



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: NOVEMBER 8, 2011

DEPARTMENT: PLANNING

**ITEM DESCRIPTION: APPLICANT: FISHER BROTHERS LAS VEGAS, LLC -
OWNER: FISHER BROTHERS LAS VEGAS, ET AL**

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
GPA-42939	Staff recommends APPROVAL.	
ZON-42940	Staff recommends APPROVAL.	GPA-42939
ZON-42941	Staff recommends APPROVAL.	GPA-42939
VAR-43353	Staff recommends APPROVAL, subject to conditions:	GPA-42939, ZON-42940, ZON-42941
SUP-43355	Staff recommends APPROVAL, subject to conditions:	GPA-42939, ZON-42940, ZON-42941, VAR-43353
SUP-43356	Staff recommends APPROVAL, subject to conditions:	GPA-42939, ZON-42940, ZON-42941, VAR-43353
SDR-43352	Staff recommends APPROVAL, subject to conditions:	GPA-42939, ZON-42940, ZON-42941, VAR-43353, SUP-43355, SUP-43356

**** CONDITIONS ****

VAR-43353 CONDITIONS

Planning

1. Approval of a General Plan Amendment (GPA-42939), two Rezoning (ZON-42940 and ZON-42941) and conformance to the Conditions of Approval for Special Use Permits (SUP-43355 and SUP-43356) and Site Development Plan Review (SDR-43352) shall be required, if approved.

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2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-43355 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Supper Club use.
2. Approval of a General Plan Amendment (GPA-42939), two Rezoning (ZON-42940 and ZON-42941) and conformance to the Conditions of Approval for Variance (VAR-43353), Special Use Permit (SUP-43356) and Site Development Plan Review (SDR-43352) shall be required, if approved.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. 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 Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.

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7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-43356 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Supper Club use.
2. Approval of a General Plan Amendment (GPA-42939), two Rezoning (ZON-42940 and ZON-42941) and conformance to the Conditions of Approval for Variance (VAR-43353), Special Use Permit (SUP-43355) and Site Development Plan Review (SDR-43352) shall be required, if approved.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. 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 Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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SDR-43352 CONDITIONS

Planning

1. Approval of a General Plan Amendment (GPA-42939), two Rezoning (ZON-42940 and ZON-42941) and conformance to the Conditions of Approval for Variance (VAR-43353) and Special Use Permits (SUP-43355 and SUP-43356) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. 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 10/17/11, and building elevations, date stamped 09/22/11, except as amended by conditions herein.
4. Previously approved entitlements for a Mixed Use Development, including Special Use Permit (SUP-3100) and Site Development Plan Review (SDR-3101), shall be expunged upon final approval of this Site Development Plan Review.
5. A Waiver of Title 19.08.100 is hereby approved, to allow a zero-foot perimeter landscape buffer along a portion of Sirius Avenue where a 15-foot buffer is required.
6. An Exception from Title 19.08.040 is hereby approved, to allow no site amenities within the proposed plaza where such amenities are required.
7. 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 10/17/11. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.
8. 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.
9. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
10. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.

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11. A shared access and parking agreement shall be recorded over the site prior to issuance of building permits.
12. 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. The technical landscape plan shall include the following changes from the conceptual landscape plan: Parking lot trees shall include 24-inch Chilean Mesquite within diamond and island planters. Trees and shrubs shall be added at the ends of all parking rows and in all finger islands to comply with the requirements of Title 19.08.110.
13. A solid screen wall in conformance to the requirements of Title 19.08 of at least six feet in height shall be required adjacent to any residential property.
14. 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).
15. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
16. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.08.040.
17. 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.
18. 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.
19. 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.

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20. A Comprehensive Construction Staging Plan shall be submitted to the Department of Planning Department 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.
21. 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.
22. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

23. Grant Pedestrian Access Easements for all proposed public sidewalks not within the existing right-of-way.
24. Remove all substandard sidewalk improvements and unused driveway cuts, including sidewalk ramps 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.
25. Prior to the submittal of construction drawings, meet with the Clark County Water Reclamation Department (CCWRD) to determine requirements for connecting this site to the public sewer system that is maintained by CCWRD. Comply with the recommendations of CCWRD.
26. Landscape and maintain all unimproved rights-of-way 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.

