

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JUNE 12, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-27321 APPLICANT/OWNER: OR INVESTMENT GROUP, LLC**

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

1. Conformance to all Minimum Requirements under Title 19.06.080 for a project in the Airport Overlay District.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-27319) and Variance (VAR-28009) shall be required.
3. 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.
4. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Major Modification to an approved Special Use Permit (SUP-6947) which to allow a 50-foot tall building where 35 feet was the maximum height permitted in the Airport Overlay zone on 5.83 acres adjacent to the west side of Rancho Drive approximately 180 feet south of Lake Mead Boulevard. The previously approved Special Use Permit (SUP-6947) allowed a 197-foot building where 35-feet was the maximum height permitted in the Airport Overlay zone for a Mixed-Use development which had been approved on this site. The applicant is requesting this Major Modification to accommodate a proposed one-story shopping center which consists of four buildings spread throughout the site. The buildings will feature a unified Mediterranean architectural theme with varied storefront elevations, window shapes, finish materials and roof heights at heights ranging between 26 and 50 feet.

The applicant has submitted a Site Development Plan Review (SDR-27319) for a 73,065 square-foot retail development with a Waiver to allow a one-foot landscape buffer along two 15-foot portions of the west perimeter where eight feet is required and a Variance (VAR-28009) from residential adjacency standards to allow a 22-foot rear setback where 87 feet is required as companion items to this request. The elevations submitted detail that most of the retail buildings will be less than 35 feet in height, with only some roof portions extending above that height as architectural embellishments. As the applicant has demonstrated through the submitted elevations that roof heights within the proposed development could easily be sustained at heights less than 35 feet, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/15/04	The City Council tabled requests for a Site Development Plan Review (SDR-5109) and a Waiver of the Commercial Development Standards to allow a three-foot front yard setback where 20 feet is the minimum required for a proposed mixed-use development consisting of 504 residential condominium units and 90,000 square feet of retail space in two 10-story buildings 94.5 feet high, a 12-story building and two 16-story buildings on 5.84 acres, a request for a Special Use Permit (SUP-5111) for a proposed mixed-use development consisting of two 10-story buildings 94.5 feet high, a 12-story building and two 16-story buildings and a request for a Variance (VAR-5114) to allow a 32-foot rear yard setback where residential adjacency standards require a minimum of 110 feet for a proposed mixed-use development consisting of two 10-story buildings 94.5 feet high, a 12-story building and two 16-story buildings adjacent to the west side of Rancho Drive approximately 180 feet south of Lake Mead Boulevard. The Planning Commission denied these requests. Staff recommended denial.

SUP-27321 - Staff Report Page Two
June 12, 2008 - Planning Commission Meeting

08/17/05	The City Council approved a request for a Site Development Plan Review (SDR-6946) for a mixed use development including two 16-story towers with a total of 300 residential units and 12,548 square feet of commercial space and waivers of the residential adjacency standards and perimeter landscaping requirements, a request for a Special Use Permit (SUP-6947) for a 197-foot tall building where 35 feet is the maximum height allowed in the airport overlay zone, a request for a Special Use Permit (SUP-6948) for a mixed use development and a request for a Variance (VAR-6952) to allow a zero front setback ratio where a 1:1 setback ratio is required along a collector or larger street for a 197-foot tall building on 5.48 acres adjacent to the southwest corner of Lake Mead Boulevard and Rancho Drive. The Planning Commission and staff recommended approval of these requests.
09/19/07	The City Council approved a Request for an Extension of Time (EOT-23836) of an approved Site Development Plan Review (SDR-6946) for a mixed use development including two 16-story towers with a total of 300 residential units and 12,548 square feet of commercial space and waivers of the residential adjacency standards and perimeter landscaping requirements, a Request for an Extension of Time (EOT-23838) of an approved Special Use Permit (SUP-6947) for a 197-foot tall building where 35 feet is the maximum height allowed in the airport overlay zone, a request for an Extension of Time (EOT-23841) of an approved Special Use Permit (SUP-6948) for a mixed use development and a request for an Extension of Time (EOT-23843) of an approved Variance (VAR-6952) to allow a zero front setback ratio where a 1:1 setback ratio is required along a collector or larger street for a 197-foot tall building on 5.48 acres adjacent to the west side of Rancho Drive approximately 190 feet south of Lake Mead Boulevard. Staff recommended approval of these requests.

