

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: AUGUST 23, 2007****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-22017 - APPLICANT: GARY SPEER -****OWNER: JACK J. ROSS FAMILY TRUST**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-22018) shall be required.
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 06/28/07, except as amended by conditions herein.
4. Recordation of a reversionary parcel map or administrative joining consolidating the parcels on the site prior to issuance of any building or grading permits is required.
5. A Waiver from LVMC 19.12.040 (Perimeter Landscape Buffering) is hereby approved, to allow a perimeter landscape buffer of eight feet along the southern property line (adjacent to the right-of-way) where 15 feet is required.
6. A Waiver from LVMC 19.12.040 (Perimeter Landscape Buffering) is hereby approved, to allow a perimeter landscape buffer of zero feet along the interior property lines where eight feet is required.
7. A minimum of six, 24-inch box trees shall be planted a maximum of 20 feet on center within the perimeter landscape buffer along East Sahara Avenue (southern property line).
8. An Exception from Title 19.10.010 (J)(11)(c) (Parking Lot Landscaping) requirements regarding the required number of parking area trees is hereby approved, to allow a total of one tree where three trees is the minimum required.
9. 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.

SDR-22017 - Conditions Page Two
August 23, 2007 - Planning Commission Meeting

10. 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.
11. 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).
12. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
14. 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.
15. 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.
16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

17. Coordinate with the City Surveyor to determine whether an Administrative Joining or other map is necessary; comply with the recommendations of the City Surveyor.
18. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

SDR-22017 - Conditions Page Three
August 23, 2007 - Planning Commission Meeting

19. 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 or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.
20. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
21. Landscape and maintain all unimproved rightofway, if any, on Sahara Avenue adjacent to this site. 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.
22. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Sahara Avenue public rightofway adjacent to this site.

SDR-22017 - Staff Report Page One
August 23, 2007 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Site Development Plan Review to site a proposed commercial recreation/amusement (indoor) facility consisting of a 98-foot tall, cylindrical building for the wind tunnel with an attached four floors of public and mechanical areas above ground level parking on 0.39 acres adjacent to the north side of Sahara Avenue, approximately 420 feet east of Sixth Street. The applicant requests a waiver of the perimeter landscape buffer and parking area landscape standards as a part of this request. The property currently consists of three undeveloped parcels of land that are zoned C-1 (Limited Commercial). A Variance (VAR-22018) to allow 28 parking spaces where 63 parking spaces are required will accompany this item.

The applicant indicates that the proposed commercial recreation/amusement (indoor) facility have a recreational demand similar to an indoor basketball court as the nature of the activity limits the number of participants able to use the facility at one time. Due to the waiver requests, the parking variance and the incompatibility of the proposed height with the surrounding area, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/28/07	This item was held in abeyance at the applicants request.
07/26/07	This item was held in abeyance at the applicants request.
08/23/07	A companion item for a Variance (VAR-22018) will be heard concurrently with this item
<i>Related Building Permits/Business Licenses</i>	
There are no active or pending building permits or business licenses for this site.	
<i>Pre-Application Meeting</i>	
04/11/07	A pre-application meeting was held and elements of this application were discussed. It was noted that there would need to be landscape waivers added to the justification letter and that parking should be calculated at one space per 200 square feet of gross floor area.
<i>Neighborhood Meeting</i>	
07/25/06	A neighborhood meeting was held at the Las Vegas Library, 833 North Las Vegas Boulevard. Six members of the public attended. The applicant gave a description of the proposed project. The members of the public had the following questions or comments about the project: <ul style="list-style-type: none"> * Will there be food sales? * Response: Vending machines/snack counter; * What are the hours of operation? * Response: Tentatively 10am - 10pm; * Concern about noise of the operation * Response: The building will be enclosed - limited outside noise;

	<ul style="list-style-type: none"> * Concern about height - could the silo be built underground or partially underground; * Neighborhood plan recommends height limit of 60 feet; * The appearance of the structure isn't consistent with the other commercial businesses; * The business is inappropriate for a professional/retail area - not appropriate for a redevelopment area; * Concern about the parking variance - parking is always a problem; on the north side of Sahara; and * Appearance of the structure is the biggest concern.
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Field Check	
05/25/07	The Department of Planning and Development conducted a site visit that found that the site was a vacant lot with trash, broken glass and other debris. There is a monument sign at the southwest corner that should not be there as it advertises business off property to the rear of the private access drive. There is a billboard immediately to the east of the subject site. At Sahara Avenue there is an existing standard sidewalk fronting the vacant, unimproved lot. The property to the east has a double sidewalk.