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27. An encroachment for the proposed sidewalk pavers and landscaping in the public right of way as shown on the approved Site Plan is hereby approved and staff is directed to process an encroachment application that is in conformance with this approved Site Plan. The applicant must carry an insurance policy for the term of the encroachment agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove landscaping and private improvements encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's encroachment agreement. The installation and maintenance of all private structures 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.
28. Prior to the issuance of any building permits for this site, meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
29. A Traffic Impact Analysis or other information acceptable to the City Traffic Engineer 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 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. 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. Include a pedestrian access plan with the Traffic Impact Analysis to show the preferred path from the parking lots to the site and determine appropriate pedestrian crossing walk locations.
30. 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site currently contains a variety of commercial uses and a vacant area that is used for commercial outdoor recreation and amusement. A water-themed amusement park is proposed across the site; however, the current land use and zoning designations over most of the site are inappropriate for this use. The applicant is therefore proposing a General Plan Amendment and two Rezoning requests to align these designations with the proposed use. The proposed site contains a General Plan land use designation of C (Commercial) with the exception of a 4.39-acre parcel at the northwest corner of Rancho Drive and Sirius Avenue, which has a SC (Service Commercial) designation. Most of the site is already zoned M (Industrial) in conformance with the LI/R (Light Industry/Research) land use designation; however, a narrow strip of land along the north side of the site is currently zoned P-R (Professional Office and Parking), while a large portion of the south side of the site is zoned C-1 (Limited Commercial). The requested changes to the general plan land use and zoning are appropriate, as the area is primarily industrial and the designations are consistent with those of surrounding properties and the uses they support. If denied, the current land use and zoning designations would remain.

The park will consist of 26 slides and rides, 11 pools, two “rivers” and buildings for various purposes, including retail sales, restaurants with alcohol sales, restrooms, administrative offices and mechanical functions. The proposed layout and design of the amusement park is logical and compatible with adjacent development. Parking is provided north of the park, with most of the spaces to be located north of Sirius Avenue. A parking variance is necessary to allow fewer spaces than are required by Title 19; however, the unusual shape of the land on which the parking is to be located and the unique use relating to the site creates an actual hardship for which a variance can be supported. Two Supper Club uses are proposed in restaurants on the northeast and northwest sides of the amusement park. As these uses can be operated in a manner compatible with the surrounding land uses, staff recommends approval of the Supper Clubs, with conditions. Overall, the site is suitable for the proposed commercial outdoor recreation development, and staff accordingly recommends approval of the Site Development Plan Review, with conditions.

ISSUES

- A General Plan Amendment from C (Commercial) on a portion of the north side of the site and SC (Service Commercial) on the central portion of the site to LI/R (Light Industry/Research) is requested.
- A Rezoning from P-R (Professional Office and Parking) to M (Industrial) is required for consistency with the proposed General Plan amendment to LI/R.

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- A Rezoning from C-1 (Limited Commercial) to M (Industrial) on property located at the northwest corner of Rancho Drive and Desert Inn Road is required for consistency with the proposed General Plan Amendment to LI/R.
- The previous entitlements for a Mixed Use Development on APN 162-08-418-002 will be expunged upon final approval of the proposed Site Development Plan Review (SDR-43352), as this use is not a permitted use in the M (Industrial) District.
- A Variance is required to allow 2,125 parking spaces where 2,488 spaces are required on the site, a 15 percent deviation from Title 19.
- A Waiver of Title 19.08.100 is required to allow a zero-foot perimeter landscape buffer along a portion of Sirius Avenue where a 15-foot buffer is required. Staff recommends approval of the waiver.
- An Exception from Title 19.08.040 is required to allow no site amenities within the proposed plaza where such are required. Staff recommends approval of the exception.
- Remapping is required for lots where proposed buildings would cross property lines.
- Title 19 requires a Special Use Permit for each Supper Club use area within the M (Industrial) zoning district. The site plan indicates that two restaurants are proposed for selling alcohol for consumption in those areas. A Liquor Establishment (Tavern) use is not allowed on the site, as an existing tavern is located within 1,500 feet of the site boundary.
- A Site Development Plan Review for a proposed Commercial Recreation/Amusement (Outdoor) Facility is required for development of a water-based amusement park and parking lot for this use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/16/88	The City Council approved a Rezoning (Z-0068-88) from R-1 (Single Family Residence) to P-R (Professional Offices and Parking) on 1.59 acres adjacent to the west side of Rancho Drive, approximately 350 feet north of Meade Avenue. The Planning Commission and staff recommended approval.
09/14/89	The Planning Commission approved a Plot Plan Review (Z-0057-81 and Z-0068-88) for a proposed office and warehouse building at 2880 Meade Avenue. Staff recommended approval.
09/16/92	The City Council approved a Special Use Permit (U-0168-92) for a 14-foot by 48-foot Off-Premise Sign at 2900 Sirius Avenue, subject to a five-year review. The Board of Zoning Adjustment and staff both recommended approval.
06/15/94	The City Council approved a Variance (V-0058-94) to allow an Off-Premise Sign to be located 600 feet from another Off-Premise Sign where 750 feet is required at 2900 Sirius Avenue. The Board of Zoning Adjustment recommended approval. Staff recommended denial.

