



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 14, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: PECO NNN DEVELOPMENT, LLC - OWNER: J R J PROPERTIES

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-48845	Staff recommends APPROVAL, subject to conditions:	SUP-48846, SDR-48846
SUP-48846	Staff recommends APPROVAL, subject to conditions:	
SDR-48844	Staff recommends APPROVAL, subject to conditions:	SUP-48846

** CONDITIONS **

SUP-48845 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Retail Establishment with Accessory Package Liquor Off-Sale use.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-48846) and Site Development Plan Review (SDR-48844) shall be required.
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. 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.

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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 beer and wine coolers shall remain in the original manufacturer's configuration intended for off-sale resale.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-48846 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-48844) shall be required.
2. All handicap parking spaces provided shall meet Title 19.08.110 design requirements.
3. 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.

SDR-48844 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-48846) 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. All development shall be in conformance with the site plan and landscape plans date stamped 04/16/13, and building elevations and floor plans, date stamped 03/28/13, except as amended by conditions herein.
4. A total of 16, 24-inch box trees shall be provided within the south perimeter landscape buffer.
5. The existing cross access agreement shall be re-recorded as a non-revocable cross access agreement prior to any building permits being issued.
6. A Waiver from Title 19.08.040(B)(6) is hereby approved, to allow a commercial building to be oriented away from the front of a corner parcel lot.
7. A Waiver from Title 19.08.080 is hereby approved, to allow a zero-foot wide landscape buffer along the entire north and a portion of the west perimeters.
8. An Exception from Title 19.08.110 is hereby approved, to allow 10 shade trees in the parking lot where a minimum of 21 shade trees are required.
9. 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.
10. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
11. 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
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.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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

Public Works

15. Dedicate additional right-of-way per Clark County Area Standard Drawing #201.1 on the northwest corner of Decatur Boulevard and Sahara Avenue as required by the Department of Public Works prior to the issuance of any building permits for this site unless specifically noted as not required in an approved Traffic Impact Analysis. Construction of the right-turn lane is not required at this time.
16. In accordance with code requirements of Title 13.56, remove all substandard improvements, 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. Any new or modifications to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222.1.
17. Provide a copy of a recorded perpetual irrevocable Joint Access Agreement between the two parcels comprising this site. If a mapping action reconfigures lot lines for this site, that mapping action shall provide necessary perpetual irrevocable Vehicular Access Easements on that recorded map to preserve access to public streets for this site.
18. Obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for all driveways or other private improvements in the West Sahara Avenue public right-of-way adjacent to this site prior to constructing any improvements within NDOT jurisdiction
19. Landscape and maintain all unimproved rights-of-way, if any, adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
20. Submit an Encroachment Agreement for landscaping and private improvements in the Decatur Boulevard public right-of-way adjacent to this site. 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 property 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 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. Coordinate all requirements for the Encroachment Agreement with the Land Development Section of the Department of Building and Safety (229-4836).

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21. 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. 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.
22. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing a 14,820 square-foot Retail Store with an Accessory Packaged Liquor Off-Sale use on a vacant parcel at 2451 South Decatur Boulevard. The applicant is also requesting an Alternative Parking Standard to allow 61 parking spaces where 85 are required. Two Waivers and two Exceptions are also associated with this project. The Accessory Packaged Liquor Off-Sale use is permitted in the C-2 (General Commercial) zone with an approved Special Use Permit. Staff is recommending approval of all three applications, with conditions. If denied, the parcel will remain vacant.

ISSUES

- A Special Use Permit is requested to allow a Retail Establishment with Accessory Package Liquor Off-Sale in a C-2 (General Commercial) zone. Staff supports this request.
- A Special Use Permit is requested for an Alternative Parking Standard to allow 61 parking spaces where 85 are required. Staff supports this request.
- A Waiver is requested to allow a zero-foot landscape buffer along all of the north and a portion of the west perimeters. Staff supports this request.
- A Waiver is requested to allow a commercial building to not be oriented towards the front of the parcel. Staff supports this request.
- An Exception is requested to allow 10 parking lot trees where 21 are required. Staff supports this request.
- An existing revocable cross access agreement with the parcels to the north and west will be required to be recorded as a non-revocable cross access agreement.
- A remapping action will be required prior to building permits being issued.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/21/04	The City Council approved a Site Development Plan Review (SDR-3347) for the proposed remodeling and expansion of an existing Motor Vehicle Sales (New) facility on 9.39 acres adjacent to the northwest corner of Sahara Avenue and Decatur Boulevard. The Planning Commission and staff recommended approval.

