



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 22, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SDR-26865 - APPLICANT: HAE UN LEE -
OWNER: AZURE AND TENAYA, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Rezoning (Z-0076-98) 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 and landscape plan, date stamped, 02/29/08 and building elevations, date stamped 03/05/08, 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; the addition of four 36 inch box Chitalpa trees in the parking area and one along the southern landscape buffer.
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.

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

Public Works

11. 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.
12. 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 or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.
13. Site development to comply with all applicable conditions of approval for the Montecito East Commercial Subdivision and all other site-related actions.
14. If not already in place, grant a Multi-Use Transportation Trail Easement to the City of Las Vegas overlying the existing trail at the southern boundary of this site prior to the issuance of any permits; coordinate with the Right-of-Way section of the Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for an 11,924 square-foot Package Liquor Establishment and a 4,313 Square-Foot Retail Building. This site is within an overall 53,115 square-foot commercial subdivision that presently includes an existing 10,750 square foot auto parts store/tire center, an approved 17,500 square foot retail center, a 5,128 square-foot restaurant, and a 3,500 square-foot convenience store. Additionally there is an approved 5,517 restaurant to the east of the subject site. There is an existing Multi-Use Transportation Trail along the southern edge of the property.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/07/98	The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) on the subject property as part of a larger request.
04/04/01	The City Council approved requests for Special Use Permits (U000601, U000701, U-0009-01, U-0010-01, U-0012-01, U-0013-01, U-0015-01, U001601, U-0019-01, U-0020-01, U-0022-01 and U002301) for seven Supper Clubs, one Restaurant with drive-through, two Restricted Gaming locations, one Restaurant Service bar and two requests for the sale of Package Liquor, on the subject site. The City Council approved a request for a Site Development Plan Review [Z-0076-98(20)] for the overall commercial development on this site. The Planning Commission and staff recommended approval of the items.
04/04/01	The City Council approved a Site Development Plan Review [Z-0076-98 (20)] for a proposed 110,000 square-foot commercial development on 16.66 acres on the south side of Azure Drive between Tenaya Way and approximately 520 feet east of Rancho Drive/ US 95. The Planning Commission and staff had recommended approval. One of the conditions of approval prohibited 24-hour uses and convenience stores at the subject location.
06/18/03	The City Council approved an Extension of Time (EOT-2155) of the approved Special Use Permit (U-0008-01) which allowed a restaurant with drive-up and related Extensions of Time (EOT-2153, EOT-2154, EOT-2156, EOT-2157, EOT-2158, EOT-2159, EOT-2160, EOT-2161, EOT-2162, EOT-2163, EOT-2164 and EOT-2165) for approved Special Use Permits which allowed seven Supper Clubs, one Restaurant with drive-through, two restricted gaming locations, one Restaurant Service Bar and two requests for the Sale of Package Liquor, on the overall site. The Planning Commission and staff recommended approval.

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08/06/03	The City Council approved a Site Development Plan Review (SDR-2399) for a proposed 51,000 square-foot retail center and a 90,900 square-foot mini-storage facility; and to allow for a reduction in the amount of perimeter and parking lot landscaping on 10.61 acres adjacent to the northwest corner of Azure Drive and North Tenaya Way. The Planning Commission and staff recommended approval.
3/17/04	The City Council approved a Site Development Plan Review (SDR-3648) and a Waiver of the perimeter and buffering landscaping requirements for a 7,852 square-foot Auto Parts (New and Rebuilt) (Accessory Sales and Service) store on a 0.92 acre portion of 7.24 acres adjacent to the south side of Azure Drive, approximately 1,100 feet west of Tenaya Way. The Planning Commission and staff recommended denial.
06/01/05	The City Council approved Extension of Time of requests (EOT-6561, EOT-6562, EOT-6563, EOT-6564, EOT-6566, EOT-6567, EOT-6610 and EOT-6611) for approved Special Use Permits which allowed five supper clubs, one Restaurant with Drive-through, one Restaurant Service Bar and one request for the Sale of Packaged Liquor, on the overall site.
09/20/06	The City Council approved a Site Development Plan Review (SDR-15055), a Variance (VAR-15057) and two Special Use Permits (SUP-15058 and SUP-15059) for a restaurant to the east of the subject. The Planning Commission recommended approval and staff recommended denial.
01/11/07	The Planning Commission approved Site Development Plan Review (SDR-18344) for a proposed 5,128 square foot restaurant on an adjacent parcel to the east of the subject property. The Planning Commission action was final and staff recommended approval.
03/27/08	The Planning Commission held this item in abeyance until 04/24/08 in order to allow the applicant to conduct a neighborhood meeting.
<i>Pre-Application Meeting</i>	
01/11/08	Requirements of the Site Development Plan Review application were discussed, as were Town Center Development standards.
<i>Neighborhood Meeting</i>	
Although a meeting is not required for this application type the applicant was advised by staff to conduct a neighborhood meeting, however no indication has been made that such a meeting has taken place.	

