



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 24, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-27316 - APPLICANT: KUMAR & RITU CHOPRA -

OWNER: JOE AND ANNE L PITMAN LIVING TRUST

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (VAR-27318) 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 03/11/08, except as amended by conditions herein.
4. A Waiver from Title 19.12.040 is hereby approved, to allow a 10-foot landscape buffer on the north property line where 15-foot is required and a waiver to allow a zero-foot landscape buffer on the west, east and south property lines where eight feet is required
5. An Exception from 19.10.010 is hereby approved, to allow zero landscaped fingers where five landscaped fingers are required.
6. 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.
7. 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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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).
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. 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.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
16. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the west prior to the issuance of any permits.
17. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns 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 drainageways as recommended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Site Development Plan Review for a proposed 2,950 square-foot commercial development with Waivers to allow a 10-foot landscape buffer on the north property line where 15-feet is required and to allow a zero-foot landscape buffer on the west, east and south property lines where eight feet is required at 2508 Cedar Avenue. The applicant intends to place a 1,700 square-foot Restaurant with a Drive Through and a 1,250 square-foot Self Service Laundry facility on this undeveloped parcel.

This proposal does not satisfy the minimum parking requirements and therefore has submitted a companion Variance (VAR-27318) to allow 17 parking spaces where 22 spaces are required and to allow zero loading spaces where one is required. As this development does not satisfy the requirements of Title 19 for parking and landscaping, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/05/98	The Board of Zoning Adjustment approved a Variance (V-0014-98) which allowed 21 on-site parking spaces where 26 spaces were the minimum required in conjunction with a new fast-food restaurant at 412 N. Eastern Avenue.
02/09/99	The City Council approved a Rezone (Z-0085-98) on a property located on the south side of Cedar Avenue, approximately 150 feet east of Eastern Avenue from R-E (Residence Estates) to C-1 (Limited Commercial). The Planning Commission and staff recommended approval of this request.
<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses related to this request.	
<i>Pre-Application Meeting</i>	
02/29/08	A pre-application meeting was held to discuss the requirements of submitting a Site Development Plan Review application. At this time, the applicant was notified that a companion Variance would be needed with this request.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
03/17/08	A field check was conducted and it was found that this property is currently undeveloped. The subject site can be accessed from Cedar Avenue and also Eastern Avenue. The adjacent property to the west allows this property access via a shared access agreement.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.26

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped Land	SC (Service Commercial)	C-1 (Limited Commercial)
North	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Convenience Store, Gas Station, Car Wash	SC (Service Commercial)	C-1 (Limited Commercial)
East	Convenience Store, Gas Station, Car Wash	SC (Service Commercial)	C-1 (Limited Commercial)
West	Fast food Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050: Commercial and Industrial District Development Standards

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	10,808 SF	Yes
Min. Lot Width	100 Feet	75 Feet	No*
Min. Setbacks			
• Front	20 Feet	20 Feet	Yes
• Side	10 Feet	10 Feet	Yes
• Rear	20 Feet	51 Feet	Yes
Max. Lot Coverage	50%	27%	Yes
Trash Enclosure	Screened	Screened (Existing)	Yes
Mech. Equipment	Screened	N/A	Yes

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* The subject property is zoned C-1 (Limited Commercial), but does not meet the minimum lot width. This property is legally non-conforming.

Pursuant to Title 19.08.060: the following residential adjacency standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	62.52 Feet	78 Feet	Yes
Trash Enclosure	50 Feet	190.26 Feet	Yes

Pursuant to Title 19.10.040: 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 Trees/ 6 Spaces and 1 tree/ end of each row	5 Trees	0 Trees	N*
Buffer:				
Min. Trees				
North	1 Trees/ 30 Linear Feet	3 Trees	0 Trees	N*
East	1 Trees/ 30 Linear Feet	5 Trees	0 Trees	N*
South	1 Trees/ 20 Linear Feet	4 Trees	5 Trees	Y
West	1 Trees/ 30 Linear Feet	5 Trees	0 Tree	N*
TOTAL		22 Trees	5 Trees	N*
Min. Zone Width	8 Feet		0 Feet	N*
Wall Height	6 Feet		None	Y

* The applicant is requesting Waivers of these landscaping 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>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Laundry Self-Service	1,250 SF	1/250	5	0	5	0	N*
Restaurant 2000 SF or less	1,700 SF	1/100	16	1	11	1	N*
SubTotal	2,950 SF		21	1	16	1	N*
TOTAL	2,950 SF		22		17		N**
Loading Spaces	2,950 SF	1/10,000	1		0		N***
Percent Deviation			100%		22.8%		N

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* This property has a shared parking agreement with the adjacent property. This agreement is not recognized by the Planning and Development Department because it does not satisfy the minimum requirements for Title 19.10.010(H) for Shared Parking.

** A companion Variance (VAR-27318) has been requested to allow 17 parking spaces where 22 are required and to allow zero loading spaces where one is required.

*** The site plan depicts a loading space in the middle of the parking lot drive aisle, this is not a dedicated loading space and cannot be counted for this requirement. A request has been submitted to allow zero loading spaces where one is required with the companion Variance (VAR-27318).

Waivers		
Request	Requirement	Staff Recommendation
To allow a 10-foot landscaping buffer on the north property line.	A minimum 15-foot landscape buffer adjacent to Right-of-Way	Denial
To allow a zero-foot landscape buffer on the South, East and West property lines.	A minimum 8-foot landscape buffer for interior lot lines.	Denial

ANALYSIS

- **Zoning/General Plan Conformance**

The existing zoning classification for this site is C-1 (Limited Commercial) while the General Plan designates this parcel as SC (Service Commercial). The SC (Service Commercial) land use designation and its affiliated C-1 (Limited Commercial) zoning district allow for mostly retail shopping and personal services, and are typically located on the periphery of residential neighborhoods.

