



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 10, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: R A SOUTHEAST LAND COMPANY, LLC LC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ZON-41312	Staff recommends APPROVAL.	
SDR-41313	Staff recommends APPROVAL, subject to conditions:	ZON-41312

** CONDITIONS **

SDR-41313 CONDITIONS

Planning

1. Approval of Rezoning (ZON-41312) shall be required.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the Master Development Plan and Development Standards date stamped 04/18/11, the site plan and landscape plan date stamped 04/18/11, and building elevations, date stamped 04/19/11, except as amended by conditions herein.
4. The applicant shall amend the proposed Master Development Plan and Development Standards as follows:
 - a) Section 1.4 shall state that a Commercial Subdivision shall be recorded prior to the filing of records of survey.
 - b) Section 2.4 shall be amended to further state that no structure may encroach within any required landscape buffer area.
 - c) Section 2.6.2 shall refer to the intersection as "signalized."

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- d) Section 3.3 shall be revised to state that the applicant will negotiate with the Las Vegas Valley Water District to relocate a pipe within the western boundary of the site and abandon the associated easement.
 - e) Section 7.2 shall include the following language: "Signage located along the east perimeter and adjacent to residential development shall be subject to the Residential Protection Standards of UDC Title 19.08."
 - f) Section 7.2 language regarding building wraps shall be deleted and replaced with the following language: "Building wrap signage shall be permitted if approved as part of a Master Sign Plan. Any off-premise signage included in building wrap signage shall also require approval of a Special Use Permit."
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 04/18/11. 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 Department of Building and Safety.
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. Installed landscaping shall not impede visibility of any traffic control device.
9. A Master Sign Plan shall be submitted for approval by the City of Las Vegas prior to the issuance of a Certificate of Occupancy for any building on the site and prior to the issuance of any sign permits.
10. 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.
11. A Comprehensive Construction Staging Plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.

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12. Prior to the submittal of a building permit application, the applicant shall meet with Department of Planning Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. Dedicate an additional 10 feet of right-of-way (where such does not exist) for a continuous right-turn lane on Rampart Boulevard adjacent to this site and dedicate the rights-of-way necessary for a future bus turnout/right turn (deceleration) lane on Alta Drive prior to the issuance of any permits. Also, grant appropriate traffic signal equipment easements for the proposed signalized entry drive on Alta Drive prior to construction of any signal improvements or as otherwise directed by the Traffic Engineer.
15. Construct the dedicated right-turn lane on Rampart Boulevard along the entire length of this site concurrent with on site development activities. Also, remove all substandard improvements and unused driveway cuts adjacent to this site 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.
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. Submit an Encroachment Agreement for all landscaping and private improvements located in the Alta Drive and Rampart Boulevard public rights-of-way adjacent to this site prior to occupancy of this site. The installation and maintenance of all landscaping and private improvements in the public right of way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement.
18. The developer of this site shall coordinate with the Department of Public Works to determine appropriate design criteria and location for the proposed pedestrian bridge over Alta Drive. Appropriate Encroachment Agreements or other instruments acceptable to the Department of Public Works must be obtained prior to the issuance of permits for the pedestrian bridge over Alta Drive. In addition, the developer shall demonstrate to the satisfaction of the City Traffic Engineer that the proposed pedestrian bridge will not obstruct visibility to the two adjacent traffic signals on Alta Drive.

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19. 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 or submittal of any construction drawings, 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.
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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to develop 23.44 acres of land at the southeast corner of Alta Drive and Rampart Boulevard for commercial and residential uses. Currently, the site contains a parking lot with access to commercial lots to the south, dense perimeter landscaping along the east property line adjacent to developed single family residential lots and a partially landscaped access drive from Alta Drive to an existing parking garage facility on the adjacent commercial lot to the south. Specifically, approximately 773,000 square feet of enclosed Shopping Center uses are proposed along Alta Drive and a six-story, 100,000 square-foot multi-family residential building with up to 100 units is proposed at the southeast corner of the site. Parking will be provided within two subterranean facilities along Alta, a four-story structure along the east perimeter buffer and in two levels at the base of the multi-family structure. A pedestrian connection is proposed between the proposed above-ground parking structure to the proposed Shopping Center, and a vehicular bridge connecting the existing parking structure on the adjacent lot is also proposed. A pedestrian bridge is proposed that would connect this site with the existing mixed use development north of Alta Drive.

