

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: NOVEMBER 29, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ABEYANCE - SDR-23545 - APPLICANT: JAY DAPPER -**  
**OWNER: 2301 EAST SAHARA LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

***Planning and Development***

1. Conformance to the conditions for Variance (VAR-23547), 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 dated 08/28/07 and building elevations date stamped 07/31/07, except as amended by conditions herein.
4. A Waiver from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow a zero foot landscape buffer along the east property line, a five foot landscape buffer along the west property line, a four foot landscape buffer along the north property line and a eight foot landscape buffer along the south property line.
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.

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7. 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).
8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
10. 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.
11. 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.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

13. 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.
14. 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 Sahara Avenue. The driveway 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. Provide a copy of a recorded Joint Access Agreement between this site and Assessors Parcel Number 162-01-401-005 prior to the issuance of any permits.

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17. Landscape and maintain all unimproved right-of-way, if any, on Sahara Avenue 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.
18. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Sahara Avenue public rightofway adjacent to this site.
19. 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, the issuance of any building or grading permits or the recordation of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.
20. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Site Development Plan Review for a 6,170 square foot retail establishment with a Waiver of perimeter landscape buffers to allow a zero foot landscape buffer along the east property line where eight feet is required, to allow a five foot landscape buffer along the west property line where eight feet is required and to allow a seven foot landscape buffer along the south property line where 15 feet is required on 0.71 acres at 2301 East Sahara.

As designed, the project requires several deviations from standards, including landscape waivers for the perimeter buffer width. Additionally, a Variance (VAR-25347) has been requested for parking. These deviations from standards indicate that the applicant is intending to overbuild the site.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/13/07	The Planning Commission approved to hold this item in abeyance as per the applicants request to the 09/27/07 Planning Commission meeting.
09/27/07	The Planning Commission voted to hold this item in abeyance to the 10/11/07 Planning Commission meeting at the applicants request.
10/11/07	The Planning Commission voted to hold this item in abeyance to the 10/25/07 Planning Commission meeting.
10/25/07	The Planning Commission voted to hold this item in abeyance to the 11/29/07 Planning Commission meeting.
<b><i>Related Building Permits/Business Licenses</i></b>	
07/08/92	Real Estate Business Broker licensed issued.
<b><i>Pre-Application Meeting</i></b>	
07/10/07	A pre-application was held with the applicant. The applicant expressed that they proposed to demolish the building, replacing it with a commercial building of similar size. The issue of cross access between the flag lot to the north of the property was discussed, as well as, the deficiency in parking spaces for the proposal, which would require a Variance.
<b><i>Field Check</i></b>	
08/09/07	A field check was made on the site. There is an existing office building on site. There is a prominent grade between the adjacent east and west parcels.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.71

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<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Office	SC (Service Commercial)	C-1 (Limited Commercial)
North	Office	SC (Service Commercial)	C-1 (Limited Commercial)
South	Clark County (Offices)	Clark County	Clark County
East	Emission Testing Station	SC (Service Commercial)	C-1 (Limited Commercial)
West	Undeveloped	SC (Service Commercial)	R-1 (Single Family Residential), R-2 (Medium-Low Density Residential)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## **DEVELOPMENT STANDARDS**

***Pursuant to Title 19.08, the following development standards apply:***

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Lot Width	100 Feet	138 Feet	Y
Min. Setbacks			Y
• Front	20 Feet	74 Feet	
• Side	10 Feet	18 Feet	
• Corner	15 Feet	N/A	
• Rear	20 Feet	91 Feet	
Max. Lot Coverage	50%	19.5%	Y
Max. Building Height	N/A	29.5 Feet	Y
Trash Enclosure	Walled, gated	Walled, gated	Y
Mech. Equipment	Screened	Screened	Y

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*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	7 Trees	8 Trees	Y
Buffer: Min. Trees	1 Tree/ 30 Linear Feet	25 Trees	27 Trees	Y
<b>TOTAL</b>		32 Trees	35 Trees	Y
Min. Zone Width (interior-east)	8 Feet		Zero Feet	N*
Min. Zone Width (interior-east)	8 Feet		Five Feet	N*
Min. Zone Width (R.O.W.)	15 Feet		Seven Feet	N*
Wall Height	8 Feet		Not provided	N/A