<i>Related Building Permits/Business Licenses</i>	
06/25/03	A Building Permit (#03013187) was issued to allow for the construction of pole sign at 2085 North Rancho Drive. The permit received final approval on 07/16/03.
<i>Pre-Application Meeting</i>	
02/07/08	A pre-application meeting was held with the applicant where elements of a Site Development Plan Review for a retail shopping center were discussed.
<i>Neighborhood Meeting</i>	

SUP-27321 - Staff Report Page Three
June 12, 2008 - Planning Commission Meeting

02/19/08	<p>A neighborhood meeting was held on Tuesday, February 19, 2008 at 6:00 p.m. in the Houston Room at Texas Station Hotel and Casino located at 2101 Texas Star Lane, North Las Vegas, NV 89032. Five applicants, one planning staff member, the Ward 5 council liaison, the Ward 5 councilman and 6 members of the public were in attendance. This meeting was voluntarily held by the applicant, and proposed the original design for this project, which was similar in use but roughly double the size of this current application. The concerns expressed at the time were as follows:</p> <ul style="list-style-type: none"> • Will there be an underground tunnel constructed under Rancho Drive between the proposed project and Texas Station? (The applicant responded that there was an existing signalized crosswalk between the two properties.) • Who owns the access road from Lake Mead? (The applicant responded that it was owned by the abutting property owner, but that they had an access easement to their property from Lake Mead.) • What will happen to the block wall on the west side of the property? (The applicant's representative responded that the wall would be brought up to code, and that extensive landscaping would be installed along the common property line.) • Will the gas station property be included in the development? (The applicant responded that they did not have control of the gas station property.) • Will there be slots? (The applicant responded that the project was retail/restaurant/office, and that the only gaming would be as allowed accessory to a sports bar.) • When is the scheduled completion date? (Late 2009/early 2010) • What type of tenants? (Small grocery market, drug store, bank, small gym/day spa, general retail, food court, sit-down restaurants, office.) • How much parking will be provided? (670 spaces, approximately 100 more spaces than required by code, located in a multi-story garage.) • The general consensus of the public was that the project was superior to the 16-story mixed-use project that had previously been approved for the site, and that the design of the project would enhance the area.
----------	---

Field Check	
04/14/08	A field check was conducted by staff at the subject property. The site was noted to be undeveloped and flat, with numerous political advertisements on site and graffiti on the west perimeter wall of the property.

Details of Application Request	
Site Area	
Gross Acres	5.83

SUP-27321 - Staff Report Page Four
 June 12, 2008 - Planning Commission Meeting

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
North	Convenience Store/Gas Station	GC (General Commercial)	C-2 (General Commercial)
	Access Road	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Access Road	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Hotel/Casino	RC [Resort Commercial (City of North Las Vegas)]	C-2 [General Commercial (City of North Las Vegas)]
West	Multi Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)

<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			
A-O (Airport Overlay) District 35 Feet	X		N*
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y**

* The applicant has submitted a Special Use Permit (SUP-27321) to allow a 50-foot one-story building where 35 feet is the maximum allowed in the A-O District.

** The Special Use Permit to allow a 50-foot one-story building where 35 feet is the maximum allowed in the A-O District meets the criteria of a Project of Significant Impact. A Project of Significant Impact has been filed.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
<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	
Shopping Center	73,065 SF	1 space / 250 SF	286	7	287	7	

SUP-27321 - Staff Report Page Five
June 12, 2008 - Planning Commission Meeting

TOTAL			293	294	Y
Loading Spaces			4	4	Y

ANALYSIS

•Zoning

The subject property has a General Plan designation of GC (General Commercial). The General Commercial category allows retail, service, wholesale, office and other general business uses of a more intense commercial character. The zoning of the subject property is C-2 (General Commercial) which is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. The proposed uses and programming of the proposed Shopping Center meets the intent of both of these descriptions.

