

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: SEPTEMBER 25, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-29420 - APPLICANT/OWNER: NINETY-FIVE FORT
APACHE COMPLEX, LLC

**** CONDITIONS ****

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

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-29419) shall be required, if approved.
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 09/02/08, and building elevations date stamped 08/12/08, except as amended by conditions herein.
4. A Waiver from Title 19.08.050 Building Placement Standards is hereby approved, to allow buildings to be placed away from street frontages along the west and north property lines.
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: a berm or decorative block wall shall be constructed within the required perimeter landscape buffers along both Horse Drive and Fort Apache Road. The berm or decorative block wall shall be a minimum of 30 in height to provide adequate screening of parking areas.
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. All 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. 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.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. Contact the City Engineers Office at 229-6272 to coordinate the development of this project with the Horse Drive/US 95 Interchange Project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
15. Dedicate 10 feet of right-of-way adjacent to this site for Fort Apache Road prior to the issuance of any permits.
16. All improvements within the Nevada Department of Transportation (NDOT) right-of-way shall meet with the approval of NDOT prior to the issuance of any permits.
17. 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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18. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for the driveway accessing this site from Fort Apache Road and eliminate the northernmost five parking stalls in conflict, unless an alternate driveway design is approved by the Transportation Planning Section of the Department of Public Works.
19. Contribute \$48,869.09 in accordance with the Spring Mountain Ranch Master Traffic Impact Analysis for neighborhood traffic mitigation prior to the issuance of building or off-site permits or the recordation of a Final Map, whichever may occur first, as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. The City reserves the right to utilize the contributed traffic monies for the installation of traffic signals at any intersection within this general vicinity which is impacted by this development.
20. Construct all half-street improvements adjacent to this site on Fort Apache Road and Horse Drive, if not already constructed, in accordance with the Horse Drive/US 95 Interchange Project improvement plans; alternatively, this site may participate in the Horse Drive/US 95 Interchange Project. Construct the full width of the proposed driveway accessing Fort Apache Road concurrent with development. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the construction limits of this site prior to construction of hard surfacing (asphalt or concrete).
21. 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.
22. Extend public sewer in Fort Apache Road to the northern edge of this site at a size, depth and location acceptable to the Collection System Planning section of the Department of Public Works. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

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23. Landscape and maintain all unimproved rightofway, if any, adjacent to this site. All private improvements and landscaping 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.
24. As appropriate, submit an Encroachment Agreement to the City of Las Vegas or obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the public rightofway adjacent to this site.
25. 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.
26. Site development to comply with all applicable conditions of approval for the Spring Mountain Ranch (Overall) subdivision, the Spring Mountain Ranch Traffic Impact Analysis and all other subsequent, applicable site-related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed two-story 50,100 square-foot Office and retail center located on 3.88 acres at the northwest corner of Horse Drive and Fort Apache Road.

A companion Rezoning (ZON-29419) has been submitted to change the current C-2 (General Commercial) and R-E (Residence Estates) zoning to C-1 (Limited Commercial) zoning. The proposed zoning will conform to the existing General Plan designation of SC (Service Commercial).

Staff recommends approval of this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/02/94	The City Council approved a reclassification of the subject site from C-2 (General Commercial) and R-E (residence Estates) under Resolution of Intent to C-1 (Limited Commercial) zoning as part of a larger request (Z-0132-93). Planning Commission and staff recommended approval.
09/01/04	The City Council approved a General Plan Amendment (GPA-4634) to change a portion of the Centennial Hills Interlocal Land Use Plan of the General Plan from SC (Service Commercial) to ML (Medium Low Residential) on 17.83 acres located at the southwest corner of Horse Drive and Fort Apache Road. Planning Commission and staff recommended denial. Approval was limited to the portion south of Horse Drive only (excluding the subject site).
09/01/08	The City Council approved a Rezoning (ZON-4640) from R-E (Residence Estates and C-2 (General Commercial) to R-PD6 (Residential Planned Development, 6 Units per Acre) on 17.83 acres located at the southwest corner of Horse Drive and Fort Apache Road. Planning Commission and staff recommended denial. Approval was limited to the portion south of Horse Drive only (excluding the subject site).
09/01/08	The City Council approved a Site Development Plan Review (SDR-4641) for a 100-lot residential development on 17.83 acres located at the southwest corner of Horse Drive and Fort Apache Road. Planning Commission and staff recommended denial. Approval was limited to 77 units on the portion south of Horse Drive only (excluding the subject site).
<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses associated with the subject site.	

