

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JUNE 26, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-27314 - APPLICANT/OWNER: EMERALD LAKE INC., ET AL**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL, subject to:*****Planning and Development***

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-27311) and General Plan Amendment (GPA-27309) 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 06/13/08 and building elevations date stamped 05/20/08 and 06/13/08, except as amended by conditions herein.
4. A Waiver from Title 19.12.040(A) is hereby approved, to allow a 13.5-foot wide landscape buffer along the north property line where 15 feet is required.
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. The technical landscape plan shall include the following changes from the conceptual landscape plan. In addition to the landscape provided along the northern landscape buffer, a landscaped berm shall be required.
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. Utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
10. 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.
11. 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.
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 mapping is necessary; if a map or joining is required, it should record prior to the issuance of any permits for this site.
14. 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.
15. 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. 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.
16. The proposed driveway accessing this site from Hart Avenue shall be designed located and constructed in accordance with Standard Drawing #224 and shall be crash gated to prevent commercial traffic from entering the adjacent residential neighborhood.

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17. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
18. Landscape and maintain all unimproved rightofway, if any, on Hart Avenue and Lake Mead Boulevard adjacent to this site prior to the issuance of any permits. All landscaping and private improvements installed with this project shall be situated and maintained so as not to create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
19. Submit an Encroachment Agreement for all landscaping, if any, located in the Hart Avenue and Lake Mead Boulevard public right-of-way adjacent to this site prior to occupancy of this site.
20. 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 is a request for a Site Development Plan Review for a proposed 17,550 square-foot retail and office development with Waivers of the perimeter landscape requirements on 2.1 acres on the south side of Lake Mead Boulevard, approximately 175 feet east of Martin L King Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/27/05	A Code Enforcement case (#27810) was opened for high weed violation. The case was resolved on 04/17/05
07/31/05	A Code Enforcement case (#33126) was opened for vehicle abandoned on the street. The case was resolved on 08/07/05
10/14/05	A Code Enforcement case (#35354) was opened for vacant/dangerous building at 1341 Hart Avenue. The case was resolved with the building being removed on 04/04/06.
09/16/07	A Code Enforcement case (#57873) was opened for refuse/waste on site. The case was resolved on 10/06/07.
04/24/08	The Planning Commission approved a request to abey a General Plan Amendment (GPA-27309) application to amend a portion of the Southeast Sector Plan of the General Plan from MLA (Medium Density Residential) to SC (Service Commercial); a Rezoning (ZON-27311) application to reclassify property from R-2 (Medium-Low Density Residential) to C-1 (Limited Commercial); and a Site Development Plan review (SDR-27314) application for a proposed 17,620 SF retail development, including a 2,000 SF medical office building with waiver to allow a 3.5-foot perimeter landscape buffer along a portion of the north property line where a 15-foot landscape buffer is required on 2.1 acres on the south side of Lake Mead Boulevard, approximately 175 feet east of Martin L King Boulevard.
06/12/08	The Planning Commission approved a request to abey a Site Development Plan review (SDR-27314) application for a proposed 17,620 SF retail development, including a 2,000 SF medical office building with waiver to allow a 3.5-foot perimeter landscape buffer along a portion of the north property line where a 15-foot landscape buffer is required on 2.1 acres on the south side of Lake Mead Boulevard, approximately 175 feet east of Martin L King Boulevard. The item will be heard on the 06/26/08 Planning Commission.

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06/12/08	The Planning Commission approved a General Plan Amendment (GPA-27309) application to amend a portion of the Southeast Sector Plan of the General Plan from MLA (Medium Density Residential) to SC (Service Commercial); a Rezoning (ZON-27311) application to reclassify property from R-2 (Medium-Low Density Residential) to C-1 (Limited Commercial) and is scheduled for the August 5, 2008 City Council meeting.
<i>Related Building Permits/Business Licenses</i>	
No related building permits or business licenses exist on the site.	
<i>Pre-Application Meeting</i>	
02/22/08	A pre-application meeting was held with staff to discuss the process of submitting a request to construct a medical office complex on two undeveloped parcels. Staff then discussed the submittal requirements for a General Plan, Rezoning and Site Development Plan.
<i>Neighborhood Meeting</i>	
03/24/08	<p>A neighborhood meeting was held on Monday, March 24, 2008 at 5:30 p.m. at the West Las Vegas Library located at 951 W. Lake Mead Boulevard. Six applicants, one city staff and 12 members of the public were in attendance. Concerns expressed at the meeting were the following:</p> <ul style="list-style-type: none"> • Where will the developer seek employees? • Will there be alcohol uses at this site? • Will there be pay day loans at this site? • Traffic on Lake Mead.
<i>Field Check</i>	
03/24/08	A field check was conducted on site. The site is currently vacant with chain link fences erected around the parcels. The site is next to a Restaurant with Drive-through to the west, a Church to the east and residences across Hart Avenue to the north.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.01

