

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: SEPTEMBER 27, 2007****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-23323 - APPLICANT: THE CW GROUP -****OWNER: TOROS YERANOSIAN**

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

1. Conformance to the conditions for Rezoning (ZON-1364) 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, landscape plan, and building elevations, date stamped 07/19/07, except as amended by conditions herein.
4. A Waiver from 19.12.040 is hereby approved, to allow a 10-foot wide front landscape buffer where 15 feet is the minimum required.
5. 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, substitute proposed trees and shrubs shown on site plan with plant material suitable for the desert environment.
6. 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.
7. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect a minimum six-foot solid wall along the north property line abutting the residential development. The wall height shall be measured from the finished grade of the property enclosed by the wall.

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8. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect the addition of two 24-inch box trees in the end row planters on the west edge of the parking lot; replacement of deciduous trees abutting residential development with evergreen trees; a minimum of four (4) five-gallon shrubs for each 24-inch box tree within provided planters along the perimeters; and a minimum of five (5) five-gallon and five (5) one-gallon shrubs for each 24-inch box tree provided within parking lot planter fingers.
9. 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).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. 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.
13. 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.
14. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

16. Construct all incomplete half-street improvements on Rancho Drive adjacent to this site concurrent with development of this site.

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17. 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. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
18. 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 Rancho Drive. The driveway shall be designed as shown on the submitted civil improvement plans (L-19734) on file with the City. This driveway shall also receive approval from the Nevada Department of Transportation.
19. 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.
20. Coordinate with the Collection Systems Planning Section of the Department of Public Works to determine an appropriate public sewer connection for this site. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
21. Contact the City Engineers Office at 229-6272 to coordinate the development of this project with the ITS Communications Infrastructure Phase 2 project, the Rancho Painted Desert Sewer Rehabilitation Project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
22. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to the submittal of a Tentative Map or civil improvements drawings for this site, whichever comes first. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
23. Landscape and maintain all unimproved rightofway on Rancho Drive 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.
24. Obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for all landscaping and private improvements in the Rancho Drive public right-of-way adjacent to this site.

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25. 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 recordation 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a 28,905 square foot commercial retail building and a waiver to allow the front landscape buffer to be 10 feet where 15-feet is required, located on 2.01 acres at 4600 North Rancho Drive. This request is to replace an expired Site Development Plan Review for the same project which was approved on March 3, 2005, with a two-year expiration date.

According to the applicant, the project is consistent with the General Plan designation and zoning for the property and will comply with all governing city codes and regulations, except for the reduction of the required 15-foot front landscape buffer to 10 feet between the building and the sidewalk. Because the lot is long and narrow, it is not feasible to fit this buffer in with both the required landscaping and parking, therefore, a 10-foot landscape buffer is needed.

All Site Development Plans are required to meet or exceed the minimum landscaping requirement. A 15-foot wide landscape front landscape buffer is specified for all commercial development in order to enhance the building, the streetscape and contribute to the overall attractiveness of the city. There is adequate room to meet this requirement by making a reduction in the proposed building size which would allow for the 15-foot wide front landscape buffer. By building into the landscape area and not meeting the required landscape development standards staff finds the site is being overbuilt and is unable to support this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/02/03	The City Council approved a General Plan Amendment (GPA-1363) to amend portions of the Centennial Hills Sector Plan and the Southwest Sector Map from GC (General Commercial), SC (Service Commercial) and DR (Desert Rural) to GC (General Commercial), O (Office), PF (Public Facility), ML (Medium-Low Density Residential) and DR (Desert Rural) along or near Rancho Drive. The Planning Commission and staff recommended approval.
04/02/03	The City Council approved a Rezoning (ZON-1364) from C-2 (General Commercial), R-E (Residence Estates), R-MHP (Residential Mobile/Manufactured Home Park), and U (Undeveloped) to C-2 (General Commercial), C-1 (Limited Commercial), O (Office), C-V (Civic), R-E (Residence Estates), R-1 (Single-Family Residential), and U (Undeveloped) along or near Rancho Drive. The Planning Commission and staff recommended approval.

