

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: NOVEMBER 5, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-36112 - APPLICANT/OWNER: CAROLINE'S COURT, LLC**

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

1. Conformance to the conditions for Variance (VAR-36338) and Special Use Permit (SUP-36111) if approved, and Site Development Plan Review (SDR-20496), except as amended by conditions herein.
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 and landscape plan date stamped 10/15/09 and building elevations date stamped 09/21/09, except as amended by conditions herein.
4. A Waiver from Town Center Development Standards is hereby approved, to allow zero feet of landscaping within the additional 10-foot setback area required along the east perimeter at the Pad G Restaurant (with Drive-Through) use where 10 feet of additional landscaping is required.
5. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

6. 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 submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
7. Site development to comply with all applicable conditions of approval for Site Development Plan Review SDR 20496, Carolines Court (Commercial Subdivision) and all other applicable, subsequent site-related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Major Amendment to a previously approved Site Development Plan Review (SDR-20496) for a proposed 2,155 square-foot Restaurant with Drive-Through on a portion of 25.03 acres at the northwest corner of El Capitan Way and Durango Drive. The restaurant is part of an overall shopping center site currently under construction. The request includes a Waiver of Town Center Development Standards to allow no landscaping within the additional 10-foot setback area required along the east perimeter for a fast food restaurant use. Additionally, the previously approved 39-foot tall clock tower feature at the corner of El Capitan Way and Durango Drive is requested to be raised to a height of 72 feet. Staff recommends denial, as the request is inconsistent with Town Center Development Standards. The site as designed will not allow for additional landscaping along El Capitan Way, nor will it allow for a loading space for deliveries to the proposed restaurant. The clock tower is proposed to be raised to a height incompatible with development in this area of Town Center. If denied, the pad site will remain as previously approved for retail uses.

Issues:

- The proposed restaurant pad site was previously approved for a 3,200 square-foot pad with retail uses.
- The Major Amendment applies to the entire shopping center site, as it currently consists of one lot. It includes a change to the height and elevations for the approved clock tower.
- A Variance (VAR-36338) to allow no loading spaces on the proposed Restaurant with Drive Through site where one is required and a Special Use Permit (SUP-36111) for a proposed 2,155 square-foot Restaurant with Drive Through use will be required for approval of this Site Development Plan Review.
- For approval of this request, a Waiver of Town Center Development Standards Section B.5.B is required to allow no landscaping within the additional 10-foot setback area required along El Capitan Way.
- The proposed change in height of the clock tower represents an 89 percent increase from the previously approved height.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/12/64	The Board of City Commissioners approved an Annexation (A-0003-64) of approximately 5,000 acres generally located north of Lone Mountain Road and west of Decatur Boulevard.

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12/07/98	The City Council approved a request for a Rezoning (Z-0076-98) to T-C (Town Center) on 1,468 acres located within the Northwest General Plan Amendment to the City of Las Vegas General Plan, including the subject site. The Planning Commission and staff recommended approval.
04/26/07	The Planning Commission accepted the applicants request to withdraw without prejudice a request for a Special Use Permit (SUP-20500) for a Restaurant with Drive-Through use on the subject site. Staff had recommended approval.
07/11/07	The City Council approved a request for Special Use Permits for Building and Landscape Material/Lumber Yard (SUP-20497), Outdoor Storage, Accessory (SUP-20498), and Restaurant with Drive-Through (SUP-20499) on the subject site. The Planning Commission and staff recommended approval.
07/11/07	The City Council approved a request for a Site Development Plan Review (SDR-20496) for a proposed 269,860 square foot commercial center and waivers of the Town Center Development Standards for landscape buffer requirements and fast food restaurant uses on the subject site. The Planning Commission and staff recommended approval.
11/30/07	Planning and Development Department staff approved a Minor Site Development Plan Review of the overall shopping center site for reduction of floor area of the Fast Food A building from 2,650 square feet to 2,407 square feet.
07/22/08	Code Enforcement responded to a complaint regarding graffiti on the subject site. Code Enforcement resolved the case 07/25/08.
07/31/08	Planning and Development Department staff approved a Minor Site Development Plan Review of the overall shopping center site for revisions in the elevations for the Major A building and Buildings A through G. There were no major changes in height or materials.
09/17/08	The City Council approved a request for a Major Modification (MOD-28538) of the Town Center Land Use Plan to amend the land use designation from SC-TC (Service Commercial - Town Center) to GC-TC (General Commercial - Town Center) on 7.97 acres at the southwest corner of Durango Drive and Farm Road. The Planning Commission recommended approval; staff recommended denial.
04/23/09	The Planning Commission approved a Waiver (WVR-33758) of the Town Center Development Standards to allow no amenity zone along Durango Drive where a 2.5-foot amenity zone was required. Staff recommended denial.
06/19/09	A Final Map (FMP-27577) for a one-lot commercial subdivision (Carolines Court) was recorded.

