



## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: APRIL 9, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - SDR-32534 - APPLICANT/OWNER: MFE, INC.**

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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 Rezoning (Z-0076-98), Site Development Plan Review [Z-0076-98(20)], Special Use Permits (SUP-5894, SUP-10422 and SUP-10423) and Site Development Plan Review (SDR-5893) shall be required, if approved, except as amended herein.
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 12/23/08, except as amended by conditions herein.
4. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to issuance of any permits, to depict the driveway to Azure Drive in its correct configuration.
5. A Waiver from the Town Center Development Standards Manual is hereby approved, to allow a building facade with minimal architectural embellishment and limited openings along a street frontage (Tenaya Way), to allow an eight-foot landscape setback along Azure Drive for a Town Center Loop Road (90), and to allow two parking lot islands/trees where four are required.
6. 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: trail landscaping to comply with the minimum requirements of the Las Vegas Master Plan, Transportation Trails Element, for a Multi-Use Transportation Trail along Tenaya Way, and Condition of Approval #14 of Site Development Plan Review [Z-0076-98(20)] for the trail along the south perimeter. The plan shall accurately reflect the existing required landscaping in the Amenity Zone for Azure Drive, a Town Center Loop Road, and call out the required color (Mojave Gold) for rock mulch.

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7. 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.
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. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards and Town Center Standards concurrent with development of this site 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.

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16. 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.
17. 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.
18. Unless otherwise authorized by the City Engineer, grant an appropriate Multi-use Transportation Trail easement overlying the existing trail alignments prior to the issuance of any permits for this site. Alternatively, provide proof of an existing grant of easement for the trail.
19. Site development to comply with all applicable conditions of approval for Z-76-98(20), the Montecito East Commercial Subdivision and all other applicable site-related actions.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Major Amendment to an approved Site Development Plan Review (SDR-5893) for a proposed 3,600 square-foot Convenience Store with Fuel Pumps and 1,300 square feet of retail with Waivers of Town Center Commercial Development, Landscape and Streetscape Standards where a 3,500 square-foot Convenience Store with Fuel Pumps was approved on 1.12 acres at the southwest corner of Tenaya Way and Azure Drive. The increase in building area, combined with the increase in required parking, has resulted in requests for additional Waivers of the Town Center Development Standards, including Commercial Development, Landscape and Streetscape Standards, indicating that the site will be overbuilt. Therefore, staff is recommending denial of this Site Development Plan Review request.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
12/07/98	The City Council approved a Rezoning (Z-0076-98) as part of a larger request to T-C (Town Center) on 1,468 acres. The Planning Commission recommended approval.
04/04/01	The City Council approved a Site Development Plan Review [Z-0076-98(20)] for a proposed 138,000 square-foot commercial development on 14.16 acres on the northwest side of Tenaya Way and Azure Drive, and a 110,000 square-foot commercial development on 16.66 acres on the southwest side of Tenaya Way and Azure Drive.
06/18/03	The City Council approved a request for an Extension of Time (EOT-2152) of an approved Site Development Plan Review [Z-0076-98(20)] for a proposed 138,000 square-foot commercial development on 14.16 acres located adjacent to the northwest corner of the intersection of Tenaya Way and Azure Drive, and for a proposed 110,000 square-foot commercial development on 16.66 acres located on the southwest side of Tenaya Way and Azure Drive. Planning Commission recommended approval.
03/17/04	The City Council approved a Major Modification (MOD-3652) to the Town Center Development Standards to allow Auto Parts (New and Rebuilt) (Accessory Sales and Service) as a permitted use in the SX-TC (Suburban Mixed Use - Town Center) district with the approval of a Special Use Permit and Conditions of Approval. Planning Commission recommended approval.