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08/16/95	The City Council approved a Rezoning (Z-0052-95) from R-E (Residence Estates) to M (Industrial) and P-R (Professional Offices and Parking) on 2.04 acres at the northwest corner of Rancho Drive and Meade Avenue. The Planning Commission and staff recommended approval.
11/10/97	The City Council approved a Required Review [U-0168-92(1)] of a previously approved Special Use Permit (U-0168-92) for a 14-foot by 48-foot Off-Premise Sign at 2900 Sirius Avenue, subject to another five-year review. The Planning Commission and staff both recommended approval.
02/19/03	The City Council approved a Required Review (RQR-1143) of an approved Special Use Permit (U-0168-92), which allowed a 40-foot tall, 14-foot by 48-foot Off-Premise Sign at 2900 Sirius Avenue, subject to review in five years. The Planning Commission and staff recommended approval.
11/05/03	The City Council approved a General Plan Amendment (GPA-3005) from LI/R (Light Industry/Research) to SC (Service Commercial) on 21.04 acres at the northwest corner of Desert Inn Road and Rancho Drive. The Planning Commission and staff recommended approval.
	The City Council approved a Rezoning (ZON-3007) from M (Industrial) to C-1 (Limited Commercial) on 15.97 acres at the northwest corner of Desert Inn Road and Rancho Drive. The Planning Commission and staff recommended approval.
	The City Council approved a Special Use Permit (SUP-3100) for Multifamily residential units within a C-1 (Limited Commercial) District. The Planning Commission and staff recommended approval. The approval will expire 11/05/12.
11/20/03	The Planning Commission approved a Site Development Plan Review (SDR-3101) for a Mixed Use Residential and Commercial Development on 15.97 acres at the northwest corner of Desert Inn Road and Rancho Drive. Staff recommended approval. The approval will expire 11/05/12.
07/16/04	A Final Map (FMP-4056) of a one-lot commercial subdivision located west of Rancho Drive, between Sirius Avenue and Desert Inn Road was recorded.
11/03/04	The City Council approved a request for a General Plan Amendment (GPA-5097) from LI/R (Light Industry/Research) to SC (Service Commercial) on 5.25 acres at the northwest corner of Rancho Drive and Sirius Avenue. The Planning Commission and staff recommended approval.
	The City Council approved a Rezoning (ZON-5103) from M (Industrial) to C-1 (Limited Commercial) on 5.25 acres at the northwest corner of Rancho Drive and Sirius Avenue. The Planning Commission and staff recommended approval. The approval expired 11/03/07.
	The City Council approved a Special Use Permit (SUP-5107) for a Mixed-Use condominium development at the northwest corner of Rancho Drive and Sirius Avenue. The Planning Commission and staff recommended approval. The approval expired 11/03/07.

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11/03/04	The City Council approved a Site Development Plan Review (SDR-5104) for a proposed 50-story Mixed-Use Condominium Development with 20,000 square feet of retail uses on 5.25 acres at the northwest corner of Rancho Drive and Sirius Avenue. The Planning Commission and staff recommended approval. The approval expired 11/03/07.
06/09/05	The Planning Commission approved a Tentative Map (TMP-6580) for a 703-unit condominium subdivision on 5.32 acres at the northwest corner of Rancho Drive and Sirius Avenue. Staff recommended approval. The Tentative Map expired 06/09/07.
05/17/06	The City Council approved a General Plan Amendment (GPA-9219) to add the subject property to the Las Vegas Redevelopment Area as part of a larger request and designate the area as C (Commercial) with the exception of 5.32 acres at the northwest corner of Rancho Drive and Sirius Avenue. The Planning Commission and staff recommended approval.
05/07/08	The City Council approved a Required Review (RQR-26324) of a previously approved Special Use Permit (U-0168-92) for a 14-foot by 48-foot Off-Premise Sign at 2900 Sirius Avenue, subject to review in three years. The Planning Commission and staff recommended approval.
01/07/09	The City Council approved a Required Review (RQR-30584) of a previously approved Variance (V-0058-94), which allowed an Off-Premise Sign to be located 600 feet from another Off-Premise Sign where 750 feet is the minimum separation allowed at 2900 Sirius Avenue, subject to review in three years. The Planning Commission and staff recommended approval.
01/25/11	The Planning Commission approved a Site Development Plan Review (SDR-40437) for a proposed Commercial Recreation/Amusement (Outdoor) Facility with Waivers of all development and landscape requirements on 9.27 acres at 3012 South Rancho Drive. Staff recommended approval.
07/20/11	The City Council approved a Required Review (RQR-41171) of a previously approved Special Use Permit (U-0168-92) for a 14-foot by 48-foot Off-Premise Sign at 2900 Sirius Avenue, subject to review in three years. The Planning Commission and staff recommended approval.
10/11/11	The Planning Commission held items GPA-42939, ZON-42940 and ZON-42941 in abeyance to the 11/08/11 Planning Commission meeting at the applicant's request, so that additional applications related to those requests could be heard concurrently.

