

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2007****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-23554 - APPLICANT: BULLSEYE COMMERCIAL REAL ESTATE - OWNER: HUGH H. TOLOUI**

**** 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 date stamped 08/21/07 and building elevations date stamped 07/31/07, except as amended by conditions herein.
3. A Waiver from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow a zero foot landscape buffer along the east and north property line, and a 10 foot landscape buffer along the west property line
4. 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.
5. 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.
6. 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).
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

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8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
9. 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.
10. 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.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. 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.
13. Submit a Petition of Vacation for the existing 70-foot wide Public Drainage Easement along the west side of this site granted on Parcel Map File 89 Page 85. The vacation shall record prior to the issuance of any building permits for this site.
14. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for the driveways accessing this site from Cheyenne Avenue and Joann Way. The driveway accessing Cheyenne Avenue shall also receive approval from the Nevada Department of Transportation.
15. 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.
16. Contact the City Engineers Office at 229-6272 to coordinate the development of this project with the ITS Communications Infrastructure Phase 3 project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

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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. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Cheyenne Avenue public rightofway adjacent to this site.
19. 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. This site is within a FEMA designated Flood Zone A.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a 11,000 square foot retail development with Waivers to allow no landscape buffer along the north and east property line where eight feet is required and to allow a ten-foot landscape buffer along the west property where 15 feet is required on 1.36 acres at the northeast corner of Joann Way and Cheyenne Avenue.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/12/99	The City Council approved a Special Use Permit (U-0009-99) for the sale of packaged liquor for off-premise consumption in conjunction with a proposed supermarket on this site.
06/07/00	The City Council approved an Extension of Time of an approved Special Use Permit [U-0009-99(1)] for the sale of packaged liquor for off-premise consumption in conjunction with a proposed supermarket on this site.
01/10/02	The Planning Commission will review a related Special Use Permit (U-0159-01) for Used Motor Vehicle Sales on the subject site.
02/14/02	The Planning Commission denied a Site Development Plan Review (SD-0079-01) for a proposed 4,050 square-foot used motor vehicle dealership on 1.36 acres, located adjacent to the northeast corner of Cheyenne Avenue and JoAnn Way.
04/17/02	The City Council approved the Site Development Plan Review (SD-0079-01) for a proposed 4,050 square-foot used motor vehicle dealership on 1.36 acres, located adjacent to the northeast corner of Cheyenne Avenue and JoAnn Way. The site was never developed; therefore, the Site Development Plan Review expired on 04/17/04.
<i>Related Building Permits/Business Licenses</i>	
06/02/04	A code violation #15879 was opened on the site as it is being used as a dumping ground. The violation was resolved on 06/09/04.
<i>Pre-Application Meeting</i>	
07/18/07	A pre-application meeting was held with the applicant. The applicant was informed that the proposal would require a Site Development Plan Review with Waiver to landscape buffer standards, which staff could support as they will be utilized for access purposes. Submittal requirements were then discussed.

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<i>Field Check</i>	
08/09/07	A field check was made on site. With patches of piles of dirt strewn over this parcel and no dumping sign posted, assumption is that this site has a history of illegal dumping. There is a gradual rising of grade as you move towards the fast food establishment to the east of the parcel along Rancho.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.36

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
North	Autoshop	GC (General Commercial)	C-2 (General Commercial)
South	Shops, Car Wash	SC (Service Commercial)	C-2 (General Commercial), C-1 (Limited Commercial)
East	Restaurant, Drive-through	GC (General Commercial)	C-2 (General Commercial)
West	Duplex	M (Medium Density Residential)	R-4 (High Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Centennial Hills Sector Plan	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

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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 Width	100 Feet	272 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	10 Feet	15 Feet	
• Corner	15 Feet	20 Feet	
• Rear	10 Feet	187 Feet	
Max. Lot Coverage	50%	18.5 %	Y
Max. Building Height	N/A	30 Feet	Y
Trash Enclosure	Walled, gated	Walled, gated	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.12, the following 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 Tree/ 6 Spaces	13 Trees	16 Trees	Y
Buffer: Min. Trees adjacent to Commercial	1 Tree/ 30 Linear Feet	9 Trees	9 Trees	Y
Buffer: Min. Trees adjacent to Residential	1 Tree/ 20 Linear Feet	11 Trees	11 Trees	Y
TOTAL		33 Trees	36 Trees	Y
Min. Zone Width (interior-east)	8 Feet		Zero Feet	N*
Min. Zone Width (interior-north)	8 Feet		Zero Feet	N*
Min. Zone Width (R.O.W. east)	15 Feet		Ten Feet	N*
Min. Zone Width (R.O.W. -south)	15 Feet		15 Feet	Y
Wall Height	8 Feet		Not provided	N/A

