

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JULY 10, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-27953 APPLICANT/OWNER: NEVADA POWER COMPANY**

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

1. 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.
2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 06/12/08, except as amended by conditions herein.
3. 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.
4. 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.
5. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
6. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
7. All perimeter walls must be decorative with 20 percent contrasting material and that pilasters are to be spaced a maximum of 24 feet on center.

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8. 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 landscape buffer shall be included along the western property line adjacent to the neighboring residential development sufficient to provide a tree every 20 feet on-center in an approved configuration as outlined by Title 19.12.030.
9. 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.
10. 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.
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. The applicant shall coordinate with the adjacent parcel to the north to submit and receive approval from the City Council for a Review of Condition #14 of SDR3278 to allow access to this site via the existing emergency access easement prior to the issuance of permits. If the ROC is not approved by the City Council this site plan shall be null and void and the applicant will need to obtain access through an alternative entry.
14. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the north prior to the issuance of any permits.

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15. The proposed gated entry shall be designed, located and constructed to meet the intent Standard Drawing #222a. An appropriate turn around shall be constructed within the private drive and the proposed gates shall be setback a sufficient distance to allow the largest commercial vehicles accessing this site to pull completely out of the Martin L. King Boulevard rightofway before stopping to open the gates.
16. All landscaping and private improvements 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. Existing obstructions, such as the block wall on the adjacent parcel to the north side of this site, shall be modified as necessary to conform to the Sight Visibility Restriction Zone Standards.
17. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of construction plans for this site. The design and layout of the access drive shall meet the approval of the Department of Fire Services.
18. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a Utility Substation on a 2.74 acre site located approximately 950 feet northwest of the intersection of Alta Drive and Martin Luther King Boulevard. This substation is intended to serve the growing energy needs of the downtown area. The site is presently vacant, and will be accessed by a private road from Martin Luther King Boulevard. An associated Variance (VAR-27954) for a 14-foot perimeter wall where 8-foot is the maximum allowed will be heard with this item. As part of the request for a Site Development Plan Review, there is also a request for a Waiver of landscaping requirements along the northern property line, to provide zero trees where eight trees would be required. The applicants justification for the Waiver is that a specific portion of the site is an existing utility easement area and under proposed power poles, additionally that has two associated driveways for site access.

Since these requests are do not jeopardize the health, safety and general welfare of the citizenry, staff is recommending approval on the Site Plan Development Review and the associated Variance (VAR-27954).

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/17/60	A request to Rezone a portion of the subject property from R-1 (Single-Family Residential) to R-4 (High-Density Residential) was approved by City Council. The Planning Commission had recommended approval of the request.
05/22/03	A request for approval of a Tentative Map (TMP-1990) for a one-lot commercial subdivision (Alta Business Park) was Withdrawn Without Prejudice by the applicant at the Planning Commission meeting.
12/15/04	The City Council denied a General Plan Amendment (GPA-5034) application to amend a portion of the Southeast Sector Plan of the General Plan from SC (Service Commercial) to H (High Density Residential) on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard. The Planning Commission and staff recommended approval of the application.
12/15/04	The City Council denied a Rezoning (ZON-4941) application for the proposed reclassification of property from C-1 (Limited Commercial) to R-PD50 (Residential Planned Development 50 units per acre) on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard. The Planning Commission and staff recommended approval of the application.

