

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: SEPTEMBER 10, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-35043 - APPLICANT/OWNER: 2301 EAST SAHARA, LLC**

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

1. 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.
2. All development shall be in conformance with the site plan and landscape plan, date stamped 07/17/09, and building elevations, date stamped 06/29/09, except as amended by conditions herein.
3. A Waiver from Title 19.12.040 is hereby approved, to allow landscape buffer widths of five, four, and seven feet along the west, north, and east property lines, respectively, where eight feet is required.
4. Site Development Plan Review (SDR-23545) and Variance (VAR-23547) are hereby expunged.
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 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.
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. The driveway accessing this site from Sahara is acceptable as shown on the site plan date stamped June 29, 2009 subject to the applicant providing written documentation that the driveway is acceptable to the Nevada Department of Transportation. This documentation shall be provided with the submittal package to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a.
15. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
16. Provide a copy of a recorded Joint Access Agreement between this site and Assessors Parcel Number 162-01-401-005 prior to the issuance of any permits.

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17. Landscape and maintain all unimproved right-of-way, if any, on Sahara Avenue adjacent to this site. 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.
18. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Sahara Avenue public rightofway adjacent to this site.
19. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
20. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits or the recordation of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review (SDR-35043) for a 2,450 square-foot Restaurant with Drive-Through on an undeveloped lot at 2301 East Sahara Avenue. The applicant is also requesting Waivers of the perimeter landscape buffer requirements to allow buffer widths of five, four, and seven feet along the west, north, and east property lines, respectively, where eight feet is required. Staff can support the landscape buffer Waivers as the request does not significantly impact the overall appearance of the site or adjacent developments. If this application is denied, the site will not be permitted to construct a restaurant with drive-through but will retain the previously approved Site Development Plan Review (SDR-23545) and Variance (VAR-23547) for a retail establishment.

Issues

- The site does not meet the minimum landscape buffer requirements as outlined by Title 19.12. The applicant is proposing buffer widths of five, four, and seven feet along the west, north, and east property lines, respectively, where eight feet is required.
- A previously approved Site Development Plan Review (SDR-23545) for a retail establishment, along with an associated Variance (VAR-23547) for parking, shall be expunged, if this request is approved.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/15/07	A deed was recorded for a change of ownership at 2301 East Sahara Avenue.
01/09/08	A Site Development Review (SDR-23545) was approved by City Council for a 6,170 square-foot retail establishment with Waivers of the landscape buffer requirements. Planning Commission recommended approval. Staff recommended denial.
01/09/08	A Variance (VAR-23547) was approved by City Council to allow 41 parking spaces where 63 parking spaces were required. Planning Commission recommended approval. Staff recommended denial.
08/13/09	At the applicants request, the Planning Commission abeyed a request for a 2,450 square-foot Restaurant with Drive-Through Waivers of the perimeter landscape buffer requirements to allow buffer widths of five, four, and seven feet along the west, north, and east property lines, respectively, where eight feet is required. on an undeveloped lot at 2301 East Sahara Avenue.

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<i>Related Building Permits/Business Licenses</i>	
07/18/08	A building permit was approved (#120240) to demolish a 5,000 square-foot office building.
<i>Pre-Application Meeting</i>	
06/17/09	A pre-application meeting was held on the indicated date. The applicant was advised on the requirements for the subject Site Development Plan Review. The applicant indicated that the landscape waivers approved under Site Development Review (SDR-23545) would be unchanged.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
07/09/09	A field inspection was conducted at the site and staff noted a well maintained undeveloped lot.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.71

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
North	Office	SC (Service Commercial)	C-1 (Limited Commercial)
South	Clark County (Offices)	Clark County	Clark County
East	Emission Testing Station	SC (Service Commercial)	C-1 (Limited Commercial)
West	Undeveloped	SC (Service Commercial)	R-1 (Single Family Residential), R-2 (Medium-Low Density Residential)

<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

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	138 Feet	Y
Min. Setbacks			
• Front	20 Feet	41 Feet	Y
• Side	10 Feet	59 Feet	Y
• Rear	20 Feet	87 Feet	Y
Max. Lot Coverage	50%	8%	Y
Max. Building Height	N/A	25 Feet	Y
Trash Enclosure	Screened, Gated, with a Roof or Trellis	Screened, Gated, with a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.12, the following landscape standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/ 6 Spaces	5 Trees	11 Trees	Y
Buffer:				
Min. Trees	1 Tree/ 30 Linear Feet	25 Trees	27 Trees	Y
TOTAL		30 Trees	38 Trees	Y
Min. Zone Width				
North	8 Feet		4 Feet	N
South	15 Feet		15 Feet	Y
East	8 Feet		7 Feet	N
West	8 Feet		5 Feet	N
Wall Height	Minimum 6 feet and maximum 8 feet, adjacent to residential		6 Feet	Y

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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	
Restaurant, more than 2000 sq. ft. (with Drive-Through)	2,450 SF	1:100	24	1	24	1	
TOTAL			25		25		Y
Loading Spaces			1		1		Y

ANALYSIS

This is a request for a Site Development Plan Review for a 2,450 square-foot Restaurant with Drive-Through located at 2301 East Sahara Avenue, and includes 1,450 square feet of enclosed restaurant and 1,000 square feet of outside patio seating. The site meets all Title 19 requirements for parking, and provides adequate access and circulation for both pedestrians and vehicles. Building elevations also comply with Title 19.08 development standards, and utilize materials that are consistent with similar developments, and will be compatible with adjacent surrounding development.

A Waiver of Title 19.12 Landscaping Standards is required as the applicant is proposing a 15 foot landscape buffer on the south property line where 15 feet is required, a seven foot landscape buffer along the east property line where eight feet is required, a five foot landscape buffer along the west property line where eight feet is required and a four foot landscape buffer along the north property line where eight feet is required.

Staff can support the landscape buffer Waivers as the request does not significantly impact the overall appearance of the site and the adjacent developments.

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FINDINGS (SDR)

The following findings must be made for an SDR:

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

The proposed development is compatible with adjacent development 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 and Title 19, with the exception of the requested Waiver of perimeter landscape buffer standards.

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

The site gains access from a 24-foot wide driveway off of Sahara Boulevard, which is classified as a 100-foot Primary Arterial by the Master Plan of Streets and Highways. This driveway provides adequate access for the development.

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

Building materials are appropriate for the area and consistent with other commercial sites within the City. Landscape materials are appropriate in type, size and quantity for the area and for the City.

- 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 depict appropriate design and architectural features that are consistent with the area and the requirements of Title 19.

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

The proposed development will be subject to inspections for Certificate of Occupancy, and therefore the development will not compromise the public health, safety or welfare.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 12

SENATE DISTRICT 10

NOTICES MAILED 118

APPROVALS 4

PROTESTS 1