<i>Most Recent Change of Ownership</i>	
09/07/05	A deed was recorded for a change in ownership on APN 162-08-702-002.
11/21/05	A deed was recorded for a change in ownership on APN 162-08-418-002.
12/15/05	A deed was recorded for a change in ownership on APNs 162-08-303-016, 017 and 018; 162-08-701-001, 002, 003 and 162-08-702-001.

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05/16/06	A deed was recorded for a change in ownership on APNs 162-08-603-003 and 162-08-701-007.
07/03/06	A deed was recorded for a change in ownership on APN 162-08-303-033.
08/21/06	A deed was recorded for a change in ownership on APNs 162-08-603-001, 002 and 162-08-701-005.
11/30/06	A deed was recorded for a change in ownership on APNs 162-08-303-015.
12/14/06	A deed was recorded for a change in ownership on APN 162-08-701-008.
07/10/07	A deed was recorded for a change in ownership on APN 162-08-418-003.
07/17/07	A deed was recorded for a change in ownership on APN 162-08-701-004.

<i>Related Building Permits/Business Licenses</i>
There are no relevant building permits or business licenses associated with the proposed development of this site.

<i>Pre-Application Meeting</i>	
07/06/11	A pre-application meeting was held with the applicant to discuss submittal requirements for a General Plan Amendment and two Rezoning applications. It was understood at this meeting that a Site Development Plan Review would be submitted in the future for any proposed redevelopment of the site. Previous entitlements on APN 162-08-418-002 would be expunged if the proposed General Plan Amendment and Rezonings are approved, as the currently approved Mixed Use Development on that site is not a permitted use in the M District.
09/14/11	A pre-application meeting was held with the applicant to discuss submittal requirements for a parking variance, two Special Use Permits for Supper Clubs and a Site Development Plan Review for a proposed water themed amusement park. The key issues discussed included the following: • The Supper Club use was chosen by the applicant as the best alternative to provide alcoholic beverages onsite, as the Tavern use was not allowed due to distance separation issues. Alcohol sales must be affiliated with restaurant areas, as there is no general onsite sales use. • An off-site access and parking agreement will need to be recorded prior to completion of the project. • An exception would be needed for the 36 square-foot diamond planters in the parking lot, unless they are changed to meet Title 19 standards.

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09/14/11	• Provide justification for the reduction in parking using industry standards for water parks. • The existing off-premise signs will remain, including two located within the proposed parking lot. • Remapping of lots encompassing the park area will be required prior to issuance of permits. • Pedestrian access through the parking lot will be accomplished through proposed mid-block crossings and direction of patrons to Rancho Drive. • No Special Use Permit for exceeding the height allowance of the Airport Overlay District is required; however, the applicant will have to demonstrate adequate shielding from existing construction between McCarran Airport and the proposed structure over 140 feet in height.
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Neighborhood Meeting

10/03/11	A neighborhood meeting was held in Salon Room E at the Palace Station Casino, 2411 West Sahara Avenue. Eighteen members of the public, four members of the development team, one member of the City Council staff and one Planning staff member were in attendance. Concerns discussed included the traffic impacts to Rancho Drive, Valley View Boulevard, Sahara Avenue and Sirius Avenue, the proposed hours of operation for the water park and movement between parking lots. Citizens were generally supportive of the proposal, with traffic impacts being the key issue.
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Field Check

