

AGENDA MEMO**PLANNING COMMISSION MEETING DATE: DECEMBER 6, 2007****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-24479 - APPLICANT/OWNER: MICHAEL VILLAGE, LLC**

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

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-24477) and Rezoning (ZON-24478) shall be required.
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, floor plans and building elevations date stamped 9/10/07, except as amended by conditions herein.
4. An Exception from Title 19.10 is hereby approved, to allow no landscaped parking islands where a five-foot wide landscape island is required for every six parking spaces.
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. The three pad-mounted transformers shall be installed at the locations as shown on the site plan date stamped 9/24/07.
11. Provide an eight-foot high screen wall that adequately screens the pedestrian areas and parking lots from the single family residence located at 1950 North Michael Way that is in compliance with the Wall Standards as listed in Title 19.12.075.
12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. 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. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Coordinate with the City Surveyor regarding an appropriate mapping method for this site; comply with the recommendations of the City Surveyor.
16. Dedicate an additional 10 feet of right-of-way, where such does not exist, for a total half-street width of 40 feet on Michael Way and dedicate an additional 29 feet for a total 54-foot radius on the southwest corner of Lake Mead Boulevard and Michael Way prior to the issuance of any permits or through a mapping action for this site.
17. Construct half-street improvements, including appropriate overpaving and transition paving, on Shadow Mountain Place and Michael Way adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

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18. 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.
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. Extend public sewer to the south edge of this site in Michael Way to a location and depth acceptable to the City Engineer concurrent with development of 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. Landscape and maintain all unimproved rights-of-way, if any, 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.
22. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located in the public right-of-ways adjacent to this site prior to occupancy of this site.
23. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, the submittal of any construction drawings or the recordation of a map for this site, whichever may occur first. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rightsofway required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of onsite development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rightsofway are not required and Traffic Control devices are or may be proposed at this site outside of the public rightofway, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

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24. 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.

25. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Site Development Plan Review for a 15,030 square foot General Retail Development and Restaurant with Drive-Through on 1.96 acres at the southwest corner of Lake Mead Boulevard and Michael Way. The development consists of two single-story buildings that front Lake Mead Boulevard with a drive-through lane located at the northeast corner of the subject site.

The applicant has also requested an Exemption to Title 19.10.010(J), to allow no five-foot wide landscaped fingers for every six parking spaces where four landscape finger trees are required.

Because the associated General Plan Amendment (GPA-24477) and Rezoning (ZON-24478) requests constitute spot zoning as defined in Title 19.20, staff cannot support this request. Therefore, staff recommends denial of this Site Development Plan Review.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
8/19/99	The City Council approved an update of the Southwest Sector Map (GPA-0023 -99) of the city of Las Vegas General Plan. On this map, the subject properties were designated for R (Rural Residential) land uses, with a maximum density of 3.5 dwelling units per acre.
9/06/00	The City Council approved the Las Vegas 2020 Master Plan. This site is within the Neighborhood Revitalization Area as described in the Plan.
1/18/06	The City Council approved a General Plan Amendment (GPA-7323) to reclassify the property to an L (Low Density Residential) land use classification; an associated request for Rezoning (ZON-7470) to R-PD4 (Residential Planned Development - 4 Units Per Acre) from R-E (Residence Estates), a Variance (VAR-7535) to reduce the minimum area required for formation of an RPD (Residential Planned Development), a Waiver (WVR-10086) to allow approximately 145 feet between street intersections where 220 feet is the minimum offset required, and a Site Development Plan Review (SDR-7473) for an 11-lot single-family residential development.
10/25/07	The Planning Commission accepted the applicants request for an abeyance to the 12/06/07 Planning Commission meeting. Staff recommends denial.

