

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: AUGUST 13, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-34469 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL**, subject to:**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4550), Site Development Plan Review (SDR-4551), and Variances (VAR-4553 and VAR-8348) shall be required.
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 05/12/09, and landscape plan dated 05/27/09 except as amended by conditions herein.
4. All signage shall require permits pursuant to Title 19.14. A Master Sign Plan is not required for projects less than 15 acres in size, per Title 19.14.030, effective 07/16/03.
5. 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.
6. 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.
7. 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).

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8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
10. 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.
11. 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.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. 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.
14. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
15. Site development to comply with all applicable conditions of approval for SDR-4551 and all other site-related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject property contains an existing 42,809 square-foot Motor Vehicle Sales (New) Establishment located at 5550 West Sahara Avenue. The applicant is proposing to place vehicle display parking spaces with enhanced paving within the existing parking lot along the south and west portions of the site, provide parking lot shade structures, provide façade renovations and add two porte cocheres along the south and east sides of the existing building. No expansion to the existing building or parking lot will take place as a result of this application. If the application is denied the subject property will remain in its current configuration without any further enhancements.

Issues

- Staff supports the request for a Major Amendment to an Approved Site Development Plan Review as this proposal will allow building façade and interior renovations to take place, place additional landscape within the existing parking lot and vehicle display areas, and add shade structures to the vehicle display area and drop-off areas.
- The proposed modifications to the existing site meet all applicable Title 19 requirements.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
05/16/90	The City Council approved a request for Rezoning (Z-0038-90) from R-E (Residence Estates) to P-R (Professional Office and Parking) on property located at 2333 Lindell Road. Staff recommended approval of this request.
06/15/94	The City Council approved a Variance (V-0061-94) to allow a Beauty Salon where such use is not allowed on property located at 2333 Lindell Road. The Board of Zoning Adjustment recommended approval of this application, whereas staff recommended denial.
09/14/95	The City Council approved a Review of Condition [V-0061-94(1)] for an approved Variance (V-0061-94) which required that any deviation from the Beauty Salon use be reviewed by the City Council at 2333 Lindell Road. Staff recommended approval of this request.
06/14/99	The City Council denied a Review of Condition [V-0061-94(2)] for an approved Variance (V-0061-94) to revise Conditions of Approval to allow a change in hours of operation and to allow parking in the front parking area where previously prohibited at 2333 Lindell Road. The Board of Zoning Adjustment and staff recommended approval of this request.

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08/10/00	The Planning Commission approved a request for a Site Development Plan Review (SD-0043-00) for a proposed 7,979 square-foot addition to an existing 12,521 square-foot Auto Dealership at 5550 West Sahara Avenue.
11/01/02	A deed was recorded for change of ownership.
09/25/03	A Code Enforcement complaint (#4751) was processed for non-permitted temporary signs (banners) and trash and debris within the landscape areas at 5550 West Sahara Avenue. The case was closed by Code Enforcement on 03/16/04.
06/04/04	A Code Enforcement complaint (#15966) was processed for removal of the light shields on the parking lot lighting at 5550 West Sahara Avenue. The case was closed by Code Enforcement on 07/22/04.
08/04/04	The City Council approved a General Plan Amendment (GPA-4549) to amend a portion of the Southwest Sector Plan of the General Plan from O (Office) and DR (Desert Rural Density Residential) to GC (General Commercial), a Rezoning (ZON-4550) from P-R (Professional Office) and R-E (Residence Estates) Zone to C-2 (General Commercial) Zone, a Variance (VAR-4553) to allow a 83-foot 1-inch Residential Adjacency setback where 100 feet is required, a Site Development Plan Review (SDR-4551) for a proposed 37,950 square-foot Motor Vehicle Sales (New) facility on 4.15 acres adjacent to the northwest corner of Sahara Boulevard and Lindell Road. The Planning Commission and staff recommended approval of these requests.
07/13/05	The Planning and Development Department administratively approved a Parcel Map (PMP-6652) for a one-lot property located at the northwest corner of Sahara Avenue and Lindell Road. The map was recorded 10/26/05.
07/20/05	The City Council denied a Review of Condition (ROC-6575) Number 21 of an approved Site Development Plan Review (SDR-4551) to eliminate the Condition which prohibits parking and display of vehicles in the landscape buffer area for an approved 37,950 square-foot Motor Vehicle Sales (New) facility on 4.15 acres adjacent to the northwest corner of Sahara Boulevard and Lindell Road. Staff recommended denial of this request.
09/08/05	The Planning Commission approved a Variance (VAR-8348) to allow a proposed 55-foot Freestanding Sign where 40 feet is the maximum height allowed on 4.15 acres at the northwest corner of Sahara Avenue and Lindell Road. The City Council struck this request, which permitted the approval by the Planning Commission to stand. Staff recommended denial of this request.
09/16/05	A Code Enforcement complaint (#33919) was processed for zoning violations at 5550 West Sahara Avenue. The case was closed by Code Enforcement on 01/02/06.
05/03/06	The City Council approved a Variance (VAR-11759) to allow a proposed 130-foot tall Flagpole where 40 feet is the maximum height allowed on 4.15 acres at 5550 West Sahara Avenue. The Planning Commission recommended approval of this request, whereas staff recommended denial.