09/01/11	A field check was conducted on the subject site. The southern portion of the site is mostly paved but not in use and there are weeds growing in cracks in the asphalt. There are some existing retail and warehouse buildings to the west of the paved area. Some of the walls surrounding the area are topped with razor wire. Two existing off-premise signs are located along Desert Inn Road. The northern portion of the site also contains two off-premise signs facing Rancho Drive and I-15. Other than a mostly undeveloped section currently used for recreational use of heavy machinery, the northern portion contains well-established large office and retail buildings. There are existing single-family residences to the immediate north of the site, separated by a wall and primarily empty landscape buffer.
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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres (GPA-42939)	37.85
Net Acres (ZON-42940)	2.49
Net Acres (ZON-42941)	14.72
Net Acres (VAR-43353, SUP-43355, SUP-43356 and SDR-43352)	39.64

<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	Office, Other Than Listed	C (Commercial)	P-R (Professional Office and Parking)
	Office, Medical or Dental		M (Industrial)
	General Retail Store		
	Social Service Provider		
	Commercial Recreation/Amusement (Outdoor)	SC (Service Commercial)	M (Industrial)
	Off-Premise Sign	C (Commercial)	C-1 (Limited Commercial)
	Vacant (parking area)		
	Off-Premise Sign		
North	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
South	Desert Inn Road Superarterial	ROW (Right-of-Way)	ROW (Right-of-Way)
East	Interstate 15 right-of-way	ROW (Right-of-Way)	ROW (Right-of-Way)
West	General Retail Store	LI/R (Light Industry/Research)	M (Industrial)
	Auto Repair Garage, Major		
	Office, Other Than Listed		

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Master Plan Areas	Yes	No	Compliance
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (140 Feet and 175 Feet)	X		N/A
Trails (Pedestrian Path)	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment	X		Y
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	>100 Feet	Y
Min. Setbacks:			
• Front (Rancho Drive)	10 Feet	15 Feet	Y
• Side	10 Feet (50 Feet along north property line)	12 Feet (50 Feet along N PL)	Y
• Corner	10 Feet	28 Feet	Y
• Rear	0 Feet	5 Feet	Y
Max. Lot Coverage	N/A	16.7 %	N/A
Max. Building Height	N/A	150 Feet	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Within maintenance buildings	Y
Mech. Equipment	Screened	Screened	Y

As the north perimeter of the site is adjacent to existing single-family properties, the project is subject to residential adjacency standards contained in Title 19.08.040. However, as there are no buildings proposed in any proximity to the residential properties, the proposal will be in full compliance with the adjacency standards.

Existing Zoning	Permitted Density	Units Allowed
M (20.64 acres)	N/A	N/A
C-1 (14.72 acres)	N/A	N/A
P-R (2.49 acres)	N/A	N/A

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<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
M	N/A	N/A
<i>General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
C (33.46 acres)	N/A	N/A
SC (4.39 acres)	N/A	N/A
<i>Proposed General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
LI/R	N/A	N/A

Pursuant to Title 19.08, the following standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Buffer Trees:				
• Adjacent to all ROW and non-commercial uses	1 Tree / 20 Linear Feet	340 Trees	349 Trees	Y
• Adjacent to commercial/industrial uses	1 Tree / 30 Linear Feet	65 Trees	100 Trees	Y
TOTAL PERIMETER TREES		405 Trees	449 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	521 (355+166) Trees	432 (312+120) Trees	By condition
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• Adjacent to all ROW	15 Feet		15 Feet	Y
• Interior buffers	8 Feet (0 Feet in rear where not adjacent to ROW)		8 Feet (2 Feet in rear)	Y
Wall Height	6 to 8 Feet Adjacent to Residential		Not Indicated	By condition

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<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Rancho Drive	Secondary Collector	Master Plan of Streets and Highways	51	N
Desert Inn Road	Secondary Collector	Master Plan of Streets and Highways	175	Y
Meade Avenue	N/A	N/A	60	N/A
Sirius Avenue	N/A	N/A	60	N/A
Rigel Avenue	N/A	N/A	60	N/A

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
<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	
Commercial Recreation Amusement (Outdoor) Facility/ Supper Club	Max. capacity 7,466 persons	One space per 3 persons at maximum capacity	2,488				
TOTAL SPACES REQUIRED			2,488		2,125		N
Regular and Handicap Spaces Required			2,445	43	2,082	43	N
Loading Spaces	110,100 SF	3 spaces + 1 per 100,000 SF over 50,000 SF	4		5		Y
Percent Deviation			14.6%				

Waivers		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
19.08.100 M District: Provide a 15-foot perimeter landscape buffer along all rights-of-way	Zero-foot buffer along a portion of Sirius Avenue	Approval

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<i>Exceptions</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
<u>19.08.040(E)(3) Pedestrian Open Spaces and Plazas:</u> Site amenities, including without limitation benches, pergolas, landscaped arbors, artwork and other appropriate landscape features, shall be incorporated into the design of each pedestrian open space/plaza	No amenities provided; provide planters	Approval

