

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: AUGUST 14, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-28618 - APPLICANT/OWNER: GGP MEADOWS MALL LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permits (U-0030-01) and (SUP-28619) 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, landscape plan, and building elevations, date stamped 07/18/08, except as amended by conditions herein.
4. A Waiver from Title 19.12.040 is hereby approved, to allow a zero-foot landscape buffer along the northern portion of the site.
5. An Exception from Title 19.12.040(B) is hereby approved, to allow 15-gallon sized trees where 24-inch box trees are required.
6. Chainlink fencing is permitted along the east, west and south perimeter of the Auto Dealer Inventory Storage lot. Chainlink fencing with barbed wire is permitted along the north perimeter of the Auto Dealer Inventory Storage lot.
7. 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.

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8. 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.
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 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. 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.
14. 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 an existing 233,094 square-foot Auto Dealer Inventory Storage lot and to allow barbed wire along the north perimeter with a Waiver to allow a zero-foot landscape buffer along the north perimeter, where eight feet is required on 10.29 acres at 4300 Meadows Lane.

In addition to this request, the applicant has submitted as companion items a Major Amendment (SUP-28619) to an approved Special Use Permit (U-0030-01) for a 55,014 square-foot expansion of an existing 178,080 square-foot Auto Dealer Inventory Storage lot and a Required Two Year Review (RQR-29073) of an approved Special Use Permit (U-0030-01) for Auto Dealer Inventory Storage at the subject property.

As the proposed site plan contains a lack of landscaping and the use of prohibited materials, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/02/01	The City Council approved a Special Use Permit (U-0030-01) for Auto Dealer Inventory Storage at 4300 Meadows Lane. The Planning Commission and staff recommended approval of this request.
11/03/04	The City Council approved a Special Use Permit (SUP-4807) for a 51-foot high, 14-foot x 48-foot Off-Premise Advertising (Billboard) sign at 4300 Meadows Lane. The Planning Commission and staff recommended approval of this request.
06/09/05	A request to Amend a portion of the Southeast Sector Plan of the General Plan (GPA-6221) from SC (Service Commercial) to GC (General Commercial) on 10.38 acres adjacent to the northwest corner of Valley View Boulevard and Meadows Lane was withdrawn without prejudice by the Planning Commission. Staff recommended denial of this request.
07/20/06	A Code Enforcement citation (#44719) was issued against the subject property for noise violation due to an automobile tent sale on site playing loud music. This case was resolved 08/04/06.

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12/14/07	The Planning and Development Department conducted an annual inspection of the approved Special Use Permit (U-0030-01) for the subject property. The inspection revealed that a majority of the required trees and shrubs on site were either dead or cut down, and that the Auto Dealer Inventory Storage use had expanded to the adjacent parcel to the north. A corrective letter was sent requesting compliance with the approved plans by 01/14/08.
01/24/08	The Planning and Development Department met with the representatives of the subject property on site to discuss landscape issues. The representative was advised of the required landscape, given an opportunity to submit revised landscape plans and an additional 30 days for compliance was given. After 30 days had passed without any response or action by the property owner, this matter was turned over to Code Enforcement 02/25/08.
02/26/08	A Code Enforcement citation (#62695) was issued against the subject property for failing to comply with the approved on-site landscape plans. This case is still open.
<i>Related Building Permits/Business Licenses</i>	
There are no building permits related to the Auto Dealer Inventory Storage use on site.	
<i>Pre-Application Meeting</i>	
04/18/08	A pre-application meeting was held with the applicant to discuss the current state of the subject property, and what items were needed to bring the site into compliance with the requirements of the Planning and Development Department. It was determined at this meeting that a Major Modification to an approved Special Use Permit and a Site Development Plan Review would need to be submitted.
05/07/08	An additional pre-application meeting was held with a second representative of the subject property in order to explain the elements discussed at the original pre-application meeting.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	
<i>Field Check</i>	
07/10/08	Staff performed a field check at the subject property. The Auto Dealer Inventory Storage lot was noted as operational on both the existing and proposed expansion areas. Mature Oleander shrubs were noted on the west and east perimeters of the chat paved lot, and numerous tree stumps and dead shrubs were observed along the south and west perimeters. A chainlink fence with barbed wire was noted along the north perimeter adjacent to U.S. 95, as well as a landscape buffer containing only bare earth. Additionally, a large amount of debris and weeds were noted within the perimeter landscape buffers.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	10.29