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	MLA (Medium Low Attached Density Residential) and C (Commercial)	R-2 (Medium-Low Density Residential)
North	Churches and Single Family Residential	MLA (Medium Low Attached Density Residential)	R-2 (Medium-Low Density Residential)

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South	Retail, Private School	C (Commercial)	C-1 (Limited Commercial) and C-V (Civic)
East	Churches and Single Family Residential	MLA (Medium Low Attached Density Residential) and C (Commercial)	R-2 (Medium-Low Density Residential)
West	Restaurant with Drive-Through	SC (Service Commercial) and C (Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
West Las Vegas Plan	X		Y
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Airport Overlay (105 Feet)	X		Y
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, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	260 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	N/A	N/A
• Rear	20 Feet	53 Feet	Y
Min. Distance Between Buildings	10 Feet	54 Feet	Y
Max. Building Height	NA	30 Feet*	N/A
Trash Enclosure	Enclosed and Covered	Enclosed and Covered	Y
Mech. Equipment	Screened from public view	Not Indicated	N**

* Pursuant to Title 19.08.060, height is subject to Residential Adjacency Standards.

**A standard If Approved condition requires all mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

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Pursuant to Title 19.08.060, the following standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	90 Feet	118 Feet	Y
Adjacent development matching setback	20 Feet	53 Feet	Y
Trash Enclosure	50 Feet from residentially zoned property	89 Feet	Y

Pursuant to Title 19.12, the following 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 Tree/ 6 Spaces	17 Trees	21 Trees	Y
Buffer:				
Min. Trees (Adjacent to Commercial)	1 Tree/ 30 Linear Feet	16 Trees	18 Trees	Y
(Adjacent to Residential)	1 Tree/ 20 Linear Feet	30 Trees	32 Trees	Y
TOTAL		63 Trees	71 Trees	Y
Min. Zone Width Interior	8 Feet		8 Feet	Y
Along ROW (Lake Mead Blvd.)	15 Feet		15 Feet	Y
Along ROW (Hart Avenue)	15 Feet		13.51 Feet	N
Wall Height	8 Feet		6 Feet	Y

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	
Retail	14,000 SF	1:175	80				
Medical Office	2,000 SF	1:200	10				
SubTotal			90	4	90	4	Y
TOTAL (including handicap)			90 spaces		90 spaces		Y
Loading Spaces			2		2		Y

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Waivers		
Request	Requirement	Staff Recommendation
13.51-foot landscape buffer along Hart Avenue.	15 foot landscape buffer	Approval

ANALYSIS

- **Land Use and Zoning**

The subject properties are located within the Southeast Sector of the General Plan. A proposed General Plan Amendment (GPA-27309), if approved, would allow a SC (Service Commercial) land use designation. The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate.

There is a Rezoning (ZON-27311) to change the sites zoning from R-2 (Medium-Low Density Residential) to C-1 (Limited Commercial). The C-1 District is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

With approval of the proposed General Plan Amendment (GPA-27309) to the SC (Service Commercial) Land Use designation and Rezoning (ZON-27311) to the C-1 (Limited Commercial) Zoning District, the proposed General Retail and Medical Office uses associated with this development are permissible uses.

- **Site Plan**

The site is located on the south side of Lake Mead Boulevard, approximately 175 feet east of Martin L. King Boulevard. The site plan illustrates a one-story, 10,425 square-foot building located adjacent to the western property line and a portion of the southern property line, as well as a two-story, 5,575 square-foot building located along the street frontage of Lake Mead Boulevard. Access from the site is provided from a 32-foot wide driveway aisle off Lake Mead Boulevard. In the rear of the site, an emergency crash gate with a 24-foot wide driveway aisle has been proposed off of Hart Avenue.