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01/08/04	The Planning Commission recommended approval (final action) of a Master Sign Plan (DIR-3572) for an approved retail center on 14.16 acres adjacent to the northwest corner of Tenaya Way and Azure Drive, and on 16.66 acres on the southwest side of Tenaya Way and Azure Drive. Planning Commission recommended approval.
04/06/05	The City Council approved a request for a Review of Condition (ROC-6074) for Condition Number 22 of an approved Site Development Plan Review [Z-0076-98(20)], which prohibited certain uses, to eliminate the condition entirely for an approved commercial development on property located adjacent to the southwest corner of Tenaya Way and Azure Drive.
01/18/06	The City Council approved requests for a Site Development Plan Review (SDR-5893) for a 3,500 square-foot convenience store with fuel pumps with Waivers of the 70% glazing restriction and a separation distance of zero feet where a 330-foot separation distance from residential uses is required, and a Special Use Permit (SUP-5894) for a proposed convenience store with fuel pumps on 1.43 acres at the southwest corner of Tenaya Way and Azure Drive. Planning Commission recommended approval.
01/18/06	The City Council approved requests for Special Use Permits (SUP-10422 and SUP-10423) for a proposed liquor establishment [on-off-sale (beer wine cooler only)] and for a proposed restricted gaming use within a proposed convenience store at the southwest corner of Tenaya Way and Azure Drive. Planning Commission recommended approval.
03/05/08	The City Council approved requests for Extension of Time (EOT-26432 thru 26435) for an approved Site Development Plan Review (SDR-5893) for a 3,500 square-foot convenience store with fuel pumps and Waivers of the 70% glazing restriction and a separation distance of zero feet where a 330-foot separation distance from residential uses is required, and Special Use Permits (SUP-5894, SUP-10422 and SUP-10423) for a proposed convenience store with fuel pumps, a proposed liquor establishment [on-off-sale (beer wine cooler only)] and for a proposed restricted gaming use within a proposed convenience store at the southwest corner of Tenaya Way and Azure Drive
01/22/09	At the applicants request, the Planning Commission abeyed a request for a Major Amendment to an approved Site Development Plan Review (SDR-5893) for a proposed 3,600 square-foot Convenience Store with Fuel Pumps and 1,300 square feet of retail space with Waivers of the Town Center Commercial Development, Landscape and Streetscape standards where a 3,500 square-foot Convenience Store with Fuel Pumps was approved on 1.12 acres at the southwest corner of Tenaya Way and Azure Drive.

***Related Building Permits/Business Licenses***

There are no building permits or business licenses related to the subject site.

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<b><i>Pre-Application Meeting</i></b>	
11/20/08	A pre-application meeting was held to discuss the requirements for a Major Amendment to an approved Site Development Plan Review. Site conditions and previous Conditions of Approval were discussed, as well as current requirements for the proposed uses.

<b><i>Neighborhood Meeting</i></b>
A neighborhood meeting was neither required nor held for this request.

<b><i>Field Check</i></b>	
12/24/08	A field check was conducted by staff. The site is vacant and undeveloped, with the exception of trails along the south and east perimeters, which are partially developed, and the Amenity Zone and sidewalk required for a Town Center Loop Road along Azure Drive.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	1.11 Acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Vacant (Approved for a Convenience Store by SDR-5893)	T-C (Town Center)	T-C (Town Center) Zone [SX-TC (Suburban Mixed Use - Town Center) Special Land Use designation]
North	Commercial Center	T-C (Town Center)	T-C (Town Center) Zone [GC-TC (General Commercial - Town Center) Special Land Use designation]
South	Single-Family Residence	RS (RS - Residential Suburban) [Clark County]	R-E (Rural Estates Residential) [Clark County]
East	Vacant (Approved for a Professional Office Development by SDR-26008)	O (Office)	O (Office)
West	Vacant (Approved for a Restaurant by SDR-18344)	T-C (Town Center)	T-C (Town Center) Zone [SX-TC (Suburban Mixed Use - Town Center) Special Land Use designation]

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
T-C Town Center District	X		N*
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
T-C (Town Center) District	X		N*
<b>Trails</b>	X		Y
<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

\*The applicant is requesting a Waiver of the Town Center Commercial, Streetscape and Landscape Standards.

## DEVELOPMENT STANDARDS

*Pursuant to the Town Center Development Standards Manual, the following standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	48,741 SF	Y
Min. Lot Width	N/A	175 Feet	Y
Min. Setbacks			
• Front	15 Feet	48 Feet	Y
• Side	10 Feet	115 Feet	Y
• Corner	15 Feet	20 Feet	Y
• Rear	20 Feet	91 Feet	Y
Max. Lot Coverage	N/A	10%	Y
Max. Building Height	2 Stories	1 Story	Y
Trash Enclosure	Screened, Enclosed	Not Indicated	Y*
Mech. Equipment	Screened	Not Indicated	Y*

\*Conditions have been added to require that the trash enclosure and mechanical equipment meet all minimum requirements of Title 19.08.

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	72 Feet	91 Feet	Y
Adjacent development matching setback	10 Feet	91 Feet	Y
Trash Enclosure	50 Feet	235 Feet	Y

*Pursuant to the Town Center Development Standards Manual, the following standards apply:*

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/6 Spaces	4 Trees	2 Trees	N*

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Parking Area	1 Tree/6 Spaces	4 Trees	2 Trees	N*
Buffer: Min. Trees (south, east)	1 Tree/20 Linear Feet	14 Trees	18 Trees	Y
Min. Zone Width	15 Feet	3 Trees	8 Feet, 3 Trees	N**
Open Space	20% of Gross Area	9,748 SF	9,856 SF	Y
Wall Height	6 to 8 Feet		Existing	Y

\*The applicant is requesting a Waiver of the Town Center Landscape Standards.

\*\*The applicant is requesting a Waiver of the Town Center Streetscape Standards.