As the Rezoning request is appropriate for the area and would allow uses similar to those previously proposed for this site, staff recommends approval of the Rezoning. The proposed development is generally compatible with the adjacent land uses, including the existing Boca Park development. Staff therefore recommends approval of the Site Development Plan Review. If denied, the site will remain undeveloped with vehicular access to adjacent parcels and remain a part of the Boca Park III Master Plan.

ISSUES

- The subject site is currently zoned PD (Planned Development) and is part of the Boca Park III Planned Development. The applicant is requesting a Rezoning (ZON-41312) that will remove the site from the Boca Park III Master Plan and establish a new Planned Development with unique development standards.
- A Master Development Plan and a set of Development Standards will govern development of the site, subject to approval by the City Council.
- Remapping is required to extract the subject site from the existing Peccole Ranch Town Center commercial subdivision. This will allow for application of zoning requirements and proposed development standards independent of those established by the current subdivision, as well as removal of certain legal restrictions imposed by the existing map. A Parcel Map (PMP-41307) meeting this requirement was recorded on 04/18/11.

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- Any vehicular and pedestrian access rights, sewer, and drainage rights existing through recordation of the previous Commercial Subdivision Map and the recently recorded parcel map (PMP-41307) are in effect unless and until such rights are relinquished by their holders via separate action.
- Recordation of a Commercial Subdivision Map pursuant to NRS 278 will be required in order to allow distance separation for certain uses to be measured as proposed.
- A Master Sign Plan will be required under separate approval and prior to the issuance of a sign permit for any signage on the subject site.
- A traffic impact analysis stamped and signed by a traffic engineer showing that access to the existing Boca Park III parking garage would not be negatively affected under the proposed development plan was submitted to the City on 04/14/11.
- Some development on the existing site has either not been previously permitted or the issued permits have expired. A condition of approval requires all necessary building permits and final inspections to be obtained and completed in compliance with Title 19 and all codes as required by the Department of Building and Safety prior to occupancy.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/02/92	The City Council approved a Rezoning (Z-0030-92) from C-1 (Limited Commercial), C-2 (General Commercial) and R-1 (Single Family Residential) to C-1 (Limited Commercial) and R-1 (Single Family Residential) on approximately 105 acres generally located on the east side of Rampart Boulevard between Charleston Boulevard and Alta Drive, which included the subject site. The item included requests for approval of a 103-acre regional mall and a two-acre single family residential development. The Planning Commission and staff recommended approval.
12/31/92	In an official Writ of Mandate from the Clark County District Court, the conditions of approval for Z-0030-92 were modified to (A) extend the Resolution of Intent from 12 months to 24 months; (B) restrict delivery access from local streets; (C) restrict special events on the exterior of the mall to no more than 10 days per year; (D) stipulate that development of each pad site would only be subject to standard city requirements and procedures; (E) stipulate that the Regional Mall shall be permitted to contain 1.1 million square feet of building area; (F) require conformance to the plot plan as amended by the court order; and (G) stipulate that the applicant shall not be required to provide land for future fire and police facilities.

