



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 27, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: CT-1, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
GPA-37823	Staff recommends APPROVAL.	
ZON-37824	Staff recommends APPROVAL.	GPA-37823
SDR-37940	Staff recommends APPROVAL, subject to conditions:	GPA-37823 ZON-37824

** CONDITIONS *

SDR-37940 CONDITIONS

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, date stamped 05/05/10, landscape plan, and building elevations, date stamped 04/13/10, except as amended by conditions herein.
3. A Waiver from Title 19.12.040 is hereby approved to allow a zero-foot buffer along the south perimeter where fifteen feet is required.
4. An Exception from 19.12.040 is hereby approved, to allow seven parking lot trees where eight are required.
5. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.

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6. These Conditions of Approval shall be affixed to the cover sheet of the plan set submitted for building permit.
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. The technical landscape plan shall include the following changes from the conceptual landscape plan to include four additional trees within the perimeter buffer areas.
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. The trash enclosure shall be screened, gated, with a roof or trellis.
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 luminaries. 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.

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Public Works

15. Grant pedestrian walkway easements for all public sidewalks not located within public right-of-way.
16. 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. 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.
17. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
18. Landscape and maintain all unimproved rights-of-way, if any, adjacent to this site. All landscaping and private improvements 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 and abutting street intersections.
19. Submit an Encroachment Agreement for all landscaping, if any, located in the public right-of-way adjacent to this site prior to occupancy of this site.
20. 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, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts 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 for exclusive right turn lanes and dual left turn lanes 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.

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21. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade 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

This is a General Plan Amendment and Rezoning to amend a portion of the Centennial Hills Sector of the General Plan (GPA-37823) from L (Low Density Residential) to SC (Service Commercial) and to Rezone (ZON-37824) the site from R-E (Residence Estates) to C-1 (Commercial, Limited) at 7204 West Craig Road. The subject site has a current land use designation of L (Low Density Residential), is zoned R-E (Residence Estates) and contains a single-family residence. The proposed land use designation of SC (Service Commercial) and rezoning of C-1 (Limited Commercial) would allow uses that are compatible with the existing surrounding land uses. The proposed 4,195 square foot building meets all of Title 19 requirements except for one parking lot tree and four perimeter trees. Staff can support the exception for one parking lot tree as this is minimal in nature. The applicant has agreed to plant four additional trees in the perimeter landscape buffer areas; a condition of approval has been added to address this. Staff supports the waiver along the south perimeter as it is minor in nature and meets the intent of Title 19.12.040G for street landscaping along major arterials. Staff recommends approval. If denied, the site would remain as a single-family residential use.

ISSUES

- The proposed amendment and rezoning are compatible with the existing adjacent RS (Residential Suburban) – Clark County Designation, ML (Medium-Low Density Residential) and SC (Service Commercial) designations and current uses.
- The proposed site plan is consistent with Title 19.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
10/18/06	The City Council approved a request for an Annexation (ANX-15018) of approximately 1.0 acres at 7450 West Craig Road. The Planning Commission recommended approval of the request. The Annexation became effective 10/27/06.
10/03/08	A Code Enforcement citation (#70416) was issued for an abandoned house; dead trees and grass with high vegetation. Code Enforcement closed the case on 02/12/09.
10/15/08	A Code Enforcement citation (#70660) was issued for a referral from Streets and Sewers regarding a tree leaning from the back yard onto wall over onto Tenaya; the property was vacant. Code Enforcement closed the case on 10/20/08.

