

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JULY 9, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-34540 - APPLICANT/OWNER: BASHIR AFZALI**

[

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-34539) 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. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 06/18/09, except as amended by conditions herein.
4. A Waiver from Title 19.12.040 Perimeter Landscape Buffer Standards is hereby approved, to allow buffers of five feet where eight feet is required along the north and south perimeters.
5. An Exception from Title 19.10.010 is hereby approved, to allow no parking lot landscape islands and trees where six of each are required.
6. The existing wall shall be raised or replaced, as needed, with a solid wall, at least six feet in height and meeting all requirements of Title 19.12.075, along the east perimeter, adjacent to the residential property.
7. The trash enclosure shall be roofed and gated to comply with the minimum requirements of Title 19.08.

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8. 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: 24-inch box size trees be planted in the perimeter landscape buffer areas at a rate of one tree for every 20 lineal feet along the east and west perimeters, and at one tree for every 30 lineal feet along the north and south perimeters. In addition, four, five-gallon shrubs are required for every required tree
9. 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.
10. Revised elevations shall be submitted to and approved by the Planning and Development Department prior to or at the time of submittal for a building permit to reflect the colors and types of materials used.
11. 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).
12. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
14. 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.
15. 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.
16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

17. 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 concurrent with development of this site.
18. Contact the City Engineers Office at 229-6272 to coordinate the development of this project with the Martin L. King Boulevard widening project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
19. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended

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**** STAFF REPORT ****

PROJECT DESCRIPTION

Note: This request was originally noticed as Site Development Plan Review (SDR-33767), but, due to material changes in the project, was renoticed for the 06/11/09 and subsequent Planning Commission meetings as Site Development Plan Review (SDR-34540).

This is a request for a Site Development Plan Review for a proposed two-story, 6,650 square-foot commercial development on an undeveloped 0.58 acre lot located on the east side of Martin L. King Boulevard, approximately 500 feet north of Washington Avenue. The proposed development does not meet the minimum Title 19.04 parking requirements. One associated Variance (VAR-34539) has been submitted for this deficiency, and must be approved in order for this Site Development Plan Review to be approved. The proposed development, in its current configuration, will result in a site that is overbuilt, as is evidenced by the requested Waivers and Exceptions as part of this Site Development Plan Review, as well as the associated parking Variance. Therefore, staff is recommending denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/01/04	The City Council approved a request for Rezoning (ZON-5222) from R-E (Residence Estates) to C-1 (Limited Commercial) on 0.58 acres located between 1000-1100 Martin L. King Boulevard. The Planning Commission recommended approval. The Resolution of Intent expired on 12/01/06.
12/01/04	The City Council denied requests for a Site Development Plan Review (SDR-5223) with a Waiver of perimeter buffering and landscaping standards and a Special Use Permit (SUP-5225) for a proposed Smog Check and Car Wash, Self Service on 0.58 acres located between 1000-1100 Martin L. King Boulevard. The Planning Commission recommended approval.

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04/23/09 05/14/09	The Planning Commission, at the request of the applicant, abeyed requests for a Rezoning (ZON-33765) from R-E (Residence Estates) to C-1 (Limited Commercial); a Variance (VAR-33768) to allow a 20-foot rear yard setback where Residential Adjacency standards require 35 feet; a Variance (VAR-33771) to allow 32 parking spaces and zero loading spaces where 36 parking spaces and one loading space are required; and a Site Development Plan Review (SDR-33767) for a proposed 6,232 square-foot commercial building with Waivers of the perimeter landscape buffer standards to allow buffers of 10 feet where 15 feet is required along the west perimeter and five feet where eight feet is required along the north and south perimeters and a Waiver of the building placement and orientation standards on 0.58 acres on the east side of Martin L. King Boulevard, approximately 500 feet north of Washington Avenue. Due to material changes in the project, these items were renotified as Rezoning (ZON-33765), Variance (VAR-34538), Variance (VAR-34539), and Site Development Plan Review (SDR-34540), respectively, for the 06/11/09 Planning Commission meeting.
06/11/09	The Planning Commission, at the request of the applicant, abeyed requests for Rezoning (ZON-33765) from R-E (Residence Estates) to C-1 (Limited Commercial); Variance (VAR-34538) to allow a 15-foot front yard setback where 20 feet is required, a 73-foot setback where residential adjacency requires 84 feet, and to allow a trash enclosure to be located 10 feet from a residentially zoned property where residential adjacency requires 50 feet; Variance (VAR-34539) to allow 34 parking spaces where 42 parking spaces are required; and Site Development Plan Review (SDR-34540) for a proposed two-story, 7,180 square-foot commercial building with Waivers of the Perimeter Landscape Buffer Standards to allow buffer of five feet where eight feet is required along the north and south perimeters and seven feet where eight feet is required along the east perimeter on 0.58 acres on the east side of Martin L. King Boulevard, approximately 500 feet north of Washington Avenue.
06/25/09	The Planning Commission, at the request of the applicant, abeyed requests for Rezoning (ZON-33765) from R-E (Residence Estates) to C-1 (Limited Commercial); Variance (VAR-34539) to allow 34 parking spaces where 42 parking spaces are required; and Site Development Plan Review (SDR-34540) for a proposed two-story, 7,180 square-foot commercial building with Waivers of the Perimeter Landscape Buffer Standards to allow buffer of five feet where eight feet is required along the north and south perimeters and seven feet where eight feet is required along the east perimeter on 0.58 acres on the east side of Martin L. King Boulevard, approximately 500 feet north of Washington Avenue. The applicant requested that Variance (VAR-34538) to allow a 15-foot front yard setback where 20 feet is required, a 73-foot setback where residential adjacency requires 84 feet, and to allow a trash enclosure to be located 10 feet from a residentially zoned property where residential adjacency requires 50 feet be withdrawn without prejudice.