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04/27/98	The City Council approved a Rezoning (Z-0012-98) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) to PD (Planned Development) on 47.4 acres at the southeast corner of Alta Drive and Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial. This action established development standards for the Peccole Town Center Master Plan area as well as the shopping area to the south, designating the southern 49 acres (zoned C-1) as Phase I and the northern 47 acres (zoned PD) as Phase II. The site plan for Phase II included a five-story non-gaming hotel, 650-seat amphitheater, 592,800 square-feet of retail/office uses, 125 condominium units and two parking garages.
	The City Council approved a Site Development Plan Review [Z-0030-92(5)] for a proposed 433,240 square-foot retail Shopping Center, including 21 retail pad sites, on 48.7 acres at the northeast corner of Rampart Boulevard and Charleston Boulevard (Phase I). This was not a Major Amendment of the Rezoning case (Z-0030-92), but instead replaced that approved plan.
10/23/00	Planning and Development Department staff administratively approved a Site Development Plan Review [Z-0030-92(16)] for a proposed 10,386 square-foot furniture store within the Phase II portion of the Boca Park Shopping Center site.
11/01/00	The City Council approved a Site Development Plan Review [Z-0012-98(1)] for a proposed 723,150 square-foot retail and office development (Boca Park Phase II) on 41.53 acres at the southeast corner of Alta Drive and Rampart Boulevard. This plan replaced the plan approved as part of Z-0012-98. (The applicant from this point forward refers to the Phase II area located at the southeast corner of Alta Drive and Rampart Boulevard as Phase III.) The Planning Commission and staff recommended approval.
	The City Council approved a Major Modification [Z-0012-98(2)] of the Peccole Town Center Master Development Plan and Development Standards to add additional development standards pertaining to Phase II. (The applicant from this point forward refers to the Phase II area located at the southeast corner of Alta Drive and Rampart Boulevard as Phase III.)
04/18/01	The City Council approved a Master Sign Plan [Z-0012-98(3)] for the Boca Park Phase III area, located at the southeast corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.
06/21/01	Planning and Development Department staff administratively approved a Minor Amendment of a previously approved Site Development Plan Review [Z-0012-98(1)] for a proposed 626,005 square-foot development where 723,150 square feet was approved at the southeast corner of Alta Drive and Rampart Boulevard.

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11/06/01	Planning and Development Department staff administratively approved a Site Development Plan Review [Z-0012-98(4)] for a proposed 50,750 square-foot retail shell building and a 23,047 square-foot retail shell building on a portion of 41.87 acres adjacent to the east side of Rampart Boulevard, approximately 1,200 feet south of Alta Drive.
04/18/11	A one-lot Parcel Map (PMP-41307) on 23.4 acres at the southeast corner of Alta Drive and Rampart Boulevard that constitutes the subject site was recorded.

<i>Most Recent Change of Ownership</i>	
10/04/10	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There is no relevant business license history on the subject site.	
03/12/01	A building permit (#01004042) was issued for rough grading on 42 acres at 8855 Alta Drive. A final inspection was not approved and the permit expired 10/06/01.
06/07/01	A building permit (#01010316) was issued for onsite water, sewer and fire improvements at 8855 Alta Drive. A final inspection was not approved and the permit expired 11/16/02.
06/22/01	A building permit (#010101358) was issued for onsite improvements and hardscapes at 680 South Rampart Boulevard. A final inspection was not approved and the permit expired 06/15/02.
06/22/01	A building permit (#01011357) was issued for a parking structure and perimeter landscaping at 680 South Rampart Boulevard. A final inspection was approved on 03/25/02.
06/21/07	A building permit (#07002034) was issued for a new ramp for an existing parking garage at 680 South Rampart Boulevard. A final inspection was approved on 09/24/07.

<i>Pre-Application Meeting</i>	
03/21/11	A pre-application meeting was held with the applicant, where requirements for submittal of Rezoning and Site Development Plan Review applications were discussed. Major topics discussed included the following: • A Rezoning application from the existing PD (Planned Development) to a new PD that encompasses only the subject site is required. The area to be rezoned meets the minimum requirements for a PD District. • A Master Development Plan and set of Development Standards is required pursuant to Title 19.06.050.

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03/21/11	• Access to the existing Boca Park parking structure from Alta Drive shall be preserved through this development. • A Traffic Study will be required prior to public hearing that demonstrates that the number of trips to the existing Boca Park garage will be the same or greater than the current level. • Permitted uses on the site shall be part of the Development Standards. • Mixed-use parking requirements in 19.10.010(H) may be used as a guide for determining required parking. • A Master Sign Plan is required for the proposed development. It can be submitted concurrently with the Site Development Plan Review or conditioned to be submitted for a later hearing. • A signed DINA questionnaire is required at the time of submittal, based on the trip generation threshold.
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<i>Neighborhood Meeting</i>

A neighborhood meeting is not required, nor was one held.

