

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2007****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-23581 - APPLICANT: DRAKE REAL ESTATE SERVICES****- OWNER: PECOS PARTNERS LLC**

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

1. Conformance to the conditions for Special Use Permit (SUP-23593), Variance (VAR-23588) and Variance (VAR-23585) if approved.
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 08/16/07; and landscape plan, and building elevations date stamped 07/31/07, except as amended by conditions herein.
4. A Waiver from Title 19.12 is hereby approved to allow a zero foot landscape buffer where eight feet is required along the entire east property line.
5. 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, to reflect the changes herein: (A) Provide one additional handicapped accessible parking space in conformance with Title 19.10 Parking Standards.
6. The area proposed to be undeveloped shall be covered with decomposed granite or similar rock material for control of dust and particulates.
7. Future development of the proposed undeveloped area shall require a separate Site Development Plan Review.
8. All existing landscaping along the perimeter of the undeveloped area shall remain and be regularly maintained and free from debris.

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9. Prior to issuance of the Building Permit, a revised Site Plan shall be submitted to the Planning and Development Department depicting a buffer/barrier to be installed along the eastern border of the undeveloped area to deter unauthorized use of the site and shall comprise of low lying bushes, bollards, or fencing acceptable to the Planning and Development Department and in conformance with Title 19.
10. 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.
11. 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.
12. 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).
13. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
14. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
15. 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.
16. 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.
17. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

18. 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.
19. Construct full width asphalt paving at all driveways accessing this site and sufficient onsite paving to facilitate 2-way traffic.
20. All landscaping and private improvements installed with this project, including the monument sign at the western most driveway, 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.
21. 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 Owens Avenue.
22. 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.
23. Site development to comply with all applicable conditions of approval for the Pecos & Owens commercial subdivision and all other applicable siterelated actions.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The project is a request for a Site Development Plan Review for a proposed 14,028 square foot General Retail Store with a Waiver of the perimeter landscape standards to allow a zero foot landscape buffer where eight feet is required along the east property line on 2.57 acres adjacent to the south side of Owens Avenue, approximately 295 feet west of Pecos Road. Companion requests that shall be considered concurrently include Variance (VAR-23585) for residential adjacency, a Variance (VAR-23588) for parking, and a Special Use Permit (SUP-23593) for liquor operations.

The project will not meet the Proximity Slope and Building setback requirements of Title 19.08 Residential Adjacency Standards (RAS). Additionally, one acre of the commercial site will be undeveloped and is an area that could be constructed as parking. Staff recommendation is denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/22/61	The Board of City Commissioners approved a rezoning (Z-0007-61) of this site to C-1 (Limited Commercial).
04/19/00	The City Council approved a Variance (V-0101-99) for the east portion of this parcel to allow one building to have a 20 foot side yard setback where residential adjacency standards require a minimum 69 foot side yard setback, and to allow another building to have a 20 foot rear yard setback where residential adjacency standards require a minimum 60 foot rear yard setback.
04/19/00	The City Council approved a Special Use Permit (U-0151-99) to allow the off-premise sale of packaged liquor in conjunction with the Sav-On drug store located in the east portion of this parcel.
04/19/00	The City Council approved a Site Development Plan Review [Z-0007-61 (1)] for a proposed 29,647 square foot retail shopping center. The existing Sav-On drug store was the only structure constructed under this approval.
01/02/02	The City Council accepted a Withdrawal without Prejudice associated with a request for a Site Development Plan Review [Z-0007-61(2)] for a proposed 19,326 square foot commercial retail center on the southwest corner of Pecos Road and Owens Avenue.
<i>Related Building Permits/Business Licenses</i>	
NA	

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Pre-Application Meeting	
06/27/07	A Pre-Application meeting was held where Planning Staff advised the applicant of the zoning and application requests required for a Site Development and associated deviations from residential adjacency and parking.
Neighborhood Meeting	
NA	
Field Check	
08/06/07	A site visit was performed and the subject parcel is a partially developed lot with an existing utility island with boxes and paved driveway. Existing landscaping is along the perimeter of the entire parcel and includes palm trees.

Details of Application Request	
Site Area	
Net Acres	2.57 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped dirt lot with utility boxes	SC: Service Commercial	C-1: Limited Commercial
North	Clark County Single family residential	Clark County Residential	Clark County - Residential
South	Single family residential	L: Low Density Residential	R-1: Single family residential
East	Commercial	SC: Service Commercial	C-1: Limited Commercial
West	Single family residential	L: Low Density Residential	R-1: Single family residential

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	NA
Special Districts/Zones	Yes	No	Compliance
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

The following Title 19.08 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	262 feet	Y
Min. Setbacks			Y
• Front	20	81	Y
• Side	10	28	Y*
• Rear	20	50	
Min. Distance Between Buildings	NA	NA	NA
Max. Lot Coverage	50 percent	13 percent	Y
Max. Building Height	NA	30 feet	NA
Trash Enclosure	50 feet from Residential	55 feet	Y
Mech. Equipment	Screened	Screened	Y

*Project is subject to Title 19.08 Residential Adjacency Standards for Proximity Slope/Building Setback.

