

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 14, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SDR-26008 - APPLICANT: TENAYA AZURE, LLC - OWNER: TENAYA AZURE, LLC, ET AL

** CONDITIONS **

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of General Plan Amendment (GPA-26004) and Rezoning (ZON-26006) 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. The technical landscape plan shall include the following changes from the conceptual landscape plan:
 - A. The Multi-Use Transportation trail along Azure Drive must be represented and adhere to Exhibit 1 of the Transportation Trails Element of The Las Vegas 2020 Master Plan.
 - B. The revised plan shall depict 42, 24-inch box trees planted in accordance with LVMC Title 19.12.040 within the perimeter landscape buffers along Azure Drive and Tenaya
 - C. The revised plan shall depict three additional trees: one planted in the parking lot adjacent to the north of Office Building #2, one planted in the parking lot adjacent to the north of Office Building #4, and one planted in the parking lot adjacent to the south of Office Building #5 are in accordance with LVMC Title 19.10.010 (J) (11) (C).

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

Public Works

13. Coordinate with the City Surveyor to determine whether a Merger and ReSubdivision Map or other map is necessary; comply with the recommendations of the City Surveyor.

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14. Dedicate an additional 5 feet of right-of-way for a total half-street width of 30 feet on Azure Drive, a 15-foot radius on the southwest corner of Azure Drive and Starlight Drive and grant a traffic signal chord easement at the southeast corner of Azure Drive and Tenaya Way prior to the issuance of any permits. In addition, dedicate additional rights-of-way in accordance with Standard Drawing #201.1, unless specifically allowed otherwise in an approved Traffic Impact Analysis.
15. Construct all incomplete half-street improvements, including appropriate transitional paving, on Azure Drive and Tenaya Way. Construct half-street improvements, including appropriate transition and overpaving, on Starlight Drive adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rightsofway, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
16. 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.
17. Coordinate with Clark County Public Works Department to obtain a Clark County Encroachment Permit for all offsite improvements located within Clark County jurisdiction.
18. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of the access drive connecting this site to the adjacent public street concurrent with development of this site. The connecting sidewalk shall be terminated on-site with a handicap ramp.
19. 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.
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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21. 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, submittal of any construction drawings or the recordation of a Map subdividing this site. 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.

22. 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Site Development Plan Review for a proposed five building, 51,000 square-foot Professional Office Development. The proposed office development consists of four 10,000 square-foot, single-story buildings and one 11,000 square-foot, single-story office building on 5.26 acres at the southeast corner of Azure Drive and Tenaya Way. This proposal accompanies a General Plan Amendment (GPA-26004) and requested Rezoning (ZON-26006). Although staff is recommending approval of the General Plan Amendment and the Rezoning, denial of the Site Development Plan Review is recommended as it does not conform to the plans approved under the requested Annexation (ANX-21629).

Staff recommends denial of this requested Site Development Plan Review (SDR-26008) and the related Variance (VAR-26369) as it demonstrates overdevelopment and does not conform to the plans approved under the requested Annexation (ANX-21629).

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
3/15/07	The Clark County Commission approved a Non-Conforming Zone Change (NZC-0915-06) from R-E (Rural Estates) to C-P (Office & Professional) for the parcels 125-27-610-002 through 010 with conditions. The parcels fronting Starlight Drive, 125-27-610-020 through 022, were denied a zone change from RE to C-P by the Clark County Commission. NOTE: This approval (NZC-0915-06) was based upon the development being limited to buildings no larger than 5,000 square-feet with the total development not to exceed 45,000 square-feet gross floor area.
9/05/07	The City Council approved a request for an Annexation (ANX-21629) of approximately 6.10 acres generally located south of Azure Drive, between Tenaya Way and Starlight Drive. The Planning Commission recommended approval on 6/14/07. NOTE: Staff recommended that this Annexation comply with the conditions set forth by the previous County approval (NZC-0915-06), limiting the size of the buildings to no more than 5,000 square-feet and the scope of the development to 45,000 square-feet gross floor area.
1/24/08	The Planning Commission approved a request to abey the related General Plan Amendment (GPA-26004), Rezoning (ZON-26006), and Site Development Plan Review (SDR-26008) to the 2/14/08 Planning Commission.
<i>Related Building Permits/Business Licenses</i>	
There are no Business Licenses or Building Permits associated with this subject site	

