

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JANUARY 28, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-36927 – APPLICANT/OWNER: DDR MDT MV WEST LAS VEGAS, LLC**

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

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-36927) 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 01/08/10 and the building elevations, date stamped 12/15/09, except as amended by conditions herein.
4. A Waiver of Title 19.12 Landscape and Buffer Standards to allow buffer widths of five feet along the south and west perimeters where 15 feet is required and zero feet along the east perimeter where eight feet is required, is hereby approved.
5. A Waiver of Title 19.08.050 Commercial and Industrial District Development Standard to allow the proposed building to be oriented away from the corner where buildings on corner lots should be oriented to the corner and to the street frontage, is hereby approved.
6. An Exception from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow seven trees within parking fingers where 59 trees are the minimum required.
7. 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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8. 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.
9. 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).
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, including driveways, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
16. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Decatur Boulevard Phase 2 project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

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17. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or the submittal of any construction drawings for this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine traffic signal contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 and #234.2 to determine additional right-of-way requirements adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
18. 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 applicant is proposing a 71,325 square-foot Grocery Store at 4700 Meadows Lane. The proposed Grocery Store will replace a vacant retail store. The applicant has requested Waivers of Title 19.12 Landscape and Buffer Standards and a Waiver of Title 19.08.050 Commercial and Industrial District Development Standards for Building Placement and Orientation requirements. The requested Waivers are minor with the exception of the Waiver along the south perimeter, adjacent to Meadows Lane. Compliance with Title 19.12 would create a more pedestrian oriented development. Therefore, staff is recommending approval of the subject Site Development Plan Review, but denial of the associated Waiver. If the Site Development Plan Review is denied, the proposed Grocery Store will not be permitted on the subject site.

ISSUES

- A new 71,325 square-foot Grocery Store will replace the existing retail use.
- The applicant has requested Waivers of Title 19.12 Landscape and Buffer Standards to allow buffer widths of five feet along the south perimeter and zero feet along the west perimeter where 15 feet is required and zero feet along the east perimeter where eight feet is required. Staff cannot support the request for a Waiver along the south perimeter.
- The applicant has requested a Waiver of Title 19.08.050 Commercial and Industrial District Development Standard to allow the proposed building to be oriented away from the corner where buildings on corner lots should be oriented to the corner and to the street frontage.
- The Planning Commission will consider a related Special Use Permit (SUP-36928) for Accessory Package Liquor Off-Sale in conjunction with the proposed Grocery Store use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
12/28/78	The City Council approved a Plot Plan Review for a proposed Shopping Center and a Rezoning from R-1 (Single Family Residence) and C-V (Civic) to and C-1 (Limited Commercial) adjacent the northeast corner of Meadows Lane and Decatur Boulevard. The Planning Commission and staff recommended approval of the request.

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05/02/05	A Code Enforcement case (#29486) was processed for graffiti on the back of the existing building at 4700 Meadows Lane. Code Enforcement closed the case on 05/04/05.
09/23/05	A change of ownership was recorded for the subject site.
01/16/09	A Code Enforcement case (#73836) was processed for trash, graffiti and landscaping issues at 4700 Meadows Lane. Code Enforcement closed the case on 02/11/09.
07/02/09	A Code Enforcement case (#79616) was processed for graffiti on the back of the existing building at 4700 Meadows Lane. Code Enforcement closed the case on 07/13/09.
01/28/10	The Planning Commission will consider a related Special Use Permit (SUP-36928) for a proposed 71,325 square-foot Grocery Store with Accessory Package Liquor Off-Sale at 4700 Meadows Lane.

<i>Related Building Permits/Business Licenses</i>	
1979	The County Assessor's office indicates a construction year of 1979.
05/10/79	A Business License (#D16-00004) was issued for a Department Store at 4700 Meadows Lane. The license was marked out of business on 01/13/09.
01/08/01	A Building Permit (#1000314) was issued for remodel of an existing store at 4700 Meadows Lane. The permit was finalized on 05/24/01.
01/31/01	A Building Permit (#1001575) was issued for signage at 4700 Meadows Lane. The permit was finalized on 10/18/01.
12/02/02	A Business License (#P35-00081) was issued for an Outdoor Payphone at 4700 Meadows Lane. The license remains active at this location.
<i>Pre-Application Meeting</i>	
11/30/09	A pre-application meeting was conducted on the indicated date. The following items were discussed at the meeting: • Title 19.12 Landscape and Buffer Standards and possible Waivers of Perimeter Landscape requirements. • Proposed Special Use Permit for alcohol sales. • Conformance to minimum development standards for a Grocery Store use.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	

<i>Field Check</i>	
12/22/09	A field check was completed on the indicated date. The following items were noted: • Staff identified the existing retail building, which is proposed to be demolished. • Staff identified the existing parking area and existing landscaping. Both parking areas and landscaping will be partially upgraded on the subject site.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	6.81 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant Retail Store	SC (Service Commercial)	C-1 (Limited Commercial)
North	R.O.W. (Right-of-Way- US-95)	R.O.W. (Right-of-Way- US-95)	R.O.W. (Right-of-Way- US-95)
South	Restaurant/Auto Repair/Single-Family Dwellings	SC (Service Commercial) and L (Low Density Residential)	C-2 (General Commercial) and R-1 (Single Family Residential)
East	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	Restaurant/Retail/Office	SC (Service Commercial) and O (Office)	P-R (Professional Office and Parking)/C-1 (Limited Commercial)/C-2 (General Commercial)

