



AGENDA MEMO

CITY COUNCIL MEETING OF: NOVEMBER 4, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: WVR-35710 - APPLICANT/OWNER: MONTECITO PARTNERS, LLC

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to the conditions for Site Development Plan Review (SDR-13684).
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Waiver to allow a 394 cubic-foot utility box to be setback zero feet from the public right-of-way with no landscaping where three feet of landscaping is required at 6605 Grand Montecito Parkway. The utility box was not built according to the approved plan, which indicates a three-foot landscape buffer separating the utility box from the public right-of-way. The utility box is not located within an existing public easement and does not interfere with Site Visibility Restriction Zones; therefore, staff recommends approval of this request. If this application is denied, the existing Utility box will have to be redesigned or relocated to comply with Title 19.12 landscaping standards.

ISSUES

- The existing development fails to meet the minimum requirements listed in Title 19.12.040(E)(2) for the proposed use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
04/25/96	The City Council approved an Annexation (A-0002-96) regarding property located south of Deer Springs Way between El Capitan Way and Durango Drive.
12/07/98	The City Council approved a Rezoning (Z-0076-98) from U (Undeveloped), R-E (Residence Estates), R-PD7 (Residential Planned Development – 7 Units per Acre), R-PD11 (Residential Planned Development – 11 Units per Acre), R-PD13 (Residential Planned Development – 13 Units per Acre), R-PD18 (Residential Planned Development – 18 Units per Acre), R-CL (Residential Compact-Lot), C-1 (Limited Commercial), C-2 (General Commercial), C-V (Civic), and P-D (Planned Development) to T-C (Town Center) on 1,468 acres, located within the area designated as Town Center on the Northwest Amendment to the General Plan.
04/16/03	The City Council approved a Site Development Plan Review (SDR-1775) for a 36,000 square-foot Pre-School and Elementary School and a Reduction of the On-Site Landscape Requirements and a Special Use Permit (SUP-1771) for a Pre-School and an Elementary School within Montecito Town Center on 4.9 acres adjacent to the north side of Montecito Parkway and the south side of Rome Boulevard.
02/16/06	A deed was recorded for a change of ownership.

07/13/06	The Planning Commission approved a Site Development Plan Review (SDR-13684) for a 186,300 square-foot six-story Office Building and a 41,377 square-foot parking structure on 8.01 acres at the southwest corner of Rome Boulevard and Grand Montecito Parkway.
11/30/06	Civil Improvement Plans were submitted for a 186,300 square-foot six-story office building and a 41,377 sq ft parking structure at 6605 Grand Montecito Parkway. The plans were finalized on 04/25/07.
08/28/07	Staff approved a Temporary Commercial Permit (TCP-24266) for a construction trailer at 6605 Grand Montecito Parkway. The permit expired on 11/11/08.
11/20/08	The Planning Commission approved a Master Sign Plan (MSP-30236) for a commercial development on 7.96 acres at 6605 Grand Montecito Parkway.
10/08/09	The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #7/jb).
<i>Related Building Permits/Business Licenses</i>	
01/11/07	A Business License (#C11-08740) was issued for a contractor at 6605 Grand Mon Montecito Parkway. The license remains active at this location.
11/19/07	A Building Permit (#23309) was issued for off-site power service installation for A 186,300 sq ft six-story office building and a 41,377 sq ft parking structure at 6605 Grand Montecito Parkway. The permit was finalized on 12/05/07.
02/23/09	A Building Permit (#7002912) was issued for onsite water/sewer/storm drain at 6605 Grand Montecito Parkway. The permit has not been finalized.
	A Building Permit (#7002844) was issued for office shell building at 6605 Grand Montecito Parkway. The permit has not been finalized.
<i>Pre-Application Meeting</i>	
08/21/09	A pre-application meeting was held where the submittal requirements for a Waiver of the Town Center Development Standards were discussed. Topics included: Title 19.12.040(E)(2) requirements for the proposed use.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	
<i>Field Check</i>	
09/03/09	During a routine site inspection staff observed a Utility box with no landscaping that directly abuts the public right-of-way (sidewalk).
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	7.96 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office	TC (Town Center)	T-C (Town Center) (Mixed-Use Commercial - Montecito Town Center Special Land Use designation)
North	Private School	TC (Town Center)	T-C (Town Center) (Mixed-Use Commercial - Montecito Town Center Special Land Use designation)
South	Undeveloped	TC (Town Center)	T-C (Town Center) [MS-TC (Main Street Mixed-Use Montecito Town Center) Special Land Use designation]
East	Single-Family Dwellings	TC (Town Center)	T-C (Town Center) [L- TC (Low Density Residential Montecito Town Center) Special Land Use designation]
West	Undeveloped	TC (Town Center)	T-C (Town Center) [MS-TC (Main Street Mixed-Use Montecito Town Center) Special Land Use designation]

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
T-C Town Center District	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
T-C Town Center District	X		Y
Montecito Town Center	X		Y
Trails (Town Center Nine-Foot Loop Trail)	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Waivers		
Request	Requirement	Staff Recommendation
To allow a Utility box in excess of 27 cubic feet to be setback zero feet from the public right-of-way with no landscaping where three feet of landscaping is required	A minimum of three feet of landscaping between the utility box and the sidewalk	Approval

ANALYSIS

This is a request for a Waiver of Title 19.12.040(E)(2) to allow a 394 cubic-foot utility box to be setback zero feet from the public right-of-way with no landscaping where three feet of landscaping is required at 6605 Grand Montecito Parkway. Town Center Development standards do not cover landscaping requirements for utility boxes, therefore Title 19.12.040(E)(2) development standards apply. A Nevada Power plan was approved and a building permit was issued for “Montecito Point” on November 19, 2007 for the utility box in question. The approved plan indicates a three-foot landscape buffer separating the utility box from the public right-of-way; however the utility box was not built according to the approved plan. The utility box is not located within an existing public easement and does not interfere with Site Visibility Restriction Zones; therefore, staff recommends approval of this request.

FINDINGS

The proposed use can be conducted in a harmonious manner with the adjacent uses. In addition, the Utility box is not located within an existing public easement and does not interfere with Site Visibility Restriction Zones; therefore, staff is recommending approval.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

14

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 370 by City Clerk

APPROVALS 3

PROTESTS 4