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<i>Pre-Application Meeting</i>	
12/04/07	A pre-application meeting was held with staff to discuss the requirements for submitting a General Plan Amendment, Rezoning request, and Site Development Plan Review for a 5-building, 51,000 square-foot office development. Staff informed the applicant that the City supported the conditions placed on the previous approval from the Clark County Commission (NZN-0915-06), which restricted the development to 5,000 square-foot buildings with a total gross floor area of 45,000 square feet, at the time of the Annexation (ANX-21269).
<i>Neighborhood Meeting</i>	
1/08/08	<p>A neighborhood meeting was held on Tuesday, January 8, 2008 fom 6:55 p.m. to 7:50 p.m. at the CLV Community Room of the Centennial Hills Active Adult Center located at 6601 N. Buffalo Drive, Las Vegas, NV. Two applicant, two City staff members (Planning and Development and the Ward 6 Liaison), and 13 members of the public were in attendance. Comments and concerns were the following:</p> <ul style="list-style-type: none"> • Concerns regarding the width of the landscape perimeter buffer • Requests to remove the portions of the parking lot at northeast portion of the site • Concerns regarding building height
<i>Field Check</i>	
12/14/07	<p>A field check was made by staff with the following observations:</p> <ul style="list-style-type: none"> • The subject site is undeveloped with no discernible change in grade. • Undeveloped Town Center Suburban Mixed-Use lots located to the northwest of the site, across Tenaya Way. • The site is adjacent to three unincorporated Clark County - Single family residences to the east, four to the west, and one to southeast of the site. • A P-R (Professional Office and Parking) conversion was approved on two lots to the north of the site. No business activity was seen at this site.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	5.26 acres

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	R (Rural Density Residential)	U (Undeveloped)
North	Single Family Residences	O (Office) /R (Rural Density Residential)	R-E (Residence Estates) Under a Resolution of Intent to P-R (Professional Office and Parking)/ R-E (Residence Estates)
South	Undeveloped Clark County	R (Rural Density Residential) Clark County	Undeveloped - Clark County
East	Undeveloped/ Single Family Residential	R (Rural Density Residential)/ Clark County	U (Undeveloped)/ Clark County
West	Undeveloped/ Single Family Residential	TC (Town Center)/ Clark County	T-C (Town Center)/ Clark County

<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>
Trails	X		N*
Special Purpose and Overlay Districts		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

*There is an existing Multi-Use Transportation Trail adjacent to this site on Azure Drive. New development on the site must adhere to Exhibit 1 of the Transportation Trails Element of The Las Vegas 2020 Master Plan. A condition has been added to this Site Development Plan Review (SDR-26008) that the required technical landscape plan reflects the Multi-Use Transportation Trail.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	60 feet	995 feet	Y
Min. Setbacks			
• Front	25 feet	20 feet	N*
• Side	10 feet	40 feet	Y
• Corner	15 feet	33 feet	Y
• Rear	15 feet	82 feet	Y
Max. Lot Coverage	30%	23%	Y
Max. Building Height	2 stories or 35 feet	20 feet	Y
Trash Enclosure	Enclosed	Enclosed	Y
Mech. Equipment	Screened	Screened	Y

**A Variance to allow a 20-foot front yard setback where the Title 19.08.050 Commercial District Development Standards require a 25-foot front yard setback for the O (Office) Zoning District accompanies this request. Staff recommends denial of this request.*

Pursuant to Title 19.08.060, the following standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	36 feet	40 feet	Y*
Adjacent development matching setback	15 feet	40 feet	Y
Trash Enclosure	50 feet	60 feet	Y

