



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 17, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE RENOTIFICATION - SDR-28320 - APPLICANT:
WASHINGTONPECOS, LLC - OWNER: MADRE MESA

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 3, 2008 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. No waiver for landscaping is required or approved by this action.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-28323) and Variance (VAR-28326) if approved.
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. All development shall be in conformance with the Restaurant with Drive Through and Retail Pad building elevations date stamped 05/27/08, Convenience Store and Fast Food #2 elevations date stamped 06/19/08, and site plan and landscape plans date stamped 07/24/08 except as amended by conditions herein.
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.
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.
7. Revised elevations shall be submitted to and approved by the Planning and Development Department prior to the time application is made for a building permit to reflect conformance with the Height, Bulk and Scale requirements of Title 19.08.050 for the rear

(east) elevation of the Retail Pad.

8. 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).
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. 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.
12. 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.
13. 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.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Dedicate an additional 29 feet of right-of-way for a total radius of 54 feet on the southeast corner of Washington Avenue and Pecos Road and the right-of-way needed in accordance with Uniform Standard Drawing 201.1 on Pecos Road, prior to the issuance of any permits.
16. Construct exclusive right turn lane on Pecos Road and remove all substandard public street improvements and unused driveway cuts adjacent to this site 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.

17. Submit a sewer relocation/abandonment plan including a vacation for the existing ten-foot wide public sewer easement and grant a new public sewer easement acceptable to the Collection System Planning section of the Department of Public Works. Alternatively, grant an additional 5 feet on both sides of the existing 10 foot public sewer easement and relocate the proposed structure(s) on this site so as not to encroach upon the 20 foot total public sewer easement. Also, grant a private sewer easement acceptable to Collection System Planning over the existing private sewer at the southern boundary of this site for the benefit of Assessors Parcel Number 140-30-313-000.
18. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for the southern driveway accessing this site from Pecos Road.
19. A Traffic Impact Analysis 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 recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rightsofway required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of onsite development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rightsofway are not required and Traffic Control devices are or may be proposed at this site outside of the public rightofway, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
20. 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review (SDR-28320) for a 4,618 square-foot Convenience Store with Fuel Pumps, a 748 square-foot Restaurant with Drive Through, a 2,406 square-foot Restaurant with Drive Through and an 8,937 square-foot retail building on 2.78 acres at the southeast corner of Washington Avenue and Pecos Road. This was previously noticed as a Site Development Plan Review for a 4,618 square-foot Convenience Store with Fuel Pumps, a 748 square-foot Restaurant with Drive Through, a 2,608 square-foot Restaurant with Drive Through and a 9,449 square-foot retail building with a Waiver to allow a six-foot, three-inch side yard landscape buffer where eight feet is required.

The applicant has submitted revised plans which reflect a 512 square-foot reduction in the square footage of the retail building, a 202 square-foot reduction in the larger Restaurant with Drive Through and a 55 square-foot reduction in the outdoor dining patio, for a total of 769 feet or a reduction of 4.5%. Additionally, the applicant has redesigned the site so that a Waiver for a reduced landscape buffer is no longer needed, provided parking lot landscape finger islands eliminating the need for an Exception, added a pedestrian plaza to the north side of the retail building and worked with staff to enhance on-site circulation.

