

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JANUARY 28, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-36953 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAAH 54:17, LLC**

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

1. Approval of Major Modification (MOD-36955) and Rezoning (ZON-36949), and approval of and conformance to the Conditions of Approval for Variances (VAR-36954 and VAR-37101), Special Use Permit (SUP-36950) and Petition of Vacation (VAC-37100) 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 and landscape plan date stamped 01/04/10, and building elevations date stamped 12/15/09, except as amended by conditions herein.
4. A Waiver from Town Center Development Standards Manual Section C.1.C is hereby approved, to allow zero percent build-to-line ratio where 80 percent is required.
5. A Waiver from Town Center Development Standards Manual Section C.2.B.7 is hereby approved, to allow six parking lot trees where 10 trees are required.
6. A Waiver from Town Center Development Standards Manual Section C.2.B.8 is hereby approved, to allow an eight-foot landscape buffer along a portion of the Rome Boulevard right-of-way where a minimum 15-foot wide landscape buffer is required within SC-TC district between the right-of-way and the proposed use. The eight-foot buffer width is the result of the parking area encroaching seven feet into the front landscape planter where five feet is the maximum encroachment allowed.
7. A Waiver from Town Center Development Standards Manual Section C.2.B.8 is hereby approved, to allow the parking area to encroach seven feet into the front landscape planter where five feet is the maximum encroachment allowed.
8. A Waiver from Title 19.12.040(A) is hereby approved, to allow a zero-foot landscape buffer along portions of the north, east and southwest property lines where an eight-foot landscape buffer is required.

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9. An Exception from Title 19.12.040(B) is hereby approved, to allow 13 trees in the required perimeter buffer areas where 28 trees are required.
10. 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.
11. 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.
12. 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).
13. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
14. Trash enclosures shall be gated and contain a roof or trellis in conformance to LVMC Title 19.08.050.
15. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
16. 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.
17. 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.
18. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

19. A Petition of Vacation , such as VAC-37100, to vacate those portions of Rome Boulevard and Juliano Road adjacent to this site shall be acted upon by the City Council prior to submittal of construction drawings and the Petition of Vacation shall record prior to issuance of any permits for this site.
20. Dedicate or obtain dedication of all rights-of-way needed to complete the cul-de-sac bulb adjacent to this site prior to the issuance of permits.
21. Construct half-street improvements in accordance with Town Center Development Standards on Rome Boulevard to complete the cul-de-sac bulb adjacent to this site and appropriate transition paving from the eastern edge of the cul-de-sac bulb concurrent with development of this site. "Pan" style driveways in accordance with Standard Drawing #224 are acceptable. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
22. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
23. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located in the Rome Boulevard public right-of-way adjacent to this site prior to occupancy of this site.
24. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is currently undeveloped and abuts the north side of the Las Vegas Beltway right-of-way. A 6,126 square-foot Auto Repair Garage (Minor) is proposed to be located on a 0.35-acre triangular-shaped lot on the south side of Rome Boulevard, approximately 640 feet west of Riley Street, with a portion of the adjacent lot to the east to be used for access. The full site will expand to approximately 0.52 acres with recordation of a petition to vacate unused rights-of-way adjacent to the north and east sides of the triangular lot. Staff recommends denial, as adequate parking and landscaping cannot be provided as proposed, the building as proposed is too large to be placed on the site in accordance with Title 19 and Town Center setback and build-to-line standards, and the use is not compatible with surrounding planned land uses. If denied, the site will remain undeveloped. However, it is recommended that the overall site be rezoned to T-C (Town Center), and the vacation of adjacent rights-of-way is supported.

ISSUES

- Modification (MOD-36955) of the Centennial Hills Town Center Land Use Plan to change the Special Land Use Designation from UC-TC (Urban Center Mixed-Use – Town Center) to SC-TC (Service Commercial – Town Center) is required to allow the use on the subject site.
- The property is located within the Centennial Hills Town Center Land Use Plan area; however, both parcels associated with the site require rezoning from U (Undeveloped) [TC (Town Center) General Plan Designation] to T-C (Town Center) prior to development of the site. ZON-36949 has been submitted for this request.
- Variances (VAR-36954 and VAR-37101) to allow reduced parking and a modified rear yard setback are required prior to approval of this Site Development Plan Review request.
- A Special Use Permit (SUP-36950) to allow the Auto Repair Garage (Minor) to contain service bays facing a public right-of-way is required prior to approval of this Site Development Plan Review request.
- A Petition to Vacate (VAC-37100) unused rights-of-way adjacent to the site is necessary prior to approval of this Site Development Plan Review request. Recordation of an Order of Vacation will be required prior to issuance of permits.
- Waivers of the Town Center Development Standards Manual are required:
 - a) to allow zero percent of the proposed building façade to be constructed at the front build-to line where 80 percent is required and the remaining 20 percent is to be used for plaza access to parking or an inner courtyard;
 - b) to allow a minimum eight-foot landscape buffer along the Rome Boulevard right-of-way where Town Center Development Standards require a minimum 15-foot landscape planter between the right-of-way and the proposed use;