<i>Field Check</i>

03/31/11	A field check was conducted on the subject site. The entire site is undeveloped except for two partially landscaped access roads from Alta Drive leading to the existing Boca Park development on adjacent parcels. There are two existing sign structures advertising the Boca Park development located on the site, one along Rampart Boulevard, the other along Alta Drive. The northwest portion of the site, although unpaved, is being used for temporary vehicle parking for construction workers developing the adjacent Tivoli Shopping Center on the north side of Alta Drive. The perimeter of the full site is enclosed by temporary chain link fencing. A dense landscape buffer containing mature trees is located along the entire east property line.
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<i>Details of Application Request</i>
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<i>Site Area</i>

Net Acres	23.40
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<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	Undeveloped	SC (Service Commercial)	PD (Planned Development)
North	Mixed Use Development	GC (General Commercial)	C-2 (General Commercial)
South	Shopping Center	SC (Service Commercial)	PD (Planned Development)
	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single Family Dwellings, Detached	L (Low Density Residential)	R-PD4 (Residential Planned Development – 4 Units per Acre)
	Single Family Dwellings, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Commercial Recreation/Amusement (Outdoor) – Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD7 (Residential Planned Development – 7 Units per Acre)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Boca Park Phase III	X		N/A*
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
PD (Planned Development) District	X		Y
Trails	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

*Development on the subject site must conform to the existing Covenants, Conditions, and Restrictions for the Boca Park III development as recorded on 02/12/01; however, the City has no authority to enforce the CC&Rs.

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DEVELOPMENT STANDARDS

Pursuant to the proposed Master Development Plan and Development Standards, the following standards are proposed:

<i>Standard</i>	<i>Provided</i>
Min. Lot Size	1,019,304 SF
Min. Lot Width	625 Feet
Min. Setbacks* • Front (west) • Side (south) • Side (west) • Corner • Rear	19 Feet 5 Feet 15 Feet 15 Feet 133 Feet
Min. Distance Between Buildings	12 Feet
Max. Lot Coverage	65 %
Max. Building Height:	
Shopping Center (2nd level)	60 Feet
Shopping Center (3rd level)	85 Feet
Entry tower	150 Feet
Detached Parking structure	50 Feet
Residential building	85 Feet
Trash Enclosure	Not indicated on plans; located in service areas to conform with CLV standards per Renaissance Development Standards
Mech. Equipment	Screened as per Renaissance Development Standards

*Setbacks indicated are those shown on the site plan; however, the Development Standards allow future structures to encroach to within five feet of external property lines.

Pursuant to the proposed Master Development Plan and Development Standards, the following standards are proposed:

<i>Landscaping and Open Space Standards</i>	
<i>Standards</i>	<i>Provided</i>
Buffer Trees:	
• North	33 Trees
• South	31 Trees
• East	159 Trees
• West	22 Trees
TOTAL PERIMETER TREES	245 Trees

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Parking Lot Trees (includes palm trees)	79 Trees
LANDSCAPE BUFFER WIDTHS	
Min. Zone Width	
• North	0 Feet
• South	5 Feet
• East	15 Feet
• West	19 Feet

<i>Landscaping and Open Space Standards</i>			
<i>Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Wall Height	6 to 8 Feet Adjacent to Residential	Existing 6-foot wall	Y

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Rampart Boulevard	Primary Arterial	Master Plan of Streets and Highways	100	Y
Alta Drive	Secondary Collector	Master Plan of Streets and Highways	80	Y

Pursuant to Title 19.04 and 19.10, the following parking standards apply:

<i>Parking Requirement – Planned Development</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	635,000 SF	1 space/250 SF	2,540				
Multi-Family Residential: --2BR units	100 units	1.75 spaces/unit	175				
Guest spaces	100 units	1 space/6 units	17				
TOTAL SPACES REQUIRED			2,732		2,754		Y
Regular and Handicap Spaces Required			2,696	36	2,703	51	Y

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Loading Spaces	635,000 SF	3 spaces for first 50,000 SF + 1 add'l space/ 100,000 SF thereafter	9 spaces	8 spaces	N
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Planned Developments are not subject to application of Title 19.10 Parking Standards. The above table is used to illustrate the requirements of an analogous project in another location in the City that is subject to Title 19.10 requirements. The City Council shall take into consideration traffic studies, type of development, hours of operation and compatibility with adjacent land uses when reviewing the Master Development Plan and Development Standards for approval.