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<i>Related Building Permits/Business Licenses</i>	
There are no Building Permits or Business Licenses associated with either parcel (APN 138-24-305-001 and 003) of the subject site.	
<i>Pre-Application Meeting</i>	
8/30/07	A pre-application meeting was held with staff to discuss the process of submitting a request to construct a commercial development on two undeveloped parcels. Issues regarding the existing residential land use, previous history of development requests, and requirements necessary to pursue this proposal were discussed. Staff determined that an approved General Plan Amendment, Rezoning, and Site Development Plan Review will be necessary to proceed with development. The applicants and their representatives requested a neighborhood meeting (required for a General Plan Amendment) to discuss this proposal with the neighbors of the property.
<i>Neighborhood Meeting</i>	
9/25/07	A neighborhood meeting is not required for a Site Development Plan Review; however, a neighborhood meeting was held to meet the submittal requirements of the accompanying General Plan Amendment (GPA-24477) request. The following comments were made during the meeting: <ul style="list-style-type: none"> * Liquor uses at this site * Traffic exiting to Lake Mead Dr * Increased traffic * Request to preserve as Horse Property * No convenience stores * No Apartments or Condominiums * Some supported Commercial use * Access to Shadow Mountain * People hanging out in the parking lot after hours * Request to move the buildings closer to residential to allow for police to observe activity after hours * Concern about overall land use at this location
11/27/07	A neighborhood meeting was scheduled on Tuesday, November 27, 2007 at 6:30 p.m. The meeting was held in the Multi-Purpose Room at Ronzone Elementary School, 5701 Stacey Avenue, Las Vegas, Nevada.

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Field Check	
9/21/07	<p>The following observations were made by Planning and Development Staff during a routine field check:</p> <ul style="list-style-type: none"> • Undeveloped property with existing eight-foot wall on the west and portion of the south perimeter. No wall adjacent to Single Family Residence located at 1950 North Michael Way. • Large-lot residential properties with horses adjacent to the south. • Church located to the west of the property on R-E (Residence Estates) zoned property. • Michael Way primarily residential in character.

Details of Application Request	
Site Area	
Net Acres	1.96 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	L (Low Density Residential)	R-E (Residential Estates) under a Resolution of Intent to R-PD4 (Residential Planned Development 4 Units per Acre)
North	Single-Family Residential	L (Low Density Residential)	R-1 (Single-Family Residential)
South	Single-Family Residential	R (Rural Density Residential)	R-E (Residential Estates)
East	Single-Family Residential	L (Low Density Residential)	R-1 (Single-Family Residential)
West	Church	R (Rural Density Residential)	U (Undeveloped)

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		Y
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 feet	375 feet	Y
Min. Setbacks			
• Front	20 feet	20 feet	Y
• Side	10 feet	20 feet	Y
• Corner	15 feet	34 feet	Y
• Rear	20 feet	83 feet	Y
Min. Distance Between Buildings	10 feet	60 feet	Y
Max. Building Height	NA	24 feet	NA
Trash Enclosure	Enclosed and Covered	Enclosed and Covered	Y
Mech. Equipment	Screened from public view	Screened from public view	Y

Pursuant to Title 19.08.060, the following standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	60-foot setback	87 feet	Y
Adjacent development matching setback	5 feet	22 feet	Y
Trash Enclosure	50 feet from residentially zoned property	60 feet	Y

Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/ 6 Spaces	16 Trees	16 trees	N*
Buffer: Min. Trees	1 Tree/ 20 Linear Feet	42 Trees	42 trees	Y
TOTAL		58 Trees	62 trees	Y*
Min. Zone Width				
Interior		8 feet	10 feet	Y
Along ROW		15 feet	15 feet	Y
Wall Height		8 feet	Not shown	N**

*Although the applicant has provided a sufficient amount of trees within the parking area, the proposal does not conform to the required design standard. An Exemption has been approved as the provided alternative landscaping plan provides more than the required amounts of landscape material for the parking lot and subject site in general.

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***A Condition of Approval has been added to this request to install an eight-foot high screen wall along a portion of the southern perimeter where Title 19.12.075.B.1 requires a minimum 6-foot high screen wall (revised 3/21/07 under Ordinance 5895).*

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	
General Retail >25,000 SF	13,530 SF	1:175 SF	75	3	74	4	
Restaurant w/Drive Through	1,500 SF	1:100 SF	13	1	14	1	
SubTotal			88	4	88	5	
TOTAL (including handicap)			92 spaces		93 spaces		Y
Loading Spaces			2		2		Y

ANALYSIS

- **Land Use and Zoning**

With approval of the proposed General Plan Amendment (GPA-24777) to the SC (Service Commercial) Land Use designation and Rezoning (ZON-24478) to the C-1 (Limited Commercial) Zoning District, the proposed 15,030 square-foot General Retail development and Restaurant with Drive-Through is a permissible use. However, as the proposal in total constitutes a request for the commercial rezoning of two parcels of land which has been determined to be incompatible with surrounding residential land use, staff must recommend denial of this request for a Site Development Plan Review.