***Pursuant to the Town Center Development Standards Manual, the following standards apply:***

<b>Streetscape Standards</b>	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
Azure Drive - Town Center Loop Road (90)	<ul style="list-style-type: none"> <li>• Amenity Zone (4)</li> <li>• Sidewalk (5)</li> <li>• Special pavement and sidewalk treatments, per C.2.C of the Town Center Development Standards Manual</li> <li>• 25-foot BTH Mexican Fan Palms planted in the Amenity Zone at 35 on-center, with decomposed granite (Mojave Gold) to cover the ground plane.</li> <li>• A 15-foot landscape setback shall be planted with clusters of Mexican Fan Palms in alternating groupings of two and three. Clusters to be located to coordinate with palms in the Amenity Zone, occurring approximately every three palm trees, or 105 feet on-center.</li> <li>• Ground cover consisting of a minimum one-third, five-gallon plant material shall be planted to reach 75% maturity within three years.</li> </ul>	<ul style="list-style-type: none"> <li>• Right-of-way improvements, including the Amenity Zone, sidewalk, special pavement and sidewalk treatments and landscaping were installed during previous improvements for Z-0076-98(20) and are existing.</li> <li>• An eight-foot landscape setback planted with alternating 36-box size Rio Grande Ash and Chitalpa trees. Rock mulch is listed, but color is not designated.</li> <li>• Ground cover includes Coyote Brush, Desert Cassia and New Gold Lantana, all at a minimum 5-gallon size.</li> </ul>	N*

\*The applicant has requested a Waiver of the Town Center Streetscape Standards.

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*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	
Convenience Store	3,600 SF	1:175	19	1	19	1	Y
General Retail	1,300 SF	1:175	7	1	7	1	Y
<b>SubTotal</b>			26	2	26	2	Y
<b>TOTAL</b>			28		28		Y
Loading Spaces	4,900 SF	1:10,000	1		1		Y

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To allow a building facade with minimal architectural embellishment and limited openings along a street frontage.	Building design incorporate patterns and materials that are visually interesting, particularly at street level, through the use of a combination of expression lines and areas and features of the façade that include changes in material, color and /or relief, and that doorways, porticoes or other approved entryways shall occur at a minimum of every 50 feet of building façade that fronts on a street or plaza area	Denial
To allow an eight-foot landscape setback for a Town Center Loop Road (90).	<ul style="list-style-type: none"> <li>A 15-foot landscape setback shall be planted with clusters of Mexican Fan Palms in alternating groupings of two and three. Clusters to be located to coordinate with palms in the Amenity Zone, occurring approximately every three palm trees, or 105 feet on-center.</li> <li>Ground cover consisting of a minimum one-third, five-gallon plant material shall be planted to reach 75% maturity within three years</li> </ul>	Denial

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To allow two parking lot islands/trees where four are required.	A minimum of one 24-inch box size deciduous or evergreen shade tree for every six uncovered parking spaces. Landscape islands are required at the end of all parking rows.	Denial
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**ANALYSIS**

This request is for a Major Amendment to a Site Development Plan Review (SDR-5893) that approved a 3,500 square-foot Convenience Store with Fuel Pumps. As proposed, the convenience store will increase to 3,600 square feet, with an additional 1,300 square feet of retail lease space. The number of fuel pumps will be reduced from eight pumps to six. This increase in building area, combined with the increase in required parking, has resulted in requests for additional Waivers of the Town Center Development Standards, including Commercial Development, Landscape and Streetscape standards, indicating that the site will be overbuilt. Therefore, staff is recommending denial of this Site Development Plan Review request.

- **Zoning**

The subject site is located within the Town Center District and has a General Plan designation of T-C (Town Center); within the Town Center District, the subject site is designated with a special land use of SX-TC (Suburban Mixed Use Town Center). The Suburban Mixed Use district is intended to enable development with imaginative adjacency standards. Building and site designs which reflect a mixture of compatible land uses having either a vertical or horizontal character will maximize employment and housing opportunities.

- **Site Plan**

The proposed site plan is very similar to the previously approved plan, with the building located along the east side of the site and parking and fuel pumps to the west. The building area has been increased to the south, with additional parking located along the west and south sides. There is a reduction in the number of proposed fuel pumps from eight to six. The subject site was approved as part of an overall Master Site Development Plan Review [Z-0076-98(20)], and as a result, the required Town Center Amenity Zone and sidewalk have been installed along Azure Drive, as have required Transportation Trails along the east and south perimeters.

The driveway to Azure Drive, as shown in the submitted plans, does not match the location of the driveway as it exists on site. The applicant intends to use the existing driveway, located closer to the west property line than is indicated in the plan, without any modifications. As this change is minor in nature, a condition has been added to submit a revised site plan prior to issuance of any permits.