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06/19/06	A Code Enforcement complaint (#43563) was processed for parking violations at 5550 West Sahara Avenue. The case was closed by Code Enforcement on 07/31/07.
04/24/07	A Code Enforcement complaint (#52451) was processed for graffiti on the south wall of 5550 West Sahara Avenue. The case was closed by Code Enforcement on 04/30/07.
06/05/07	A Code Enforcement complaint (#53564) was processed for failure to maintain adequate parking lot driveway aisle widths. The case was closed by Code Enforcement on 08/07/07.
08/01/07	The City Council denied a Required Review (RQR-20054) of a Variance (VAR-11759) to allow a proposed 100-foot tall Flagpole where 40 feet is the maximum height allowed at 5550 West Sahara Avenue. Staff recommended denial of this request.
08/07/07	A Code Enforcement complaint (#56505) was processed for a flag pole in excess of the permissible height. The case was closed by Code Enforcement on 12/22/08.
11/07/07	A Code Enforcement complaint (#59647) was processed for the test driving of new vehicles on OBannon Drive. The case was closed by Code Enforcement on 04/24/08.
06/25/09	The Planning Commission held in abeyance a request for a Major Amendment of a previously approved Site Development Plan Review (SDR-4551) for the addition of vehicle display parking spaces; parking lot shade structures; facade renovations; and two porte cocheres adjacent to the south and east sides of the building at an existing motor vehicle sales (new) facility on 4.01 acres at 5550 West Sahara Avenue. The abeyance was to allow the applicant to address possible code violations at the subject site.
06/25/09	A Code Enforcement complaint (#59647) was processed for display of vehicles in the landscape areas. The case was closed by Code Enforcement on 07/14/09.

<i>Related Building Permits/Business Licenses</i>	
06/09/89	A building permit (#89027975) was issued for a tenant improvement at 5550 West Sahara Avenue. The permit received final approval on 10/02/89.
07/07/89	A building permit (#89030748) was issued for a tenant improvement at 5550 West Sahara Avenue. The permit received final approval on 08/08/89.
11/01/02	A deed was recorded for a change in ownership.
04/20/05	A building permit (#05002454) was issued for a new building at 5550 West Sahara Avenue. The permit received final approval on 01/10/07.
04/20/05	A building permit (#05002453) was issued for onsite improvements at 5550 West Sahara Avenue. The permit expired 10/22/05 without receiving final approval.
12/21/05	A building permit (#55373) was issued for a block wall at 5550 West Sahara Avenue. The permit received final approval on 07/21/06.

