



## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 20, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - SDR-29879 - APPLICANT/OWNER: CAROLYN AHERN**

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### \*\* CONDITIONS \*\*

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-29880) and Variance (VAR-29881) 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. Future development of the 5,300 square-foot Restaurant with Drive-Thru will require a Site Development Plan Review.
4. All development shall be in conformance with the site plan and landscape plan date stamped 10/20/08, and building elevations, date stamped 09/09/08, except as amended by conditions herein.
5. A Waiver from Title 19.12.040(A) is hereby approved, to allow a six-foot wide landscape buffer along the south and east property line where eight feet is required.
6. A Waiver from Title 19.12.040(A) is hereby approved, to allow a six-foot wide landscape buffer along the west property line where 15 feet is required.
7. A Waiver from Title 19.08.050(D)(2)(e)(iii) is hereby approved, to allow the Convenience Store to be located at the rear of the site, away from the minimum setback line.
8. A revised site plan 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 the changes herein: Provide handicap accessible parking in accordance with Title 19.10.010. Provide a loading space in accordance with Title 19.10.020.
9. Any Restaurant with Drive-Thru, 2,000 square feet or greater in size, shall provide each drive-thru service window with a stacking lane which will accommodate at least six cars per lane.

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10. 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: Provide parking lot screening per Title 19.10.010(J)(11)(d); Provide one additional 24-inch box tree, for a total of 20, 24-inch box trees, along the west perimeter.
11. 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.
12. 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 the west elevation in compliance with the requirements of Title 19.08.050(D)(a)(i).
13. 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).
14. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets. Provide a roof or trellis on the trash enclosure which meets the standards of Title 19.08.050(E)(4)(b).
15. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
16. 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.
17. 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.

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18. 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.
19. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

20. Coordinate with the Nevada Department of Transportation (NDOT) for all work within existing NDOT rights-of-way and controlled access areas. Obtain appropriate Occupancy Permits for all such work.
21. Contact the City Engineers Office at 229-6272 to coordinate the development of this project with the Kyle Canyon/U.S. 95 Interchange project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
22. Construct all incomplete half-street improvements on Oso Blanca Road adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system 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. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
23. Driveways shall be redesigned, located and constructed to meet the approval of the City Traffic Engineering Representative unless otherwise allowed by the City Engineer.
24. Extend oversized public sewer from Tee Pee Lane to the north edge of this site in Oso Blanca Road, to a depth and location acceptable to the Collection System Planning Section of the Department of Public Works, concurrent with development of this site. 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.

25. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of any construction plans or the issuance of any permits. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
26. 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.
27. 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 Oso Blanca Road public rightofway adjacent to this site.
28. Landscape and maintain all unimproved right-of-way, if any, on Oso Blanca Road adjacent to this site. 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.
29. 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 for a proposed 3,400 square-foot Convenience Store and Car Wash with Fuel Pumps and a 5,300 square-foot Restaurant with Drive-Thru with Waivers of the perimeter landscape requirements to allow a six-foot buffer along the south and east property lines where eight feet is required and a six-foot buffer along the west property line where 15 feet is required on 1.66 acres on the east side of Oso Blanca Road approximately 850 feet north of Kyle Canyon Road.

In addition to this request, the applicant has submitted a request for a General Plan Amendment (GPA-29877) to Amend a portion of the Northwest Sector of the Centennial Hills Sector Plan from PCD (Planned Community Development) to GC (General Commercial) and a Rezoning (ZON-29878) from U (Undeveloped) [PCD (Planned Community Development) General Plan designation] to C-2 (General Commercial). Additionally, the applicant has submitted a Variance (VAR-29881) to allow a 13-foot setback along the east property line where 20 feet is required.

The applicant has redesigned the site since the original submittal to combine two Restaurant with Drive-Thru buildings into one and to eliminate the need for a parking Variance. The redesign of the site still incorporates landscape buffer Waivers requested with the original design and a setback Variance request. While the redesign of the site eliminates the need for a parking Variance, allowing further compliance with the requirements of Title 19, the proposal still incorporates several proposed uses which are better suited for a larger site.

