

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 23, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-20218 - APPLICANT: ARBY'S - OWNER: BECKER
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-23144) 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 and landscape plan date stamped: 7/11/07, floor plans and building elevations date stamped: 02/27/07, except as amended by conditions herein.
4. A Waiver from Title 19.12 is hereby approved, to allow:
 - a. No landscape buffer along the north property line where an eight foot buffer is required.
 - b. No landscape buffer along the east property line where an eight foot buffer is required.
 - c. Four-foot, six-inch wide landscape buffer along the south property line where an eight foot buffer is required.
5. An exception to Title 19.10.010J11 to allow no parking lot landscape islands where a minimum of seven 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.

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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 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.
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. Dedicate additional right-of-way adjacent to both parcels comprising this site along Decatur Boulevard in accordance with Standard Drawing 201.1 prior to the issuance of any permits. Coordinate with the RightofWay Section of the Department of Public Works for assistance in the preparation of the appropriate documents.
15. Contact the City Engineers Office at 229-6272 to coordinate the development of this project with the Decatur Boulevard Street Rehabilitation Phase I project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

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16. 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.
17. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for the driveway accessing this site from Decatur Boulevard. A modified pan style driveway shall be allowed for the egress only drive-thru, details to be determined through the Deviation from Standards process.
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. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the north for the drive-thru area prior to the issuance of any permits.
20. 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.
21. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Site Development Plan Review for a proposed 2,291 square foot Restaurant (with Drive-Through) on 0.46 acres at 315 South Decatur Boulevard. The applicant is requesting a Waiver of the Title 19.12 landscaping requirement to allow no landscape buffer along the north property line and a 90-foot portion of the east property line, and a four foot wide landscape buffer along the south property line where an eight foot wide landscape buffer is required.

A Variance (VAR-22867) request to allow a 15-foot front yard setback where the C-2 (General Commercial) Zoning District requires a 20-foot setback accompanies this Site Development Plan Review. A redesigned site plan would feasibly eliminate the need for both the requested Waiver to the perimeter landscape requirements and the Variance. Because the Site Development Plan Review approval is dependent upon approval of the requested Waiver and Variance, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
There are no significant planning actions recorded against this property located at 315 South Decatur Boulevard.	
<i>Related Building Permits/Business Licenses</i>	
10/11/95	Business License #R09-00083: Restaurant seating 45 or more.
<i>Pre-Application Meeting</i>	
7/13/07	A pre-application meeting was held with staff to discuss the applicants proposal to remove an existing restaurant (with drive through) and rebuild a new restaurant at a new location. Staff discussed the issues with not providing landscaping on the subject property, the existing signage located over the right of way, and the necessity for an approved Variance for the building to encroach in the front yard set back prior to approval of a Site Development Plan Review
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
7/23/07	A field check was to the site was made with the following observations: <ul style="list-style-type: none"> • Existing restaurant located to the center-west of property. • There are 31 parking spaces on site. • Existing freestanding sign encroaches onto right-of-way. • No landscape buffers provided.

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Details of Application Request	
Site Area	
Net Acres	0.46 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Drive-through Restaurant	SC (Service Commercial)	C-2 (General Commercial) Zone
North	Restaurant	SC (Service Commercial)	C-2 (General Commercial) Zone
South	Commercial Center	SC (Service Commercial)	C-2 (General Commercial) Zone
East	Parking lot	SC (Service Commercial)	C-2 (General Commercial) Zone
West	ROW (Decatur) & Commercial Center	SC (Service Commercial)	C-2 (General Commercial) Zone

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District - 140 feet	X		Y
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 19.08.050, the following standards apply to the C-2 (General Commercial) Zoning District:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 feet	100 feet	Y
Min. Setbacks			
• Front	20 feet	15 feet	N
• Side	10 feet	5 feet	Y
• Rear	20 feet	115 feet	Y
Max. Lot Coverage	50%	11%	Y
Trash Enclosure	Screened and enclosed	Screened and enclosed	Y
Mech. Equipment	Screened from public view	Not shown	N*

**A condition has been placed requiring all mechanical equipment to be screened from public view.*

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Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	6 Trees/1 Space	7 Trees	0 Trees	N
Buffer: Min. Trees	1 Tree/30 Linear Feet	19 Trees	26 Trees	Y
TOTAL		26 Trees	26 Trees	Y
Min. Zone Width	8 Feet		0 Feet	N

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Restaurant	2,291 Sq. Ft.	1 space: 100 Sq. Ft GFA	23	2	25	2	
SubTotal			23		27		
TOTAL (including handicap)			23		27		Y
Loading Spaces			1		1		Y