ANALYSIS

The proposed development qualifies as a Project of Regional Significance, due to the request for a Special Use Permit within 500 feet of the city's boundary with Clark County. A Development Notice and Assessment was completed by the applicant and sent to various local and regional entities for review and comment. The Metropolitan Police Department noted that the Bolden Area command, which is 5.2 miles from the proposed project, is the nearest service headquarters to the site. The proposed project has the potential to increase the calls for service in the Bolden Area Command if there is insufficient security in the park and parking area. Other agencies that responded to the assessment had no comment.

The site is located in the Airport Overlay District, with a height limitation of 175 feet in the parking areas and 140 feet in the proposed park area. The plans indicate that one of the rides will reach 150 feet in height. Federal Aviation Administration review is not needed unless structural height exceeds 200 feet. Title 19.10.080(E) allows structural height to exceed the height limitations of the Airport Overlay District as long as it can be shown that the structure will be shielded by existing development in such a way that air navigation will not be adversely compromised. The existing tall structures located along the Las Vegas Strip will provide obvious shielding of the proposed water ride from McCarran Airport; verification of shielding may be provided by the Clark County Department of Aviation.

A Pedestrian Path as defined by the Transportation Trails Element of the Las Vegas 2020 Master Plan is required along Rancho Drive adjacent to the properties currently zoned P-R (Professional Office and Parking). The path is part of the right-of-way and is already constructed. No other trail requirements are located adjacent to the site.

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The neighborhood to the west of the proposed site is designated LI/R (Light Industry/Research) by the General Plan and includes compatible development consisting of offices, general retail uses, warehouses, auto repair garages and indoor and outdoor storage. The proposed request to change the land use designation on most of the site to LI/R is therefore appropriate, as this area would maintain consistency in the types of uses permitted and should not have significant impacts on existing residential development to the north of the site.

The proposed Commercial Recreation/Amusement (Outdoor) Facility is a permitted use in the proposed M (Industrial) District. This proposed zoning district would allow for the widest range of uses in the city. These uses would be compatible with those currently existing in the northern portion of the site and on properties to the west. Rezoning to M (Industrial) would allow for uniform zoning across the entire site. If approved, the previously entitled Mixed Use Development on the corner of Desert Inn Road and Rancho Drive will be expunged, as a Mixed Use Development use is not permitted in the M District. Remapping of lots in the proposed parking areas will not be required, but mapping of the park area will be required to ensure that buildings and structures will not cross lot lines. A perpetual shared parking and access agreement will be required for the parking areas, as portions of the site are under separate ownership.

Access to the park site for visitors will be via the parking lots to the north. A vehicle turnout is provided along Sirius Avenue for bus/shuttle/taxi drop off purposes. Four entrances from Rancho Drive and Desert Inn Road are designated for access to maintenance buildings. Parking is calculated at the ratio of one space per three persons the park is designed for at maximum capacity (7,466 persons). This calculation takes into account both the amusement park and Supper Club uses, which are ancillary to the recreational use. About 15 percent fewer parking spaces are provided than the code requires, prompting the Variance request. The applicant has provided an engineer's statement using parking demand information from the Institute of Transportation Engineers (ITE) and studies of similarly designed water amusement parks in other cities to show that reasonable parking demand for this site is far less than the city is requiring and less than is currently proposed. At an average vehicle occupancy of 3.5 to 4.0 persons per vehicle, which is similar to the occupancy observed at other existing water park sites, between 1,866 and 2,128 spaces would be required on the site. The 2,125 proposed spaces are within this range. In addition, the lots themselves have an unusual shape, which restrict the provision of parking spaces as compared to rectilinear city blocks. In light of the unique use of the site and given the difficulties of providing parking on odd-shaped lots that also contain perimeter and parking lot landscaping, staff recommends approval of the Variance with conditions.

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The Supper Club use is defined as “a restaurant and bar operation with alcoholic beverage sales in which:

1. The bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar by minors;
2. The actual seating available at all times within the dining area will accommodate at least one hundred twenty-five persons. For purposes of this requirement, the “dining area” does not include bar stool seating at the bar or lounge seating, but may include table or booth seating within the bar area and table seating within a patio area.
3. Alcoholic beverages are served in the restaurant area only in conjunction with the service of food;
4. Full-course meals are available during all hours the bar area is open to the public;
5. A cook and food server, other than a bartender, are available at all times the bar area is open to the public; and
6. The restaurant operation is the principal portion of the business.”