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<i>Pre-Application Meeting</i>	
07/31/08	Discussed the proposed uses, parking and development standards, as well as the appropriate district for Rezoning, based on proposed use and existing General Plan designation. Also discussed were the requirements for a Waiver to Title 19.08 Building Placement Standards.

<i>Field Check</i>	
08/19/08	A field check of the site was performed by staff. The site is noted to be undeveloped, with limited landscaping along the Horse Drive street frontage.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	3.88

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC (Service Commercial)	C-2 (General Commercial) and R-E (Residence Estates)
North	Undeveloped	TND (Traditional Neighborhood Development)	T-D (Traditional Development)
South	Single Family Residential	ML (Medium Low Density Residential)	R-PD6 (Residential Planned Development, 6 Units per Acre)
East	Undeveloped	PCD (Planned Community Development)	R-E (Residence Estates)
West	ROW (US 95)	ROW (US 95)	ROW (US 95)

<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

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DEVELOPMENT STANDARDS*Pursuant to Title 19.08.050, the following standards apply:*

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	166 Feet	Y
Min. Setbacks			
• Front	20 Feet	85 Feet	Y
• Side	10 Feet	10.2 Feet	Y
• Corner	15 Feet	22.9 Feet	Y
• Rear	20 Feet	20 Feet	Y
Max. Lot Coverage	50%	18.6%	Y
Max. Building Height	N/A	44.8 Feet	Y
Trash Enclosure	Screened, Enclosed	Screened, Enclosed	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.08.06, the following Residential Adjacency Standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	135 Feet	135 Feet	Y
Adjacent development matching setback	15 Feet	15 Feet	Y
Trash Enclosure	50 Feet	145 Feet	Y

Pursuant to Title 19.10 and 19.12, the following parking standards and landscape buffer standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/ 6 spaces	35 Trees	35 Trees	Y
Buffer: Min. Trees				
North	1 Tree per 30 feet	17 Trees	19 Trees	Y
South	1 Tree per 20 feet	15 Trees	28 Trees	Y
East	1 Tree per 20 feet	4 Trees	8 Trees	Y
West	1 Tree per 30 feet	16 Trees	16 Trees	Y
TOTAL		52 Trees	71 Trees	Y
Min. Zone Width (Interior)	8 Feet		10 Feet	Y
Min. Zone Width [R.O.W. (Horse Drive)]	15 Feet		15 Feet	Y

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Min. Zone Width [R.O.W. (Fort Apache Road)]	15 Feet	15 Feet	Y
Min. Zone Width [R.O.W. (Sky Pointe Drive)]	15 Feet	15 Feet	Y
Wall Height	8 Feet	Not Provided	N/A

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	50,100 SF	1 / 250	194	7	194	7	Y
TOTAL	50,100 SF	1 / 250	194	7	194	7	Y
Loading Spaces	41,100 SF Retail Area		3		3		Y

Waivers		
Request	Requirement	Staff Recommendation
Building Placement Standards	Oriented to the corner and street front	Approval

ANALYSIS

- Zoning**

The subject site is undeveloped, with current zoning of C-2 (General Commercial) and R-E (Residence Estates) and a General Plan designation of SC (Service Commercial). A companion Rezoning (ZON-29419) proposes to change the zoning to C-1 (Limited Commercial), which will be consistent with the SC (Service Commercial) General Plan designation.