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02/23/09	A deed was recorded for a change of ownership.
08/28/09	A Code Enforcement citation (#81333) was issued for homeowners that cut tree branches and left them piled on front yard for approximately two months. The house is now vacant. This case has not been resolved.
12/17/09	The Planning Commission, at the request of the applicant, withdrew without prejudice requests for Rezoning (ZON-35867) from R-E (Residence Estates) to C-1 (Limited Commercial); General Plan Amendment (GPA-35866) to amend a portion of the Centennial Hills Sector Plan of the General Plan from L (Low Density Residential) to SC (Service Commercial) at 7204 West Craig Road.
<i>Related Building Permits/Business Licenses</i>	
There are no Building Permits or Business Licenses that are pertinent to the subject site.	
<i>Pre-Application Meeting</i>	
08/19/09	A pre-application meeting with the applicant was held where elements of submitting a General Plan Amendment were discussed. Topics included: • Title 19 Zoning Code Requirements • Meeting Dates and Deadlines • Submittal requirements for associated applications to Rezone and Site Development Plan Review for a proposed 2,772 square-foot Restaurant with a Drive-Through were also discussed.
<i>Neighborhood Meeting</i>	
04/12/10	A neighborhood meeting was held from 6:00 pm to 7:00 pm in the Student Theater room of Judge Myron E. Leavitt Middle School, 4701 Quadrel Street, Las Vegas, NV, 89129. There were 14 members of the general public, one representative for the developer, and one staff member from the Planning and Development Department. The following issues were discussed: • A member of Public inquired about the 50-foot height of the building. The applicant stated that height and a single story is required by the proposed bank tenant. The applicant added that an Office development would require multi-story parking. • The developer was asked if other sites had been considered. A citizen stated they would prefer the pet cemetery owners would purchase this site and expand [the pet cemetery]. • There was an inquiry about other than bank use if zoning was approved. A similar concern was that the property might be “flipped” after being rezoned. • Several members of the public expressed concern this request will create a precedent for commercial zoning along Craig Road west of Tenaya, and concern those vacant parcels at Craig and Buffalo could be rezoned to commercial. • The applicant indicated the current state of the site is dangerous. • There was also a concern of speaker noise from drive-up tellers. • A citizen wanted to know if the driveway to Tenaya could be eliminated.

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Field Check	
09/17/09	During a routine site inspection staff observed a vacant single-family residence with a large pile of branches and debris in the front yard.

Details of Application Request	
Site Area	
Gross Acres	1.00 Acre

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	L (Low Density Residential)	R-E (Residence Estates)
North	Pet Cemetery	RS (Residential Suburban) – Clark County Designation	R-E (Rural Estates Residential) – Clark County Designation
South	Single-Family Residences	ML (Medium-Low Density Residential)	R-PD8 (Residential Planned Development – 8 Units Per Acre)
East	Retail Development	SC (Service Commercial)	C-1 (Limited Commercial)
West	Pet Cemetery	RS (Residential Suburban) – Clark County Designation	R-E (Rural Estates Residential) – Clark County Designation

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District – (175 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

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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	173 Feet	Y
Min. Setbacks			
• Front (north property line)	20 Feet	90 Feet	Y
• Corner Side (east property line)	15 Feet	86 Feet	Y
• Side (west property line)	10 Feet	27 Feet	Y
• Rear (south property line)	20 Feet	74 Feet	Y
Max. Lot Coverage	50%	10%	Y
Max. Building Height	17 Feet	Feet	N/A
Trash Enclosure	Screened, Gated, w/ Roof or Trellis	As Conditione d	As Conditioned
Mech. Equipment	Screened	As Conditione d	As Conditioned

Pursuant to Title 19.12, the following landscaping standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 30 Linear Feet	9 Trees	7 Trees	By Condition
• South	1 Tree / 20 Linear Feet	7 Trees	5 Trees	
• East	1 Tree / 30 Linear Feet	11 Trees	10 Trees	
• West	1 Tree / 20 Linear Feet	9 Trees	9 Trees	
TOTAL PERIMETER TREES		36 Trees	31 Trees	By condition
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	8 Trees	7 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		8 Feet	Y
• South	15 Feet		15 Feet	Y
• East	15 Feet		15 Feet	Y
• West	8 Feet		8 Feet	Y
Wall Height	Walls are not required		6 feet	N/A

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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	
Financial Institution, General (with Drive-Thru)	4,195	1/200	20	1	26	2	Y
TOTAL (including handicap)			21		28		Y

Waivers		
Requirement	Request	Staff Recommendation
15 Feet	To allow a zero-foot perimeter landscape buffer along the south perimeter.	Approval

Exceptions		
Requirement	Request	Staff Recommendation
1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	To allow 7 trees where 8 trees are required	Approval

Pursuant to the interlocal agreement with Clark County, General Plan Amendments are forwarded to them for comment. Please find their comments below.