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Automobile Dealer Inventory Storage Lot	SC (Service Commercial)	C-1 (Limited Commercial)
North	U.S. 95 Freeway	Right-of-Way	Right-of-Way
South	Elementary School, Single-Family Residences	PF (Public Facilities) and L (Low Density Residential)	C-V (Civic) and R-1 (Single Family Residential)
East	Regional Shopping Mall	SC (Service Commercial)	C-1 (Limited Commercial)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<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 (140-Foot)	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

* The subject property is located within the North Las Vegas Airport Overlay within the 140-foot height limitation contour. There are no structures or buildings on site which will encroach within this height limitation.

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 Size	N/A	448,339 SF	N/A
Min. Lot Width	100 Feet	374 Feet	Y
Trash Enclosure	Screened/Enclosed	N/A	N/A
Mech. Equipment	Screened	N/A	N/A

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Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Trees/6 Space	36 Trees*	Zero Trees	Y*
Buffer: Min. Trees	1 Tree/30 Linear Feet	70 Trees	36 Trees	N**
TOTAL		70 Trees	36 Trees	N**
Min. Zone Width	8 Feet		8 Feet	Y
Wall Height	6-8 Feet		6-Foot Chainlink Fence	N**

* The 216-space parking lot where the Auto Dealer Inventory Storage use is located has been previously approved as part of the adjacent Regional Mall parking area. The existing parking areas required no trees at the time of approval; therefore the subject parking area is in compliance with the required tree counts.

** The applicant has requested approval of a reduced quantity of trees in addition to chainlink perimeter fencing.

Landscape Buffer Requirements Comparison of Approved, Required and Proposed			
Buffer	Approved through U-0030-01	Title 19.12 Current Site Requirements	Proposed through SDR-28618
North Perimeter	None required; The north perimeter consisted drive aisles leading to adjacent Regional Mall parking	12, 24-inch box trees	None
South Perimeter	18, 24-inch box trees	13, 24-inch box trees	12, 15-gallon trees
East Perimeter	53 Oleander shrubs (large)	20, 24-inch box trees	33 Oleander shrubs (large)
West Perimeter	30, 24-inch box trees	25, 24-inch box trees	24, 15-gallon Trees

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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>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Auto Dealer Inventory Storage	N/A	No additional parking required beyond that which is required for the principal use on site					
Regional Mall (Principal Use on Site)	1,153,159 SF	1 space / 250 GFA	4,556	57	Not Indicated		
TOTAL			4,613		4,9725,188		Y*

* The amount of standard and handicapped parking spaces for the principal use on site was not indicated on the parking analysis provided. The; only a total of all on site parking spaces. This specific information will not be required from the applicant as the Auto Dealer Inventory Storage does not remove any existing or proposed handicapped parking spaces from the subject site.

Waivers		
Request	Requirement	Staff Recommendation
To allow a zero-foot landscape buffer along the north perimeter	An eight-foot landscape buffer along the north perimeter	Denial

Exceptions		
Request	Requirement	Staff Recommendation
To allow 15 gallon sized perimeter trees	24 inch box sized perimeter trees	Denial

Deviation from Title 19.12.075		
Request	Requirement	Staff Recommendation
To allow barbed wire along the north perimeter and chain link fence along the north, south, east and west perimeters.	Chainlink or open wire fencing, razor wire or barbed wire shall not be acceptable for use as screen or perimeter walls	Denial

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ANALYSIS

- **Land Use and Zoning**

The subject property is located within the Southeast Sector of the General Plan with a land use designation of SC (Service Commercial). 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.