<i>Field Check</i>
The site is undeveloped, the multi-use trail is in place as is a portion of the street front landscaping.

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		
T-C Town Center District	X		Yes

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		
T-C Town Center District	X		Yes
Trails	X		Yes
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.61
Net Acres	1.57

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	SX-TC (Suburban Mixed Use)	T-C (Town Center)
North	Commercial Center	SX-TC (Suburban Mixed Use)	T-C (Town Center)
South	Single-Family	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development 7 units per acre) & Clark County R-E (Residence Estates)
East	Vacant	SX-TC (Suburban Mixed Use)	T-C (Town Center)
West	Auto Parts Store/Tire Center	SX-TC (Suburban Mixed Use)	T-C (Town Center)

DEVELOPMENT STANDARDS

**Per Town Center Development Standards, Section C. (SX-TC)*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks			
• Front	15 Foot	20 Foot	Yes
• Side	10 Foot	0 Foot	Yes
• Corner	15 Foot	80 Foot	Yes
• Rear	20 Foot	73 Foot	Yes

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Build-to-Line*	Not required in this portion of Town Center	N/A	N/A*
Max. Building Height	Two Stories	One Story	Yes
Trash Enclosure	Screened	Screened	Yes
Mech. Equipment	Screened	Screened	Yes

**Per Town Center Development Standards, Section C, Build To Line standards only apply to the following areas: Town Center Edge Zone, Town Center Transition Zone, Town Center Core and the Town Center Urban Zone.*

Per Title 19.08

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	24 foot height 72 feet 28 foot height 84 feet 33 foot height 99 feet	73 feet 89 feet 151 feet	Yes Yes Yes
Trash Enclosure, 50 feet from residential	Screened, greater than 50 feet from adjacent residential	Screened and beyond 50 feet from adjacent residential	Yes

***Per Town Center Development Standards, Section C**

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree per 6 Spaces	22 Trees	18	No*
Buffer: Min. Trees	1 Tree per 20 Linear Feet	34 Trees	33	No*
TOTAL		55	51	No*
Min. Zone Width	15 Feet		20	Yes
Wall Height	6-8 Feet		6-foot existing	Yes
20% Open Space Requirement			23%	Yes

**A Condition has been added requiring additional trees to bring this proposed development into compliance with the Town Center Development Standards.*

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The table below should be used where specific streetscape standard apply

Streetscape Standards	Required	Provided	Compliance
Town Center Loop Road	15 Feet	15 Feet	Yes

The streetscape for this site has already been constructed by the master developer and is in compliance with the Town Center Standards.

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	
Subject site	16,249 SF	1:250	65	3	60	3	Yes
Overall	53,115 SF	1:250	213	7	264		
					30*		
TOTAL (including handicap)	53,115 SF	1:250	213	7	294	15	Yes*

**An approved restaurant development east of the subject site incorporates 21.3% of its overall provided parking with compact parking stalls, which accounts for 30 of the overall 294 provided parking spaces for the commercial subdivision.*

ANALYSIS

•Zoning

The subject property is zoned T-C (Town Center). The properties within this area are subject to the guidelines in the Town Center Development Standards Manual. The land use on the property is SX-TC (Suburban Mixed Use Town Center). The Town Center area encourages imaginative development with a mixture of uses. The proposed development and the mix of commercial properties adjacent to this site meets the intent of the Town Center area.