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

*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 Parking Ratio</i>	<i>Required Parking</i>		<i>Provided Parking</i>		<i>Compliance</i>
			Regular	Handi-capped	Regular	Handi-capped	
			Restaurant, less than 2,000 sq. ft. (with Drive Through)	1,700 SF	1:100 SF of GFA	17	
Restaurant, more than 2,000 sq. ft. (without Drive-Through)	2,400 SF	1:50 SF of Public Seating, 1:200 SF of total remaining GFA	34				
Retail	2,070	1:175 SF of GFA	12				
<b>SubTotal</b>			60	3	38	3	N*
<b>TOTAL</b>			63		41		N*
Loading Spaces			1		1		Y
Percent Deviation			35%				

*\* A Variance (VAR-23547) has been requested.*

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<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
Waiver of perimeter landscape buffers to allow a zero-foot landscape buffer along the east property line, a four-foot landscape buffer along the north property line and a five-foot landscape buffer along the west property line.	Eight foot landscape buffer is required	Approval (east), Denial (west)
Waiver of perimeter landscape buffers to allow an eight-foot landscape buffer along the south property line.	15 foot landscape buffer is required	Denial

## ANALYSIS

### •Zoning

The site is zoned C-1 (Service Commercial), which is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

The applicant is proposing 2,070 square feet of retail and 4,100 square feet of restaurant uses on the site. This proposal is consistent with the C-1 (Service Commercial) zoning and SC (Service Commercial) General Plan Designation.

### • Site Plan

The applicant proposes to demolish the existing 6,084 square foot office building, replacing it with a 6,170 square foot commercial building, which will be divided between three tenants: a 1,700 square-foot drive through restaurant, a 2,070 square-foot retail establishment and a 2,400 square-foot restaurant.

Access to the site is provided by one 24-foot driveway on Sahara Avenue, which the applicant shares access with the flag lot to the east and north of the property. A drive-through is proposed on the west side of the commercial building with access at the rear. There are two 24-foot driveways proposed on the west side of the property.

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The proposed commercial establishment requires 63 parking spaces. The submitted site plan indicates 41 spaces will be provided, including two handicap accessible spaces. A Variance (VAR-23547) has been requested which would be a 35 percent deviation from standards.

**•Landscape Plan**

Pursuant to Title 19.12 Landscaping Standards the applicant is required to provide a 15 foot landscape buffer along Sahara Avenue and Joann Way with trees provided every 30 linear feet. An eight-foot perimeter landscape buffer is also required along the side and rear perimeter. The applicant is proposing an eight 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 five foot landscape buffer along the west property line where eight feet is required and a four foot landscape buffer along the north property line where eight feet is required. The applicant is providing less 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 seven trees where six trees are required. The applicant meets these standards.

**•Waivers**

The applicant is requesting a Waiver of perimeter landscape buffers to allow a zero foot landscape buffer along the east property line, a five foot landscape buffer along the west property line and a seven foot landscape buffer along the south property line.

Staff can support the request for a landscape Waiver on the east portion of the site as this portion of the site necessitates access. However, staff cannot support the request for the west and the south portion of the site, as the applicant shows no apparent hardship.

**•Elevation**

The elevations depict a one-story structure of varying materials. The overall height of the building is 29.5 feet. Elevations indicate aluminum storefront glazing, stucco columns and colored in earth tones.

**•Floor Plan**

The rectangular building positioned in the center of the site is divided into three uses: a 1,700 square-foot drive through restaurant, a 2,070 square-foot retail establishment and a 2,400 square-foot restaurant.

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## **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 general retail, restaurant and restaurant with drive-through will be within the range of uses permitted in the C-1 (Service Commercial) zoning of the site; however, the project as designed requires several deviations from standards including one Variance (VAR-23547) and landscape Waivers.

- 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;**

As designed, the project requires several deviations from standards, including landscape waivers for the perimeter buffer width. Additionally, a Variance (VAR-25347) has been requested for parking. These deviations from standards indicate that the applicant is intending to overbuild the site.

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

The site gains access from a 32-foot wide driveway off of Sahara Boulevard, which is classified as a 100-foot Primary Arterial by the Master Plan of Streets and Highways. This driveway provides adequate access for the development.

- 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** 6

**ASSEMBLY DISTRICT** 12

**SENATE DISTRICT** 10

**NOTICES MAILED** 117 (Mailed with VAR-23547)

**APPROVALS** 0

**PROTESTS** 1