

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: JANUARY 14, 2010, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-36642 - SITE DEVELOPMENT PLAN REVIEW -
APPLICANT/OWNER: PETRONI DEVELOPMENT, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Site Development Plan Review (SDR-6829), except as amended 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, landscape plan, and building elevations, date stamped 11/10/09, except as amended by conditions herein.
4. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to or at the time application is made for a building permit, to reflect the changes herein. The site plan shall be revised to include one van accessible handicapped parking space and parking lot striping in compliance with Title 19.10.
5. All vehicles located on the subject site shall be parked on paved surfaces.
6. A Waiver from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow a zero-foot landscape buffer along the west and north perimeter buffers where eight feet is the minimum required.
7. An Exception from Title 19.12 Landscape and Buffer Standard is hereby approved, to allow 22 trees where 31 are required.
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.

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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. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. 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.
13. 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.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. The existing "pan" style driveways may remain.
16. This site shall connect to the public sewer system concurrent with development of this site.
17. 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

The applicant is proposing to modify an approved Site Development Plan Review (SDR-6829) at 5001 Donnie Avenue. The subject Major Amendment is required as the applicant failed to comply with required landscaping along the east and south perimeter buffers. The applicant has requested a Waiver of Title 19.12 Landscape and Buffer Standards to allow a zero-foot landscape buffer along the south and east perimeter buffers where eight feet is the minimum required. The applicant is also proposing to add three shipping containers, which total 640 square feet. The proposed site fails to comply with minimum landscape requirements pursuant to Title 19.12 Landscape and Buffer Standards, therefore; staff is recommending denial of the subject application. If denied, the landscaping would be required to be installed pursuant to Site Development Plan Review (SDR-6829) and the three shipping containers would not be allowed on the subject site.

Issues:

- The site does not comply with conditions of approval number one and two, which required the perimeter landscaping and striping of parking spaces.
- A condition of approval has been added, which requires one van accessible handicapped parking space; all parking areas shall be paved and striped for business and employee vehicles.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
04/02/03	The City Council approved a General Plan Amendment (GPA-1363) to amend portions of the Centennial Hills Sector Plan and the Southwest Sector Map from GC (General Commercial), SC (Service Commercial) and DR (Desert Rural) to GC (General Commercial), O (Office), PF (Public Facility), ML (Medium-Low Density Residential) and DR (Desert Rural) and a Rezoning (ZON-1364) from C-2 (General Commercial), R-E (Residence Estates), R-MHP (Residential Mobile/Manufactured Home Park), and U (Undeveloped) to C-2 (General Commercial), C-1 (Limited Commercial), O (Office), C-V (Civic), R-E (Residence Estates), R-1 (Single Family Residential), and U (Undeveloped) to GC (General Commercial), O (Office), PF (Public Facility), ML (Medium-Low Density Residential) and DR (Desert Rural) on property located on, or in close proximity to, both sides of Rancho Drive from Vegas Drive to the northern City limits at Moccasin Road. The Planning Commission and staff recommended approval of the request.

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10/01/03	The City Council approved a General Plan Amendment (GPA-2516) to amend portions of the Centennial Hills Sector Plan Map from GC (General Commercial), SC (Service Commercial) and DR (Desert Rural) to GC (General Commercial), O (Office), SC (Service Commercial), PF (Public Facility), and DR (Desert Rural) and Rezoning (ZON-2526) Request for a Rezoning (ZON-2526) from C-2 (General Commercial) and R-E (Residence Estates) to C-2 (General Commercial), C-1 (Limited Commercial), N-S (Neighborhood Services), O (Office), C-V (Civic), and R-E (Residence Estates) on property located on, or in close proximity to, both sides of Rancho Drive from Cheyenne Avenue to Gowan Road. The Planning Commission and staff recommended approval of the request.
06/08/05	A deed was recorded for a change of ownership at 5001 Donnie Avenue.
07/14/05	Planning and Development staff administratively approved a Site Development Plan Review (SDR-6829) for a Plant Nursery and Storage Facility at 5001 Donnie Avenue.
<i>Related Building Permits/Business Licenses</i>	
08/16/05	A building permit (#48983) was issued for a block wall at 5001 Donnie Avenue. The building permit was completed on 08/27/05.
<i>Pre-Application Meeting</i>	
10/08/09	A pre-application meeting was held where the submittal requirements and the following items were discussed: • A major amendment to an approved Site Development Plan Review (SDR-6829) would be required, as required landscaping from the original approval has not been installed • The applicant was advised that Waivers of Perimeter Landscaping Requirements would be required as a part of the new Site Development Plan Review.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
12/08/09	A field check was completed on the subject site. The following items were identified: • Staff identified the missing landscaping required as a part of the parent Site Development Plan Review (SDR-6829). • Staff identified all of the unpermitted shipping containers on the subject site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.03 acres