The subject parcel is located within the Airport Overlay District (35 Feet) of the North Las Vegas Air Terminal. The requirements of the Airport Overlay District state that any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in a manner which would exceed the limitations of this subchapter may apply to the Planning Commission for a Special Use Permit.

•Use

The proposed 50-foot height Special Use Permit will be utilized in conjunction with the construction of a 73,065 square-foot Shopping Center. The applicant has requested the 15-foot height limitation extension in order to accommodate varying roof heights.

•Conditions

19.06.080 A-O Airport overlay district:

- (C) Aviation Easement. The issuance of a building permit for construction on property within the Airport Overlay District may be conditioned upon the property owners signing of an aviation easement.
- (D) Planning Commission Review and Approval. Except as provided in Section 19.06.080(E), any new construction or alteration of any existing structure on a parcel located within the Airport Overlay

SUP-27321 - Staff Report Page Six
June 12, 2008 - Planning Commission Meeting

District must first be approved by the Planning Commission if such construction or alteration exceeds any of the following height standards:

- (2) The plane of an imaginary surface extending outward and upward at a slope of one hundred to one for a horizontal distance of twenty thousand feet from the nearest point of the nearest runway of any airport subject to the provisions of this Section;
- (H) Special Use Permit.
- (1) Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in a manner which would exceed the limitations of this Section may apply to the Planning Commission for a Special Use Permit. The Special Use Permit application shall be processed in accordance with the Special Use Permit procedures set forth in Section 19.18.060, except that:
 - (a) The applicant shall notify the FAA regional office and the Clark County Department of Aviation of the application prior to the time of submission; and
 - (b) Any approval by the Planning Commission must be referred automatically to the City Council for final disposition.
 - (2) Notwithstanding the preceding provisions of this Section, no Special Use Permit shall be granted that would allow the establishment or creation of an obstruction or permit a non-conforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this Section or any amendment thereto.

The applicant has not submitted evidence to the Department of Planning and Development that the FAA regional Office and the Clark County Department of Aviation have been notified of this application.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

SUP-27321 - Staff Report Page Seven
June 12, 2008 - Planning Commission Meeting

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed Special Use Permit can not be conducted in a manner that is harmonious and compatible with the existing surrounding land uses as the applicant has requested an extension of height into the Airport Overlay zone on property that is less than one-quarter of a mile south of an airport. The North Las Vegas Air Terminal is located approximately 1,200 north of the subject property.

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

The subject site as designed is not physically suitable for the type and intensity of land use proposed. The uses proposed are General Plan and Title 19.04 compliant, however the manner in which the Shopping Center has been placed on the subject site and the height extension sought into the Airport Overlay zone is not suitable for this location.

- 3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

The site accesses Rancho Drive, a Freeway/Expressway as indicated by the Master Plan of Streets and Highways, Lake Mead Boulevard, a 100-foot Primary Arterial as indicated by the Master Plan of Streets and Highways, and Hussium Hills Access, a private roadway which accesses Rancho Drive, all of which can adequately support the proposed development.

- 4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

Approval of the Special Use Permit at the site in question may compromise the public safety as the North Las Vegas Air Terminal has not commented if approval of this Special Use Permit will be a detriment to existing flight patterns.

- 5. The use meets all of the applicable conditions per Title 19.04.**

If this Special Use Permit is approved, and the applicant supplies documentation that the FAA regional office and the Clark County Department of Aviation have agreed to this use, this site will meet all applicable condition per Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 6

ASSEMBLY DISTRICT 7

SENATE DISTRICT 4

NOTICES MAILED 520

APPROVALS 1

PROTESTS 5