Details of Application Request	
Site Area	
Gross Acres	0.39

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	C (Commercial)	C-1 (Limited Commercial)
North	Office, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
South	Multi-Family Residential	CT (Commercial Tourist) Clark County	H-1 (Limited Resort and Apartment) Clark County
East	Retail, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
West	Restaurant, Less Than 2,500 SF	C (Commercial)	C-1 (Limited Commercial)
	Retail, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)

SDR-22017 - Staff Report Page Three
August 23, 2007 - Planning Commission Meeting

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y
Beverly Green/Southridge Neighborhood	X		N*
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	X		Y
Trails		X	n/a
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment		X	n/a
Project of Regional Significance		X	n/a

- * The proposed project does not reflect Strategy 2 as outlined under Issue 2 of the Existing Land Uses section of The Beverly/Southridge Neighborhood Plan which states Any amusement ride proposed for the area east of Las Vegas Boulevard and within this Neighborhood Plans boundaries will be no higher than 50 from the natural grade of the ground.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	n/a	17,100 SF	n/a
Min. Lot Width	100 Feet	114 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	n/a	n/a
• Rear	20 Feet	20 Feet	Y
Max. Lot Coverage	50%	37%	Y
Max. Building Height	n/a	98 Feet	Y
Trash Enclosure	Gated and Screened	Gated and Screened	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.10 and 19.12, the following landscaping 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 *	1 Tree	N

SDR-22017 - Staff Report Page Four
August 23, 2007 - Planning Commission Meeting

Buffer: Min. Trees	1 Tree / 20 Linear Feet	27 Trees	3 Trees **	N ***
Landscaping w/i the ROW	n/a	n/a	2 Trees	n/a
TOTAL		32 Trees	6 Trees	N ***
Min. Zone Width	15 Feet along the ROW		5 Feet	N ***
	8 Feet along the Interior Property Lines		0 Feet	N ***

* Parking is provided for 28 vehicles, but only 17 spaces are uncovered surface parking spaces. This calculation is based only on the open parking lot spaces.

** A condition has been added to this review that a minimum of six 24-inch box trees shall be planted a maximum of 20 feet on center within the perimeter landscape buffer at the right-of-way (southern property line).

*** There is a waiver request as a part of this review to allow an eight-foot perimeter landscape buffer at the right-of-way (south property line) where 15 feet is required. The waiver also requests that perimeter landscape buffers at the interior property lines be allowed to be zero feet wide where eight feet is required. The reduction of landscape buffers would reduce the required number of trees in the remaining buffer area to six trees. If approved, the waiver would grant relief from the city's standard.

Pursuant to Title 19.04 and 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	
Commercial Recreation / Amusement (Indoor) Facility	12,452 GFA	1 Space / 200 SF of GFA	60 Spaces	3 Spaces	26 Spaces	2 Space	N *
TOTAL (including handicap)			63 Spaces		28 Spaces		N *
Loading Spaces	9,701 GFA **	1 Space @ less than 10,000 SF	1 Space		1 Space		Y
Percent Deviation			≈ 55% Reduction in Parking Spaces				

SDR-22017 - Staff Report Page Five
August 23, 2007 - Planning Commission Meeting

- * If approved, the companion Variance (VAR-22018) would allow 28 parking spaces where 63 parking spaces are required, thus granting relief from the city standard.
- ** The gross floor area (GFA) utilized to compute the required number of loading spaces is based off of the public area of the facility as this is the primary area of use that would necessitate the potential need for loading and unloading.