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07/07/04	The City Council approved a General Plan Amendment (GPA-4072) from O (Office) and GC (General Commercial) to MLA (Medium-Low Attached Density Residential), a Rezoning (ZON-4202) from O (Office), R-E (Residence Estates) and C-2 (General Commercial) to R-PD11 (Residential Planned Development - 11 Units Per Acre) and a Site Development Plan Review (SDR-4204) for a proposed 116-unit single-family attached residential development on 10.95 acres to the north of the subject property. The Planning Commission recommended approval. Staff recommended denial.		
03/03/05	The City Council approved a Site Development Plan Review (SDR-5774) for a proposed 30,000 Square-Foot Commercial / Retail building and a waiver of foundation planting on property located on the east side of Rancho Drive and 1,160 feet north of Torrey Pines Drive. (SDR EXPIRED 03/2007)		
09/13/07	The Planning Commission held in abeyance a Site Development Plan Review (SDR-23323) to replace the expired SDR-5774.		
<i>Related Building Permits/Business Licenses</i>			
02/14/2007	Civil Plan Review of Land Development Reference number 19734. Sixteen comments were provided.		
<i>Pre-Application Meeting</i>			
05/21/2007	Discussed expiration of previous SDR-5774. Parking requirements. Application and submittal requirements for new SDR.		
<i>Neighborhood Meeting</i>			
A neighborhood meeting is not required nor was one held.			
<i>Field Check</i>			
08/08/2007	Undeveloped lot adjacent to multi-family and commercial to north; undeveloped parcels to east and south		
<i>Details of Application Request</i>			
<i>Site Area</i>			
Net Acres	2.01		
Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
North	Multi- Family Units and commercial development	GC (General Commercial) and MLA (Medium Low Attached)	GC (General Commercial) under Resolution of Intent to R-PD11 (Residential Planned Development 11 Units Per Acre)
South	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
East	Undeveloped	SC (Service Commercial)	C-2 (General Commercial)
West	Undeveloped	GC (General Commercial)	C-2 (General Commercial)

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The subject property is designated GC (General Commercial) in the Centennial Hills Sector Plan. This land use category allows intense retail, service, wholesale, office and other general business uses not generally considered compatible with adjoining residential areas without significant transition. The existing C-2 (General Commercial) zoning district and proposed office and retail uses are compatible with the GC (General Commercial) designation

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Trails	X	
Development Impact Notification Assessment		X
Project of Regional Significance		X

A Pedestrian Path/Trail adjacent to this site on Rancho Drive is required along the west side of the subject property adjacent to Rancho Drive as depicted in Exhibit 1 of the Transportation Trails Element of the Las Vegas 2020 Master Plan. The site plan conforms to the Trails Element.

DEVELOPMENT STANDARDS

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	2.1 acres	N/A
Min. Lot Width	100 Feet	206 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	N/A	N/A	N/A
• Rear	20 Feet	58 Feet	Y
Max. Lot Coverage	50 %	31 %	Y
Max. Building Height	none	29 Feet	Y
Trash Enclosure	Walled, gated, roofed	Walled, gated, roofed	Y
Loading Zone	2 spaces	2 spaces	Y
Mech. Equipment	Screened	Parapet screened	Y

The project meets all applicable Commercial Development Standards for the C-2 (General Commercial) zoning district.

Title 19.08.060

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope (Building Height: 19 Feet)	57	75	Y
Trash Enclosure	50 Feet	N/A	N/A

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As Per Title 19.12.040

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/6 Spaces	20 Trees	19 Trees	N
Buffer:				
• Min. Trees (Rancho Dr.)	1 24 Box Tree/20 Linear Feet	11 Trees	7 Trees	N
• Min. Trees (Sides/rear adj. to commercial)	1 24 Box Tree/30 Linear Feet	27 Trees	25 Trees	N
• Min. Trees (adj. to residential)	1 24 Box Tree/20 Linear Feet	30 Trees	27 Trees	N
TOTAL		68 Trees	59 Trees	N
Min. Zone Width	15 Feet along Rancho; 8 Feet sides/rear		10 Feet along Rancho; 8 Feet sides/rear	N
Wall Height	6 Feet max adjacent to commercial; 6 Feet min. adjacent to residential		8 Feet along north side	Y

The landscape plan shall be revised to show the missing trees in the parking lot, and in the perimeter planter areas. It must also indicate the required number of five-gallon and one-gallon shrubs to be provided within all planters.