<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			
A-O (Airport Overlay) District (140-feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment	X		Y
Project of Regional Significance		X	N/A

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08 Development Standards, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	420 Feet	Y
Min. Setbacks			
• Front (south property line)	20 Feet	300 Feet	Y
• Side (east property line)	10 Feet	10 Feet	Y
• Corner Side (west property line)	15 Feet	115 Feet	Y
• Rear (north property line)	20 Feet	51.5 Feet	Y
Max. Lot Coverage	50%	24%	Y
Max. Building Height	N/A	42 Feet	N/A
Trash Enclosure	Screened	By Condition	By Condition
Mech. Equipment	Screened	By Condition	By Condition

Pursuant to Title 19.12, the following landscaping standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/ 6 Spaces	59 Trees	7 Trees	N
Buffer:				
Min. Trees				
North property line	1 Tree/ 30 Linear Feet	16 Trees	23 Trees	Y
South property line	1 Tree/ 20 Linear Feet	25 Trees	42 Trees	Y
West property line	1 Tree/ 20 Linear Feet	27 Trees	29 Trees	Y
East property line	1 Tree/ 30 Linear Feet	26 Trees	3 Trees	N
TOTAL (Perimeter Trees)		94 Trees	97 Trees	Y
Min. Zone Width				
North property buffer	8 Feet		8 Feet	Y
South property buffer	15 Feet		5 Feet	N
West property buffer	15 Feet		Zero Feet	N
East property buffer	8 Feet		Zero Feet	N
Wall Height	6-8 Feet adjacent to residential development		Existing	Existing

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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	
Grocery Store	71,325 SF	1 space per 250 sf of gfa	279	7	342	10	Y
TOTAL			286		352		Y
Loading Spaces			4		4		Y

Waivers and Exceptions		
Requirement	Request	Staff Recommendation
East Perimeter Buffer - Eight feet along the east property line.	A zero-foot buffer is provided along the east perimeter	Approval
Decatur Boulevard – Buffer Width of 15 feet is required along the west property line	A five-foot buffer is provided along Decatur Boulevard.	Approval
Meadows Lane – Buffer Width of 15 feet is required along the south property line	A five-foot buffer is provided along Meadows Lane	Denial
Buildings on corner lots should be oriented to the corner and to the street frontage.	Building to be oriented away from the corner	Approval
One tree for every six uncovered parking spaces. (59 Trees)	Seven Trees	Approval

ANALYSIS

- Site Plan**

The proposed Grocery Store is located on 6.81 acres at 4700 Meadows Lane. The subject site indicates construction of a new 71,325 square-foot building. The Grocery Store requires 286 parking spaces, but 352 spaces are provided. There are four loading zones provided, which complies with Title 19 requirements. The applicant has also requested a Waiver of Title 19.08.050 Commercial and Industrial District Development Standard to

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allow the proposed building to be oriented away from the corner where buildings on corner lots should be oriented to the corner and to the street frontage. Staff can support this request as the structure will be located to most efficiently utilize existing site conditions, including access to utilities, driveways for site access and existing parking lots.

The overall site is accessed from both Meadows Lane and Decatur Boulevard. Meadows Lane is a 60-foot Collector Street and Decatur Boulevard is a 100-foot Primary Arterial as indicated on the Master Plan of Streets and Highways. Both roadways are adequate to serve the subject site.

- **Landscape Plan**

A portion of the site contains existing landscaping, which was installed with the build-out of the existing, but vacant Mervyn's store. Since the applicant is constructing a new Grocery Store all landscaping is required to be brought into conformance, pursuant to Title 19.12 requirements. The applicant only complies with perimeter landscaping along the north perimeter. The applicant has requested a Waiver of the Perimeter Landscape Buffer Standards to allow buffer widths of five feet along the south and west perimeters where 15 feet is required and zero feet along the east perimeter where eight feet is required. Staff supports the Waivers along the west and east perimeter, but does not support the Waiver along the south perimeter buffer, because compliance with Title 19.12 requirements would create a more pedestrian oriented development along Meadows Lane.

- **Elevations**

The elevations indicate a proposed 42-foot tall Grocery Store. The proposed Grocery Store indicates a variety of building materials. The elevations indicate the use of the following materials: stucco, cultured stone, CMU and clay tile roofing. The building is also indicated to be painted the following colors: beige, white and green.

- **Floor Plan**

The floor plan indicates 71,325 square feet. The floor plan is typical of Grocery Store uses. Approximately five percent of the store will be dedicated to the sale of alcohol. An associated Special Use Permit (SUP-36928) for Accessory Package Liquor Off-Sale will be considered with the subject Site Development Plan Review.

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:

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

The proposed Grocery Store 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 fails to meet minimum landscape requirements. The applicant has failed to adequately provide landscape buffers along the west, south and east perimeter buffers. The proposed Waivers along the west and east perimeters are appropriate, but for the Waiver along the south perimeter is not supported.

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

The site is accessed from both Decatur Boulevard and Meadows Lane. Decatur Boulevard is indicated as a 100-foot Primary Arterial and Meadows Lane is indicated as a 60-foot Collector Street. Both streets are adequate to serve the proposed Grocery Store use.

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

The proposed landscape and building materials, as conditioned, 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 proposed Grocery Store design characteristics and architectural features are appropriate and will be harmonious and compatible with adjacent commercial development in the area.

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

The proposed Grocery Store will be subject to Building and Safety and Planning and Development inspections; therefore, this development will not compromise the public, health, safety or welfare.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

NOTICES MAILED 364

APPROVALS 0

PROTESTS 0