

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: NOVEMBER 29, 2007****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-24211 - APPLICANT/OWNER: DARRELL E. JACKSON, ET AL.**

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

1. Conformance to the conditions for Rezoning (ZON-24209) and General Plan Amendment (GPA-24210), 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 and landscape plan date stamped 09/18/07 and building elevations date stamped 08/27/07, except as amended by conditions herein.
4. An Exception from 19.10.010.J(11) is hereby approved, to allow three trees in parking area where 10 trees is 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.
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. Revised elevations shall be submitted to and approved by the Planning and Development.
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).

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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 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.
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. Construct all incomplete half-street improvements on Waldman Avenue adjacent to this site concurrent with development of this site.
15. 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.
16. 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.
17. Landscape and maintain all unimproved rights-of-way, if any, on Waldman Avenue and Martin Luther King Boulevard 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.
18. Obtain an Occupancy Permit for all landscaping and private improvements in the Martin Luther King Boulevard public right-of-way adjacent to this site.

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19. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #211 for a knuckle along Waldman Avenue and for a deviation from Standard Drawing #222a for the new driveway accessing this site from Martin Luther King Boulevard. The driveway must receive approval from the Nevada Department of Transportation.

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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed 17,004 square foot Building Maintenance Service and Sales Facility on 1.45 acres adjacent to the west side of Martin L. King Boulevard, approximately 1,450 feet south of Charleston Boulevard.

The proposed development will not be compatible with the residential developments in this area. The intensity of uses permitted within the proposed zoning district can not be considered compatible with the existing residential neighborhood. Therefore, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/20/02	The City Council approved a request to amend portions of the Southeast Sector map of the General Plan in the general vicinity of the Charleston Boulevard/Rancho Drive intersection from (SC) Service Commercial to O (Office); from (R) Rural Density Residential to (DR) Desert Rural Density Residential; from (O) Office to (DR) Desert Rural Density Residential and; from (L) Low Density Residential to (DR) Desert Rural Density Residential in accordance with the recommendations of the Rancho Charleston Land Use Study and Strategic Plan.
10/11/07	Companion items for a General Plan Amendment (GPA-24210), Rezoning (ZON-24209) and Site Development Plan Review (SDR-24211) were held in abeyance at the applicants request.
10/25/07	Companion items for a General Plan Amendment (GPA-24210), Rezoning (ZON-24209) and Site Development Plan Review (SDR-24211) were held in abeyance at the applicants request.
<i>Related Building Permits/Business Licenses</i>	
No building permits or building licenses are related to this site.	
<i>Pre-Application Meeting</i>	
06/14/07	A pre-application meeting was held with the applicant. After some discussion with staff and the applicant, it was determined that the proposed use is a building maintenance service and sales facility and not a storage facility. The applicant was informed that type of use would require a General Plan Amendment, which required a neighborhood meeting, a Rezoning and a Site Development Plan Review. Submittal requirements were then discussed.

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Neighborhood Meeting	
09/12/07	<p>A neighborhood meeting was held on Wednesday, September 12, 2007 at 6:00 p.m. The meeting was held at First Presbyterian Church of Las Vegas, 1515 W. Charleston Blvd., Las Vegas, Nevada. Three applicants representatives were present as well as 21 members of the public. Comments and concerns expressed by the public were the following:</p> <ul style="list-style-type: none"> • Potential for uses (retail, restaurants) other than currently proposed if the rezoning is approved. • C-2 zoning may adversely impact adjacent property values • Storage use could create noise • Hours of operation • Parking lot will be unsecured at night and could attract undesirables
Field Check	
09/07/07	A field check was made on the site. The site is currently undeveloped with residential to the west and north of the site and a fire station to the south.

Details of Application Request	
Site Area	
Net Acres	1.45

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	DR (Desert Rural Density Residential) and L (Low Density Residential)	R-1 (Single Family Residential)
North	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
South	Fire Station	PF (Public Facility)	C-V (Civic)
East	Interstate-15	Interstate -15	Interstate -15
West	Single Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Rancho Charleston Land Use Study	X		N*
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	N/A
Airport Overlay (200 feet)	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 Rancho Charleston Land Use Study defines the area proposed as residential.*

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following Development Standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	100 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	115 Feet	Y
Max. Lot Coverage	50%	27%	Y
Max. Building Height	NA*	27 Feet	Y
Trash Enclosure	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

** Per Title 19.08.60 Residential Adjacency Standards the required north side yard setback is 81 feet. The applicant provides 81 feet to the north.*

Pursuant to Title 19.12, the following Landscape Standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/ 6 Spaces	10 Trees	3 Trees	N*
Buffer:				
Min. Trees (adjacent to residential)	1 Tree/ 20 Linear Feet	32 Trees	30 Trees	N
Min. Trees (adjacent to commercial)	1 Tree/30 Linear Feet	17 Trees	22 Trees	Y
TOTAL		59 Trees	55 Trees	N*
Min. Zone Width along R.O.W	15 Feet		15 Feet	Y
Min. Zone Width interior	8 Feet		8 Feet	Y
Wall Height	8 Feet		8 Feet	Y

** The applicant has requested an Exception of Title 19 Parking Lot Landscape Standards.*

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Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
<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	
Building Maintenance Service and Sales Facility	17,004	1:300	57	3	57*	3	
SubTotal			54	3	54	3	
TOTAL			57		57		
Loading Spaces			2		5		

* Six parking spaces are compact space in size, which meet Title 19.10 parking standards.