**The provided elevations date stamped 12/11/07 show a maximum building height of 20 feet; however, the applicant has demonstrated that the building at the south property line complies with the 3:1 proximity slope.*

Pursuant to Title 19.12.030, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/ 6 Spaces	26 Trees	27 Trees	Y
Buffer:				
Min. Trees	1 Trees/30 Linear Feet (along Tenaya Way and Azure Drive)	42 Trees	20 Trees	N*
Min. Trees	1 Trees/20 Linear Feet (along southern and eastern property lines)	65 Trees	68 Trees	Y
TOTAL		112 Trees	116 Trees	Y
Min. Zone Width	8 Feet		14 Feet	Y
Wall Height	6 Feet		6 Feet	Y

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**Condition number four has been placed on this Site Development Plan Review requesting a revised landscape plan to address the deficiency in trees located along the public rights-of-way.*

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	
Office Use	51,000 SF	1:300	164 spaces	6 spaces	207 spaces	8 spaces	
TOTAL (including handicap)			170 spaces		215 spaces		Y
Loading Spaces	51,000 SF		4		4		Y

ANALYSIS

- **Annexation (ANX-21269) and prior related actions**

Prior to the Annexation, the subject site was rezoned to the C-P (Office & Professional) Clark County zoning district. The rezoning was approved by the Clark County Commission on March 15, 2007 as a Non-Conforming Zone Change (Nzc-0915-06). The three parcels adjacent to Starlight Drive, 125-27-610-020 through 022, were not approved as part of this proposal. The Clark County Commission imposed conditions of approval for Nzc-0915-06, with staff recommending supporting these conditions for the Annexation (ANX-21269). The applicable conditions are as follows:

- Approved for parcels adjacent to Tenaya Way only;
- No buildings larger than 5,000 square feet;
- Office uses only;
- Single story buildings with architectural elements, such as roof pitch and materials, window and door fenestration, and massing and scale of buildings to be consistent with neighboring single family residential developments;
- As depicted on the plans, a minimum of 20 feet of landscaping along Tenaya Way;
- Minimum 20 foot wide intense landscape area along all north, east, and south (rear and side) property lines;
- Any zone boundary wall along the north, east, and south (rear and side) property lines to be decorative and maintain a minimum height of 8 feet on the non-residential property side or a 6 foot high wall with more landscaping;

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- Enhanced paving, such as, but not limited to, colored and stamped concrete and pavers at two access points along Tenaya Way;
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must be completed within 3 years of approval date or it will expire.

•Site Plan

Staff notes that this proposal has added two parcels at the north end of the project from the site plans date filed with approved Annexation (ANX-21269). The site plans that accompany this Site Development Plan Review also differ in the plans submitted with the annexation in that the nine individual 5,000 square foot buildings have all been combined to four 10,000 square-foot buildings and one 11,000 square-foot building.

The parking requirements for the site are met as the applicant has provided 45 additional spaces to the required 170 spaces for a total of 215 spaces. The site access is clear and provides ingress and egress along Tenaya Way and Azure Drive.

The site plan shows a 20-foot front yard setback where Title 19.08.050 requires a 25-foot front yard setback for the O (Office) Zoning District. There is enough space to accommodate the five-foot adjustment of the buildings to the east and still provide a landscape buffer width that complies with the Title 19.12 standards. The applicant has requested a Variance (VAR-26369) to the front yard setback requirements rather than adjust the buildings locations.

•Landscaping and Trails

The applicant has provided a landscape design with abundant screening provided between the residential properties to the east and adequate parking lot shading. However, the submitted landscape plans do not comply with the Multi-Use Trail Design adjacent to this site on Azure Drive. Condition number four has been added to this Site Development Plan Review requiring that a revised technical landscape plan reflect adherence to Exhibit 1 of the Transportation Trails Element of The Las Vegas 2020 Master Plan and to provide the adequate number of trees along the public rights-of-way and within areas of the parking lot. Specifically, there are only 20 trees placed at distances greater than the required 30-foot separation. The provided landscape plan does not qualify for the Planting Requirement Alternatives #1 or #2, (shown as Figures 3 and 4, respectively) as outlined in Title 19.12.040(B).2 and Title 19.12.040(B).3, nor has the applicant requested to submit the plans as such.