In 1994, the subject site, as well as property across Horse Drive to the south, was included in a Rezoning (Z-0132-93) as part of a larger request to change from C-2 (General Commercial) and R-E (Residence Estates) zoning under Resolution of Intent to C-1 (Limited Commercial) zoning, with the intent to develop a Business Park on both sites. The Resolution of Intent expired after two years, and the subject site reverted to C-2 (General Commercial) and R-E (Residence Estates) zoning.

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In 2004, a General Plan Amendment (GPA-4634), Rezoning (ZON-4640) and a Site Development Plan Review (SDR-4641) were submitted for the subject site and the property across Horse Drive to the south, seeking to amend the General Plan designation from SC (Service Commercial) to ML (Medium Low Residential); change the zoning from C-2 (General Commercial) and R-E (Residence Estates) to R-PD6 (Residential Planned Development 6 Units per Acre); and entitle a 100 lot residential subdivision, respectively. The applications were approved; however, the approval excluded the subject site, and applied only to the property across Horse Drive to the south for a 77 lot residential subdivision. The subject site was not included due to concerns regarding the future location of an interchange at Horse Drive.

- **Site Plan**

The site is located at the northwest corner of Horse Drive and Fort Apache Road. The proposed site plan indicates two buildings along the west and north property lines. Building one is located along the west property line and consists of 24,000 square feet of retail space on the first floor and 9,000 square feet of office space on the second floor. Building two is located along the north property line and consists of 17,100 square feet of retail space on one floor.

Access to the site is gained from two driveways, the first located on Fort Apache Road with a minimum width of 24 feet that will be a shared access point with the future development to the north, and the second located on Horse Drive with a width of 32 feet. Site circulation is adequate.

Parking is provided on the site to the south and east of the proposed buildings along Horse Drive. Parking is provided in accordance with Title 19.10, with a total of 201 parking spaces, including seven handicap accessible spaces, and three additional loading spaces.

- **Landscape Plan**

The landscape plan indicates adequate perimeter landscape materials of appropriate size and type to meet the requirements of Title 19.12. Buffer landscaping along Horse Drive and Fort Apache Road will include a berm with enhanced landscape materials to help screen the parking lot area from view.

Parking lot landscaping is provided in accordance with Title 19.10 with regard to the quantity and size of trees and islands.

- **Waivers**

A Waiver of the Title 19.08.050 Building Placement Standards has been requested to allow the buildings to be placed along the west and north property lines where the standards require placement along street frontages for corner lots. The applicant is proposing to compensate for the Waiver request by constructing a landscaped berm along the street frontages of both

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Horse Drive and Fort Apache Road to help screen the parking lot from adjacent streets. The proposed building locations will also help to buffer the future off-ramp and interchange to Fort Apache Road proposed in the Kyle Canyon Master Plan from residential property to the south and east. Staff has no objection to the requested Waiver.

- **Elevations**

Submitted elevations indicate stucco as the primary façade material, painted in earth tone colors, with stone veneer columns and accents. Metal trellises are located over the entries. The materials and façade design are consistent with Title 19.08 requirements for changes in colors, materials and relief.

- **Floor Plan**

Floor plans indicate two buildings with a standard multi-tenant layout that can be configured to meet the individual needs of the tenants. Building one consists of 24,000 square feet of retail space on the first floor, and 9,000 square feet of office space on the second floor. Building two consists of 17,100 square feet of retail space on one floor.

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 development is compatible with the surrounding area. It will act as a buffer between the future off-ramp and interchange to Fort Apache Road that is proposed in the Kyle Canyon Master Plan and the residential property to the south and east.

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 the current SC (Service Commercial) General Plan designation and Title 19.

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

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The site is accessed from driveways on Horse Drive and Fort Apache Road, which are both designated as 80-foot Secondary Collectors under the Master Streets and Highways Plan. It will not have a negative impact on neighborhood traffic.

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

Building and landscape materials are appropriate for the area and meet the requirements of 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 proposed building elevations depict appropriate design and architectural features that are consistent with the area and the requirements of Title 19.

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

The proposed development will be subject to permit review and inspection, and therefore appropriate measures will be taken to protect the public health, safety or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 651

APPROVALS 3

PROTESTS 2