The applicant indicates that all of these definitional requirements can be met.

The Special Use Permits for Supper Clubs are requested in two restaurant areas: one is located in a 7,500 square-foot restaurant near the park entrance; the other is located in a 3,000 square-foot restaurant at the northwest side of the site near the employee parking lot. Both restaurants include outdoor seating areas where alcohol is intended to be served. The minimum use requirements for Supper Clubs can be met by the proposal, including distance separation requirements from churches, schools, city parks or Child Care Centers. As these uses are not primary uses of the site, but instead are designed to complement the Commercial Recreation/Amusement (Outdoor) use, they should be compatible with the primary use and uses on neighboring properties.

The proposed layout and design of the amusement park is logical and compatible with adjacent development. Pedestrian traffic will move from north to south through the proposed parking areas to the main entrance at Rancho Drive and Sirius Avenue. A mid-block crossing in Rigel Avenue is proposed between Sirius and Meade Avenue. The applicant is encouraging pedestrian traffic to use the sidewalk provided along Rancho Drive to minimize conflicts within the parking area.

Perimeter landscaping is provided along all sides of the site. A Waiver is required along a portion of Sirius Avenue where a bus turnout is planned. As the required 15-foot buffer area is provided at the interior of the site behind the turnout, staff supports the waiver request. Title 19.08 requires and encourages plazas such as the one designed for the corner of Rancho Drive and Sirius Avenue. As the plaza is integrated into the design of the development and is intended to accommodate high pedestrian traffic, perimeter landscaping at the plaza is not required.

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However, an exception is required to allow no amenities other than landscaped planters within the plaza area. As the plaza is intended as a queuing and welcoming area for visitors, these amenities are not practical and staff supports the exception. Parking lot landscaping is deficient throughout the site. Lack of tree plantings at the ends of parking rows and in landscape fingers in the employee parking area accounts for most of the deficiency. A condition of approval will require compliance with Title 19.08 parking lot landscaping requirements.

A Master Sign Plan is required of developments on 15 acres or larger; accordingly, a condition of approval will require approval of a sign plan prior to the issuance of any permit for permanent signage on the site.

As the proposed changes in land use and zoning designation are compatible with adjacent designations and land uses and will result in uniform zoning across the entire site, staff recommends approval of the General Plan Amendment and two Rezonings. The proposed amusement park site is in general compliance with Title 19, is compatible with adjacent development and is appropriate for the area. The two Supper Clubs will be compatible with the integrated design of the amusement park, are not destinations in themselves and will therefore not create additional impact to the area. For these reasons, staff also recommends approval of the Special Use Permits and Site Development Plan Review, with conditions.

FINDINGS (GPA-42939)

Section 19.16.030(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 of the General Plan from C (Commercial) and SC (Service Commercial) to LI/R (Light Industry/Research) is compatible with the LI/R designation of properties to the west. Additionally, although the area has undergone some nominal changes in land use designation, it has not significantly changed from the time when the area was previously designated LI/R.

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

The LI/R (Light Industry/Research) designation would primarily allow for industrial uses, for which most of the proposed site and properties to the west are already compatibly zoned. Rezoning will allow for uniformity of zoning across the entire site.

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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 subject area is located in a well established part of the city that can provide adequate services to the site. Police, fire and other emergency services are located within reasonable distances to the site.

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

The proposed General Plan Amendment is supported by the Las Vegas Redevelopment Plan.

FINDINGS (ZON-42940)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

The proposed rezoning from P-R (Professional Office and Parking) to M (Industrial) on a portion of the overall site will conform to the LI/R (Light Industry/Research) designation proposed as a companion to this application.

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 proposed M (Industrial) district would allow for the widest range of uses in the city. These uses would be compatible with those currently existing directly south of the subject property and on properties to the west. Rezoning to M (Industrial) would allow for uniform zoning across the entire site related to this request.

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

The subject site is part of a larger area intended for redevelopment, which will improve the aesthetics of the neighborhood and attract tourism and commerce to the greater area.

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 subject properties are accessed from Rancho Drive, a 51-foot wide Secondary Collector that will be adequate to meet the requirements of the proposed M (Industrial) District.

FINDINGS (ZON-42941)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1.The proposal conforms to the General Plan.

The proposed rezoning from C-1 (Limited Commercial) to M (Industrial) on a portion of the overall site will conform to the LI/R (Light Industry/Research) designation proposed as a companion to this application.