The subject property is located in a remote location with minimal infrastructure. The requests for the General Plan Amendment (GPA-29877) and Rezoning (ZON-29878) will create an isolated and stand alone land use, highlighting the premature nature of this request. The requests for the multiple Waivers and setback Variance indicate this site is over built; therefore, staff recommends denial of this request.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
06/18/08	The City Council approved a Petition to Annex (ANX-27240) property located on the east side of the Oso Blanca Road 850 feet north of the Kyle Canyon Road containing approximately 1.66 acres. The effective date of this Annexation was 06/27/08. The Planning Commission and staff recommended approval of this request.

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10/23/08	The Planning Commission held in abeyance a request for a General Plan Amendment (GPA-29877) to Amend a portion of the Northwest Sector of the Centennial Hills Sector Plan from PCD (Planned Community Development) to GC (General Commercial), a Rezoning (ZON-29878) from U (Undeveloped) [PCD (Planned Community Development)] to C-2 (General Commercial), a Site Development Plan Review (SDR-29879) for a proposed 3,400 square-foot Convenience Store and Car Wash with Fuel Pumps and two 3,100 square-foot Restaurants with Drive-Thrus with Waivers of the perimeter landscape requirements to allow a six-foot buffer along the south and east property lines where eight feet is required and a six-foot buffer along the west property line where 15 feet is required, a Variance (VAR-29880) to allow 50 parking spaces where 76 are required and a Variance (VAR-29881) to allow a 13-foot setback along the east property line where 20 feet is required on 1.66 acres on the east side of Oso Blanca Road approximately 850 feet north of Kyle Canyon Road. The abeyance was granted in order to allow the applicant the opportunity to redesign the site.
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no building permits that exist for this site.	

<b><i>Pre-Application Meeting</i></b>	
08/20/08	A pre-application meeting was held with the applicant where elements of a General Plan Amendment, a Rezoning, a Site Development Plan Review, a parking Variance and a building setback Variance were discussed.
<b><i>Neighborhood Meeting</i></b>	
09/24/08	A neighborhood meeting was held at 6:00 P.M. at 6601 North Buffalo Drive, Las Vegas, Nevada 89131. There were no members of the public, two members of the development team and one member of the Planning and Development staff present. The meeting was ended at 6:30 P.M.

<b><i>Field Check</i></b>	
09/16/08	A field check was performed by staff at the subject property. The site was noted as vacant, consisting of natural rolling Mojave desert terrain adjacent to U.S. 95.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	1.66

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]
North	U.S. 95	R.O.W.	R.O.W.
South	Undeveloped	SC (Service Commercial)	U (Undeveloped) [SC (Service Commercial) General Plan Designation]
East	U.S. 95	R.O.W.	R.O.W.
West	Undeveloped	PCD (Planned Community Development)	H-2 (General Highway Frontage) Clark County

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>	X		Y*
<b>Project of Regional Significance</b>		X	N/A

\* Pursuant to Ordinance No. 5227, the project under review meets the threshold for a Project of Significant Impact, defined in the ordinance as a commercial or industrial development that generates an Average Daily Traffic (ADT) of over 3,000 daily trips. The applicant has prepared and submitted an impact report as required by the Ordinance for referral to the affected agencies. No comments have been received regarding this application.

**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	80,511 SF	N/A
Min. Lot Width	100	300 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	15 Feet	30 Feet	Y
• Rear	20 Feet	13 Feet	N*
Max. Lot Coverage	50%	15%	Y
Max. Building Height	150 Feet	30 Feet	Y
Trash Enclosure	Screened, Enclosed	Screened	N**
Mech. Equipment	Screened	Screened	Y

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\* The applicant has submitted a Variance (VAR-29881) to allow a 13-foot setback along the east property line where 20 feet is required.

\*\* The elevations provided of the trash enclosure depict a screened trash enclosure with metal gates, however the roof or trellis element as required by Title 19.08.050(E)(4)(b) has not been provided. A condition has been added requiring the applicant to provide a roof or trellis structure per Title 19.08.050(E)(4)(b).