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	
Commercial / Retail (more than 25,000 S.F)	28,905	1/250	111	5	112	5	
SubTotal							
TOTAL (including handicap)			116		117		Y
Loading Spaces			2				

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Waivers		
Request	Requirement	Staff Recommendation
10 Foot Wide Front Landscape Buffer	15 Feet	Denial

ANALYSIS

- **Use**

The commercial uses proposed for the site are appropriate, as commercial and office development is proposed for most of the surrounding area, and the building is appropriately sited away from planned single-family residential development to the north. The site is essentially code-compliant, with the exception of the waiver of foundation landscaping. The placement of the building allows for parking and external landscaping to be installed as required.

- **Site Plan**

The site encompasses a long narrow parcel on the east side of Rancho Road. Access to the property is from one 38-foot wide driveway on Rancho Drive. A single-story multi-tenant building for office and commercial uses is proposed for the subject parcel. The proposed building is sited 10-feet from the south property line to provide parking in front of the proposed building, and along the north and east property lines. An eight-foot tall wall is indicated on the north side of the site and will provide separation of the commercial project and the existing single family attached development. At the entrance to the site a free-standing sign is shown on the site plan. Elevations of the entrance sign were not submitted with the application. Signage for this project is not included in this review. Adjacent to Rancho Drive the required Pedestrian Path/Trail is shown as a five-foot landscape buffer adjacent to the right-of-way, a 10-foot Public Transportation Path and five-feet of the front landscape planter area.

- **Landscaping**

Landscaping is shown on the perimeter of the parcel. The side and rear planter areas are adequate in width but do not contain the correct number of trees and shrubs. On the north side of the site trees must be spaced 20-feet on center to provide a buffer between the proposed commercial building and the single family attached housing to the north. The front landscape planter is shown as 10-feet wide where 15 feet is required and is deficient in the number of trees and shrubs indicated on the site plan. A waiver of the width of the front landscape planter has been requested. There appears to be adequate room to provide the additional five-feet of landscape area without impact to the overall site.

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Jacaranda trees, California Pepper trees and Queen Palms are not suitable trees for the desert environment, as they are unable to withstand the temperature extremes. California Pepper trees have shallow, invasive roots which may lift paved areas and crack walls. Replacements should be trees which are sustainable in the desert environment. Mesquites, Chitalpa tashkentensis, Pistacia chinensis, Acacia aneura and Acacia stenophylla, are a few of the trees able to withstand desert conditions and should be considered. The Queen Palm is unable to withstand winters of extended cold temperatures and should be replaced with a hardier type of palm tree, or preferably a shade tree. Suitable evergreen trees would include the Mondel Pine, Aleppo Pine and the Swan Hill Olive. Trees abutting the single-family residential development should be replaced with evergreen trees. A condition of approval addresses these deficiencies.

- **Elevations**

The front of the long building is punctuated by pop-out entrance archways for several of the retail spaces. A varied roofline with parapet is shown for screening of mechanical equipment. The exterior is finished with earth-toned stucco and stone pilaster bases. Decorative elements consist of colored tile and metal. The building will be split into 14 tenant spaces of varying sizes.

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 retail and commercial uses proposed for the site are appropriate, as commercial and office development is proposed for the majority of the surrounding area. The building meets Residential Adjacency Standards.

- 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;**

With implementation of conditions of approval, the proposed retail/commercial development is consistent with Title 19, Landscape, Wall and Buffer Standards, the Las Vegas 2020 Master Plan Transportation Trail Element, and is in compliance with the General Plan.

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

The access to the site, which is from Rancho Drive, a 200-foot Primary Arterial as indicated by the Master Plan of Streets and Highways, should not have a negative impact on neighborhood traffic. Circulation around the site is adequate.

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

The stone, stucco and colored metal materials are acceptable exterior materials for this area. The plant materials shown on the submitted landscape plan are not appropriate for the temperature extremes of the desert environment. Desert-appropriate plants should be selected to replace the proposed plant palette. Evergreen trees, such as the Mondel Pine are suitable as screening trees between the proposed development and the abutting residential development.

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 submitted elevations show varied rooflines and contain aesthetically pleasing architectural features which should make this an attractive development overall. These features are appropriate for the area.

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

The project is subject to regular inspection by public agencies for permitting and licensing, thereby safeguarding the welfare of the public.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 260

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APPROVALS 1

PROTESTS 1