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04/10/06	A building permit (#06002614) was issued for a sign at 5550 West Sahara Avenue. The permit expired 11/04/06 without receiving final approval.
04/28/06	A building permit (#06003130) was issued for a 100-foot tall flagpole at 5550 West Sahara Avenue. The permit received final approval on 06/07/06.
05/22/06	A business license (#A16-01267) was issued for new and used car sales at 5550 West Sahara Avenue. The license is currently active.
07/21/06	A building permit (#06004804) was issued for a neon bordered sign at 5550 West Sahara Avenue. The permit received final approval 01/10/07.
04/12/07	A building permit (#84241) was issued for the addition of pilasters and additional height to an existing block wall at 5550 West Sahara Avenue. The permit received final approval on 07/01/07.
08/07/08	A building permit (#118841) was issued for a tenant improvement at 5550 West Sahara Avenue. The permit received final approval 09/15/08.
08/11/08	A building permit (#121843) was issued for the installation of two sets of channel letter signs at 5550 West Sahara Avenue. The permit is still open awaiting final inspections.
08/29/08	A business license (#A16-01296) was issued for auto sales at 5550 West Sahara Avenue. The permit is currently active.

Pre-Application Meeting

01/28/09	A pre-application meeting was held with the representative where the submittal requirements of a Major Amendment to an approved Site Development Plan Review were discussed.
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Neighborhood Meeting

A neighborhood meeting was not held, nor was one required

Field Check

05/21/09	A field check was conducted by staff with the following observations: • The subject site is an existing operating Motor Vehicle Sales (New) establishment. • Two vehicles were observed parked within the south landscape buffer fronting Sahara Avenue, which was a violation of Condition #21 of Site Development Plan Review (SDR-4551). • Graffiti was noted along the east perimeter wall fronting Lindell Road. • Several required trees and shrubs were noted as missing or removed from the north landscape buffer, and several required trees were noted as missing or removed from the parking lot landscape islands within the north (rear) parking lot area of the subject property. All violations were referred to Code Enforcement for further action.
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Details of Application Request***Site Area***

Gross Acres	4.01
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning				
West		Motor Vehicle Sales (New)	GC (General Commercial)	C-2 (General Commercial) and P-R (Professional Office and Parking)			
			Church/House of Worship	DR (Desert Rural Density Residential)			
				R-E (Residence Estates)			
			Motor Vehicle Sales (New)	CG (Commercial General) Clark County			
				C-1 (Local Business) Clark County			
				Office			
				SC (Service Commercial)			
				C-1 (Limited Commercial)			
				Single-Family Residence			
				DR (Desert Rural Density Residential)			
				R-E (Residence Estates)			
			Motor Vehicle Sales (New)	C-2 (General Commercial)			
				GC (General Commercial)			
			Single-Family Residences	C-2 (General Commercial)			
				RN (Rural Neighborhood) Clark County			
				R-E (Rural Estates Residential) Clark County			
				R-E (Rural Estates Residential) Clark County			

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
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	182,951 SF	Y
Min. Lot Width	100 Feet	278 Feet	Y
Min. Setbacks			
• Front	20 Feet	222 Feet	Y
• Side	100 Feet	83 Feet	Y*
• Corner	15 Feet	14 Feet	Y**
• Rear	20 Feet	176 Feet	Y
Max. Lot Coverage	50%	18.3 %	Y

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Max. Building Height	35 feet or two stories, whichever is less	33.25 Feet	Y
Trash Enclosure	Screened, Enclosed	Screened, Enclosed	Y
Mech. Equipment	Screened	Screened	Y

* As approved through Variance (VAR-4553).

** As approved through Site Development Plan Review (SDR-4551).

Pursuant to Title 19.08.060, the following Residential Adjacency Standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	83 Feet	83 Feet	Y*
Adjacent development matching setback	30 Feet	83 Feet	Y
Trash Enclosure	50 Feet	55 Feet	Y

* As approved through Variance (VAR-4553).

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	26 Trees*	44 Trees	Y
Buffer: Min. Trees				
(South)	1 Tree/20 Linear Feet	13 Trees*	13 Trees	Y
(East)	1 Tree/30 Linear Feet	25 Trees*	26 Trees	Y
(West)	1 Tree/20 Linear Feet	26 Trees*	27 Trees	Y
(North)	1 Tree/20 Linear Feet	11 Trees*	11 Trees	Y
TOTAL		101 Trees*	121 Trees	Y
Min. Zone Width				
(North)	8 Feet*		8 Feet	Y
(South)	10 Feet*		10.75 Feet	Y
(East)	8.75 Feet*		8.75 Feet	Y
(West)	14 Feet*		14 Feet	Y
Wall Height	6-8 Feet		Existing	Y

* As approved through Site Development Plan Review (SDR-4551).