**Pursuant to Title 19.12.040, the following landscape standards apply:**

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Parking Area	1 Trees/ 6 Spaces	12 Trees	20 Trees	Y
Buffer:				
Min. Trees (West)	1 Tree/20 Linear Feet	20 Trees	19 Trees	N*
Min. Trees (South/East)	1 Tree/30 Linear Feet	29 Trees	42 Trees	Y
<b>TOTAL</b>		61 Trees	81 Trees	Y
Min. Zone Width	8 Feet (South/East) 15 Feet (West)		6 Feet 6 Feet	N** N**
Wall Height	6-8 Feet		No Wall	Y

\* A condition has been added requiring one additional 24-inch box tree along the west perimeter.

\*\* The applicant has requested in conjunction with this application a Waiver to allow a six-foot landscape buffer along the south and east perimeters where eight feet is required and a 15-foot landscape buffer along the east perimeter where 15 feet is required.

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

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Parking Ratio</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>
			<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Convenience Store	3,400 SF	1 / 250 SF	14		14		
Restaurant with Drive-Through	5,300 SF	1 / 100 SF	53		53		
<b>SubTotal</b>			64	3	64	3	Y
<b>TOTAL</b>			67		67		Y
Loading Spaces			1		1		Y

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Waivers		
Request	Requirement	Staff Recommendation
To allow a six-foot landscape buffer along the south and east perimeters	Eight-foot landscape buffer	Denial
To allow a six-foot landscape buffer along the west perimeter.	15-foot landscape buffer	Denial
To allow the Convenience Store building to be located at the rear of the property	Buildings for stand alone projects should be located at the front of the site at the minimum setback line	Denial

## ANALYSIS

- **Land Use and Zoning**

The subject site is located within the Northwest Sector of the Centennial Hills Master Plan. The applicant has submitted a General Plan Amendment (GPA-29877) to Amend a portion of the Northwest Sector of the Centennial Hills Sector Plan from PCD (Planned Community Development) to GC (General Commercial). The General Commercial category generally allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses. The General Commercial category allows Service Commercial uses, and may also allow mixed-use development with a residential component where appropriate.

There is a request for a Rezoning (ZON-29878) to change the subject property's zoning from U (Undeveloped) [PCD (Planned Community Development) General Plan designation] to C-2 (General Commercial). The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors. The C-2 (General Commercial) district is consistent with the General Commercial category of the General Plan.

- **Site Plan**

The site is located on the east side of Oso Blanca Road, approximately 850 feet north of Kyle Canyon Road. The site plan indicates that two buildings will be placed on site. The site plan is arranged with a 5,300 square-foot Restaurant with Drive-Thru featuring two separate drive-thru lanes located at the center of the site fronting Osa Blanca Road, a 3,400 square-foot Convenience Store and Car Wash with Fuel Pumps located near the southeast corner of the site and a Fuel Pump canopy located at the southwest corner of the site. The buildings comply with the Title 19 setback requirements with the exception of the Convenience Store and Car Wash building.

The eastern portion of Convenience Store and Car Wash building is sited 13.25 feet from the rear property line where a 20-foot setback is required. The applicant has requested a Variance (VAR-29881) to allow a 13-foot setback where 20 feet is required along the east property line. Additionally, this building also does not comply with Title 19.08.050(D)(2)(e)(iii), which requires buildings for stand alone projects to be located at the front of the site at the minimum setback line. The applicant has requested a Waiver to allow the Convenience Store building to be located at the rear of the subject property. Staff notes that if the applicant were to comply with the standards of Title 19.08.050(D)(2)(e)(iii), and place the building towards the front of the property, the need for a rear setback Variance would be eliminated.

Access to the site will be gained from two 32-foot wide driveways fronting Oso Blanca Road. Internal site circulation to the parking areas will be in an elongated U-shaped pattern. The drive-thru aisles are situated on the east and west sides of the 5,300 square-foot Restaurant with Drive-Thru building and around the north, east and south sides of the 3,400 square-foot Convenience Store and Car Wash building.

