

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JANUARY 24, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-25991 - APPLICANT/OWNER: PECOS PARTNERS, LLC**

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

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-25988) 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, and building elevations, date stamped 12/11/07, except as amended by conditions herein.
4. 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.
5. 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.
6. 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).
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

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9. 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.
10. 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.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. 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. The proposed driveway location is acceptable as shown on this site plan; the submitted civil improvement plans shall be revised to show the correct location.
13. 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.
14. Construct full width asphalt paving at all driveways accessing this site and sufficient onsite paving to facilitate 2-way traffic.
15. 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.
16. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings or the submittal of a Final Map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
17. Site development to comply with all applicable conditions of approval for the Pecos & Owens commercial subdivision and all other applicable siterelated actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Site Development Plan Review for a proposed 7,250 square-foot general retail building on 0.91 acres on the south side of Owens Avenue, approximately 245 feet west of Pecos Road. The proposed building will be located on the west portion of the parcel where a Site Development Plan Review for a Fresh and Easy Market was approved on November 11, 2007. Cross access drive aisles will be provided for the proposed building, the Fresh and Easy Market and the existing drug store. The proposed building will contain a 1,200 square foot coffee shop with a drive-through window; the remaining 6,050 square foot of space will be retail.

A companion request shall be considered concurrently as a Variance (VAR-25988) for residential adjacency setback requirements. The project does not meet the Proximity Slope and Building setback requirements of Title 19.08 Residential Adjacency Standards. 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).
04/19/2000	The City Council approved a request for a Variance (V-0101-99) on property located on the southwest corner of Owens Avenue and Pecos Road to allow a 20 foot rear and side yard setback where residential adjacency standards require a 60 foot side and rear yard setback.
04/19/2000	The City Council approved a request for a Special Use Permit (U-0150-99) on property located on the southwest corner of Owens Avenue and Pecos Road FOR the sale of gasoline and the off-premise sale of beer and wine in conjunction with a proposed convenience store
04/19/2000	The City Council approved a request for a Special Use Permit (U-0151-99) on property located on the southwest corner of Owens Avenue and Pecos Road to allow the off-premise sale of packaged liquor in conjunction with a proposed drug store
11/07/2001	The City Council voted to withdraw without prejudice a request for a Variance (V-0053-01) to allow a 20 foot rear and side yard setback where residential adjacency requires a minimum rear and side yard setback of 66 feet on the southwest corner of the intersection of Pecos Road and Owens Avenue

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06/21/2006	The City Council approved a request for a Site Development Plan Review (SDR-10497) for a proposed 29,800 square foot commercial development and waivers of the parking lot and foundation landscaping requirements on 3.02 acres approximately 300 feet west of Pecos Road on Owens Avenue. (Note: amended application is from a proposed 29,800 square foot commercial development to a 24,000 square foot commercial development with waivers of the building placement standards).
11/17/2007	The City Council approved request for a Site Development Plan Review (SDR-23581) for a proposed 14,028 square foot general retail store with a waiver of 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
10/17/2007	The City Council approved a request for a Variance (VAR-23585) to allow a 50-foot residential adjacency setback where 73 feet is the minimum required on 2.57 acres adjacent to the south side of Owens Avenue, approximately 295 feet west of Pecos Road
10/17/2007	The City Council approved a request for a Variance (VAR-23588) to allow 71 parking spaces where 81 spaces is the minimum required on 2.57 acres adjacent to the south side of Owens Avenue, approximately 295 feet west of Pecos Road
10/17/2007	The City Council approved a request for a Special Use Permit (SUP-23593) for a proposed retail establishment with accessory package liquor off-sale on 2.57 acres adjacent to the south side of Owens Avenue, approximately 295 feet west of Pecos Road.
<i>Related Building Permits/Business Licenses</i>	
There are no permits or business licenses at this time.	
<i>Pre-Application Meeting</i>	
12/07/07	Project needs a Variance for Residential Adjacency Standards. Parapet is 22 feet high and that portion of the building is shown 58 feet from single family property line, where 66 feet is needed. Public Works noted throat depth issues remain unresolved with Site Development Plan Review (SDR-23581).
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
12/27/07	A site visit was performed and the following observed: partially developed lot with an existing utility island with boxes and paved driveway. Existing landscaping is along the perimeter of the entire parcel includes palm trees.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.91