The subject property is currently an undeveloped vacant lot surrounded by a City park, as well as single and multi-family residential dwellings. Several companion items have been submitted in addition to this request, including a Rezoning (ZON-28325) to change the zoning designation from R-1 (Single Family Residential) to C-1 (Limited Commercial), Variance (VAR-28326) to allow a 35-foot setback, where residential adjacency requires 69 feet, and a Special Use Permit (SUP-28323) for a Beer/Wine/Cooler Off-Sale Establishment within a proposed Convenience Store with a Waiver to allow a 100-foot distance separation, where 400 feet is required from a City Park. Staff finds that while the revised site plans have enhanced on-site circulation and reflect greater conformance to the standards of Title 19, the 769 square-foot reduction in the scope of the project is minimal. The site as presented still necessitates a residential adjacency Variance which continues to indicate that the site is overbuilt; therefore staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/15/00	The City Council approved a request to amend a portion of the Southeast Sector of the General Plan (GPA-0025-00) from M (Medium Density Residential) to SC (Service Commercial), a request for a Rezoning (Z-0079-00) from R-1 (Single Family Residential) under Resolution of Intent to R-3 (Medium Density Residential) to C-1 (Limited Commercial) and a Site Development Plan Review [Z-0079-00(1)] with a Waiver of the required landscaping for a proposed 21,425 square-foot commercial center on 3.05 acres on the southeast corner of Washington Avenue and Pecos Road. The Planning Commission recommended approval of these requests while staff recommended denial.
04/12/01	The Planning Commission approved a request for a Tentative Map (TM-0010-01) for one lot commercial subdivision on 3.05 acres on the southeast corner of Washington Avenue and Pecos Road. Staff recommended approval of this request. This request expired 04/12/03.
02/05/03	The City Council approved a request for an Extension of Time (EOT-1287) on an approved Rezoning (Z-0079-00) from R-1 (Single Family Residential) under Resolution of Intent to R-3 (Medium Density Residential) to C-1 (Limited Commercial) on 3.05 acres adjacent to the southeast corner of Washington Avenue and Pecos Road. The Planning Commission and staff recommended approval of this request. The Resolution of Intent on this Rezoning expired 11/24/04.
04/22/05	A Code Enforcement Citation (#29171) was issued for overgrown weeds, trash and debris at a vacant lot at the southeast corner of Pecos Road and Washington Avenue.
10/22/07	A Code Enforcement Citation (#59043) was issued for vehicle code violations (numerous cars parked on a vacant lot) at the southeast corner of Pecos Road and Washington Avenue.
12/19/07	A Code Enforcement Citation (#60746) was issued for vehicle code violations (numerous cars parked on a vacant lot) at the southeast corner of Pecos Road and Washington Avenue.
12/26/07	Code Enforcement was called out to southeast corner of Pecos Road and Washington Avenue (#60844) to investigate abandoned vehicles on site. No abandoned vehicles were found on site at the time of inspection.

08/14/08	<p>The Planning Commission recommended approval of companion items VAR-28326, SUP-28323 and SDR-28320 concurrently with this application.</p> <p>The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #16/dc).</p>
<i>Related Building Permits/Business Licenses</i>	
There are no relevant permits or business licenses associated with this property.	
<i>Pre-Application Meeting</i>	
05/15/08	A pre-application meeting was held with the applicant where elements of submitting a Rezoning, Site Development Plan Review, Variance and a Special Use Permit were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	
<i>Field Check</i>	
06/04/08	A field check was performed by staff at the subject property. The site was noted to be relatively flat, undeveloped with numerous political advertising signs on the property.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.78

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC (Service Commercial)	R-1 (Single Family Residential)
North	Single-Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
South	Condominium Development	ML (Medium Low Density Residential)	R-PD12 (Residential Planned Development 12 Units per Acre)
East	Condominium Development	ML (Medium Low Density Residential)	R-PD12 (Residential Planned Development 12 Units per Acre)
West	City of Las Vegas Public Park	PR-OS (Parks/ Recreation/Open Space)	C-V (Civic)

<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			
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

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 Width	100 Feet	215 Feet	Y
Min. Setbacks			
• Front	20 Feet	68 Feet	Y
• Side	69 Feet*	35 Feet*	N*
• Corner	15 Feet	35 Feet	Y
• Rear	20 Feet	57 Feet	Y
Min. Distance Between Buildings	10 Feet	30 Feet	Y
Max. Lot Coverage	50%	13.28 %	Y
Max. Building Height	N/A	15-25 Feet*	N *
Trash Enclosure	Enclosed, Screened	Enclosed, Screened	Y
Mech. Equipment	Screened	Screened	Y

* The Retail Pad and Fast Food #2 buildings are both 15 feet in height, and therefore are not subject to the residential adjacency standards if Title 19.08.060. The Convenience Store is 23 feet in height at the rear, which rises above the 3:1 residential adjacency proximity slope. A Variance (VAR-28326) has been submitted to allow a 35-foot setback where 69 feet is required.