• Site Plan

This is a request for a Site Development Plan Review for an 11,924 square-foot package liquor establishment and a 4,313 square-foot retail building. This site is within an overall 53,115 square-foot commercial subdivision that presently includes an existing 10,750 square-foot auto parts store/tire center, an approved 17,500 square foot retail center, a 5,128 square-foot restaurant, and a 3,500 square-foot convenience store. Additionally there is an approved 5,517 restaurant to the east of the subject site. There is an existing Multi-Use Transportation Trail along the southern edge of the property.

•**Town Center**

The subject site is located within the Town Center Special Plan area and is designated as SX-TC (Suburban Mixed Use Town Center). The Suburban Mixed Use District allows low to medium intensity retail, office or other commercial uses as well as medium density residential uses. The Suburban Mixed Use District is intended to be more reflective of suburban development. As this commercial center is not within the Town Center Urban Core, Town Center Core, Main Transition Zone or the Town Center Edge Zone, build-to-line standards do not apply. The proposal generally complies with landscaping standards, with the exception of minor deficiencies which have been noted. A condition of approval has been added to bring the proposal into full compliance with Town Center Development Standards.

•**General Plan Compliance**

The subject property is located in the Centennial Hills Sector Plan of the General Plan. The governing land use on the property is SX-TC (Suburban Mixed Use Town Center) as the property is also located in Town Center. The proposed project is in compliance with the SX-TC land use designation and the General Plan.

•**Landscaping**

The proposed development complies with Town Center landscaping standards. There are a total 14 trees along the multi-use transportation trail located near the south property line, which does not meet the required 15 trees. The landscape plans show 14 Rio Grande Ash, 21 Mexican Fan Palms, and 14 Chitalpa trees throughout the development. Along the Azure Drive street frontage, Mexican Fan Palm trees with a 25-foot high brown trunk are being proposed along the Azure Drive street frontage. Town Center standards require 25-foot tall Mexican Fan Palms along street frontages. In order to comply with Town Center landscape standards four additional 36 inch box Chitalpa trees must be incorporated into the parking area, and one added along the southern landscape buffer area. A condition of approval has been added to remedy these deficiencies.

•**Elevation**

Elevations show a single-story building with a flat roof. The overall building height is between 24 feet high and 33 feet at its highest point. The building height varies to break up the outline of the structure per Town Center standards, and residential adjacency standards are met.

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Proximity slope: The proposed development has various building heights with a maximum of 33 feet. The site is directly adjacent to County lands designated for low-density residential development; as a result, a setback of at least 72 feet is required to the south of the building to meet the 3:1 slope requirement. Since this proposed setback is 73 feet, the project exceeds proximity slope requirements.

Building setback: The adjacent County R-E (Rural Estates Residential) land has a 30-foot rear yard setback. The proposed development easily exceeds this matching setback requirement.

•Floor Plan

Floor plans depict one 11,924 square foot commercial retail pad which is proposed to house a Package Liquor store. Three smaller in-line retail spaces with a total of 4,313 square feet of space.

This proposed development is compatible with the area, requires no Variances or Waivers, and staff recommends approval

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.**

This proposed development is compatible with the adjacent commercial development in the area. The residential property to the south is buffered by a walking path and landscape screening, and all necessary setback and residential adjacency standards have been met. Trash enclosures are screened.

- 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 subject property is consistent with Title 19, and Town Center Development Standards, Landscape, Wall and Buffer Standards.

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

The site gains access from Azure Drive a 90-foot Town Center Loop Road. The proposed project will share a driveway with the parcel to the east, with which the applicant has a shared parking agreement. This parcel is not yet developed. Site access and circulation are acceptable.

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

Building materials and landscaping are compliant with Title 19, and Town Center Development Standards. A condition has been added to bring the landscaping deficiencies into compliance with Town Center Development Standards.

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 blend in with the surrounding commercial development and are compatible with the area.

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

The site is subject to State and City inspections for licensing and will, therefore, not compromise the public health, safety, and welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 582

APPROVALS 3

PROTESTS 48