The 5,300 square-foot Restaurant with Drive-Thru building contains two drive-thru aisles, one which contains stacking room for six vehicles, the other which contains stacking room for approximately four vehicles. The Conditional Requirements of Title 19.04 require Restaurants with Drive-Thrus 2,000 square feet or greater to contain a stacking lane that will accommodate at least six cars per lane. For Restaurant with Drive-Thrus less than 2,000 square feet, there is no minimum stacking lane requirement. A condition has been added requiring that if more than one Restaurant with Drive-Thru use is located within this 5,300 square-foot building, any use 2,000 square feet or greater will provide a stacking lane which will accommodate at least six cars.

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The applicant has provided 67 parking spaces where 67 are required. Of the 67 parking spaces provided, three are required to be handicapped accessible. Three handicapped parking spaces have been provided, of which two are handicapped van accessible and one is a standard handicapped parking space. Additionally, another four parking spaces are adjacent to the car wash vacuums located at the southern portion of the site. The handicapped parking spaces provided on site do not meet the requirements of Title 19.10 as the width shown for the parking spaces is eight feet where nine feet is required. A condition has been added requiring the applicant to provide handicapped parking spaces in accordance with Title 19.10.010. One loading space has been provided on the site, centrally located between the Restaurant with Drive-Thru building and the Convenience Store building, which is fully screened from abutting properties and adjacent rights-of-ways.

The site plan also indicates that a freestanding sign is proposed along the east perimeter. Staff notes that while the sign is not part of this review, the location of the base of the freestanding sign is shown to be two feet from the east property line where Title 19.14 requires a five-foot setback. Any future signage associated with this development will need to comply with the standards of Title 19.14.

- **Landscape Plan**

The landscape plans depict a six-foot buffer where eight feet is required along the south and east perimeters where eight feet is required and a six-foot buffer along the west perimeter where 15 feet is required. The applicant has requested Waivers of the buffer requirements in order to accommodate drive-thru aisles, parking and access to the proposed fuel pumps. Staff can not support these Waiver requests as no compelling justification, other than to accommodate as many onsite uses as possible, has been provided by the applicant.

The landscape material provided on site consists of 24-inch box drought tolerant Mesquite, Acacia and Locust trees. Adequate tree spacing has been provided within the landscape buffers and adequate groundcover and shrub coverage has been provided throughout the site, with the exception of the southwest corner of the site fronting Oso Blanca Road. Title 19.10.010(J)(11)(d) requires parking lots to be screened from adjacent roadways by a low wall or berm with a maximum height of 30 inches, a solid living hedge or some other screening method that has been approved as part of a landscape plan and provides a continuous screen. The landscape material provided at this location does not satisfy this requirement. A condition has been added requiring the applicant to screen the parking lot area per Title 19.10.010(J)(11)(d). Additionally, the applicant has provided 19, 24-inch box trees along the west perimeter where 20, 24-inch box trees are required. A condition has been added requiring the provision of one additional tree along the west perimeter.

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- **Elevations/Floor Plan**

The elevations submitted depict a 3,400 square-foot Convenience Store and Car Wash building. The building will generally have a flat roof at a height of 18 feet, with the exception of the southwest corner of the building, which will have an architectural embellishment extending up to 30 feet in height. This embellishment will highlight the Convenience Store entry and contain one set of entry doors with aluminum storefront windows. These windows will be the only windows provided on the building. The upper portion of this embellishment will consist of flat, horizontal metal panels.

The remaining portion of the building will consist of a three coat stucco system with a light sand finish. A metal trellis will be provided along the east elevation of the building, along with an area for signage to be permitted separately and a galvanized metal coping along the upper band of the building. The north and south elevations of the building will contain the bay opening for the Car Wash, use varying planes, and be constructed of the same flat horizontal metal panel as the entry embellishment.

The west elevation of the building will be a blank wall consisting of flat horizontal metal panels and the rear stucco portion of the Convenience store. Title 19.08.050(D)(a)(i) requires building surfaces over 50 feet in length to be relieved with a change of wall plane or by other means that provide strong shadow and visual interest. This can be accomplished by either breaking up the wall plane of the 56-foot long Car Wash façade, by extending the metal trellis element provided on the east elevation to the west elevation, or by another means of the applicants choosing. A condition has been added requiring revised elevations in compliance with Title 19.08.050(D)(a)(i) for the west elevation of the Convenience Store and Car Wash building.