Waivers		
Request	Requirement	Staff Recommendation
No landscape buffer along the north property line	Eight foot wide landscape buffer.	Denial
No landscape buffer along a 90-foot portion of the east property line	Eight foot wide landscape buffer	Denial
Four foot wide landscape buffer along the south property line	Eight foot wide landscape buffer	Denial
No parking lot landscape islands	One five-foot landscape island per six cars	Denial

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ANALYSIS

- **Land use/Zoning**

The proposed 2,291 square foot Restaurant (with Drive-Through) is a permitted use in the C-2(General Commercial) Zoning District. The existing restaurant to be replaced has been in this location for the past 36 years without incident.

- **Site Plan**

The provided site plan shows a 100-foot wide-by-207-foot deep lot, fronting Decatur Boulevard. A 2,291 square-foot fast-food restaurant, with a drive-through with stacking for 11 cars, is situated in the northwest corner of the property within the 20-foot front yard setback.

- **Parking**

The required parking for a Restaurant, 2,000 square feet or more (with Drive-Through) is one space per 100 square feet of gross floor area. The applicant has provided 27 spaces (including two handicapped accessible spaces) where Title 19.04 only requires 23 spaces. Because of the shape and arrangement of the lot, the removal of the four extra spaces would eliminate the necessity for the requested Variance (VAR-21344).

- **Landscaping**

The applicant has requested a Waiver to provide no landscape buffers along the north and east property lines and a three-foot, six-inch reduction in the required eight-foot wide buffer along the south property line. Although the applicant is requesting a reduction in landscape buffers, the provided landscape plan has a surplus of trees as the applicant has provided 24-box trees placed 20 feet on center, rather than the required 30-foot spacing.

The provided site and landscape plans show landscape buffers that are located off-site. Since these buffers are not part of the subject site they are unable to be processed as part of this review.

- **Elevations**

The provided elevations show a typical single-story fast-food restaurant. The finished height shown on the plans is 17 feet, four inches. The building materials selected are composed of stucco-clad walls finished in an off-white color with red trim accents and red aluminum mullions.

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- **Floor Plan**

The provided floor plan shows a 2,291 square foot build that is typical of a fast-food restaurant. There is seating for approximately 58 customers in a dining area oriented towards the west of the building. The main entrance is centrally located at the south of the building with the drive-through window situated at the opposite end.

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 Restaurant, 2,000 square feet or more (with Drive-Through) use is a replacement of a similar establishment that has existed at that location since 1971. The applicant is proposing a similar sized establishment that will be relocated towards the street front. The existing C-2 (General Commercial) Zoning district allows for drive-through restaurants.

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 requested use is permitted within the C-2 (General Commercial) Zoning District. The proposed design, however, does not comply with the Commercial Development and Landscape Standards as listed in Title 19.08 and Title 19.12. The applicant has requested a Variance (VAR-23144) to allow a 15-foot front yard setback where Title 19.08.050 required a 20-foot front yard setback. The applicant has also requested a Waiver with this application to no landscape buffers along the north and east perimeter and to allow a reduction in the required landscape buffer width along the south perimeter.

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

Site ingress is provided directly from Decatur Boulevard, classified as a Major Street, with ancillary access to the east property line to the adjacent parking lot. The single-lane drive-through aisle exits directly onto Decatur Boulevard.

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

The selected building materials, and updated palette to the existing restaurant, are typical of a fast-food restaurant. The building is composed of stucco-clad walls finished in an off-white color with red trim accents and red aluminum mullions.

With the requested Waiver to provide no landscape buffers along the north and east property lines and a reduction in the required buffer along the south property line, the proposed landscape plan is significantly deficient in required landscape materials.

The provided site and landscape plans do show inadequate landscape buffers that are located off-site. Since these buffers are not part of the subject site they are unable to be processed as part of this review.

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 relocated Restaurant (with Drive-Through), provides a modern update to the existing Restaurant. The overall design characteristics of the proposed building provide an orderly and aesthetically pleasing environment to the existing location.

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

The relocated Restaurant (with Drive-Through) will be subject to reviews for building permits, business licensing, and health inspections prior to final occupancy. Adequate measures will be taken to protect public health, safety, and general welfare.

<u>ASSEMBLY DISTRICT</u>	34
<u>SENATE DISTRICT</u>	3
<u>NOTICES MAILED</u>	147 [Mailed with SDR-20218]
<u>APPROVALS</u>	1
<u>PROTESTS</u>	0