 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;

The project will implement a modern/contemporary architectural design that will be compatible and complement surrounding development within the area. The exterior of the structures will include the use of earth tone stucco finish and storefront glass. Furthermore, as a non-commercial development adjacent to existing residential properties, the project adequately addresses the RAS standards of Title 19.08 with regard to building height and setbacks.

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

The project site will be subject to inspection to ensure public health and safety are not adversely affected.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 37

SENATE DISTRICT 3

NOTICES MAILED 719 [Mailed with VAR-23019 & SUP-22538]

APPROVALS 0

PROTESTS 9