

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 23, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: WVR-33758 - APPLICANT/OWNER: CAROLINE'S COURT, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-20496) shall be required, if approved, except as amended herein.
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.
3. All development shall be in conformance with the site and landscape plan date stamped 03/10/09, except as amended by conditions herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Waiver of the Town Center Development Standards to allow no amenity zone along a 233-foot portion of Durango Drive, where a 2.5-foot amenity zone is required adjacent to the northwest corner of Durango Drive and El Capitan Way. The applicant has submitted this request to allow for a segment of existing sidewalk, constructed as part of the U.S. 95/Durango Drive interchange, to remain in its current configuration. The site plan submitted in conjunction with Site Development Plan Review (SDR-20496), as well as the Civil Improvement Plans (#107y4969) and landscape plans submitted to the City of Las Vegas 07/11/08, indicate placement of the required 2.5-foot amenity zone adjacent to Durango Drive. The existing site conditions do not make it impossible to add a 2.5-foot amenity zone per the Town Center Development Standards Manual, as the Civil Improvement Plans (#107y4969) submitted by the applicant dated 07/11/08 detail the grading necessary to accomplish the requirement. Staff finds that the requested Waiver is not in conformance with the requirements of the Town Center Development Standards Manual or the approved Site Development Plan Review (SDR-20496); therefore, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/07/98	The City Council approved a Rezoning (Z-0076-98) of these parcels and the surrounding area and thus created the Centennial Hills Town Center Special Plan area. The Planning Commission and staff recommended approval of this request.
07/11/07	The City Council approved a Site Development Plan Review (SDR-20496) for a proposed 269,860 square-foot Commercial Center with Waivers from the Town Center Development Standards to allow a six-foot wide landscape buffer on the south property line where eight feet is required and to allow zero feet of perimeter landscape buffer adjacent to the Multi-Use Transportation Trail along the north and west property lines where 15 feet is required, to allow zero feet of perimeter landscape buffer adjacent to a drive-through aisle where 10 additional feet are required and to allow a drive-through aisle on three sides of a Fast Food building where only two sides are allowed, a Special Use Permit (SUP-20497) for a Building and Landscape Material/Lumber Yard, a Special Use Permit (SUP-20498) for Outdoor Storage, Accessory and a Special Use Permit (SUP-20499) for a Restaurant with Drive-Through on 23.62 acres at the northwest corner of El Capitan Way and Durango Drive. The Planning Commission and staff recommended approval of these requests.

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02/06/08	The City Council accepted a withdrawal without prejudice of a Variance (VAR-25403) to allow a retaining wall height of 15 feet where the maximum retaining wall height is six feet on the west property line, and to allow a total height of 23 feet where the maximum total height of retaining and screening walls is 12 feet. The Planning Commission and staff recommended approval of this request.
03/05/08	The City Council accepted a withdrawal without prejudice of a Tentative Map (TMP-25075) for a one-lot commercial subdivision on 23.62 acres at the northwest corner of El Capitan Way and Durango Drive. The Planning Commission and staff recommended approval of this request.
04/28/08	The Planning and Development Department administratively approved a request for a Final Map (FMP-27577) for a one-lot commercial subdivision on 23.62 acres adjacent to the southwest corner El Capitan Way and North Durango Drive.
07/11/08	Civil Improvement Plans (#107y4969), including landscape plans, of the Carolines Court development were submitted to the City of Las Vegas for Review. The review is still open pending final approval.
<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses associated with this development.	
<i>Pre-Application Meeting</i>	
02/26/09	A pre-application meeting was held where the submittal requirements for a Waiver of the Town Center Development Standards were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	

<i>Field Check</i>	
03/19/09	A field check was conducted by staff at the subject property. A five-foot sidewalk without an amenity zone was noted as existing on the west side of Durango Drive. A beige concrete barrier was noted at the back of sidewalk along a portion of the subject property.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	23.62

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped [Approved 269,860 SF Commercial Center (SDR- 20496)]	TC (Town Center)	T-C (Town Center) [SC -TC (Service Commercial Town Center) Special Land Use designation]
North	Single-Family Residences	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
South	Undeveloped [Approved 139- room five-story Hotel and 64,700 square-foot Retail Development (SDR -28535)]	TC (Town Center)	T-C (Town Center) [SC -TC (Service Commercial Town Center) Special Land Use designation] and [GC-TC (General Commercial Town Center) Special Land Use designation]
East	Retail Development	TC (Town Center)	T-C (Town Center) [SC -TC (Service Commercial Town Center) Special Land Use designation]
West	U.S. 95	R.O.W.	R.O.W

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
T-C Town Center District	X		N*
<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		N*
Trails	X		Y**
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* The applicant has requested this Waiver of the Town Center Development Standards Manual to allow no amenity zone along a 233-foot portion of Durango Drive, where a 2.5-foot amenity zone is required.