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- c) to allow the parking lot to encroach seven feet into the required front landscape buffer area where a maximum of five feet is allowed;
- d) to allow six parking lot trees where 10 trees are required, and landscape islands for every six parking spaces.
- A Waiver of Title 19.12 landscape buffer standards is required along interior lot lines.
- An Exception is required for deviating from Title 19 perimeter tree requirements.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/03/96	The City Council approved the Annexation (A-0002-96) of approximately 115.72 acres generally located south of Deer Springs Way between El Capitan Way and Durango Drive, including current APN 125-20-801-005. The Planning Commission and staff recommended approval. The annexation became effective 07/12/96.
02/05/03	The City Council approved the Annexation (A-0038-02) of approximately 495 acres, including current APN 125-20-802-003. The Planning Commission and staff recommended approval. The annexation became effective 02/14/03.
06/10/09	A deed was recorded indicating change of ownership of the property.
01/28/10	The Planning Commission will consider companion applications for a Major Modification (MOD-36955), a Rezoning (ZON-36949), two Variances (VAR-36954 and VAR-37101), a Special Use Permit (SUP-36950) and a Vacation (VAC-37100) associated with development of the site with a proposed 6,126 square-foot Auto Repair Garage (Minor).

<i>Related Building Permits/Business Licenses</i>
There are no building permits or business licenses associated with the subject site.

<i>Pre-Application Meeting</i>	
11/17/09	A pre-application meeting was held to discuss development of the subject site, with the following topics addressed: • Rezoning to T-C (Town Center) is required. • A Modification (MOD) of the Town Center Land Use Plan from UC-TC (Urban Center Mixed Use – Town Center) to SC-TC (Service Commercial – Town Center) or GC-TC (General Commercial – Town Center) or EC-TC (Employment Center Mixed Use – Town Center) is required. • A Special Use Permit is required for an Auto Repair Garage (Minor) because the proposed use does not meet Condition B: Openings to the service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.

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11/17/09	• A Variance will be required for building setbacks; the proposed structure does not meet the required 20-foot rear setback. • Waivers are required for building placement (build-to-line standards), which require 80% of the building façade to abut the build-to-line on the side of the building facing the street. The development must comply with Town Center and Title 19 landscaping requirements, or a waiver will be required. • A Waiver is required for the 20% open space requirement. • A Vacation of portions of adjacent public right-of-way in conflict with the development is required. • Minimum 24-foot drive aisles are required.
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Neighborhood Meeting

A neighborhood meeting was neither required nor held.

Field Check

12/22/09	During a routine site visit, it was noted that the site was undeveloped. Completed half-street improvements and a perimeter wall exist along Rome Boulevard, with weeds growing adjacent.
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Details of Application Request

Site Area

Gross Acres	0.52 (a portion of 5.93 acres), including rights-of-way to be vacated
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center) and MS-TC (Main Street Mixed Use – Town Center) [Proposed: SC-TC (Service Commercial – Town Center) (APN 125-20-801-005 only)]	U (Undeveloped) [Proposed: T-C (Town Center)]
North	Shopping Center	UC-TC (Urban Center Mixed Use – Town Center)	T-C (Town Center)

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South	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)
East	Undeveloped	MS-TC (Main Street Mixed Use – Town Center)	T-C (Town Center)
West	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)

<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	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 the Town Center Development Standards Manual, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	22,840 SF	N/A
Min. Setbacks			
• Front	15 Feet	77 Feet	Y
• Side	10 Feet	35 Feet	Y
• Rear	20 Feet	1 Foot	N
Build-to-line	80%	0%	N
Max. Building Height	5 Stories	1 Story (24 Feet)	Y
Stepback	4 Feet/8 Feet	N/A	N/A
Open Space Requirement	20%	20.8%	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Walled enclosure without roof or trellis	By Condition
Mechanical Equipment	Screened	Not Indicated	By Condition

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Pursuant to Title 19.10 and 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided (Min.)	Compliance
	Ratio	Trees		
Parking Area (TCDSM C.2.B.7)	1 Tree / 6 Spaces, plus 1 tree at the end of each row of parking	10 Trees	6 Trees	N
Buffer Trees (Title 19.12):				
• North	1 Tree / 30 Linear Feet	10 Trees	6 Trees	N
• Northeast	1 Tree / 20 Linear Feet	2 Trees	2 Trees	Y
• Southwest	1 Tree / 30 Linear Feet	11 Trees	5 Trees	N
• East	1 Tree / 30 Linear Feet	5 Trees	Zero Trees	N
TOTAL PERIM.		28 Trees	13 Trees	N
Min. Zone Width (Title 19.12 and TCDSM C.2.B.8)				
• North	8 Feet		Zero Feet	N
• Northeast	15 Feet		8 Feet	N
• Southwest	8 Feet		1 Foot	N
• East	8 Feet		Zero Feet	N
Wall Height	None Required		None Indicated	Y