Pursuant to Title 19.08.060, the following standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	69 Feet	35 Feet	N*
Trash Enclosure	50 Feet	80 Feet	Y

* A Variance (VAR-28326) to allow a setback of 35 feet where 69 feet is required has been submitted as a companion item to this request.

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 Spaces	20 Trees	30 Trees	Y
Buffer: Min. Trees	1 Tree/20 Linear Feet	86 Trees	95 Trees	Y
TOTAL		106 Trees	125 Trees	Y
Min. Zone Width (North/West)	15 Feet		15 Feet	Y
Min. Zone Width (East/South)	8 Feet		8 Feet	Y
Wall Height	6-8 Feet		8 Feet	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Restaurant, 2,000 SF or more (with Drive-Through)	2,406 SF	1 space / 100 SF of GFA	24	1			
Restaurant, Less than 2,000 SF (with Drive-Through)	748 SF (Indoor) 1,018 SF (Outdoor) 1,766 SF Total	1 space / 100 SF of GFA	17	1			
General Retail Store, Other Than Listed (3,500 SF or More)	8,937 SF	1 space / 175 SF GFA	50	2			
Service Station (without Automotive Repair)	4,618 SF	1 space / 250 SF GFA	18	1			

SubTotal			109	5	115	5	
TOTAL			114		120		Y
Loading Spaces			4		4		Y

Comparison Table of 07/10/08 PC Submitted Plans vs. 08/14/08 PC Revised Plans	
07/10/08 PC Submitted Plans	08/14/08 PC Revised Plans
<p>Building Square Footage</p> <ul style="list-style-type: none"> • C-Store: 4,618 SF • Checkers Fast Food: 748 SF • Outdoor Seating Area: 1,073 SF • Fast Food #2: 2,608 SF • Retail Pad: 9,449 SF <p>Project Total Square Footage: 18,496 SF</p>	<p>Building Square Footage</p> <ul style="list-style-type: none"> • C-Store: 4,618 SF • Checkers Fast Food: 748 SF • Outdoor Seating Area: 1,018 SF • Fast Food #2: 2,406 SF • Retail Pad: 8,937 SF <p>Project Total Square Footage: 17,727 SF Decrease in Scope of Project: 4.5%</p>
<p>Landscape Provided</p> <ul style="list-style-type: none"> • Perimeter Trees: 96 Trees • Parking Lot Trees: 17 Trees <p>Total Onsite Trees Provided: 113 Trees</p> <ul style="list-style-type: none"> • Waiver Requested to Allow a 6.5-Foot Landscape Buffer Along the East Perimeter • No Pedestrian Amenities • Berm Screening Parking Areas at Street Frontages 	<p>Landscape Provided</p> <ul style="list-style-type: none"> • Perimeter Trees: 95 Trees • Parking Lot Trees: 30 Trees <p>Total Onsite Trees Provided: 125 Trees</p> <ul style="list-style-type: none"> • All Buffers Conform to Title 19 Requirements • Pedestrian Plaza Adjacent to the Northwest Corner of the Retail Building • Berm Screening Parking Areas at Street Frontages
<p>Parking Lot:</p> <ul style="list-style-type: none"> • Standard Parking Spaces: 125 Spaces • Handicapped Parking Spaces: 5 Spaces <p>Total Parking Spaces Provided: 130 Spaces</p> <ul style="list-style-type: none"> • Loading Spaces Provided: 3 Spaces • Landscape Finger Islands: 1 and a request for an Exception 	<p>Parking Lot:</p> <ul style="list-style-type: none"> • Standard Parking Spaces: 115 Spaces • Handicapped Parking Spaces: 5 Spaces <p>Total Parking Spaces Provided: 120 Spaces Decrease in Parking Provided: 7.7%</p> <ul style="list-style-type: none"> • Loading Spaces Provided: 4 Spaces • Landscape Finger Islands: 10, no Exception needed

Other	Other
<ul style="list-style-type: none">• Two Trash Enclosures• 8-Foot Decorative Block Wall	<ul style="list-style-type: none">• Three Trash Enclosures• 8-Foot Decorative Block Wall

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.

