

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: AUGUST 28, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE SDR-28286 - APPLICANT/OWNER: DARRELL E. JACKSON, ET AL**

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

1. Conformance to the conditions for Special Use Permit (SUP-28287), 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 07/24/08 and building elevations date stamped 05/23/08, 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.
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).

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7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
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 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.
10. 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.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

12. Coordinate with the City Surveyor to determine an acceptable method for removing internal property lines; comply with the recommendations of the City Surveyor.
13. Construct all incomplete half-street improvements on Waldman Avenue adjacent to this site concurrent with development of this site. Remove all substandard public street improvements 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.
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. Landscape and maintain all unimproved rights-of-way, if any, on Waldman Avenue and Martin Luther King Boulevard 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.

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16. Obtain an Occupancy Permit for all landscaping and private improvements in the Martin Luther King Boulevard public right-of-way adjacent to this site.
17. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #211 for a knuckle along Waldman Avenue and for a deviation from Standard Drawing #222a for the new driveway accessing this site from Martin Luther King Boulevard. The driveway and gate must receive approval from the Nevada Department of Transportation.
18. 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 or submittal of any construction drawings, 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 17,435 square-foot Building Maintenance Service and Sales Facility on 1.45 acres adjacent to the west side of Martin L. King Boulevard, approximately 1,450 feet south of Charleston Boulevard.

The proposed development will not be compatible with the residential developments in this area. The intensity of uses permitted within the proposed zoning district can not be considered compatible with the existing residential neighborhood. Therefore, staff recommends denial.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
02/20/02	The City Council approved a request to amend portions of the Southeast Sector map of the General Plan in the general vicinity of the Charleston Boulevard/Rancho Drive intersection from SC (Service Commercial) to O (Office); from R (Rural Density Residential) to (DR) Desert Rural Density Residential; from O (Office) to DR (Desert Rural Density Residential) and; from L (Low Density Residential) to DR (Desert Rural Density Residential) in accordance with the recommendations of the Rancho Charleston Land Use Study and Strategic Plan.
10/11/07	Companion items for a General Plan Amendment (GPA-24210), Rezoning (ZON-24209) and Site Development Plan Review (SDR-24211) were held in abeyance at the applicants request.
10/25/07	Companion items for a General Plan Amendment (GPA-24210), Rezoning (ZON-24209) and Site Development Plan Review (SDR-24211) were held in abeyance at the applicants request.
11/29/07	The City Council accepted the applicants request to Withdraw Without Prejudice a General Plan Amendment (GPA-24210) from DR (Desert Rural Density Residential) and L (Low Density Residential) to GC (General Commercial), a Rezoning (ZON-24209) from R-1 (Single Family Residential) to C-1 (Limited Commercial) and Site Development Plan Review (SDR-24211) for a proposed 17,004 square-foot building Maintenance Service and Sales facility on 1.45 acres adjacent to the west side of Martin L. King Boulevard, approximately 1,450 feet south of Charleston Boulevard.

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08/14/08	The Planning Commission held in abeyance at the applicants request a General Plan Amendment (GPA-28283) to Amend the Southeast Sector of the General Plan from DR (Desert Rural Density Residential) to SC (Service Commercial), a Rezoning (ZON-28281) from R-1 (Single Family Residential) to C-1 (Limited Commercial), a Special Use Permit (SUP-28287) for a proposed Building Maintenance Service and Sales Facility and a Site Development Plan Review (SDR-28286) for a proposed two-story, 17,004 square-foot Building Maintenance Service and Sales Facility on 1.45 acres adjacent to the west site of Martin L. King Boulevard approximately 1,450 feet south of Charleston Boulevard. The items are scheduled to be heard at the 08/28/08 Planning Commission meeting.
<b><i>Related Building Permits/Business Licenses</i></b>	
No building permits or building licenses are related to this site.	

<b><i>Pre-Application Meeting</i></b>	
05/14/08	A pre-application meeting was held with the applicant. The applicant is proposing an almost identical site plan from what was proposed and then was Withdrawn Without Prejudice on the 11/29/07 City Council Meeting. The major difference from the previous submittal is the applicant is requesting a General Plan Amendment to SC (Service Commercial) and a Rezoning to C-1 (Limited Commercial). The application will require a Special Use Permit for Building Maintenance Service and Sales Facility in C-1 (Limited Commercial) zoning. The applicant was also informed that the General Plan Amendment applicant requires a neighborhood meeting. Submittal requirements were then discussed.