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The proposed changes have resulted in requests for Waivers of the Town Center Commercial Development and Streetscape standards that were not part of the previous approval. These Waiver requests indicate that the site will be overbuilt, and staff is recommending denial of the requests.

- **Landscape Plan**

The landscape plan indicates the use of plant material that is appropriate in size and type for the Town Center area, including 25-foot Mexican Fan Palms, 36-inch box size Rio Grande Ash, Chitalpa and Purple Robe Locust trees, and five-gallon shrubs including Coyote Brush, Dessert Cassia and New Gold Lantana. Rock mulch is indicated, but the Mojave Gold color, as required by the Town Center Development Standards Manual, is not.

The landscape plan inaccurately depicts the existing Amenity Zone landscaping along Azure Drive; this landscaping was previously installed and meets the requirements for a Town Center Loop Road (90). A revised, accurate landscape plan will be required prior to issuance of building permits.

The landscape plan depicts a variety of trees along the trails located on the east and south perimeters of the site, but the planting schemes indicated in these areas do not meet the minimum requirements of Conditions #7 and #14 of the Master Site Development Plan Review [Z-0076-98(20)]. Along the east perimeter, a Multi-Use Transportation Trail is required, with minimum 24-inch box size deciduous shade trees at 20 feet on-center located in the Transition Strip at the back of curb. Along the south perimeter, a 30-foot trail corridor is required, with Condition #14 stating that this perimeter buffer shall contain a meandering 10-foot wide concrete pathway consistent with the trail cross section submitted to the City Council on April 4, 2001, and two rows of minimum 24-inch box evergreen trees a maximum of 20-foot on center, staggered on each side of the pathway, with a minimum four (4), five-gallon shrubs per tree. Conditions have been added to require compliance with the previous Conditions of Approval, as indicated.

The applicant is requesting a Waiver of the Town Center Landscape standards to allow only two parking lot trees/islands where four are required. In the previous Site Development Plan Review (SDR-5893), Condition of Approval #1 required that site meet the minimum requirements for parking lot trees/islands. As proposed, the site cannot meet the minimum requirements without the approval of a parking Variance or a reduction of the building area, indicating that the site will be overbuilt; therefore, staff is recommending denial of the Waiver request.

- **Elevations**

The elevations depict a single-story, 24-foot tall building with a flat roof and predominantly stucco finish, with cultured stone and stucco trim accents. Large portions of the buildings stucco walls will have Harlequin pattern reveals. Painted metal awnings are suspended

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above glass storefront doorways and windows. Wall signage areas are indicated, but will be evaluated at the time of permitting for compliance with the approved Master Sign Plan.

The applicant is requesting a Waiver of the Town Center Commercial Development standards requiring that building design incorporate patterns and materials that are visually interesting, particularly at street level, through the use of a combination of expression lines and areas and features of the façade that include changes in material, color and /or relief, and that doorways, porticoes or other approved entryways shall occur at a minimum of every 50 feet of building façade that fronts on a street or plaza area. The proposed streetscape elevation on the east side, which is also adjacent to a Multi-Use Transportation Trail, is a predominantly flat, unrelieved stucco wall approximately 85 feet long, with solid doors, no windows and two painted metal awnings. The service-like appearance of the façade is not visually interesting, and will not contribute to an attractive, integrated environment that will be consistent with adjacent development. Staff is recommending denial of the Waiver request.

- **Floor Plan**

The floor plan depicts a single building with two lease spaces, including a 3,600 square-foot convenience store with back of house and retail areas, and a 1,300 square-foot general retail area. Shared restrooms are indicated between the spaces.

## **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 adjacent development in that much of the architectural detailing and embellishment present in the previous approval has been removed from the building, especially on the street frontage to the east. The number of requested Waivers indicates that the site will be overbuilt.

- 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 not consistent with the Town Center Development Standards Manual in that the applicant has requested a number of Waivers to the development standards.

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

Access to the site is via driveways from Tenaya Way, designated as an 80-foot Secondary Collector south of Azure Drive by the Master Plan of Streets and Highways, and Azure Drive, designated as a Town Center (90) Loop Road by the Town Center Development Standards Manual. The access and roadway are adequate to meet the needs of the proposed development.

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

Building materials are appropriate for the area and the city. The landscape materials are appropriate for the Town Center Master Plan area, but the placement of the materials does not meet all minimum requirements for trail corridors. Conditions have been added to require a revised landscape plan prior to issuance of permits.

**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;**

Building elevations facing the interior of the site are not unsightly or obnoxious; however, the east façade, located along a Multi-Use Transportation Trail and a street frontage, is very service-like in appearance, with little architectural embellishment, and will not be harmonious or compatible with development in the area.

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

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

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 10

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 132

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**APPROVALS**                      2

**PROTESTS**                        4