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 proposed M (Industrial) district would allow for the widest range of uses in the city. These uses would be compatible with those currently existing to the north of the subject property and on properties to the west. Rezoning to M (Industrial) would allow for uniform zoning across the entire site related to this request.

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

The subject site is part of a larger area intended for commercial redevelopment, which will improve the aesthetics of the neighborhood and attract tourism and commerce to the greater area.

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.

Desert Inn Road, rancho Drive and Sirius Avenue all provide adequate access to the subject site, and will meet the needs of any use permitted in the proposed M (Industrial) District.

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FINDINGS (VAR-43353)

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 applicant has demonstrated a hardship related to the unique use of the site as a Commercial Recreation/Amusement (Outdoor) facility that does not typically need as much parking as Title 19 requires, and also because the unusual shape of the parcels proposed to contain parking facilities restricts the amount of parking that can be provided. It has been determined that granting of a Variance would therefore be warranted and not create deleterious impacts on the public good.

FINDINGS (SUP-43355)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed Supper Club use will be located within a restaurant that is part of a larger amusement park facility and will be subject to the same hours of operation as the park. The Supper Club will not have a negative effect on neighboring properties, as it is designed to complement the primary recreational use, which is also harmonious and compatible with surrounding uses.

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2.The subject site is physically suitable for the type and intensity of land use proposed.

The subject site is of sufficient size to accommodate the volume of visitors expected to patronize the proposed Supper Club.

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

The proposed Supper Club use is adequately served by Rancho Drive, Desert Inn Road and Sirius Avenue, and secondarily through the streets serving parking facilities for the proposed water park.

4.Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

The proposed Supper Club will be subject to licensing and inspection, thereby safeguarding the public's health, safety and welfare.

5.The use meets all of the applicable conditions per Title 19.12.

There are no protected uses within 400 feet of the subject site; therefore, the proposed Supper Club demonstrates compliance with Title 19.12.

FINDINGS (SUP-43356)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1.The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.

The proposed Supper Club use will be located within a restaurant that is part of a larger amusement park facility and will be subject to the same hours of operation as the park. The Supper Club will not have a negative effect on neighboring properties, as it is designed to complement the primary recreational use, which is also harmonious and compatible with surrounding uses.

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2.The subject site is physically suitable for the type and intensity of land use proposed.

The subject site is of sufficient size to accommodate the volume of visitors expected to patronize the proposed Supper Club.

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

The proposed Supper Club use is adequately served by Rancho Drive, Desert Inn Road and Sirius Avenue, and secondarily through the streets serving parking facilities for the proposed water park.

4.Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

The proposed Supper Club will be subject to licensing and inspection, thereby safeguarding the public's health, safety and welfare.

5.The use meets all of the applicable conditions per Title 19.12.

There are no protected uses within 400 feet of the subject site; therefore, the proposed Supper Club demonstrates compliance with Title 19.12.

FINDINGS (SDR-43352)

In order to approve a Site Development Plan application, per Title 19.16.100(E) 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 Commercial Recreation/Amusement (Outdoor) facility is a permitted use in the M (Industrial) District and is compatible with the office, general commercial, retail and industrial uses on the adjacent parcels. The buildings and amusement structures will be located far away from adjacent residential properties to the north, where impacts would be most likely to be felt.

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;

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The proposed Commercial Recreation/Amusement (Outdoor) facility will be consistent with the General Plan if a companion amendment is approved. The development is in substantial compliance with Title 19; the requested exception and waiver are supported by staff. The proposed Commercial Recreation/Amusement (Outdoor) facility promotes Goal 1 and specifically Objective 1.3 recognizing the role of tourism and entertainment as a principal focus of Downtown. While not specifically located downtown, the subject project is part of the Las Vegas Redevelopment Area, which extends to Downtown properties.

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

Desert Inn Road, Rancho Drive, Sirius Avenue, Rigel Avenue and Meade Avenue, which all serve the subject site, provide adequate access and should not negatively affect traffic in the area. However, a traffic study to provide detailed evidence will be required prior to the issuance of permits as a condition of approval.

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

Building materials consist of decorative block, tile and EIFS exteriors, with metal trim. These are appropriate materials for this type of project and will be compatible with other development in the area. Chilean Mesquite trees are better suited for parking lot diamonds, and a condition of approval will require replacement of the proposed Pepperwood trees with this species type.

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 architectural designs shown on the submitted elevations reflect innovation and creativity, and their arrangement on the site will create an aesthetically pleasing environment.

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

All development will be subject to permitting and inspection, thereby securing the public health, safety and general welfare.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

NOTICES MAILED 621

APPROVALS 0

PROTESTS 0