There is a request for a Rezoning (ZON-28325) to change the sites zoning from R-1 (Single Family Residential) to 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.

With approval of the proposed Rezoning (ZON-28325) to the C-1 (Limited Commercial) zoning district, the proposed General Retail, Convenience Store with Fuel Pumps and Restaurant with Drive Through uses associated with this development are permissible uses.

- **Site Plan**

The site is located at the southeast corner of Pecos Road and Washington Avenue. The site plan indicates that a total of four buildings, plus a fuel pump canopy, will be placed on site. All buildings will be one-story in height ranging between 15 and 25 feet. A 4,618 square-foot Convenience Store with Fuel Pumps will be located at the northern side of the site. An 8,937 square-foot General Retail building will be located near the eastern perimeter of the site and a 748 square-foot Restaurant with Drive Through will be located in front of the General Retail Building, adjacent to Pecos Road. This restaurant will

feature a 1,018 square-foot outdoor patio partially covered by a canopy. The fourth building placed on this site will be a 2,406 square-foot Restaurant with Drive Through located at the southwest corner of the site.

Access to the site is gained from three driveways, all 35-feet in width. Two driveways front Pecos Road and one fronts Washington Avenue. Site circulation has been greatly enhanced from the previous site submittal. The two proposed Restaurant with Drive Through sites have been repositioned to locate drive-through exit lanes away from one another and to place order call-boxes away from nearby residential uses. The applicant has worked with staff to enhance the circulation; however, the scope of the project remains relatively intense for the site, with the new plans reflecting a 4.5% decrease in the amount of commercial square footage for the subject site.

Parking is located along the southern and northern portions of the site, as well as in front of each of the proposed buildings. Per Title 19.10 Parking Standards, a total of 114 parking spaces are required on site, five of which must be handicapped. The applicant has provided 120 parking spaces of which five are handicap accessible and one is van accessible. In addition, each of the four proposed buildings require one 15-foot by 25-foot loading zone, which has been provided by the applicant.

- **Landscape Plan**

The revised landscape plan submitted meets the requirements of Title 19.12 with the inclusion of parking lot landscape finger islands. The revised plans also eliminate the need for a landscape buffer Waiver along the east perimeter to allow a 6.25 foot landscape buffer; where eight feet is required was originally requested. In addition, the applicant has included a pedestrian plaza located at the north end of the General Retail building in addition to a wide landscape area adjacent to the outdoor seating area between the two Restaurant with Drive Through buildings.

The landscape plan shows 95, 24-inch box pine trees planted along the perimeter of the site where 86, 24-inch box trees are required per Title 19.12 Landscape Standards. The applicant has spaced the perimeter trees 20 feet on-center along the Washington Avenue and Pecos Road frontages and at 15 feet on-center, where 20 feet on-center is required, along the southern and eastern perimeters adjacent to the residential uses. In addition, the applicant has provided a berm, with a maximum height of 30 inches, to be located along Pecos Road and Washington Avenue, to screen the parking areas in accordance with the requirements of Title 19.10.10.

- **Elevations**

The provided elevations for the Convenience Store depict a single-story building with a 25-foot tall front parapet and a 23-foot tall rear parapet. This rear of this building sits 35 feet from a residential use, where 69 feet are required; therefore a request for a Variance (VAR-28326) to allow a 35-foot setback, where residential adjacency requires 69 feet has been submitted. The building will consist of a stucco finish, with a split-face block veneer at varying one-quarter and half façade heights on all four sides of the building. Multiple banding and cornice pop-outs will be used, and a company logo sign, to be permitted separately, will be provided above the entry door. The Fuel Pump canopy will shelter eight gasoline pumps and be 20 feet in height. Eight columns with a stucco finish and a split-face block veneer will hold up the structure. The canopy will also feature an enhanced cornice and a small company logo, to be permitted separately, at each corner of the face.