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06/25/09	The Planning Commission approved a request for a Master Sign Plan (MSP-34174) for a proposed commercial development on the subject site, with waivers of the Town Center Sign Standards to allow 2,609 square feet of freestanding signage where 1,506 square feet is allowed, a 100-foot pylon sign where 24 feet is allowed, three monument signs along the El Capitan Way street frontage where two are allowed, and to allow wall signs to face an existing residential development that is located outside of the city limits of the Centennial Hills Town Center where such is not permitted. Staff recommended denial.
07/15/09	The City Council approved Extensions of Time for previously approved requests for Special Use Permits for Building and Landscape Material/Lumber Yard (EOT-34757), Outdoor Storage, Accessory (EOT-34759), and Restaurant with Drive-Through (EOT-34761) uses on the subject site. The approvals will expire 07/11/10 unless another Extension of Time is approved by the City Council. Staff recommended approval.
07/15/09	The City Council approved an Extension of Time (EOT-34762) for a previously approved request for a Site Development Plan Review (SDR-20496) for a proposed 296,860 square foot commercial center and waivers of the Town Center Development Standards for landscape buffer requirements on the subject site. Staff recommended approval.
09/10/09	Code Enforcement responded to a complaint (#81718) regarding construction noise on the site beginning at 4:30 a.m. and parking lot lighting potentially shining into residences. Code Enforcement resolved the case on 10/01/09
09/21/09	Planning and Development Department staff approved a Minor Site Development Plan Review on the overall shopping center site for reduction in overall floor area from 269,734 square feet to 269,212 square feet and to revise the landscape plan to incorporate a drainage channel.
10/07/09	Planning and Development Department staff approved a Minor Site Development Plan Review on the overall shopping center site for reduction in overall floor area from 269,212 square feet to 264,189 square feet and to remove the drainage channel along the east perimeter of the site.
11/05/09	Related requests for a Special Use Permit (SUP-36111) for a proposed 2,155 square-foot Restaurant with Drive-Through and a Variance (VAR-36338) to allow no loading spaces on Pad G where one loading space is required at 7737 North El Capitan Way will be considered by the Planning Commission.
12/02/09	The City Council will hear a related request (ROC-36456) to review Condition Number 21 of a Site Development Plan Review (SDR-20496) to amend restrictions on hours of operation on the site.
<i>Related Building Permits/Business Licenses</i>	
12/27/07	An application for a building permit (B-COMM-26225) for a certificate of occupancy for a retail building at 7751 North El Capitan Way was submitted. The permit has not yet been issued.