- **Site Plan**

The site plan depicts the project will front Cedar Avenue and will gain access from both Cedar Avenue and Eastern Avenue. The access to Eastern Avenue will be through a shared access agreement. This shared access is to the west of the subject parcel, and houses an existing fast food Restaurant with Drive-Through. The proposed 2,650 square-foot building will contain a 1,700 square-foot restaurant and 1250 square-foot self service laundry facility. The restaurant meets the minimum condition requirements by providing enough space to stack six-vehicles as required by Title 19.04 for a Restaurant 2,000

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Square Feet or Less (with Drive-Through) use. The drive-through entrance is located toward the rear of the proposed building and patrons will wrap around the east property line. The remaining 1,250 square feet of this commercial development will be used by a proposed Laundry, Self Service Facility use which is permitted in a C-1 (Limited Commercial) zoning district.

- **Parking**

The subject site has 17 parking spaces provided, including one handicap van accessible space, where 22 parking spaces are required for this development. A Variance (VAR-27318) has been submitted to reduce the amount of parking spaces required and to provide zero loading spaces for this development. This development has a shared access and parking agreement with the adjacent property to the west. This shared parking agreement does not meet the minimum Title 19.10.010 standards for shared parking, due to the proposed and adjacent uses having peak customers during the similar hours.

In particular, the uses between these properties are similar uses which will be two restaurants that will generate similar parking demands at similar hours. The adjacent property had a previous Variance (V-0014-98) which allowed for the 21 parking spaces where 26 was the minimum required for a Restaurant, 2,000 Square Feet or More use. These additional four spaces would not satisfy the required 22 spaces for the proposed development, but are not considered due to the conflict with Title 19.10.010 shared parking standards.

- **Landscaping**

The proposed landscaping does not meet all of the minimum Title 19.12 requirements for a commercial development. The applicant has satisfied only one perimeter landscape requirement by providing five trees on the north property line where four are required. This property line does not have the required 15-foot landscaped buffer, providing only 10 feet. This is a concern due to the residential apartments across Cedar Avenue to the north. The east, south and west property lines do not have the required eight foot landscaped buffer, as required in Title 19.12.040. This landscaped buffer would require one tree every 30 feet, thus making this project deficient by 13 perimeter trees. The applicant has submitted Waivers for the deficiencies found in the landscaping plan for this commercial development. The property directly adjacent to the east of the subject site has a landscaped buffer with eight mature trees, which meet the required tree count and buffer width. These trees are not counted toward the subject parcels landscape requirement as they are not located on this property.

The subject site is also deficient in parking lot landscaping as required in Title 19.10.10. In addition to any perimeter landscape provided an interior landscaped island shall be provided at the end of each parking row, and for every six parking spaces. With the applicant providing a total of 17 parking spaces and two rows, a total of five landscaped islands are required. The applicant has applied for an exemption of the parking lot landscaping standards.

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- **Elevations**

The elevations and materials are consistent with the commercial buildings found within the city of Las Vegas. The north elevations show a drive-through window, a front door entrance and windows. The west elevations depict the main entrance into both the laundry facility and the fast food restaurant. The south elevation has a solid wall with a door. The east elevation has a curved angle to the front of building to allow the vehicles to travel in the drive-through. The maximum height of this building is 20.83 feet, which satisfies residential adjacency standards.

- **Floor Plans**

The floor plans depict a 1,700 square foot restaurant with a dinning area near the west side of the building and a service area immediately adjacent to the dinning area. The dinning room contains a sales area, a drink bar and a salsa bar. There are two public restrooms with access from the dinning area. Within the service area, there is a multitude of storage including two walk-in freezers. The rest of the service area contains an office, a cooking area and a drive-through window area.

The Laundry, Self Service Facility is located south of the drive-through restaurant. This facility has an assortment of washers, dryers and folding tables. A public restroom is located to the south of the main entrance, for the customers of this facility. The remainder of the floor space is used for a boiler, office and maintenance aisle for the stack dryers.

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 commercial development is compatible with existing adjacent development and development in the surrounding residential area. The Restaurant with Drive-Through and Laundry Self Service facility will add more service options for the residents in this area. The projects inability to satisfy the minimum Title 19 requirements for parking does not allow this use to be compatible with the surrounding area.

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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;**

This proposed development is not consistent with the landscaping and parking standards as found in Title 19. The need for a submittal of a companion Variance (VAR-27318) for parking, displays that this site is over developed.

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

This site is accessed by Eastern Avenue, a 100-foot Primary Arterial and Cedar Avenue a 60-foot Local Road. It is expected that this development will increase expected volumes by 32 percent on Cedar Avenue and two percent on Eastern Avenue. Currently, Eastern Avenue is at capacity and this slight increase in traffic will increase traffic congestion, therefore negatively impacting adjacent roadways.

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

The building is compatible with the look and standards of the city of Las Vegas and the landscaping materials are compatible with city. This development does not meet the minimum standards for landscaping required by Title 19.

- 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 building elevations indicate a building exterior that creates an orderly and aesthetically pleasing environment and to be harmonious and compatible with development in the area. Architecture details such as pop-outs have been added to this design to limit the monotonous nature of a blank wall. The overall design and character of this development are similar to other commercial developments found in the city of Las Vegas.

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

The proposed plan will not impact public health, safety or welfare since the development will be subject to the International Building Codes and City inspections during construction.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

ASSEMBLY DISTRICT 11

SENATE DISTRICT 10

NOTICES MAILED 141

APPROVALS 0

PROTESTS 0