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	
Motor Vehicle Sales (New)	42,809	1/500 SF of GFA	82	4	198	5	
TOTAL			86		203		Y

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ANALYSIS

- **Site Plan**

The site plan depicts a new hard surface vehicle display area along the southern portion of the site, and along portions of the east and west perimeters of the site. These vehicle display areas will replace existing asphalt paving, and add four circular display pads, which will not intrude into the existing 10-foot landscape buffer area, they will only replace existing asphalt. The two porte cocheres which will be added to the site enhance the proposed renovations to the façade of the building and meet all applicable Title 19 requirements. A total of seven additional shade structures will be added to the southern parking lot area of the site, all visible from Sahara Avenue. All proposed site modifications are in conformance with the requirements of Title 19.

- **Landscape Plan**

The landscape plan indicates that new landscape material will be added to the southern buffer area, portions of the west and east landscape buffers, along the new porte cochere and within 11 proposed parking lot landscape islands within the southern parking lot area. One, five and fifteen-gallon size shrubs and ground cover will be utilized within the landscape buffers and parking lot landscape islands, and conform to the requirements of Title 19.12. The landscape plans indicate that the remainder of the site, which includes the north parking lot area, and landscape buffers towards the rear of the property, will remain as approved through Site Development Plan Review (SDR-4551).

- **Elevations**

The elevations submitted depict the portions of the southern and eastern façades to be remodeled, as well as the new shade structures to be added. The southern façade of the existing building will receive an updated metal entry element, constructed of a curved black metal panel system with red accents, revise portions of the existing storefront glazing, and place a new metal porte cochere at the east portion of the building.

The new metal porte cochere will mirror the curved angle of the existing roof line and be painted to match the existing metal roof. The east façade of the existing building will be affected by the new porte cochere, with the placement of four new red colored columns to support the structure. This shade structure will cover the existing service drive area and proposed vehicle display pads, and will be architecturally compatible with the existing building on site. The proposed porte cochere along the southern façade of the building will be an oval shaped canopy supported from a central pole and be located directly in front of the southern main entry.

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The seven vehicle shade structures to be placed within the southern parking lot area will be supported by a central column at the back of the structures, and be streamlined in design. The remaining portions of the east, west and north facades will remain as approved through Side Development Plan Review (SDR-4551), and the existing building height will not be affected by the proposed improvements.

- **Floor Plans**

The floor plans submitted depict minor modifications made to the existing interior space, featuring an expanded showroom area. Renovations include relocated sales offices, management offices, and reception areas. The square-footage of the existing building will remain as approved through Site Development Plan Review (SDR-4551), and no expansions will be made.

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 Major Amendment to an approved Site Development Plan Review (SDR-4551) is compatible with the surrounding uses 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;

The proposed development is consistent with the General Plan, Title 19 and the previously approved Site Development Plan Review (SDR-4551), as conditioned.

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

The site is accessed from Sahara Avenue, a 100-foot Primary Arterial, and Lindell Road, an 80-foot Secondary Collector, according to the Master Plan of Streets and Highways. This proposal will not negatively impact adjacent roadways or neighborhood traffic.

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

The building and landscape materials are appropriate for the area and for the City as conditioned. Compliance with the quantity of landscape material provided through Site Development Plan Review (SDR-4551) has been conditioned, as well as the requirement to indicate the materials utilized for the proposed shade structures and porte cocheres.

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 proposed building elevations and design characteristics are aesthetically pleasing and architecturally compatible with the existing building and the surrounding neighborhood.

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

This proposal will not impact public health, safety or welfare since the development will be subject to the International Building Code and City inspections during construction.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 110

APPROVALS 0

PROTESTS 7