Wall Signs: [West Elevation: Logo Sign and Business Name Sign South Elevation: Logo Sign] *		
Standards	Allowed	Provided
Maximum Number	No Specified Limit	3 Total Signs (2 on West Elev. and 1 on South Elev.)
Maximum Area	20% / Elevation 999.6 SF West Elev. 940.8 SF South Elev. 1,940.4 SF Total for Elevations Indicated	462 SF West Elev. Logo 110 SF West Elev. Business Name 441 SF South Elev. Logo (572 SF on W + 441 SF on S = 1,103 SF Total)
Maximum Projection	2 Feet	None Indicated
Illumination	Internal/External	None Indicated

* All information represented in this table is based on the initial elevations submitted and may not represent the facility's eventual signage program. All signage will be reviewed at the time of sign permit application to ensure that the signage requested meets the sign standards for a C-1 (Limited Commercial) zoning district.

Waivers		
Request	Requirement	Staff Recommendation
To allow an 8-Foot wide landscape buffer along the right-of-way	15 Feet at the ROW	Denial
To allow a 0-Foot wide landscape buffer along the interior property lines	8 Feet at the North, East and West P Ls	Denial

ANALYSIS

The subject site is located on the Southeast Sector Map of the General Plan. The site is designated as C (Commercial) on the Redevelopment Plan Area Map of the General Plan. This category allows for commercial uses that are normally allowed within the O (Office), SC

SDR-22017 - Staff Report Page Six
August 23, 2007 - Planning Commission Meeting

(Service Commercial), and GC (General Commercial) Master Plan land use categories. The proposed use is in conformance with the land use designation. The C-1 (Limited Commercial) zoning district would allow a commercial recreation/amusement (indoor) facility use and is consistent with the existing C (Commercial) Master Plan designation.

The proposed commercial recreation/amusement (indoor) facility is designed to simulate the experience of free falling, as if from a plane, using a large, vertical wind tunnel. In addition to the wind tunnel the facility includes training classrooms, locker rooms, outdoor patio, lounge/observation areas and a gift shop. The proposed commercial recreation/amusement (indoor) facility is a permitted use in the C-1 (Limited Commercial) zoning district.

The site is within the McCarran International Airport Overlay Map portion of the Airport Overlay District. This is an undeveloped site with an overlay height limitation of 175 feet and is in compliance with Title 19.06.080.

As previously noted, the subject site is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The proposed use is in conformance with the Redevelopment Plan. Further, the site is within the Beverly/Southridge Neighborhood Plan area at the southern edge of the plan boundaries. The neighborhood plan is intended to serve as a set of guiding principles for the area. The proposed project does not reflect Strategy 2 as outlined under Issue 2 of the Existing Land Uses section of The Beverly/Southridge Neighborhood Plan which states Any amusement ride proposed for the area east of Las Vegas Boulevard and within this Neighborhood Plans boundaries will be no higher than 50 feet from the natural grade of the ground. This strategy is mainly a response to a concern regarding potential negative impacts on the quality of life caused by the possibility of amusement rides in the neighborhood. Although the proposed project does not follow Strategy 2, it should be noted that the nearest developed residential property within the plan area is over 400 feet away.

The site encompasses three parcels with the proposed building built across the lot lines. For this reason a condition has been added to this review that prior to the issuance of any building or grading permits that a reversionary parcel map or administrative joining consolidating the parcels be recorded.

- **Site Plan**

The site is located adjacent to the north side of Sahara Avenue, approximately 420 feet east of Sixth Street. This site consists of three undeveloped parcels of land at the southern edge of the city's jurisdiction.

The site plan depicts a single building with a driveway entrance and exit located off of a private access easement at the western side of the property. The proposed circulation plan should not impact adjacent properties, and the surrounding street network has sufficient capacity to accommodate the use.

SDR-22017 - Staff Report Page Seven
August 23, 2007 - Planning Commission Meeting

The proposed commercial recreation/amusement (indoor) facility requires 63 parking spaces. The submitted site plan indicates 28 spaces will be provided, including two handicap spaces (one of which is depicted as van accessible). The reduction in the number of required parking spaces by approximately 55 percent has necessitated the companion Variance (VAR-22018) application.