Exception		
Request	Requirement	Staff Recommendation
Landscape Fingers	1 per 6 parking spaces	Denial

ANALYSIS

•Zoning

The applicant has requested a Rezoning (ZON-24209) to a C-2 (General Commercial) District. The C-2 District 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. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 District is also appropriate along commercial corridors. The C-2 District is consistent with the General Commercial category of the General Plan. In addition to the Rezoning and this application, the applicant has requested a General Plan Amendment (GPA-24210).

A Building Maintenance Service and Sales Facility as defined in Title 19 is a facility or area for contracting services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use. The proposed Building Maintenance Service and Sales use in a C-2 (General Commercial District) is permitted by condition. The condition maintains that

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outside storage shall be screened from view from adjacent properties and streets. The screening must be architecturally consistent with the principal building in terms of materials, colors and details. Since this proposal does not contain any storage that is outside, the applicant meets this condition.

•**Site Plan**

The site plan shows a proposed 2-story, 17,004 square-foot building with five bay doors facing toward the north. The building is located on the south portion of the 1.45 acre parcels. The north portion of the site will be utilized for parking with 24 inch box Evergreen Trees (Bottle Trees) buffering the site from residential to the north. The parcel gains access of Martin L King Boulevard, an 80-foot wide frontage street. A gate has been proposed for the site. There is no access provided to Waldman Avenue as an eight-foot high CMU wall has been proposed.

The applicant is required 57 parking spaces for the site and has provided exactly 57, of which seven are compact in size which is permitted by code. The applicant has also provided three handicap accessible spaces which meets code.

• **Exception**

The applicant has requested an Exception of parking lot landscape fingers. The applicant is required to provide one landscape finger per six parking spaces. The landscape plan only shows three trees where 10 are required on site. Although the addition of trees would require the applicant to remove parking spaces which would result in a Variance request, staff recommends denial of this waiver as the provision of trees would add more buffering of the commercial development from the adjacent residential uses and contribute aesthetically to the area.

•**Landscape Plan**

The landscape plan shows an adequate amount of perimeter landscaping to the north and west portion of the site, which are adjacent to residential. The landscape plan shows 24-inch box Bottle Trees on the northern portion of the site, 24-inch box Mondel Pines along Waldman Avenue, and 24-inch box California Pepper Trees on the west portion of the site spaced 20 feet on center.

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•**Elevation**

Elevations depict a structure that is 27 feet tall. Per Title 19.08.60 Residential Adjacency Standards, the required north side yard setback is 81 feet. The applicant provides 81 feet to the north. The elevations depict concrete tilt-up panels, decorative reveals and aluminum storefronts with stucco framed decorative canopies in enchilada, toasted tan, heathcote, western cedar colors. The elevations show five graylite bay doors that face the north.

•**Floor Plan**

Floor plans depict two floors separated into approximately five 40 to 78.5 feet wide by 69 foot in length lease spaces. The first floor shows space typically used for storage and loading supplies with a small 459 square-foot office on the first floor and stairs leading up to a 577 square-foot office on the second floor.

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 proposed development will not be compatible with the residential developments in this area. The intensity of uses such as retail, service, automotive, wholesale, office and other general business uses as well as mixed-use developments permitted within the proposed zoning district can not be considered compatible with the existing residential neighborhood.

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 Building Maintenance Service and Sales Facility is in conformance with the applicants Rezoning (ZON-24209) proposal to C-2 (General Commercial) Zone and General Plan Amendment (GPA-24210) request to GC (General Commercial) Land Use Designation. The floor plans indicate that the existing buildings can accommodate the range of uses identified and is in compliance with the proposed General Plan category. However, the proposed development is not compatible with the Rancho/Charleston Study areas designation for this area as residential. Therefore, staff deems this development inconsistent with adopted city plans policies and standards.

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

Access for the site is off Martin L. King Boulevard, an 80-foot frontage street, which will provide adequate access to the site.

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

An office and storage facility is not appropriate for a residential 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;

The elevations and design characteristics are not compatible with the design characteristics of the existing single family residential buildings 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 15

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 121 (Mailed with GPA-24210 and ZON-24209)

APPROVALS 1

PROTESTS 6

CONCERNS 1