- **Trails**

A Pedestrian Path is required along Lake Mead Boulevard, per the Master Plan Transportation Trails Element. This particular path is to consist of a five-foot sidewalk next to curb with a minimum five-foot landscape island behind it. The applicant has provided adequate demonstration of compliance on the provided landscape plan and will be required to develop the path as a condition of approval for this development.

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- **Site Plan**

The provided site plans show a 10,450 square-foot and 4,580 square-foot building located along the street front of Lake Mead and Michael Way. There is sufficient parking provided for the 13,530 square feet of retail space divided amongst the 12 suites and the one 1,500 square-foot Restaurant with Drive-Through. The drive-through shows seven spaces where Title 19.04.010 requires a minimum stacking for six cars. Two loading zones are shown adjacent to the residential properties and do not provide the most accessible areas for off-loading materials. The trash enclosure meets the 50-foot separation from the residential property to the south. There are three transformers shown on the site plan; two are shown within the landscape buffers on the east and west perimeter with a third transformer shown in the corner of the southern parking lot. Staff has placed a condition of approval that these transformers are to remain as shown.

- **Landscape Plan**

The landscape plan shows sixty-six 24-inch box Chilean Mesquite Trees planted 30 feet on center along the north, east, and west perimeter of the site and planted in an off-set five-foot pattern on the south perimeter. Four 10-to-15 foot tall Date Palms, nine 24-inch box Mondell Pines, and seven 24-inch box Chitalpa Trees are located throughout the interior of the subject site in a decorative rock planting bed with over nine different types of shrubs provided around the trees. No perimeter wall separating the subject site with the adjacent residential property to the south is shown. Staff has placed a condition of approval that an eight-foot screen wall between the parking lot and the single family dwelling located at 1950 North Michael Way be provided.

- **Elevations**

The provided elevations depict a typical single-story retail development with the building massing appropriately broken up by offsetting façade and running a series of pilasters along the front and rear of the building. The roof-mounted mechanical equipment is specified and screened from public view. An additional change in building mass is provided with three slight shifts in the finished roof height ranging from 20 feet, 22 feet, and 24 feet. The applicant has provided adequate separation of the peak height from the single-family residential properties that flank the southern and western residential properties.

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- **Floor Plan**

The provided floor plan depicts two separate buildings. The largest building, a 10,450 square-foot General Retail building (Building A), consists of nine suites oriented towards the rear parking lot. Each suite is provided a separate entrance with no restrooms shown. The second building, Building B, consists of 4,580 square feet of floor space with 1,500 square feet dedicated to a Restaurant with Drive-Through and the remaining floor area divided among three General Retail suites.

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 development has been determined incompatible with the adjacent single-family residential development and the single-family development located across Lake Mead Boulevard to the north and across Michael Way to the east. Staff has determined that this request and the related General Plan Amendment and Rezoning constitute spot zoning as defined in Title 19.20. As there is no established commercial land use adjacent to the subject site and the applicant has not provided a desirable transition between this proposal and the surrounding residentially zoned property on all sides, staff must recommend denial of this request.

- 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;**

This proposal is generally compliant with the Design Standards as listed in Title 19.08 and 19.12. However, as the requested General Plan Amendment and Rezoning to the SC (Service Commercial) land use category and C-1 (Limited Commercial) Zoning District would constitute spot zoning. Staff recommends denial of this request as the commercial land use is not compatible with the surrounding Low and Rural Density Residential Land Use designation.

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

Site access is adequately provided primarily by Lake Mead Boulevard, classified as an 80-foot wide Major Street, through a centrally located driveway at the front of the property. Secondary access is also provided off of Michael Way, a 60-foot wide Collector Street, which primarily serves the neighborhood residents.

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

The building and landscape materials are appropriate for the area and are typical of a speculative retail development. The applicant has provided additional trees to offset the shortage of trees for the parking lot.

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 applicant has provided an aesthetically pleasing building that adequately meets the Residential Adjacency standards. The provided elevations demonstrate the appropriate techniques for providing visual interest through mass-breaking facades and a rhythmic placement of pilasters that surround the building. Although the proposal does provide an aesthetically pleasing environment, staff finds that the commercial layout is neither harmonious nor compatible with the adjacent residentially-zoned properties.

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

Because the subject Site Development Plan Review request and related General Plan Amendment and Rezoning constitute spot zoning as defined in Title 19.20, staff believes that the approval of this project may compromise the public health, safety, and welfare of the surrounding neighborhood.

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