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• **Elevations**

The elevations and materials are consistent with the neighboring single family developments and the use remains compatible as a buffer to the commercial uses to the west. The applicant has provided elevations that comply with the Residential Adjacency Setback requirements as listed in Title 19.08.060. The pitched roof on Building #1 falls under, or within, the 3:1 slope of the undeveloped residentially-zoned property to the south. The material finish of earth-toned tan and brown stucco with the cultured stone veneer and tiled roofs provide a design that is more in context with the residentially-zone properties to the west and south than the commercial uses located to the northwest. This provides an effective buffer by allowing the commercial office uses to blend in with the neighboring single family residences.

• **Floor Plans**

The provided floor plans show a square, office shell with an entrance placed at each side of the building. There are no unique features to the floor plan to comment on other than no restrooms are shown.

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 Office use is compatible with the neighboring properties; however, the scale of the proposal is greater than what was agreed upon during the Annexation (ANX-21629) of the property into the City of Las Vegas. The development approval granted by the Clark County Commission prior to the annexation required that the proposed office buildings be no larger than 5,000 square-feet, be finished with residential-type materials and peaked-roofs, be limited to one-story in height, and have no more than 45,000 square-feet of gross floor area. Although the applicant has made good effort to design the buildings to appear in context with the residential developments in the area, staff finds that the increase in the size of four individual buildings to 10,000 square-feet, with one building at 11,000 square feet) and the gross floor area increased to 51,000 square-feet as too great an increase from what was shown during the Annexation (ANX-21629) request. Therefore, staff recommends denial of this request.

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- 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 Office use is consistent with the requested General Plan Amendment (GPA-26004) and abides by the Commercial Design Standards and the Landscape and Buffer Requirements as listed in Title 19. However, staff finds that the scope of the proposal as too great an increase in use from the initial proposal approved with the prior Annexation (ANX-21269).

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

The site is accessed via three drives, two on the east side of Tenaya Way, an 80-foot Secondary Collector, and one at the south side of Azure Drive, a 50-foot right-of-way. The rights-of-way provide adequate access to the site. The onsite circulation adequately addresses the needs of each separate building and there is additional landscaped parking located at the north end of the proposal.

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

The applicant has proposed materials and colors that are more residential in nature than those used for typical office developments. During the original development approvals, prior to annexation, the Clark County Commission required that the proposed development utilize materials that blend in with the existing single family residences in the immediate area and to provide landscaping that adequately screens the development. Staff finds that the materials and landscaping are appropriate for the area, in spite of the increased intensity that does not conform to the original requests for smaller sized buildings.

- 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 proposed building elevations show single story buildings with pitched, clay-tiled roofs that comply to the Residential Adjacency Setback Requirements. Each of the five buildings is treated with a stone veneer that wraps around the bottom three feet of the foundation and is finished in earth-toned tan and brown colored stucco. Although the buildings are finished with residential elements that also provide an office-like street front appearance, staff finds that the increase in the floor area of the separate buildings does not comply with the proposal as shown during the approved Annexation (ANX-21269). Each

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building has doubled in size from 5,000 square feet to 10,000 square-feet, with a corner building shown at 11,000 square feet. The increased size is seen as too great for the project to be harmonious with the residential development in the area; therefore, staff recommends denial.

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

If approved, the proposed five-building, single-story 51,000 square-foot Office Development will be subject to City inspections during construction of each of the buildings, as well as routine Business Licensing inspections at the time of licensing of each of the separate buildings, or suites if applicable.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 312

APPROVALS 0

PROTESTS 5