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12/15/04	The City Council denied a Variance (VAR-5035) application to allow a 20-foot setback where 1,212 feet is required on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard. The Planning Commission recommended approval on 11/04/04; staff also recommended approval of the application.
12/15/04	The City Council denied a Variance (VAR-5479) application to allow 153,879 square feet of open space where 606,678 square feet is required for an 854-unit multi-family development on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard. The Planning Commission and staff recommended approval of the application.
12/15/04	The City Council denied a Site Development Plan Review (SDR-5155) application for a proposed 21-story, 840 unit condominium development in three buildings on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard. The Planning Commission recommended approval on 11/04/04; staff also recommended approval of the application.
06/01/05	The City Council approved a Site Development Plan Review (SDR-6282) application, a Special Use Permit (SUP-6284) application to allow Mixed-Use development on the site, and a Variance (VAR-6283) application to address height and Residential Adjacency issues related to the proposed development. The Planning Commission and staff had recommended approval of the requests.
05/17/06	The City Council approved a request to amend the City of Las Vegas Downtown Redevelopment Plan map of the Las Vegas Redevelopment Plan to designate future land use designations as Commercial, Mixed-Use, Industrial or Public Facility located within the Redevelopment Plan expansion area and within other areas of the Las Vegas Downtown Redevelopment Plan map. The Planning Commission and staff recommended approval of the application.
03/21/07	The City Council approved a request for an Extension of Time (EOT-19773) - for an Extension of Time of an approved Variance (VAR-6283).
03/21/07	The City Council approved a request for an Extension of Time (EOT-19774) of an approved Special Use Permit (SUP-6284).
06/12/08	The Planning Commission voted to hold this item and its companion Variance (VAR-27954) in abeyance to the June 26, 2008 Planning Commission meeting.
<i>Related Building Permits/Business Licenses</i>	
The subject site is a new parcel. The former parcel presently has no address, no permits or licensees have been issued at that site or the subject site.	
<i>Pre-Application Meeting</i>	
04/18/08	Requirements for a Site Development Plan Review and Variance application submittal were discussed with the applicant.
<i>Neighborhood Meeting</i>	
A formal neighborhood meeting was not required, nor was one held. However the applicant did hold two public open house meetings on April 3 rd , 2008 and April 15 th , 2008 for area residents.	

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Field Check	
05/21/08	The subject property was visited by staff, and it is presently undeveloped. The existing access road to the north, which this applicant is proposing to use as the sole access to the subject site, was secured, landscaped and well maintained.

Details of Application Request	
Site Area	
Net Acres	2.74

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	MXU (Mixed Use)	C-1 (Limited Commercial)
North	Single family homes and commercial center	M (Industrial) and MXU (Mixed Use)	RPD-11 (Residential Planned Development 11-Units Per Acre)
South	Undeveloped/ Office	MXU (Mixed Use)/SC (Service Commercial)	C-1 (Limited Commercial)
East	Retail establishment	MXU (Mixed Use)	C-1 (Limited Commercial)
West	Multi-family Apartment	M (Medium Low Density Residential)	RPD-19 (Residential Planned Development 19-Units Per Acre)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	N/A
A-O Airport Overlay District	X*		YES
Downtown Redevelopment Area	X		
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

* **Airport Overlay District** This site is subject to the North Las Vegas Airport Overlay District. Structures may be built up to 175 feet in height; any structures over this height limit, must be reviewed by the Federal Aviation Administration (FAA). The proposed buildings do not exceed 112 feet in height, therefore this development will not be subject to the Airport Overlay District standards.

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DEVELOPMENT STANDARDS

Pursuant to Title 19.10 and 19.12, the following landscape and open space 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	0 Trees	0 Trees	Y *
Buffer: Min. Trees				Y
North buffer	1 Tree / 20 Linear Feet 1 Tree/30 Linear Feet	11	0 Trees	N**
East buffer	1 Tree / 30 Linear Feet	11	10 Trees	N**
West buffer	1 Tree / 20 Linear Feet	18	16 Trees	N**
South buffer	1 Tree / 30 Linear Feet	12	12 Trees	Y
TOTAL		52	38 Trees	N**
Min. Zone Width	8 Feet @ Interior P/L		5 Feet	Y
	15 Feet @ P/L adjacent to ROW		15 Feet	Y
Wall Height**	Minimum 6 Feet / Maximum 8 Feet Screening		14 Feet	NO***

*No parking is required or indicated for the proposed Electric Utility Substation use; therefore, no parking area trees are provided.

***The Applicant is requesting an exception from Title 19 perimeter landscape standards to allow 38 trees where 52 are required.

*** An associated Variance (VAR-27954) has been requested to allow a 14-foot wall around the perimeter of the subject site.