- **Waivers**

The applicant has requested a waiver from the perimeter landscape buffer requirements. Specifically, the request is to allow a eight-foot wide buffer width at the southern property line where 15 feet is require along a street right-of-way and a zero-foot wide buffer along the interior property lines where an eight feet is required. The landscape plan indicates that there will be a 13.5-foot wide landscape buffer within the existing right-of-way.

Additionally, the applicant is requesting to not provide landscape islands and is only providing one tree adjacent to the parking area (near the eastern property line). Staff is recommending denial of these waivers as a part of this review.

- **Landscape Plan**

The landscape plan depicts only the landscape buffer along the southern perimeter of this site. A waiver has been requested to allow zero landscape buffering along the other property lines. There is some landscaping near the building and one tree adjacent to the parking area in the back of the building, near the east property line.

The provided landscape buffer at the southern property line does not meet the tree spacing requirement of a maximum of 20 feet on center separation nor the required number of trees that meet the minimum box size. The perimeter landscape buffer is depicted as having one tree species and various shrubs. Additionally, within the portion of the right-of-way to be landscaped there is a second tree species and more shrubs. There has been a condition added that a minimum of six, 24-inch box trees be planted within the required, non- right-of-way portion of the proposed perimeter landscape buffer at the front of the property (southern property line) along East Sahara Avenue. Due to much of the parking being covered parking there is limited parking lot landscaping.

- **Elevation/Floor Plan**

The building elevations illustrate a building that is essentially two parts. The larger section is the 98-foot tall vertical wind tunnel chamber. This section is cylindrical and made of a grey concrete with yellow and blue accent coloring. The second part of the buildings elevation attaches at the front and is multiple stories of glass and steel. This section is 50 feet high with the first 20 feet used to cover ground level parking. This section tapers back from the front property line to meet the 1:1 step back required for the portion of a building above 35 feet when that building is adjacent to a collector street.

SDR-22017 - Staff Report Page Eight
August 23, 2007 - Planning Commission Meeting

The elevations indicate wall signage in three places. Two signs are indicated on the western elevation, and one sign on the front, southern elevation. All signage depicted meets the wall sign standards for the C-1 (limited Commercial) zoning district. Signage must be reviewed at the time of sign permit application and must adhere to the sign standards outlined in Title 19.14.060(F).

The floor plans show that there will be different activities programmed for each level. The ground level is merely an entrance that conducts visitors to the second floor. The second floor is indicated as the reception/administrative area along with instruction rooms. On the third floor there is a lounge and patio area along with the mens and womens changing areas and the team meeting room. The fourth floor is the roof level of the front portion of the building and provides access to the fifth floor. The fifth floor, which is above the wind tunnel chamber, houses the mechanical equipment.

The proposed commercial recreation/amusement (indoor) facility requires various deviations from standards including waivers of landscaping and a reduction in parking. Further, the buildings height is in conflict with the neighborhood plan for the area that this project is locating in. For these reasons staff is recommending denial of this application.

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 development is not compatible with the adjacent development and development in the area as the buildings height is substantially greater than that of the buildings in the vicinity.

- 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 consistent with the General Plan but is not consistent with Title 19 development, parking, or landscape standards. Further, the proposed development does not adhere to the strategies outlined in the Beverly/Southridge Neighborhood Plan.

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

SDR-22017 - Staff Report Page Nine
August 23, 2007 - Planning Commission Meeting

The proposed commercial recreation/amusement (indoor) facility accesses Sahara Avenue via a private access drive and should not negatively impact the adjacent roadways or neighborhood traffic.

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

The building and landscape material 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;

The proposed commercial recreation/amusement (indoor) facility is not unsightly or obnoxious in appearance; however, due to the height and the type of architectural approach used is not compatible with other development in the area from a building elevation, design characteristics and aesthetic features point of view.

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

The proposed commercial recreation/amusement (indoor) facility is subject to regular building and business licensing inspections and therefore should not compromise the public health, safety or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 163 [Mailed with VAR-22018]

APPROVALS 0

PROTESTS 28