Streetscape Standards	Required	Provided	Compliance
TCDSM, Section C.2.B	Street trees to be Rio Grande Ash, Purple Robe Locust or Chitalpa with a min. 36" box size, or Mexican Fan Palm with a min. 25' height	One (1) 36" box size Rio Grande Ash and one (1) 36" box size Purple Robe Locust	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	
Auto Repair Garage (Minor)	6,126 SF	5 Spaces, plus 1 space / 200 SF GFA	34	2	23	2	N
TOTAL			36		25		N
Percent Deviation			31%				
Loading space	GFA less than 10,000 SF		1		1		Y

Waivers		
Requirement	Request	Staff Recommendation
TCDSM C.1.C: 80% build-to line shall be required	A zero percent build-to line	Denial
TCDSM C.2.B.7: 10 parking lot trees shall be required	6 parking lot trees	Denial
TCDSM C.2.B.8: parking areas may encroach into required landscape buffers by no more than five feet. TCDSM C.2.B.8: within SC-TC district, a 15-foot wide landscape planter shall be required between ROW and the proposed use	Parking area encroaching seven feet into the front landscape planter An eight-foot landscape planter along a portion of the ROW	Denial
Title 19.12.040(A) Perimeter Landscape Buffer Standards: an eight-foot landscape buffer along interior property lines shall be required	A zero-foot landscape buffer along portions of the north, east and southwest property lines	Denial

Exceptions		
Requirement	Request	Staff Recommendation
Title 19.12.040(B): 28 trees in the required perimeter buffer areas	13 trees in the required perimeter buffer areas	Denial

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ANALYSIS

The request is for the proposed placement of a 6,126 square-foot Auto Repair Garage (Minor) on APN 125-20-801-005. Additionally, existing rights-of-way adjacent to the north and east sides of the site are proposed to be vacated to allow for additional parking and access to the site. A proposed private drive will extend south from Rome Boulevard on APN 125-20-803-002 on the east side of the site to provide a secondary access point. Half-street improvements, including a cul-de-sac bulb, must be completed on Rome Boulevard to construct the private drive.

The entire site is located within the boundaries of the Centennial Hills Town Center Land Use Plan, and is currently designated UC-TC (Urban Center Mixed Use – Town Center) and MS-TC (Main Street Mixed Use – Town Center). As the proposed Auto Repair Garage (Minor) use would be located wholly on APN 125-20-801-005, only that parcel is proposed to be amended to SC-TC (Service Commercial – Town Center) through the accompanying Major Modification (MOD-36955) request. However, the entirety of both APNs 125-20-801-005 and 125-20-803-002 will be rezoned to T-C (Town Center) through the accompanying Rezoning (ZON-36949) request to allow for development of the site.

Due to the size and shape of APN 125-20-801-005, the building is proposed to be placed at the rear of the site, along the Las Vegas Beltway right-of-way. This arrangement cannot meet the required rear yard setback, and therefore a Variance is required concurrent with this request. For the same reason, the Town Center Core build-to-line standard, parking and landscaping requirements (both from Title 19 and the Town Center Development Standards Manual) cannot be met, and a Variance and numerous Waivers are required for relief from those standards. The parking variance represents a 31 percent deviation from the Title 19 standard and the setback variance represents a 95 percent deviation from the Town Center Development Standard.

The proposed building is long and narrow, containing 10, ten-foot wide service bays in a line across the north elevation. CMU is the basic building material, covered by EIFS above the service bay level. The pitched roofs are covered by concrete tile. The service bays face the Rome Boulevard right-of-way, which is inconsistent with one of the minimum requirements for the conditional Auto Repair Garage (Minor) use in the Town Center Development Standards Manual and therefore requires a Special Use Permit.

The submitted site plan does not indicate a roof or trellis structure on the trash enclosure. A condition of approval will require the design of the enclosure in conformance with Title 19 Commercial Development Standards.

As adequate parking and landscaping cannot be provided as proposed, the building as proposed is too large to be placed on the site in accordance with Title 19 and Town Center setback and build-to line standards, and the use is not compatible with surrounding planned land uses, staff recommends denial of this Site Development Plan Review request.

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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 Auto Repair Garage (Minor) is not compatible with existing adjacent uses and those planned for the surrounding area. The proposal requires a Major Modification of the Town Center Land Use Plan from a UC-TC (Urban Center Mixed Use) special land use designation to a more intense commercial special land use designation, which staff does not support.

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 the Town Center Development Standards Manual and Title 19; two variances and numerous waivers of standards related to site design and landscaping are required, which staff cannot support.

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

Access to the site is provided from Rome Boulevard, a 60-foot Collector street, from a cul-de-sac bulb. One driveway is located on a proposed private drive that also accommodates a portion of the parking on the site. Circulation is affected by the triangular shape of the site, but should be adequate for the proposal. Neighborhood traffic should not be severely affected by this development; approximately one vehicle every three minutes is projected to be added to the area.

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

Building and landscape materials are in accordance with requirements of the Town Center Development Standards Manual, and are appropriate for the area.

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;

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The proposed Auto Repair Garage (Minor) is designed so that all service bays face the existing right-of-way. This arrangement is not considered aesthetically pleasing and is not compatible with existing 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, the public health, safety and general welfare will be safeguarded.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

NOTICES MAILED 164

APPROVALS 0

PROTESTS 0