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Some parking is provided adjacent to the buildings, but it is primarily located at the rear of the site, as the proposed buildings face the street fronts and will be constructed at the build-to-line. Therefore creating a stronger street edge and facilitating pedestrian traffic. Per Title 19.10 Parking Standards, a 16,000 square-foot retail and medical office development requires 90 parking spaces, which four are required to be handicap accessible, one of which is to be a van accessible space. The applicant has provided 90 parking spaces, including four handicap parking spaces of which two are van accessible spaces. In addition the site plan depicts two loading spaces. This proposal meets Title 19.10 Parking Standards.

- **Landscape Plan**

The landscape plan shows fifty 24-inch box Mondel Pine trees planted along the perimeter of the site where forty-six 24-inch box trees are required per Title 19.12 Landscape Standards. Two additional Mondel Pines are provided as foundation landscaping for Building 2.

The applicant has requested a Waiver of Title 19.12.040 Landscape and Buffer Standards to provide a 13.51 foot landscape buffer where 15 feet is required along a portion of the north property line. As a portion of the proposed landscape buffer is located within the public right-of-way, the applicant will be required to obtain an encroachment agreement from the Department of Public Works, prior to the instillation of the landscape materials. The proposed quantity of planting material meets the requirements set forth by Title 19.12.

The applicant is proposing a new six-foot block wall along the northern property line, placed at the back of the landscape buffer, so as not to create a canyon effect along Hart Avenue. In addition, the applicant is proposing the new six-foot block wall along the entire length of the eastern property line. The depicted wall is composed of 80% split-face block and 20% smooth block, both of which are colored sand stone. Therefore, the proposed wall is in compliance with Title 19.12.075.

- **Elevations**

The provided elevations for Building 1 depict a one-story rectangular commercial building with storefronts and roofs at various building heights with 30 feet being the highest point. The elevations show the use of yellow and red colored stucco as the primary façade material with cultured rock wainscoting at the entrance and concrete tile roofs. Building 2 is a two-story building 25 feet in height with the same style and materials utilized. The mechanical equipment is specified and screened from public view.

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Pursuant to Title 19.08.060 Residential Adjacency Standards, a 30-foot high building adjacent to residential protected property requires a setback of 90 feet. The building is set back 118 feet from residential property to the north. Therefore, the proposal meets the required setback for a 30-foot high building per Title 19.08.060.

- **Floor Plan**

The provided floor plan depicts two separate buildings. The largest building is an 10,425 square-foot retail building (Building 1). The floor plan depicts the installation of seven restroom facilities within a shell building.

The smaller 5,575 square-foot medical office and retail building (Building 2) is two stories in height. The first floor is 3,575 square feet in size and designated for retail while the second floor is 2,000 square feet and will be utilized as a medical office. There is a balcony on the second floor that looks toward the west.

Both sets of floor plans depict the use of glazed windows. Pursuant to Title 19.08.050, Reflective glazing at the pedestrian level is prohibited. In addition 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). Therefore, this application will be conditioned as such to substantiate conformance.

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;**

With the approval of the associated request for a Rezoning (ZON-27311) to the C-1 (Limited Commercial) zoning district, this proposal will be consistent with the surrounding uses and is appropriate given the proximity of the site to Lake Mead Boulevard and Martin L King Boulevard, which are both 100-foot rights-of-way.

- 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;**

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With the approval of the associated request for a General Plan Amendment (GAP-27309) to the SC (Service Commercial) General Plan designation for a portion of the site, the proposed development will be in compliance with the General Plan and adopted city plans and policies. The applicant has requested a Waiver of Title 19.12 Landscape Buffer Standards along the north property line. As the applicant has provided adequate landscaping within the subject area, staff can support this minor reduction in buffer depth.

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

Site access is adequately provided by Lake Mead Boulevard, classified as a 100-foot wide Primary Arterial by the Master Plan Streets and Highways, through a centrally located driveway at the front of the property.

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.

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.

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 Code and City inspections during construction.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

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APPROVALS 3

PROTESTS 1