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04/25/08	An application for a building permit (B-COMM-27890) for a certificate of occupancy for a restaurant at 7741 North El Capitan Way was submitted. The permit has not yet been issued.
09/16/08	A building permit (B-COMM-25179) was issued for the overall shopping center site buildings and clock tower at 7737 North El Capitan Way. A final inspection has not been completed.
10/02/08	Civil improvement Mylar plans (L-CIVIL-28917) were approved for Fast Food A pad at 7737 North El Capitan Way.
10/23/08	Building permits (B-SHL-100093, 100094, 100096, 100097, 100098, 100100, 100103 and 100104) were issued for shells of Buildings A, B, C, D, E, F, G, and Major A at 7703 North El Capitan Way. No final inspections have been completed to date.
10/23/08	A building permit (B-COMM-100105) was issued for a 39-foot tall clock tower at 7741 North El Capitan Way. A final inspection has not been completed.
10/23/08	A building permit (B-GRAD-124282) was issued for grading of the overall shopping center site at 7741 North El Capitan Way. A final inspection has not been completed.
09/18/09	A Wall/Fence permit (#147013) was issued for perimeter and retaining walls at 7741 North El Capitan Way. A final inspection has not been completed.
<i>Pre-Application Meeting</i>	
09/01/09	The applicant was advised that in addition to the Special Use Permit, a Site Development Plan Review would also be required, as the use on the approved pad site would be changing. The applicant requested that revised plans for the developments clock tower be added to the site review submittal.
<i>Neighborhood Meeting</i>	
10/06/09	A neighborhood meeting for this item and the accompanying Site Development Plan Review was held at the Centennial Hills Community Center located at 6601 N Buffalo Drive, 6:00 p.m. Six members of the public, two members representing the applicant, one City Council staff member and one member of Planning & Development staff attended. No concerns were raised at the meeting.
<i>Field Check</i>	
10/01/09	The site is undeveloped with no structures. However, grading of the site is underway. The trail path along the north property line has been constructed.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	25.03

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC-TC (Service Commercial Town Center)	T-C (Town Center)
North	Single Family, Detached	ML (Medium-Low Density Residential)	R-CL (Single Family Compact-Lot)
South	Undeveloped	SC-TC (Service Commercial Town Center)	T-C (Town Center)
East	General Retail	SC-TC (Service Commercial Town Center)	T-C (Town Center)
	Undeveloped	GC-TC (General Commercial Town Center)	T-C (Town Center)
West	ROW (U.S. 95)	ROW (Right-of-Way)	ROW (Right-of-Way)

<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

DEVELOPMENT STANDARDS

The following changes are proposed to the previously approved Site Development Plan Review (SDR-20496):

Standard Category	Approved SDR-20496	Proposed SDR-36112	Pct Change
Pad G use	Retail	Restaurant with Drive Through	N/A
Pad G Building Size	3,200 SF	2,155 SF	-33%
Pad G Building Height	29.83 feet	32.16 feet	+7.8%
Overall Floor Area	269,734 SF	264,189 SF	-2%
Parking Required	1,079 spaces	1,057 spaces	-2%
Parking Provided	1,137 spaces	1,127 spaces	-0.9%

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Max. Lot Coverage	26.2%	25.6%	-0.6%
Open Space	22%	23.4%	+1.4%
Clock Tower Height	38.25 feet	72.16 Feet	+89%

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

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope (Pad G)	96 feet	109 feet	Y
Adjacent development matching setback	10 feet	55 feet	Y
Trash Enclosure	50 feet from residential	62 feet	Y

Landscape and Open Space Standards

The proposed change to a Restaurant with Drive-Through use on Pad G has triggered a requirement for provision of an additional 10 feet of landscaping along El Capitan Way in addition to the 15 feet required in the SC-TC (Service Commercial Town Center) land use areas. The proposed building is set back 12 feet from the 15-foot landscape buffer area containing a required multi-use transportation trail; however, this space is proposed to be occupied by a 12-foot drive-through lane. A Waiver of the Town Center Development Standards has been requested for relief from this additional 10-foot landscaped setback requirement.

There are no additional changes to the master landscape plan for the site.

Streetscape Standards

No changes to the approved streetscape standards are proposed.

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	
Shopping Center	264,189 SF	1 space /250 SF GFA	1036	21	1099	28	Y
TOTAL			1057		1127		Y

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Loading Spaces	264,189 SF	3 spaces for first 50,000 SF, then one addl space per 100,000 SF GFA over 50,000	6 spaces	7 spaces	Y
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Sign Standards

Signage is subject to the approved Master Sign Plan for the overall shopping center development approved under MSP-34174. Any changes to the approved Master Sign Plan are subject to the conditions of approval under that action.