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped lot	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)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
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	129 feet	Y
Min. Setbacks			Y
Front	20	63 3	Y
Side	10	58 6	N*
Rear	20	856	Y
Min. Distance Between Buildings	NA	NA	NA
Max. Lot Coverage	50 percent	20 percent	Y
Max. Building Height	NA	29 feet	NA
Trash Enclosure	50 feet from Residential	50 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:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	66 feet	58 6	N*
Adjacent development matching setback	15 feet	58.5 feet	Y
Trash Enclosure	50 feet	50 feet	Y

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

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/6 Spaces	7 Trees	9 Trees	Y
Buffer: Min. Trees	1 Trees/ 30 Linear Feet along public right-of- way	12 Trees	10 Trees (of which 6 are pre-existing)	Y
	1 Trees/20 Linear Feet along interior lot lines	22 Trees	22 Trees (21 pre- existing to remain)	Y
TOTAL		73	27	N
Min. Zone Width	15 feet along public right-of-way		22 6	Y
	8 feet interior lot lines		8 feet	N
Wall Height	8 Feet		8 Feet	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail more than 3,500 square feet	6,050 square feet	1/175 gfa	35	2	46	2	Y
Restaurant with drive through	1,200 square feet	1/100 gfa	12				
TOTAL (includes handicap)			47		48		Y
Loading Spaces			1				Y

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 is phase two of development on a parcel with an approved Site Development Plan Review for a 14,000 square foot grocery store. An existing retail use abutts the east property line and single family residential homes are located adjacent to the south and west. North of the site is within Clark County jurisdiction and is developed with single family residences. The subject parcel is part of the Pecos Owens Commercial Subdivision.

- **Site Plan**

The site plan proposes a 7,250 square foot general retail building with related hardscape and landscape improvements. Development of this project will occur on the west portion of a 2.5 acre parcel. A 14,000 square foot grocery store has been approved on the eastern portion of the site. One driveway will provide access to both buildings. The proposed retail building will include a food and coffee use on the south side. This use will occupy 1,200 square feet of the proposed building and will have a drive through window. The stacking lane shown on the site plan for the drive-through window will accommodate four cars, not the required six cars as required per Title 19.04. The remaining 6,050 square feet of space will be occupied with retail uses.

A height of 22 feet is shown on the northwest corner of the proposed structure. Existing single family residential homes on the west side require the setback on this side of the building to meet the Residential Adjacency Standards. A setback of 58.5 feet is shown on the site plan where 66 feet is required. A Variance (VAR-25988) to allow the required Residential Adjacency Standard to be reduced shall be considered concurrently with this request.

- **Landscape Plan**

Some landscaping exists along the north, west, and south property lines and will be enhanced with additional plant material to comply with current landscaping requirements. Planter areas and landscaping proposed along the southern boundary will correspond to the phase I development on the east side of the site. Twenty-two Aleppo pine trees exist along the south and east property lines. Additional trees will be installed within the landscape buffer parallel to Owens Avenue and within the parking islands. A variety of drought tolerant shrubs are shown within the planter areas interspaced among the existing and proposed trees. Parking lot landscaping is designed in conformance to Title 19.10.

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- **Plan Elevations**

The plan elevations for the proposed one-story structure indicate the building exterior will consist of a painted stucco finish, enhanced cultured stone products, metal storefront window and door system with insulated glazing. To soften the exterior and provide contrast to the building raised planters are shown and will contain vining plants which will grow up the sides of the building.

- **Residential Adjacency Standards**

The proposed commercial use will be sited next to existing single family residential development to the west and south. A Proximity Slope Analysis was prepared in accordance with Title 19.08 Residential Adjacency Standards (RAS) and indicates the building elevation is to be 22 feet in height. The structure will be adjacent to three residential lots on the west side of the parcel and will be within 58.5 feet of the residential property line where a 66 foot Residential Adjacency 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-25988) shall be considered with this request.

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 project will be located directly west of an approved retail structure and single family residential development on the north, south, and west. The bulk and scale of the project combined with the requested deviation from Title 19.08 Residential Adjacency Standards building setback requirement will result in a project uncomplimentary with existing residential uses.

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 as it inadequately addresses the Residential Adjacency Standards of Title 19.08.

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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;

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 22 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

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ASSEMBLY DISTRICT 28

SENATE DISTRICT 2

NOTICES MAILED 494

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APPROVALS 0

PROTESTS 1