



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: McDONALD'S CORPORATION

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-38857	Staff recommends APPROVAL, subject to conditions:	
VAR-38858	Staff recommends DENIAL, if approved subject to conditions:	VAR-38857
SDR-38856	Staff recommends APPROVAL, subject to conditions:	VAR-38857 VAR-38858

** CONDITIONS **

VAR-38857 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-38858) and Site Development Plan Review (SDR-38856) shall be required, if approved.
2. Conformance to the approved conditions for Rezoning (Z-0003-89), and Site Development Plan Review (Z-0003-89).
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

VAR-38858 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-38557) and Site Development Plan Review (SDR-38856) shall be required, if approved.
2. Conformance to the approved conditions for Rezoning (Z-0003-89), and Site Development Plan Review (Z-0003-89), except as amended herein.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-38856 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variances (VAR-38857) and (VAR-38858) shall be required, if approved.
2. Conformance to the approved conditions for Rezoning (Z-0003-89), and Site Development Plan Review (Z-0003-89), except as amended herein.

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3. 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.
4. All development shall be in conformance with the site plan and building elevations, date stamped 07/13/10, and landscape plan, date stamped 08/04/10 except as amended by conditions herein.
5. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 08/04/10. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.
6. 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.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
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. The technical landscape plan shall include the following changes from the conceptual landscape plan: provide the quantity of trees, per the approved Landscape Plan date stamped 10/07/93, including, four (4) five-gallon shrubs for each required tree in perimeter planters.
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 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.

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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 and replace with new improvements meeting current City Standards concurrent with on-site development activities as shown on the approved Site Plan.
16. 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.
17. 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 request for a Major Amendment to a previously approved Site Development Plan Review (Z-0003-89) to renovate a 3,734 square-foot restaurant with drive-through on a 0.69 acre site at 7662 West Lake Mead Boulevard. The applicant is also proposing two companion Variances (VAR-38857) and (VAR-38858). The applicant proposes to update the existing 3,743 square foot restaurant with drive-through which was constructed on the site in 1993. Staff recommends approval, since the applicant has presented a plan that conforms to the approved Site Plan and Landscape Plan. If the applications are denied, the existing 3,743 square-foot restaurant with drive-through would remain. If, only the signage Variance is denied, then the existing signage would remain or the applicant could redesign the signage to conform to Title 19.14 Sign requirements.

ISSUES

- Approval of a Variance (VAR-38857) to allow 37 parking spaces where 40 are required and a Variance (VAR-38858) to allow an eight-foot menu board where seven feet is the maximum height allowed, two 12-foot tall incidental signs (clearance arms) where seven feet is the maximum height allowed and to allow external illumination on one of the incidental signs (clearance arms) where internal illumination is required are necessary for approval of the Site Development Plan Review.
- A storage shed that has no building permit final inspection is located on the property. It occupies a parking stall in the northwest corner.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
03/01/89	The City Council approved a Rezoning (Z-0003-89) from N-U (Non-Urban under Resolution of Intent to R-PD5 and C-1) to R-PD5 (Residential Planned Development 5 Units per Acre and C-1 (Limited Commercial). The Planning Commission and staff recommended approval.
07/22/93	The Planning Commission approved a Plot Plan review (Z-0003-89) for a Restaurant at 7662 West Lake Mead Boulevard. Staff recommended approval.

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<i>Most Recent Change of Ownership</i>	
10/25/93	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
10/19/93	A building permit (93205689) was issued for a Certificate of Occupancy for a Restaurant at 7662 West Lake Mead Boulevard. The permit was finalized on 01/28/94.
01/28/94	A business License (R09-00524) was issued at 7662 West Lake Mead Boulevard for a Restaurant with seating of 45 or more. The license is still active.
10/04/95	A building permit (95879098) was issued at 7662 West Lake Mead Boulevard for a Certificate of Occupancy for an indoor Play Land. The permit was finalized 11/21/95.
05/01/98	A building permit (98009178) was issued at 7662 West Lake Mead Boulevard for a Tenant Improvement - Certificate of Occupancy. The permit was finalized on 05/27/98.
06/01/98	A building permit (98012185) was issued at 7662 West Lake Mead Boulevard for parking lot lighting. The permit was finalized on 06/30/98.
08/19/03	A building permit (3017776) was issued at 7662 West Lake Mead Boulevard for a double drive-through, new parking and trash enclosure. The permit was finalized on 04/08/05.
08/19/03	A building permit (3017775) was issued at 7662 West Lake Mead Boulevard for a 3,693 square-foot Tenant Improvement Remodel. The permit was finalized on 04/08/05.
07/23/08	A building permit (116790) was issued at 7662 West Lake Mead Boulevard for a Tenant Improvement - Certificate of Occupancy. The permit was finalized on 09/25/08.

<i>Pre-Application Meeting</i>	
06/02/10	A pre application meeting was held with the applicant where the submittal requirements for a Site Development Plan Review were discussed. Topics included: • A Variance will be required for parking. • A Variance to allow an eight-foot menu board where seven feet is the maximum height allowed, two 12-foot tall incidental signs (clearance arms) where seven feet is the maximum height allowed and to allow external illumination on one of the incidental signs (clearance arms) where internal illumination is required.

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<i>Neighborhood Meeting</i>
A neighborhood meeting was not required, nor was one held.