Waivers		
Requirement	Request	Staff Recommendation
TCDS B.5.B.2 Freestanding fast food buildings shall be set back an additional 10 feet from the required setback to provide a more substantial landscape buffer	To allow no landscaping within the required additional 10 -foot setback	Denial

ANALYSIS

According to Title 19.18.050(B)(2)(h), a Site Development Plan Review is required for alterations that affect the external dimensions of a building and that change the use or type of occupancy within all or part of the building. This amendment primarily includes changing the use on Pad G from a 3,200 square foot retail building to a 2,155 square foot Restaurant with Drive Through. This site was originally approved for a 269,860 square foot commercial center in 2007. Since the time of original approval, there have been several Minor Site Development Plan Reviews for the overall 25-acre site that have reduced floor area on the building pad sites such that the total floor area is now 264,189 square feet. Vertical construction has not yet begun; however, approvals for the site review and the special uses on the site have been extended through 2010.

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With the change of use and reduction of floor area of the proposed restaurant building, the site remains an orderly development. While the building size on Pad G is decreasing approximately 33 percent, the buildings height is increasing approximately 2.5 feet. The project will still comply with residential adjacency standards. With the reduction in floor area overall, the parking requirement has decreased by two percent, lot coverage has decreased less than one percent and open space provided has increased 1.4 percent. The clock tower structure located at the corner of El Capitan Way and Durango Drive is proposed to increase in height 89 percent, from 39 feet to 72 feet. The location of the tower is not changing from the original approval. While the tower will maintain the same architectural character as previously approved, matching that of the buildings on the site, it will also contain an additional floor for maintenance. No signage is proposed to be placed on the tower.

There are several deviations from Town Center Development Standards and Title 19 that must either be waived or varied. The site as designed will not allow for additional landscaping along El Capitan Way, nor will it allow for a loading space for deliveries to the proposed restaurant. Per Title 19.10.020(D), loading spaces shall be located and designed adjacent to, or as close as possible to the main structure. Because of the need for deliveries to the restaurant, a loading space is required on the Pad G site but cannot be provided given the proposed site design. The approved site plan shows more loading spaces than are required by Title 19 based on total floor area; however, some of the loading spaces are not in the locations where they are required. A companion Variance (VAR-36338) has been requested for relief from this standard.

FINDINGS

The following findings must be made for a Site Development Plan Review:

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

The proposed changes to the overall site plan are inconsistent with Town Center Development Standards. The site as designed will not allow for additional landscaping along El Capitan Way, nor will it allow for a loading space for deliveries to the proposed restaurant. The height of the clock tower feature is proposed to be increased by nearly 90 percent, which is inconsistent with other development in the vicinity.

- 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;**

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The proposed changes to the Pad G site to allow a Restaurant with Drive Through use require a Waiver of the Town Center Development Standards to allow no additional landscaping within the additional 10-foot setback area required along the east perimeter, as well as a Variance of Title 19 to allow no loading spaces where one is required for deliveries. The inconsistencies with standards are a result of site design and not the physical characteristics of the site itself, and therefore cannot be supported.

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

Access to the development is provided by two driveways from El Capitan Way, classified as an 80-foot wide Town Center Arterial by the Town Center Development Standards Manual. Durango Drive, a 100-foot wide Primary Arterial, provides an additional driveway access. No changes are proposed to the overall plan that will affect adjacent roadways or the flow of neighborhood traffic; however, circulation around the proposed drive through on Pad G during peak business hours may conflict with the location of the provided parking spaces.

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

The proposed building materials and landscape materials are appropriate 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 building elevations, design characteristics and other architectural and aesthetic features are attractive and compatible with development in the area. The clock tower will maintain architectural compatibility with other structures on the site.

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

The project will be subject to permit review and inspections; therefore, appropriate measures will be taken to protect public health, safety and general welfare.

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NOTICES MAILED 540

APPROVALS 2

PROTESTS 1