The zoning of the subject property is C-1 (Limited Commercial). The C-1 (Limited Commercial) 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 (Limited Commercial) district is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

The Auto Dealer Inventory Storage facility is a permissible use within the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

- **Site Plan & Landscape Plan**

The Auto Dealer Inventory Storage lot has been in operation at the subject site since 2001. The applicant was required to submit a landscape plan to the Planning and Development when the Special Use Permit (U-0030-01) for an Auto Dealer Inventory Storage lot was approved. This plan required 24-inch box trees spaced 20 feet on center within eight-foot landscape buffers along the south and west perimeters. Existing Oleander shrubs were permitted along the east perimeter, and the north perimeter at the time consisted of parking lot access aisles. The majority of the required trees installed in 2001 have been removed or are dead, and the applicant is proposing to put a total of 48, 15-gallon sized trees in their place. The applicant has stated that the mature Oleander shrubs along the east and west perimeters already provide an adequate buffer; therefore, larger trees are not necessary.

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In addition, the applicant is proposing a 55,014 square-foot addition to the northern area of the existing facility, which will abut U.S. Highway 95. This portion of the site will be adjacent the northern perimeter of the subject property, which the applicant is proposing to allow the existing chain link fence with barbed wire to remain in place. As barbed wire and chainlink are prohibited materials per Title 19.12.075, staff recommends denial of this request. An existing 10-foot wide landscape buffer is located along the northern perimeter which abuts an 18-foot freeway wall. The applicant is proposing no landscape within this area stating that the existing overhead utility lines would prevent any trees from being placed in this location and the adjacent 18-foot freeway wall would negate any installed landscape.

The subject site is paved with a combination of asphalt and chat and no parking lot lighting is provided or proposed. A chain link fence surrounds the interior of all four perimeters of the subject site which the applicant is proposing to remain in place. Access gates to the storage facility are located at the northwest corner of the site which are manned by on-site security.

- **Elevations & Floor Plan**

As there are no proposed buildings or structures on the subject property, the submittal of elevations or floor plans is not a requirement for this project; therefore no elevations or floor plans have been submitted.

The existing and proposed expansion to the Auto Dealer Inventory Storage is in conformance with the General Plan designation of SC (Service Commercial) and the C-1 (Limited Commercial) zoning; however staff finds that the proposed landscape buffering coupled with the historical lack of landscape maintenance on site is too minimal for the intensity of use proposed; therefore denial of this request is recommended.

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, if screened per the Landscape and Buffer Standards of Title 19, will be compatible with the adjacent development and development in the area. The submitted landscape plans do not meet the current requirements of Title 19.12.

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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 General Plan, but not the minimum requirements of the Landscape and Buffer Standards listed in Title 19. While there are existing mature shrubs along the east and west perimeters of the subject property, the quantity of the proposed landscape material is not adequate enough to provide shade or screening. The lack of proposed landscape material along the north perimeter will provide no relief between the hardscape of the adjacent U.S. 95 highway and the subject site.

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

The site is accessed from Valley View Boulevard, and 80-foot Secondary Collector and Meadows Lane, a Local Street, as classified by the Master Plan Streets and Highways, which can adequately support the proposed use.

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

The main building materials for the site, chat and asphalt, are generally appropriate for the area and for the City. The chain link fencing, with barbed wire along the north section of the perimeter, is not appropriate for the subject site. The landscape materials consisting of Mondel Pine Trees with Green Cassia, Dwarf Oleander and Red Yucca shrubs, are appropriate for the City, however the quantity provided on the proposed plans is minimal in given the size of the subject property.

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;**

There are no buildings proposed for the subject site. The existing chain link fencing surrounding the subject property, as well as the barbed wire on top of the fencing on the north perimeter are aesthetic elements generally not permitted by Title 19. If approved through this Site Development Plan Review the chain link and barbed wire will be permissible materials for this property.

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 subsequent City inspections.

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ASSEMBLY DISTRICT 34

SENATE DISTRICT 3

NOTICES MAILED 354

APPROVALS 0

PROTESTS 5