ANALYSIS

Per Title 19.06.050, development of property within a PD (Planned Development) district is governed by a master development plan and development standards. The master development plan identifies the specific land uses, zoning designations, open space, community facilities, transportation and parking facilities and traffic impact analyses needed for development of the site. The development standards define the minimum standards for development of property within the PD District.

The site is currently located within an existing PD District, which is governed by the Boca Park III Master Development Plan and Development Standards. This proposal will rezone only that portion of the existing PD that covers the subject site as a new planned development with a development plan and set of development standards that are unique from the Boca Park III plan. The proposal meets the minimum requirements to qualify the site for a rezoning to PD. A parcel map that separated the subject site from the existing Peccole Ranch Commercial Subdivision was recorded on 04/18/11. As the Rezoning request is appropriate for the area and would allow uses similar to those previously proposed for this site, staff recommends approval of the Rezoning.

A Pedestrian Path consisting of a five-foot wide sidewalk is required along Rampart Boulevard adjacent to the site. The sidewalk exists along the east side of Rampart Boulevard in conformance with this requirement. The applicant's plans indicate that an additional path will be added to the sidewalk for a total width of 12 feet.

A Development Impact Notice and Assessment (DINA) pursuant to Title 19.18.010 and NRS Chapter 481 is required for the proposed development. The DINA was submitted and distributed to all affected agencies. No comments were received as of 04/28/11.

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The applicant has submitted a traffic analysis comparing the current access through this site to the existing Boca Park III parking structure to the access of the proposed development after construction. The analysis concludes that ingress and egress to and from the existing structure will be enhanced, based on the proposed signalized intersection of Alta Drive and Tivoli Village, which will allow for left turns that are not currently allowed at the existing Boca Park intersection.

Staff recommends several changes to the proposed Master Development Plan and Development Standards that accompany the Rezoning request:

- Section 1.4 states that, “New parcels may be created by Record of Survey.” Nevada Revised Statutes require that a commercial subdivision subject to the tentative and final map processes be recorded before records of survey are filed. Staff recommends that the Master Development Plan and Development Standards state that a commercial subdivision will be recorded prior to the filing of records of survey. This is important because some proposed uses rely on record of survey parcels to determine distance separation from certain protected uses, such as Houses of Worship, Schools, Child Care Centers and City Parks.
- Section 2.4 allows future structures to encroach to within five feet of external property lines. This statement should be amended to further state that no structure may encroach within required landscape buffer areas. The only required landscape buffer areas are the two recorded easements along the east property line.
- Section 2.6.2 refers to a “full lighted intersection” at the entrance to the site at Alta Drive. Staff recommends that this intersection be referred to as “signalized,” not “lighted.”
- Section 3.3 should be revised to state that the applicant will negotiate with the Las Vegas Valley Water District to relocate a water pipe within the western boundary of the site and abandon the associated easement.

The permitted uses proposed for this site mirror those of the C-1 (Limited Commercial) District, with the exception that alcohol uses are allowed subject to distance separations from Houses of Worship, Schools, Child Care Centers and City Parks, with the separation to be measured from record of survey boundaries, once established. A Special Use Permit is required, and waivers are required if separations cannot be met. All alcohol uses are proposed to be permitted without separation between similar uses. The City Council, as part of the Special Use Permit process, has the authority to further restrict these uses to ensure compatibility with surrounding uses. As most of the planned alcohol-serving establishments will be located indoors, this arrangement can be managed in such a way that is harmonious and compatible with other interior uses and uses external to the site.

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The Master Development Plan and Development Standards allow the applicant to make changes to the development plans if approved. Such changes would be subject to the rules governing Minor Modifications of Planned Developments as described in the Unified Development Code Subchapter 10.040.G, effective May 1, 2011. The document clarifies that some changes, such as an increase in the height of the shopping area from two stories to three stories in some areas, may be significant enough to qualify as Major Modifications. The standards primarily cited for flexibility are building heights, floor areas, and signage requirements.