** The subject property is adjacent to a Multi-Use Non-Equestrian Transportation Trail along the north and east perimeters of the site. The trail location and design are not affected by this proposal, as the subject Waiver affects only the southern portion of the site.

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DEVELOPMENT STANDARDS

Per the Town Center Development Standards Manual, the following is required:

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Primary Arterial Durango Drive	Five-foot sidewalk with a 2.5-foot amenity zone; Trees installed 35-feet on center in an alternating pattern consisting of one shade tree and two palm trees with decomposed granite; Ground cover consisting of a minimum of one-third, five-gallon plant material to reach 75% coverage within three years	Five-foot sidewalk without an amenity zone	N

ANALYSIS

This is a request for a Waiver of the Town Center Development Standards to allow no amenity zone along a 233-foot portion of Durango Drive where a 2.5-foot amenity zone is required adjacent to the northwest corner of Durango Drive and El Capitan Way. The applicant has submitted this request to allow for a segment of existing sidewalk, constructed as part of the U.S. 95/Durango Drive interchange, to remain in its current configuration in conjunction with an approved 269,860 square-foot Commercial Center (SDR-20496). The site plan submitted in concurrence with Site Development Plan Review (SDR-20496), as well as the Civil Improvement Plans (#107y4969) and landscape plans submitted to the City of Las Vegas 07/11/08, which are still open pending final approval, indicate placement of the required 2.5-foot amenity zone adjacent to Durango Drive.

According to the justification letter supplied by the applicant, the existing site condition of a five-foot sidewalk with no amenity zone and adjacent concrete barrier is required by the Nevada Department of Transportation, to prevent vehicles from leaving the roadway and traveling down a steep embankment. The elevations noted on the Civil Improvement Plans (#107y4969) submitted by the applicant dated 07/11/08 indicate an approximate 12-foot drop between the sidewalk and proposed retail development. A field check completed by staff noted the grade differential. A supplemental letter from the Nevada Department of Transportation date stamped 03/29/09 has been submitted requesting the existing layout and installation of the Durango/US 95 Interchange to remain in place.

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Staff acknowledges that the Nevada Department of Transportation requires a concrete barrier adjacent to the back of sidewalk to prevent vehicles from leaving the roadway; however, the provision of a 2.5-foot amenity zone between Durango Drive and the required five-foot sidewalk would not negatively impact motor vehicle safety, and would actually enhance pedestrian safety by creating an additional barrier of landscape between the roadway and sidewalk. The Town Center Development Standards Manual section (E)(1)(A) establishes that each type of street within the Town Center shall be designed to be pedestrian friendly and shall have a distinctive character that includes the actual right-of-way, adjacent setbacks, landscape and plazas, and compliments the building articulation.

Additionally, section (E)(1) of the Town Center Development Standards Manual notes that streets within the Town Center are the organizing feature around which buildings and open space will be developed. The role they play must be identified within the urban context in terms of hierarchy, image, character and the functional requirements of linking land uses. Disrupting the established pattern of hierarchy negates the intent of the Town Center Development Standards Manual and creates a harsh and unwelcoming environment for pedestrian activity. The applicant has offered no compelling justification as to why the 2.5-foot amenity zone can not be provided and staff finds that the requested Waiver is not in conformance with the requirements of the Town Center Development Standards Manual or the approved Site Development Plan Review (SDR-20496); therefore, denial of this request is recommended.

FINDINGS

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to leave the existing sidewalk in its current configuration. Alternatively, meeting the intent of the Town Center Development Standards Manual by installing the amenity zone and placing the required concrete barrier in place behind the sidewalk would allow conformance to the Town Center Development Standards Manual. In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

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