<b><i>Neighborhood Meeting</i></b>	
07/17/08	<p>A neighborhood meeting was held on Thursday, July 17, 2008 at 5:30 p.m. The meeting was held at First Presbyterian Church of Las Vegas, 1515 W. Charleston Blvd., Las Vegas, Nevada. Four applicants representatives were present, as well as one staff member, two city council representatives and 15 members of the public. Comments and concerns expressed by the public were the following:</p> <ul style="list-style-type: none"> <li>• Eight-foot block wall on Waldman commercially encroaches.</li> <li>• Prefer residential lots on Waldman</li> <li>• Separate lot to the east side of commercial</li> <li>• 24-security system?</li> <li>• What are the effects of Project Neon</li> <li>• Is their gating?</li> </ul>

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	<p>The applicant addressed the following concerns with these comments:</p> <ul style="list-style-type: none"> <li>• Insulation Contractor Office with Insulation stored on site.</li> <li>• Hours of operation are 6:00 AM to 7:00 PM Monday through Friday and 7 AM 2:00 PM on Saturday.</li> <li>• Five tenants proposed, ground floor will be stored with plumbing, insulation and wood.</li> <li>• Trucks will be parked overnight</li> <li>• No vehicular access to Waldman</li> </ul> <p>Bay doors will be closed during all work hours</p>
<b>Field Check</b>	
06/10/08	A field check was made on the site. The site is currently undeveloped with residential to the west and north of the site and a fire station to the south.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.45

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	DR (Desert Rural Density Residential) and L (Low Density Residential) <b>Proposed: SC (Service Commercial)</b>	R-1 (Single Family Residential) <b>Proposed: C-1 (Limited Commercial)</b>
North	Single-Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
South	Fire Station	PF (Public Facility)	C-V (Civic)
East	Interstate-15	Interstate -15	Interstate -15
West	Single-Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	N/A
Rancho Charleston Land Use Study	X		N*
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Airport Overlay (200 feet)</b>	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

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*\*The proposed development is within the Rancho/Charleston Study Area. The Rancho/Charleston Study Area was adopted on 06/19/02 in reaction to growing number of general plan amendments and rezoning activities in which private development interests pursued high intensity used on properties in, or adjacent to single family homes, residents of a number of older, stable neighborhoods along the West Charleston Boulevard and Rancho Drive corridors. Per the Rancho/Charleston Land Use Study, the proposed development is designated for a residential use.*

**DEVELOPMENT STANDARDS**

***Pursuant to Title 19.08, the following Development Standards apply:***

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Lot Width	100 Feet	100 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	115 Feet	Y
Max. Lot Coverage	50%	27%	Y
Max. Building Height	NA*	27 Feet	Y
Trash Enclosure	Screened, Enclosed	Screened, Enclosed	Y
Mech. Equipment	Screened	Screened	Y

*\* Per Title 19.08.60 Residential Adjacency Standards, the required north side yard setback is 81 feet. The applicant provides 81 feet to the north.*

***Pursuant to Title 19.12, the following Landscape Standards apply:***

<b><i>Landscaping and Open Space Standards</i></b>				
<b><i>Standards</i></b>	<b><i>Required</i></b>		<b><i>Provided</i></b>	<b><i>Compliance</i></b>
	<b><i>Ratio</i></b>	<b><i>Trees</i></b>		
Parking Area	1 Tree/ 6 Spaces	10 Trees	12 Trees	Y
Buffer:				
Min. Trees (adjacent to residential)	1 Tree/ 20 Linear Feet	32 Trees	32 Trees	Y
Min. Trees (adjacent to commercial)	1 Tree/ 30 Linear Feet	17 Trees	23 Trees	Y
<b>TOTAL</b>		59 Trees	69 Trees	Y
Min. Zone Width along R.O.W	15 Feet		15 Feet	Y

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Min. Zone Width interior	8 Feet	8 Feet	Y
Wall Height	8 Feet	8 Feet	Y

*Pursuant to Title 19.10, the following parking standards apply:*

<b>Parking Requirement</b>							
<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	
Building Maintenance Service and Sales Facility	17,435 SF	1:300	56	3	56*	3	Y
<b>TOTAL</b>			59		59		Y
Loading Spaces			2		2		Y

*\* Seven parking spaces are compact space in size (12 percent), which meet Title 19.10 parking standards.*

**ANALYSIS**

**•Zoning**

The applicant has requested a Rezoning (ZON-28281) to a C-1 (Limited Commercial) District. 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. In addition to the Rezoning and this application, the applicant has requested a General Plan Amendment (GPA-28283) from DR (Desert Rural Density Residential) and L (Low Density Residential) to SC (Service Commercial).

A Building Maintenance Service and Sales Facility as defined in Title 19 is a facility or area for contracting services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use. The proposed Building Maintenance Service and Sales use in a C-1 (Limited Commercial) zone is permitted by approval of a Special Use Permit, which the applicant has applied in conjunction with this application (SUP-28287).

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•**Case History**

The applicant has proposed an almost identical site plan and application to the one that were submitted and Withdrawn Without Prejudice on the 11/29/07 City Council Meeting. The table below illustrates the similarities and differences of the two applications.