The following Residential Adjacency Standards apply in accordance with Title 19.08:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	73 feet	50 feet	N*
Adjacent development matching setback	29 feet	50 feet	Y
Trash Enclosure	50 feet	55 feet	Y

The following Commercial Landscape Standards apply in accordance with Title 19.12:

<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	12 Trees	12 Trees	Y
Buffer: Min. Trees	1 Trees/ 30 Linear Feet along public right-of-way	12 Trees	3 Trees (9 pre- existing)	Y*
	1 Trees/20 Linear Feet along interior lot lines	49 Trees	12 Trees (13 pre-existing to remain)	N**
TOTAL		73	27	N
Min. Zone Width	15 feet along public right-of-way		20 feet	Y
	8 feet interior lot lines		8 feet	N
Wall Height	8 Feet		8 Feet	Y

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*Perimeter landscaping exists along the north, south and west property lines.
**A Waiver of Perimeter landscaping along the east property line is requested.

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>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail more than 3,500 square feet	14,028 square feet	1/175	80	4	71	3	N*
SubTotal			80		71		
TOTAL			80		71		N
Loading Spaces			2		2 (truck bay)		Y
Percent Deviation			13%		13%		

*A Variance for parking is requested.

Waivers		
Request	Requirement	Staff Recommendation
Zero foot landscape buffer along the east property line	8 feet	DENIAL

ANALYSIS

General Plan and Zoning

The project site is designated as SC (Service Commercial) and the underlying zone is C-1 (General Commercial) consistent with the General Plan Land Use. The project site borders an existing retail use to the east, single family residential uses to the south and west, and single family residences within Clark County jurisdiction to the north. The subject parcel is part of the Pecos Owens Commercial Subdivision.

Site Plan

The site plan proposes a 14,028 square foot general retail structure (Neighborhood Grocery Store) with related hardscape improvements. The project proposes development upon 1.5 acres of the property 2.5 acre property with the remaining area to be undeveloped. Pursuant to Title 19.04 for a General Retail Use, the project requires 80 parking spaces but is proposing 71 spaces (13 percent deficiency). A Variance (VAR-23588) shall be considered concurrently with this request.

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Landscape Plan

Landscaping buffers approved under the previous commercial site development [Z-0007-61(1)], exist along the north, west, and south property lines and will either be replaced, enhanced, and or maintained in the current design. New landscaping is proposed along the southern boundary and three additional shade trees will be installed within the buffer that is parallel to the area of development along Owens Avenue. Parking lot landscaping is proposed and is designed in conformance to Title 19.10. Approximately one acre of the 2.57 acre site will be left undeveloped as a dirt lot and preexisting landscaping will remain along a segment of the north property line, along all of the west property line, and a segment of the south property line.

Plan Elevations

The plan elevations for the proposed one-story structure are designed to use stucco over CMU block, cultured stone products, metal storefront window and door system with insulated glazing. A contemporary architectural design is proposed and will be of earthtone colors.

Residential Adjacency Standards

The proposed non-residential use will be sited next to an existing single family residential development to the south. A Proximity Slope Analysis was prepared in accordance with Title 19.08 Residential Adjacency Standards (RAS) and the cross sections indicate the project site elevation will be higher and will differ from the off-site residential pads by as much as 2.22 feet. The south building elevation is proposed to be 24 feet in height. The structure will be adjacent to Lot 33 (off-site residential) and will be within 50 feet of the residential property line where a 73 foot RAS setback is required. No architectural features such as stepbacks or articulation, are proposed which could help to offset the bulk and scale and potential visual effects that may result. Companion item Variance (VAR-23585) shall be considered with this request.

Environmental Assessment

A related Special Use Permit (SUP-23593) will be considered with this development proposal. In accordance with Assembly Bill 493 and the Southern Nevada Regional Policy Plan, a SUP request proposed on property located within 500 feet of an adjacent municipality is considered a project of Project of Regional Significance. A Development Impact Notice and Assessment (DINA) was prepared and is available for review at the Planning and Development Department offices.

FINDINGS

The following findings must be made for an SDR:

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

The project will be located directly west of an existing retail structure and single family residential development north, south, and west. The bulk and scale of the project combined with the requested deviation from Title 19.08 RAS building setback requirement will result in a project uncomplimentary with existing residential uses. Furthermore, one acre of the 2.57 acre site will remain undeveloped yet the project requests a reduction in required parking which could be used to meet Title 19.10 Parking.

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 does not conform to the General Plan and underlying commercial zone. The proposal inadequately addresses the Residential Adjacency Standards (RAS) of Title 19.08.

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

Vehicular access will be provided along Owens Avenue and the corridor is capable of accommodating associated auto activity.

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

The proposal includes the use of building materials that will help enhance community aesthetics along with ornamental vegetation appropriate for a desert environs and 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;

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Building elevations indicate a structure design that features modern architectural elements that are consistent with revitalization efforts of the General Plan. Pursuant to Title 19.08 Residential Adjacency Standards (RAS), a Proximity Slope Analysis was prepared which determined the 24 foot tall structure will extend above the 3:1 slope envelope. The project will not conform with the required 73 foot RAS building setback at the south property line and is considered incompatible with adjacent residential uses.

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

The development will be subject to regular inspection and will not result in detrimental effects to human health and public safety.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5

ASSEMBLY DISTRICT 28

SENATE DISTRICT 2

NOTICES MAILED 965 (Mailed with SUP-23593)

APPROVALS 1

PROTESTS 2