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Related Building Permits/Business Licenses

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

Pre-Application Meeting

12/16/08	A pre-application meeting was held to discuss the submittal requirements for a Rezoning and Site Development Plan Review and Variances: • Required setbacks, Residential Adjacency issues and parking requirements. • Perimeter landscape buffer Waivers required. • Parking lot landscaping Exceptions required. • Preference for a single driveway, with required throat depth.
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Neighborhood Meeting

A neighborhood meeting was neither required nor held for this request.

Field Check

03/19/09	A field check was conducted by staff. The subject site is an undeveloped parcel. There is an unpermitted chain link fence along the front of the lot, as well as some debris.
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Details of Application Request***Site Area***

Gross Acres	0.58 Acres
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	C (Commercial)	R-E (Residence Estates) [Proposed: C-1 Limited Commercial]
North	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
South	Retail Shops	C (Commercial)	C-1 (Limited Commercial)
East	Single-Family Residence	C (Commercial)	R-E (Residence Estates)
West	Single-Family Residences	R (Rural Density Residential)	R-E (Residence Estates)

Special Districts/Zones

	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
West Las Vegas Plan	X		Y

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (140 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	25,164 SF	Y
Min. Lot Width	100 Feet	190 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	10 Feet	10 Feet	Y
• Rear	20 Feet	73 Feet	Y
Max. Lot Coverage	50%	26%	Y
Max. Building Height	N/A	28 Feet	Y
Trash Enclosure	Screened, Gated, w/ Roof or Trellis	Not Indicated	By Condition
Mech. Equipment	Screened	Not Indicated	By Condition

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	84 Feet	84 Feet	Y
Adjacent development matching setback	35 Feet (Rear)	73 Feet	Y
Trash Enclosure	50 Feet	100 Feet	Y

Pursuant to Title 19.12, 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	6 Trees	Zero Trees	N
Buffer:				
North, South	1 Tree / 30 Linear Feet	10 Trees	1 Tree	By Condition
East, West	1 Tree / 20 Linear Feet	17 Trees	5 Trees	
TOTAL		33 Trees	1 Tree	By Condition
Min. Zone Width	15 Feet (West) 8 Feet (North, South)		15 Feet 5 Feet	Y N

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	8 Feet (East)	7 Feet	N
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Wall Height	6 to 8 Feet, Adjacent to Residential Property	Not Indicated	By Condition
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Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail Store, Other Than Listed	6,650 SF	1:175	36	2	33	2	
TOTAL			38		35		N
Loading Spaces	One loading space is required, up to 10,000 SF		1		1		Y
Percent Deviation					8%		

Waivers		
Requirement	Request	Staff Recommendation
An 8-foot landscape buffer along interior property lines.	A 5-foot landscape buffer along the north and south perimeters.	Denial

Exceptions		
Requirement	Request	Staff Recommendation
Interior landscape islands shall be provided at the end of each row of spaces and for every six uncovered parking spaces. The proposed development requires 6 of each.	No parking lot trees or landscape islands.	Denial

ANALYSIS

The proposed commercial development meets the minimum development standards of Title 19.08. The development is deficient in parking, providing 35 parking spaces where 38 spaces are required. Approval of associated Variance (VAR-34539) regarding this deficiency is required for this Site Development Plan Review to be approved.

The landscape plan does not depict perimeter landscaping in conformance to Title 19.12, with trees indicated along the front of the development only, and a limited number of shrubs in the remaining perimeter buffer areas. A condition has been added to require that 24-inch box size

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trees be planted in the perimeter landscape buffer areas at a rate of one tree for every 20 lineal feet along the east and west perimeters, and at one tree for every 30 lineal feet along the north and south perimeters. In addition, four, five-gallon shrubs are required for every required tree.

The elevations depict a two-story building, with the second story stepped back from the face of the first story. They do not indicate either the materials or the colors to be used for the building. A condition has been added to require that revised elevations be submitted and approved by the Planning and Development Department prior to or at the time of submittal for building permit.

FINDINGS

The following findings must be made for an SDR:

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

The development is not compatible with adjacent development and development in the area because the site, as proposed, will be overbuilt. This is evidenced by the requested Waivers and Exceptions as part of the Site Development Plan Review, as well as the associated Variance request.

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 consistent with the General Plan, but does not comply with Title 19 standards, as evidenced by the associated requests for Variances, Waivers and an Exception that are required for the approval of this request.

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

The site is accessed by a single driveway to Martin L. King Boulevard, which is designated as a 100-foot Primary Arterial by the Master Plan of Streets and Highways, and will have no direct access to the adjacent residential neighborhoods. The development will not negatively impact adjacent roadways or neighborhood traffic.

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

The elevations do not specifically call out materials and colors for the proposed building. A condition has been added to require that revised elevations, with materials and colors specified, be submitted prior to or at the time of building permit review, for approval by the Planning and Development Department. Landscape materials, as conditioned, are appropriate for the area and for the city.

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- 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 elevations are not unsightly or obnoxious, and are compatible with development in the area. Revised elevations, as conditioned, will ensure that the materials and colors will be harmonious with adjacent development.

- 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

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ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 161

APPROVALS 2

PROTESTS 0