The elevations of the Fuel Pump canopy match the exterior elevations of the Convenience Store by mimicking the architectural embellishment found at the southwest corner of the Convenience Store. The canopy will extend 26 feet in height, have a 14-foot vertical clearance, and utilize flat horizontal metal panels for a finish material. An area for signage has been proposed at the north and east elevations, which will be part of a separate, future review. The colors used on both the Fuel Pump canopy and the Convenience Store and Car Wash building will utilize desert tans and silver, with metal accents consisting of either a grey metal color or a rust/aged metal color.

The elevations provided of the trash enclosure depict a screened trash enclosure with metal gates, however the roof or trellis element as required by Title 19.08.050(E)(4)(b) has not been provided. A condition has been added requiring the applicant to provide a roof or trellis structure per Title 19.08.050(E)(4)(b).

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The floor plans submitted depict the 3,400 square-foot Convenience Store and Car Wash. The Car Wash will feature a single car wide drive-thru configuration with the entry on the north side of the building and an exit on the south. A large equipment room will be provided adjacent to the drive-thru lane. The Convenience store will feature a large, open sales floor area, two storage rooms, a kitchen/prep area and two restrooms. A customer entry/exit will be provided near the southwest corner of the building and a secondary access doorway will be provided near the northeast corner of the building.

No building elevations or floor plans have been submitted for the 5,300 square-foot Restaurant with Drive-Thru building located on site. Any future development of the proposed buildings will require a Site Development Plan Review to determine compatibility with the surrounding area.

## **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 not compatible with the surrounding U (Undeveloped) [SC (Service Commercial) General Plan designation] zoned properties the south and U (Undeveloped) [PCD (Planned Community Development) General Plan designation] properties to the west. The remote location of this project will not protect and enhance the existing rural/desert surroundings, but instead will increase vehicle congestion due to the inadequate infrastructure and therefore is not compatible with the adjacent development and development in the area.

**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;**

With the approval of the associated request for a General Plan Amendment (GPA-29877) to the GC (General Commercial) land use designation for the site, the proposed development will be the only GC (General Commercial) property in the immediate area. Additionally, the applicant has requested multiple Waivers and Variances from Title 19 standards, which magnifies the lack of compliance with city policy this development embraces.

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

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The site is served by Oso Blanca Road, a Local Road according to the Master Plan of Streets and Highways, which in turn accesses Kyle Canyon Road, a State Highway according to the Master Plan of Streets and Highways. Kyle Canyon Road will be realigned to the south in the future and Oso Blanca Road will not extend further north, as this property will be located at the heart of the future Northern Beltway/U.S. 95 Interchange. While access to the site currently exists, due to the premature nature of this request, it is difficult to determine if future site access to the subject property will be adequate to support the proposed uses. Future road realignments may leave this property isolated and the future road network may not be able to support direct access to this parcel.

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

The building materials are generally appropriate for the area. The main colors utilized on the Convenience Store building will embrace the hues of the surrounding desert and will not be out of place with the surroundings. Elevations and a material board were not provided for the 5,300 square-foot Restaurant with Drive-Thru building; therefore, staff can not make a determination whether the materials for the building are appropriate or not. An additional Site Development Plan Review will be required before the development of that building. The landscape materials are mostly drought tolerant desert plants which are compatible with surrounding vacant desert areas.

**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 building design and characteristics of the Convenience Store are not unsightly or obnoxious in appearance with the exception of the west elevation of the building, which fronts a blank wall adjacent to the U.S. 95 highway. A condition has been added requiring the applicant to revise the elevations to create more visual interest along this location. Additionally, elevations were not provided for the 5,300 square-foot Restaurant with Drive-Thru; therefore, staff can not make a determination on the appropriateness of the architecture and aesthetic features. An additional Site Development Plan Review will be required before the development of that building.

**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.

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**ASSEMBLY DISTRICT**      13

**NOTICES MAILED**      41

**APPROVALS**      0

**PROTESTS**      1