Pursuant to Title 19.04 and 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	
Electric Utility Substation	There is no parking required for this type of use.						
TOTAL (including handicap)			0 Spaces		0 Spaces		Y

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Waivers		
Request	Requirement	Staff Recommendation
Exception - Trees	52 trees in the perimeter landscaping area the applicant is requesting a waiver to provide 38 trees	Approval

ANALYSIS

This is a request for a Site Development Plan Review for a Utility Substation on a 2.74 acre site located approximately 950 feet northwest of the intersection of Alta Drive and Martin Luther King Boulevard. This substation is intended to serve the growing energy needs of the downtown area. The site is presently vacant, and will be accessed by a private road from Martin Luther King Boulevard. An associated Variance (VAR-27954) for a 14-foot perimeter wall where 8-foot is the maximum allowed will be heard with this item. As part of the request for a Site Development Plan Review, there is also a request for a Waiver of landscaping requirements along the northern property line, to provide zero trees where eight trees would be required. The applicants justification for the Waiver is that a specific portion of the site is an existing utility easement area and under proposed power poles, additionally that has two associated driveways for site access.

- **Landscape Plan**

The landscape plan reflects a perimeter landscape buffer of 10 feet adjacent to the residential area to the West and the Northwest with 24-inch box Shoestring Acacia trees planted approximately 20-feet on center. A fifteen foot buffer is proposed area with trees planted 30-feet on center along the commercial properties to the south, east and northeast of the subject site. There is no plant material in the five-foot wide perimeter landscape buffers along the northern portion of the facility adjacent to the interior property lines. The landscaping depicted in the submitted plans depicts no trees along the north property boundary where 11 are required, ten trees along the east property line where 11 are required and sixteen trees along the west boundary where 18 are required. Thus a waiver is needed to allow 38 trees where 52 are required.

- **Elevations**

The 2.74 acre site houses a power substation facility, comprising utility boxes, utility racks and a large utility relay. With the exception of the 70-foot utility transmission poles of which there are four depicted on the site, the tallest structure on the site is 28 feet in height, which is an interior firewall structure adjacent to the central transformer units, approximately at the center of the subject site.

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The elevations also depict a 14-foot high perimeter wall around the proposed development area that is designed to reduce the visual impact and screen the substation equipment. The wall will help to mitigate the visual impact of the substation and provide added security for the site.

The elevation notations indicate that a split face block material with pilasters. Note a condition of approval has been added to this review that all perimeter walls must be decorative with 20 percent contrasting material and that pilasters are to be spaced a maximum of 24 feet on center. Vehicular entry gates are provided on the north elevation of the perimeter wall; otherwise, there are no openings depicted into the facility. The transmission line poles that will secure the lines that run from the substation equipment to the north of the subject site.

- **Parcel**

The subject parcel has been created via a process outlined in NRS 278.461 which allows waiver of parcel map requirements as part of a court order. In this case a friendly condemnation has occurred upon the transfer of the property from the previous owner to the Nevada Power Company, and as such the property owner is exempt from the parcel map requirement and a new parcel has been created, previously this parcel was a portion of 139-33-202-005 and now it has its own designation 139-33-202-007.

FINDINGS

The following findings must be made for an SDR:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed development is compatible with the adjacent development, as it is adequately screened and buffered by the landscaping and the wall.

- 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 development is consistent with all City of Las Vegas design standards, requirements and guidelines, with the exception of the requirement for landscape buffering along the northern property boundary. However staff find the waiver is acceptable because the access road between the subject site and existing commercial, and a landscaped common area provide adequate buffering to the adjacent properties. In this case staff is recommending approval, despite the request for waivers from this requirement.

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

The site is accessed from an emergency access road to the north, which has access to Martin Luther King Boulevard which according to the Master Plan of Streets and Highways, is a (100-foot wide) Arterial street and sufficient for the traffic volume anticipated.

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

Building and landscaping materials are appropriate for this area and for the city.

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;

No architectural features are being proposed in this development, utility equipment will be installed on the site, and that will be adequately screened by a wall and landscaping, from all surrounding properties.

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

The applicant is proposing a 14-foot high perimeter wall, and will also ensure that the property is secured. There are no negative impacts to public health, safety and general welfare, and this substation is necessary for continued development in the area so this project benefits the public welfare by providing necessary infrastructure in this area.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

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NOTICES MAILED 78

APPROVALS 1

PROTESTS 1