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Plant Nursery and Storage Yard	GC (General Commercial)	C-2 (General Commercial)
North	Single-Family Dwellings	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Mini-Storage Facility	GC (General Commercial)	C-2 (General Commercial)
East	Offices and Storage	GC (General Commercial)	C-2 (General Commercial)
West	Church/House of Worship	GC (General Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (35-feet)	X		Y
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 19.18.060, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	150 Feet	Y
Min. Setbacks			
• Front (North property line)	20 Feet	60 Feet	Y
• Side (West property line)	10 Feet	10 Feet	Y
• Side (East property line)	10 Feet	10 Feet	Y
• Rear (South property line)	20 Feet	200 Feet	Y
Max. Lot Coverage	50%	1%	Y

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<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>		
Buffer:				
Min. Trees				
North property line	1 Tree/20 Linear Feet	6 Trees	7 Trees	Y
South property line	1 Tree/30 Linear Feet	5 Trees	Zero Trees	N
West property line	1 Tree/30 Linear Feet	10 Trees	15 Trees	Y
East property line	1 Tree/30 Linear Feet	10 Trees	Zero Trees	N
TOTAL		31 Trees	22 Trees	N
Min. Zone Width				
North property buffer	15 Feet		20 Feet	Y
South property buffer	8 Feet		Zero Feet	N
West property buffer	8 Feet		8 Feet	Y
East property buffer	8 Feet		Zero Feet	N
Wall Height	6-8 Feet		6-8 Feet	Y

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	
Plant Nursery and Storage Facility	N/A	N/A	Zero	1	Zero	Zero	By Condition

Waivers and Exceptions		
Requirement	Request	Staff Recommendation
Eight-foot buffers are required along the east and south perimeter buffers.	Waivers to allow a zero-foot landscape buffer along the east and south perimeter buffers.	Denial
31 trees are required within the landscape perimeters	An Exception to allow 22 trees within the landscape perimeters	Denial

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ANALYSIS

The subject Major Amendment is required since the applicant failed to comply with approved conditions of Site Development Plan Review (SDR-6829). Specifically, the applicant has not complied with condition numbers one and two, which required perimeter landscaping and parking lot striping. The applicant is requesting a Waiver to allow a zero-foot landscape buffer along the east and south perimeter buffers where eight feet was required as a part of Site Development Plan Review (SDR-6829). Also, the applicant is proposing to add three shipping containers as a part of the subject review.

No parking is required pursuant to the approved use, which was approved as a Plant Nursery and Storage Facility. No customers visit the subject site, but employees and commercial vehicles are located on site. Pursuant to Title 19.10.010 (J)(7): Surfacing and Striping: requires that all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.” A condition of approval has been added, which requires one van accessible handicapped parking and that all vehicles shall be parked on a paved surface striped to comply with Title 19.10.

The proposed site fails to comply with minimum landscape requirements pursuant to Title 19.12 Landscape and Buffer Standards, therefore; staff is recommending denial of the subject Major Amendment to an approved Site Development Plan Review (SDR-6829).

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 proposed development is incompatible with adjacent residential and commercial development in the area. The overall site is not adequately landscaped, thereby ineffectively screening adjacent properties from construction equipment and structures on the subject site.

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 inconsistent with Title 19.12 Landscape and Buffer Standards. Waivers and an Exception of these standards are requested as a part of the subject application.

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

Adequate site access is provided from Donnie Avenue, which is indicated as a 35-foot Local Street.

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

The proposed building and landscape materials are not appropriate for this area and for the City. The applicant is requesting Waivers and Exceptions of Title 19.12 Landscape and Buffer Standards. The provided landscaping materials are lacking in their overall width and quantity.

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 design characteristics are not compatible with adjacent residential and commercial development in the area.

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 measure will be taken to protect the health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

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APPROVALS

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PROTESTS

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