An ADA-accessible pedestrian connection between the proposed parking structure and the shopping area is indicated on the site plan, as well as a vehicular and pedestrian bridge linking the proposed four-story parking structure and the existing Boca Park parking structure. The Development Standards state that except for this bridge, no structure shall encroach within 15 feet of the existing Boca Park III parking garage. A pedestrian-only bridge is proposed from the midpoint of the northern edge of this site across Alta Drive to the mixed use development north of Alta. The elevations indicate that the style, materials and colors of the pedestrian bridge will be similar to this project and the mixed use development. The bridge will contain adequate lighting. Insufficient information was provided to determine if the bridge will provide adequate clearance for vehicles traveling in either direction on Alta Drive or how the bridge will accommodate accessibility for the disabled. These will need to be specified on technical building plans for permit.

The amount of parking provided meets current Title 19 requirements for Multi-Family Residential and Shopping Center uses. The Master Development Plan and Development Standards state that a valet operation will be offered to mitigate some of the parking demand.

Service areas will be located at various points along the south and east perimeters of the retail building. These areas will be screened by dense landscaping. Although the site plan does not indicate their exact locations, the Master Development Plan and Development Standards state that trash enclosures will be provided within the service areas and will conform to Title 19 standards regarding the provision of roofs, gates and screening.

The Department of Public Works notes that the underlying Planned Development granted certain rights that the Department believes remain and that this Site Development Plan Review does not expunge these rights. Any vehicular and pedestrian access rights, sewer, and drainage rights existing through recordation of the previous commercial subdivision map and the recently recorded parcel map (PMP-41307) are in effect unless and until such rights are relinquished by their holders via separate action.

The proposed development, including buildings, structures and landscaping, is generally compatible with the adjacent land uses, including the existing Boca Park development. Staff therefore recommends approval of the Site Development Plan Review.

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FINDINGS (ZON-41312)

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 existing General Plan designation for this site is SC (Service Commercial). As the site is proposed to contain uses that most closely align with the purpose of the Service Commercial category, the proposed PD (Planned Development) zoning district conforms to the existing General Plan.

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.

Uses within the proposed PD (Planned Development) District are determined and regulated by the Master Development Plan and Design/Development Standards. The uses proposed therein are compatible with the existing Shopping Center uses to the north and south. The height of structures on the site will be mitigated by continued implementation of previous landscape requirements along the east property line and will therefore be compatible with adjacent residential uses.

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

The subject site is proposed to be rezoned in order to establish a new set of development standards for the subject site. The proposed rezoning is consistent with previously approved rezoning requests along Rampart Boulevard.

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.

Rampart Boulevard and Alta Drive are fully improved and are adequate in size to meet the demand of proposed retail and residential uses within the proposed zoning district. The intersection of Alta Drive and the access road will be improved to align with the Shopping Center to the north and will be signalized.

FINDINGS (SDR-41313)

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 Shopping Center and Multi-Family Residential development is of a comparable scale and design to existing projects to the south, west and north of this site. Adequate buffering is provided from existing residential development to the east.

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 Shopping Center and Multi-Family Residential development is consistent with the General Plan, which currently allows these uses on this site. The applicant has submitted a Master Development Plan and Development Standards pursuant to the requirements of Title 19.06 that is generally consistent with standards contained within the Unified Development Code, as adopted March 16, 2011 and effective May 1, 2011, and is subject to conditions of this approval.

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

The proposed access to the site from Alta Drive will be relocated to align with the access to the shopping center to the north of this site and will be signalized to regulate traffic flow. A traffic study submitted by the applicant indicates that access to the existing Boca Park parking garage will not be compromised by the proposed Shopping Center and Multi-Family Development. Circulation around the site is logical and adequate and will not have a negative impact on traffic.

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

Building materials are appropriate for this area of the city and reflect those used in construction of the shopping center to the north of this site. Landscape materials are acceptable for this area and complement the architectural style of the proposed buildings.

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;

Building elevations complement those of the shopping center development to the north of this site and are compatible with the large-scale projects to the north, south and west. Sufficient buffering is provided from single family detached developments to the east to mitigate the effects of taller buildings.

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

Development will be subject to compliance with the Master Development Plan and Development Standards, as well as other applicable codes for building and licensing; therefore the public health, safety and welfare are safeguarded.

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APPROVALS 1

PROTESTS 1