The 8,937 square-foot General Retail building will be 15 feet in height and will feature a stone veneer and stucco finish. The stone veneer will be provided on the front and sides of the building, with each store front featuring a full stone or full stucco finish with a metal canopy. The south façade will feature a stone veneer covered storefront with stucco accents, and the north elevation will feature one-quarter height veneer with stucco. The rear of the building remains relatively unarticulated with the exception of a grid-like design placed in the stucco finish. A condition has been added requiring a revised rear elevation in accordance with the Height, Bulk and Scale requirements of Title 19.08.050. All four sides of the building will feature an enhanced cornice molding at the top of the building.

The 2,406 square-foot Restaurant with Drive Through will be similar to the proposed General Retail building, featuring stone veneer accents around each main entry, the drive through window and at one-quarter height on all four sides of the building. The building will also feature a metal canopy over the drive through and on the south façade which will match the proposed General Retail building. The building will be 15 feet in height and will have a decorative cornice molding at the top of the building.

The proposed 748 square-foot Restaurant with Drive Through will measure under 16 feet in height and feature a classic diner-style design. The building will feature a black tile base, a black and white checkerboard banding and white-painted hardy plank finish. The building will accommodate a drive through lane on the north and south sides of the structure which will be supported by red-colored columns. The building will also feature an exterior menu-board and signage fronting Pecos Road, to be permitted separately.

- **Floor Plan**

The applicant has provided floor plans for each of the four buildings proposed on site. The plans submitted are as follows:

The 4,618 square-foot Convenience Store will feature a large floor sales area, storage room, restrooms, office, and a large walk-in cooler storage area. An entry door will be provided on the west elevation and a secondary access will be provided on the north.

The General Retail building will be divided into eight 20 to 26-foot wide by 50-foot long bays. Each bay will feature an entry door on the west elevation and a secondary access/fire door on the west elevation. The plans submitted do not indicate any other interior specifications, however this project, if approved, would require each proposed tenant to submit interior tenant improvements to the Planning and Development Department for approval.

The 2,406 square-foot Restaurant with Drive Through will feature two entrances/exits, one on the south and one on the west face of the building. A drive through window will be featured on the north face of the building. The plan submitted does not indicate any interior specifications, however this project, if approved, would require the proposed tenant to submit interior tenant improvements to the Planning and Development Department for approval.

The proposed 748 square-foot Restaurant with Drive Through will provide no interior dining area. The plans submitted indicate the interior of the building will feature a serving area, a production area and two walk-in coolers. Two restrooms will be provided on the east side of the building which will be accessed from the exterior of the building. A 1,018 square-foot outside dining area will be featured on the north side of the building containing nine tables and a small canopy.

The proposed uses will be in conformance with the General Plan designation of SC (Service Commercial) and proposed C-1 (Limited Commercial) zoning; however staff finds that the quantity of uses proposed in conjunction with the size and layout of the subject property is too intense; therefore denial of this request is recommended.

FINDINGS

The following findings must be made for an SDR:

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

This proposal will not be consistent with the development in the area due to the Variance (VAR-28326) requested for residential adjacency setbacks. The need for this Variance (VAR-28326) with the proposed development in its current configuration demonstrates that the proposed use is not compatible with the adjacent residential uses.

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 complies with the General Plan and adopted city plans and policies.

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

Site access is adequately provided by Washington Avenue and Pecos Road, both classified as 100-foot wide Primary Arterials by the Master Plan Streets and Highways, which will provide adequate access to the site. Interior site access has a potential conflict area in the parking lot at the southeast corner of the site which offers no vehicle turn-around area.

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

The building and landscape materials are appropriate for the area and are typical of this small-scale retail development.

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 applicant has provided aesthetically pleasing building facades; however the rear of the General Retail building does not embrace any sort of relief or embellishment to break up the plain unarticulated rear of the building, a feature which is extremely important given the proximity to nearby residential uses.

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 City inspections during construction.

PLANNING COMMISSION ACTION

There was one speaker at the Planning Commission Meeting with questions regarding this project. The Planning Commission also added condition #1 and deleted one other.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7

ASSEMBLY DISTRICT 28

SENATE DISTRICT 10

NOTICES MAILED 598 by City Clerk

APPROVALS 6

PROTESTS 10