Field Check	
07/22/10	Staff conducted a field check and noted a well maintained fast-food restaurant with a drive-through, free of trash and debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.69

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Restaurant- 2,000 SF or more (with Drive-Through)	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Park	COS (Community/Open Space)	P-C (Planned Community)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (200 feet)	X		Y
Trails (Multi-Use Non-Equestrian)	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

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DEVELOPMENT STANDARDS

Per Title 19.08.050

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	144 Feet	Y
Min. Setbacks			
• Front	20 Feet	27 Feet	Y
• Side (East)	10 Feet	57 Feet	Y
• Side (West)	10 Feet	23 Feet	Y
• Rear	25 Feet	87 Feet	Y
Max. Lot Coverage	50%	13%	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Not indicated	By Condition
Mech. Equipment	Screened	Not indicated	By Condition

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 30 Linear Feet	2 Trees	0 Trees	N*
• South	1 Tree / 20 Linear Feet	3 Trees	3 Trees	Y*
• East	1 Tree / 30 Linear Feet	5 Trees	5 Trees	Y*
• West	1 Tree / 30 Linear Feet	3 Trees	5 Trees	Y*
TOTAL PERIMETER TREES		13 Trees	13 Trees	Y*
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	0 Trees	0 Trees	N/A*
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		1 Foot	Y*
• South	15 Feet		23 Feet	Y
• East	8 Feet		9 Feet	Y
• West	8 Feet		10 Feet	Y

**Per Landscape Plan approved by Plot Plan Review (Z-0003-89)*

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Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Restaurant-2,000 SF or more (with Drive-Through)	3,734 SF	1/100 SF	38		37		N
TOTAL SPACES REQUIRED			40*		37		N
TOTAL (With Handicapped)			38	2	35	2	N
Loading Spaces			1		1		Y
Percent Deviation			8%				

*Per Site Plan approved by Plot Plan Review (Z-0003-89)

Pursuant to Title 19.14, the following sign standards apply:

Menu Board			
Standards	Allowed	Provided	Compliance
Maximum Number	Two signs per drive-through lane if visible from ROW	One menu board 1 total	Y
Maximum Area	60 SF freestanding	44 SF freestanding	Y
Maximum Height	7 feet	8 feet (15% deviation)	N
Minimum Setback	5 feet	58 feet	Y
Illumination	External/Internal	Internal	Y
Other	Only the word "Menu" to be legible from ROW	Does not face ROW	Y

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Incidental Signs (Directional)			
<i>Standards</i>	<i>Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Maximum Number	Two signs per driveway or access 2 Total	One welcome point gateway and one drive-thru twin pole canopy 2 Total	Y
Maximum Area	12 SF	12 SF / 9 SF	Y
Maximum Height	7 feet	11 FT / 11 FT (57% deviation)	N
Minimum Setback	5 feet	58 FT / 56 FT	Y
Illumination	Internal only	External	N
Other	Up to 50% of sign area may contain logo	N/A	N/A

ANALYSIS

The applicant is proposing to remodel a 3,734 square-foot restaurant with drive-through. The exterior facade is being updated to meet current McDonald's standards. The site has been redesigned to eliminate one of the drive-through lanes, providing additional landscaping that is in compliance with the previously approved plan, and provide safer vehicular and pedestrian access, while meeting compliance with the current regulations for Americans with Disabilities Act (ADA) and loading standards. This has resulted in a loss of three parking spaces. The applicant has submitted two companion Variances for this site. The first Variance (VAR-38857) is to allow 37 parking spaces where 40 are required, which is an eight percent reduction in required parking. The second Variance (VAR-38858) is to allow an eight-foot menu board where seven feet is the maximum height allowed, two 12-foot tall incidental signs (clearance arms) where seven feet is the maximum height allowed, which is a 57 percent increase above the permitted height, and external illumination on one of the incidental signs (clearance arms) where internal illumination is required.

As the applicant has presented compelling evidence for the parking Variance to allow 37 parking spaces where 40 are required as this will permit compliance with the current regulations for ADA and loading standards, staff recommends approval with conditions. Since the site is in substantial compliance with the approved plan, staff recommends approval of the Site Development Plan Review request. Staff is recommending denial of the proposed Variance for signage as the applicant has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18.070 that would substantiate the request.

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FINDINGS (VAR-38857)

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

The subject site is a small lot, zoned C-1 (Limited Commercial) containing an existing fast-food restaurant with drive-through. The applicant’s parking lot design has enhanced the site and will permit safer vehicular and pedestrian access, while meeting compliance with the current regulations for ADA and loading standards. As such, the applicant has presented evidence of an extraordinary circumstance and staff is recommending approval.

FINDINGS (VAR-38858)

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

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Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by designing a menu board and incidental signs that do not meet height standards of Title 19.14. Removal of the incidental signs and redesign of the menu board would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (SDR-38856)

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 Restaurant (with Drive-Through) is an existing use. This use can be conducted in a manner that is harmonious and compatible with the uses in the existing site and with the commercial uses on adjacent properties.

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 consistent with the General Plan, Title 19, and is in substantial conformance with the previously approved Plot Plan Review (Z-0003-89).

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

Adequate site access is provided from both Lake Mead Boulevard and Buffalo Drive. Lake Mead Boulevard and Buffalo Drive are designated as 100-foot Primary Arterials by the Master Plan of Streets and Highways.

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

The proposed building and landscape materials are appropriate for this area and for the City. The provided landscape materials meet the Landscape Plan approved by Plot Plan Review (Z-0003-89).

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 building elevations are appropriate for the building’s uses and are harmonious and compatible with the surrounding area.

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

Proposed development on the site will be subject to permit review and inspection, thereby protecting the public’s health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

NOTICES MAILED 526

APPROVALS 1

PROTESTS 2