“Tenaya Way has been the demarcation line for the commercial and more intense uses to the east and the residential and less intense uses to the west. Circumstances have not substantially changed in the area to warrant commercial encroachment to the west of Tenaya or approval of these applications”.

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ANALYSIS

The subject site is located in the Centennial Hills Sector of the General Plan and has a current General Plan designation of L (Low Density Residential) and Zoning of R-E (Residence Estates). This is a proposal to amend the General Plan designation to SC (Service Commercial) and Rezone to C-1 (Limited Commercial). The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate. The proposed Service Commercial General Plan designation is compatible with the existing surrounding cemetery, residential and commercial uses.

The proposed 4,195 square foot building meets all of Title 19 requirements except for one parking lot tree and four perimeter trees. Staff can support the exception for one parking lot tree as this is minimal. The applicant has agreed to plant four additional trees in the perimeter landscape buffer areas, a condition of approval has been added to address this. The applicant has proposed perimeter landscaping buffers along the south perimeter of the subject property to conform to Title 19.12.040.G landscaping requirements along arterial streets. A five-foot landscape buffer will be located within the public right-of-way with an additional ten-foot buffer located behind the proposed sidewalk. Staff supports this request as it allows for a detached sidewalk but does not require trees to be eliminated for sight visibility for the drive way on Craig Road.

FINDINGS (GPA-37823)

Section 19.18.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,

The proposed amendment is compatible with the existing adjacent RS (Residential Suburban) – Clark County Designation, ML (Medium-Low Density Residential) and SC (Service Commercial) designations.

2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,

The zoning designations allowed by the proposed amendment are compatible with the existing adjacent land use and zoning designations.

3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

The site is accessed by Craig Road, a 100-foot Primary Arterial, and Tenaya Way an 80-foot Secondary Collector, as designated by the Master Plan of Streets and Highways, which are adequate to serve the requirements of the Restaurant with a Drive-Through use. The subject site will be served by existing utilities, transportation and other facilities, which are adequate for the Restaurant with a Drive-Through use.

4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

The proposed amendment meets the following Policy of the 2020 Master Plan:

POLICY 2.1.3: Those urban hubs at the intersections of primary roads, containing a mix of residential, commercial and office uses are supported.

FINDINGS (ZON-37824)

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

The proposed C-1 (Limited Commercial) zoning district is consistent with the proposed SC (Service Commercial) General Plan designation on this site.

2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

The uses allowed by the C-1 (Limited Commercial) zoning district are compatible with the surrounding land uses and zoning district.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

The subject site is surrounded by a pet cemetery to the north and west; and commercial uses to the east and southeast and is no longer appropriate for a residential use.

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

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The site is accessed from both Craig Road, a 100-foot Primary Arterial, and Tenaya Way, an 80-foot Secondary Collector as designated by the Master Plan of Streets and Highways. These thoroughfares are capable of accommodating the traffic flow for the proposed zoning district.

FINDINGS (SDR-37490)

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 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;

As conditioned the proposed development is consistent with all adopted city plans, policies and standards.

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

Access to the site is provided from Craig Road, a 100-foot Primary Arterial and Tenaya Way, an 80-foot Secondary Collector as designated by the Master Plan of Streets and Highways. This street will provide adequate access and will accommodate the traffic generated by the proposed 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;

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The building elevations, design characteristics and architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance. In addition, the proposed development is harmonious and compatible with development in the area.

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

The proposed Site Development Plan Review will not impact public health, safety, or welfare since the development will be subject to the International Building Code and City inspections during construction.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 350

APPROVALS 1

PROTESTS 6

CONCERNS 1