**The applicant has requested a Waiver of Title 19.12 Landscape Standards*

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Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Restaurant, more than 2,000 sq. ft. (with Drive Through)	5,096 SF	1:100 SF of GFA	51				
Restaurant, more than 2,000 sq. ft. (without Drive-Through)	2,700 SF (1,620 SF public seating, 1,020 SF remaining)	1:50 SF of Public Seating, 1:200 SF of total remaining GFA	38				
Retail	8,300 SF	1:175 SF of GFA	48				
SubTotal			137	5	137	5	Y
TOTAL			137		137		Y
Loading Spaces			2		2		Y

Waivers		
Request	Requirement	Staff Recommendation
A Waiver to allow no landscape buffer along the north and east perimeter.	Eight feet of perimeter landscape buffer is required	Approval
A Waiver to allow 10 feet of landscape buffer along the west perimeter.	15 feet of perimeter landscape buffer is required	Approval

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ANALYSIS

•Zoning

The site is zoned C-2 (General Commercial), which is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. The C-2 District is consistent with the General Commercial category of the General Plan.

The applicant is proposing 8,300 square feet of retail and 2,700 square feet of restaurant on the site. This proposal is consistent with the C-2 (Service Commercial) zoning and GC (General Commercial) General Plan Designation.

• Site Plan

The site is currently vacant. The applicant proposes an 11,000 square commercial building on the south portion of the property along Cheyenne Avenue with parking located to the north of the building. Of the 11,000 square foot commercial building, 8,300 square feet is designated for retail and the other 2,700 square feet designated for a restaurant.

There are two ways to access the site. An access to the site is provided by one 24-foot wide driveway on Joann Way, a fifty-foot wide local street, to the west of the parcel. The other way of access to the site is a shared 24-foot wide driveway off of Cheyenne Avenue, a 90-foot wide Primary Arterial, as designated in the Master Streets Plans and Highways.

The parcel is one portion of three parcels of a larger parcel map, which includes two existing drive-through restaurants that total 5,096 square feet. A cross access agreement has been recorded for the three parcels. The proposed commercial establishment, including the two drive-through restaurants, requires 137 parking spaces. The submitted site plan indicates 137 spaces will be provided, including 17 compact spaces; therefore, the site meets Title 19.10 Parking Standards.

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•Landscape Plan

Pursuant to Title 19.12 Landscaping Standards the applicant is required to provide a 15 foot landscape buffer along Cheyenne Avenue with trees provided every 30 linear feet. The applicant is proposing a 15 foot landscape buffer on a portion of the south property line where 15 feet is required, a zero-foot landscape buffer along the east property line where eight feet is required, a 10-foot landscape buffer along the west property line where fifteen feet is required and a zero foot landscape buffer along the north property line where 10 feet is required. The applicant is providing less perimeter landscaping than is required and therefore is requesting a waiver.

Pursuant to Title 19.10 Parking Standards the applicant is required to provide one landscape island per six spaces. The applicant provides 16 trees where 13 trees are required. The applicant meets these standards.

•Waivers

The applicant is requesting Waivers to allow no landscape buffer along the north and east property line where eight feet is required and to allow a 10-foot landscape buffer along the west property where 15 feet is required.

Staff can support the request for a landscape Waiver on the east, west, and north portion of the site, as these areas necessitate access.

•Elevation

The elevations depict a one-story structure of varying materials. The overall height of the building is 30 feet. Elevations indicate stucco, aluminum storefront, metal trellises, standing seam metal roof, and architectural tube steel accents/columns.

•Floor Plan

The rectangular building positioned in the south portion of the site is divided into two uses: an 8,300 square-foot retail establishment and a 2,700 square-foot restaurant.

FINDINGS

The following findings must be made for an SDR:

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

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The proposed general retail and restaurant will be within the range of uses permitted in the C-2 (General Commercial) zoning of the site. In addition, the site and area would benefit from this development, as the vacant lot has a history of illegal dumping activity.

- 2. The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;**

The proposed development is generally consistent with the General Plan and Title 19. The perimeter landscape waivers that were requested were acceptable, as the applicant complied with access throughout the site.

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

Site access from Cheyenne Avenue, a 90-Foot Primary Arterial designated by the Master Plan of Streets and Highways, is sufficient to meet the access needs of the proposed zoning district.

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

The building and landscape materials will be appropriate for the area.

- 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;**

This proposal is harmonious and compatible with development in the area.

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

The proposed development will be subject to inspections for Certificate of Occupancy, and therefore the development will not compromise the public health, safety or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 2

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 118

APPROVALS 0

PROTESTS 3