	<b>Current Submittal</b>	<b>2007 Submittal</b>
Application Requests	<ul style="list-style-type: none"> <li>• General Plan to SC (Service Commercial)</li> <li>• Rezoning to C-1 (Limited Commercial)</li> <li>• Site Development Plan Review - 17,435 SF Building Maintenance Service and Sales Facility.</li> <li>• Special Use Permit- Building Maintenance and Service and Sales Facility</li> </ul>	<ul style="list-style-type: none"> <li>• General Plan (GPA-24210) to GC (General Commercial)</li> <li>• Rezoning (ZON-24209) to C-2 (General Commercial)</li> <li>• Site Development Plan Review (SDR-24211) 17,004 SF Building Maintenance Service and Sales Facility.</li> </ul>
Site Plan	17,435 SF building located on the south side of the site with parking to the north and west of the building with access to Martin L. King.	17,004 SF building located on the south side of the building with parking to the north and west of the building with access to Martin L. King.
Parking	59 parking spaces provided with landscape fingers.	57 parking spaces provided with a request for an Exception to Title 19.10 Parking landscape finger requirements.
Elevation	2 stories, 27 Feet	2 stories, 27 Feet
Landscaping	The landscape plan shows 24-inch box Bottle Trees on the northern portion of the site, 24-inch box Texas Mesquite and Purple Leaf Plum along Waldman Avenue, and 24-inch box California Pepper Trees on the west portion of the site spaced 20 feet on center.	The landscape plan shows 24-inch box Bottle Trees on the northern portion of the site, 24-inch box Texas Mesquite and Purple Leaf Plum along Waldman Avenue, and 24-inch box California Pepper Trees on the west portion of the site spaced 20 feet on center.
Floor Plan	Five 40 to 78.5 feet wide by 69 foot in length lease spaces	Five 40 to 78.5 feet wide by 69 foot in length lease spaces

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**•Site Plan**

The site plan shows a proposed 2-story, 17,435 square-foot building with five bay doors facing toward the north. The building is located on the south portion of the 1.45 acre parcels. The north portion of the site will be utilized for parking with 24 inch box Evergreen Trees (Bottle Trees) buffering the site from residential to the north. The parcel gains access of Martin L King Boulevard, an 80-foot wide frontage street. A gate has been proposed for the site. There is no access provided to Waldman Avenue as an eight-foot high CMU wall has been proposed.

The applicant is required 59 parking spaces for the site and has provided 59, of which seven are compact in size which is permitted by Title 19.10 Parking Standards. The applicant has also provided three handicap accessible spaces which meet code.

**•Landscape Plan**

The landscape plan shows an adequate amount of perimeter landscaping to the north and west portion of the site, which are adjacent to residential. The landscape plan shows 24-inch box Bottle Trees on the northern portion of the site, 24-inch box Texas Mesquite and Purple Leaf Plum along Waldman Avenue, and 24-inch box California Pepper Trees on the west portion of the site spaced 20 feet on center.

**•Elevation**

Elevations depict a structure that is 27 feet tall. Per Title 19.08.60 Residential Adjacency Standards, the required north side yard setback is 81 feet. The applicant provides 81 feet to the north. The elevations depict concrete tilt-up panels, decorative reveals and aluminum storefronts with stucco framed decorative canopies in enchilada, toasted tan, heathcote, western cedar colors. The elevations show five graylite bay doors that face the north. Pursuant to Title 19.08.50(E)(4) Urban Design, Screening and Lighting, the applicant has not provided adequate screening of the 27-foot tall building from residential property abutting the property from the north and west.

**•Floor Plan**

Floor plans depict two floors separated into approximately five, 40 to 78.5 feet wide by 69 foot in length lease spaces. The majority of the first floor is comprised of space typically used for warehouse/storage and loading supplies, approximately 2,400 square feet in size, with a small 459 square-foot office on the first floor and stairs leading up to a 577 square-foot office on the second floor. The overall plan shows a disproportionate amount of warehouse/storage space, approximately 12,200 square feet, in comparison to office space, approximately 5,200 square feet. Therefore, approximately 69 percent of space is designated for warehouse/storage in the proposed building area.

## FINDINGS

The following findings must be made for a Site Development Plan Review:

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

The proposed development will not be compatible with the residential developments in this area. The intensity of uses such as retail, service, office and other general business uses as well as mixed-use developments permitted within the proposed zoning district can not be considered compatible within the proximity of an existing residential neighborhood.

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 Building Maintenance Service and Sales Facility is in conformance with the applicants Rezoning (ZON-28287) proposal to C-1 (Limited Commercial) zone and General Plan Amendment (GPA-28283) request to SC (Service Commercial) Land Use designation. However, the proposed development is not compatible with the Rancho/Charleston Study areas designation for this area as residential. Therefore, staff deems this development inconsistent with adopted city plans policies and standards.

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

Access for the site is off Martin L. King Boulevard, an 80-foot Frontage street as defined by the Master Plan Streets and Highways, which will provide adequate access to the site.

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

Although the applicant has attempted to mask the warehouse building with concrete tilt-up panels, decorative reveals and aluminum storefronts with stucco framed decorative canopies in enchilada, toasted tan, heathcote, western cedar colors, the building is suited for an industrial use, which is not the use proposed and therefore is not the appropriate building and landscape materials for this area.

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;**

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The elevations and design characteristics are not compatible with the design characteristics of the existing single family residential buildings in the area. In addition, the proposal the applicant has not provided adequate screening of the 27-foot tall building from residential property abutting the property from the north and west.

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

The proposed development will be subject to inspections for Certificate of Occupancy, and therefore the development will not compromise the public health, safety or welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 16

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 121

**APPROVALS** 2

**PROTESTS** 8