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12/13/11	The Planning Commission approved a Site Development Plan Review (SDR-43737) for a proposed motor vehicle sales (new) facility with waivers to allow landscape buffer widths of zero feet along portions of the south and east property lines where 15 feet is required and along the north and west property lines where eight feet is required on 5.40 acres at the northwest corner of Sahara Avenue and Decatur Boulevard. Staff recommended approval.
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<i>Most Recent Change of Ownership</i>	
08/29/03, 02/27/85	Deeds were recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
1970	This site was originally constructed as an automotive dealership.
11/26/01	A Building Permit (#01-20568) was issued for the partial demolition and redevelopment of an automobile dealership at 2333 South Decatur Boulevard. A Certificate of Occupancy was issued on 02/22/02.

<i>Pre-Application Meeting</i>	
03/19/13	Staff met with the applicant and discussed the requirements for the development of a General Retail Store (Drug Store) with accessory liquor sales. Staff also reviewed the options to address the parking shortage. The applicant chose to use the Special Use Permit process for an Alternative Parking Standard. Concern was raised regarding the site circulation, the type of cross access agreement in place and the placement of the building on the site.

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

<i>Field Check</i>	
04/03/13	Staff visited the site and found a vacant parking lot and a vacant building on a clean and maintained property.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	5.31

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Vacant	GC (General Commercial)	C-2 (General Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Unincorporated Clark County – Convenience Store	Unincorporated Clark County - CG (Commercial General)	Unincorporated Clark County - C-2 (General Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Office, Other Than Listed	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Overlay	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Purpose or Overlay Districts	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	103 Feet	Y
Min. Setbacks			
• Front	20 Feet	211 Feet	Y
• Side	10 Feet	20 Feet	Y
• Corner	15 Feet	15 Feet	Y
• Rear	20 Feet	51 Feet	Y
Max. Lot Coverage	50 %	24 %	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	N/A	N/A
Mech. Equipment	Screened	Screened	Y

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Pursuant to Title 19.08, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 30 Linear Feet	14 Trees	0 Trees	N
• South	1 Tree / 20 Linear Feet	16 Trees	14 Trees	N*
• East	1 Tree / 20 Linear Feet	4 Trees	5 Trees	Y
• West	1 Tree / 30 Linear Feet	5 Trees	3 Trees	N
TOTAL PERIMETER TREES		39 Trees	22 Trees	N
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	21 Trees	10 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		0 Feet	N
• South	15 Feet		15 Feet	Y
• East	15 Feet		15 Feet	Y
• West	8 Feet		0 Feet	N

*Will be conditioned to provide 16 trees within the south perimeter landscape buffer.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Sahara Avenue	Primary Arterial	Master Plan of Streets and Highways	150	Y
Decatur Boulevard	Primary Arterial	Master Plan of Streets and Highways	130	Y

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

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail Store, Other Than Listed	14,820 SF	1/175 SF	85				
TOTAL SPACES REQUIRED			85		61		N
Regular and Handicap Spaces Required			81	4	58	3	N
Loading Spaces	14,820 SF	2 up to 20,000 SF	2		0		N
Percent Deviation			29 %				

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<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
To install an 8-foot landscape buffer along the north and west perimeters.	To allow a zero-foot landscape buffer along the north and a portion of the west perimeters.	Approval
To orient a commercial building toward the front of the parcel.	To allow a commercial building to be oriented away from the front of the parcel.	Approval

<i>Exceptions</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
To install 21 shade trees in the parking lot.	To allow 10 parking lot shade trees.	Approval

ANALYSIS

The applicant is proposing to construct a 14,820 square-foot retail building on the northwest corner of Decatur Boulevard and Sahara Avenue to be utilized by a national drug store chain. The applicant is also requesting the ability to sell packed liquor for off-site use to customers. The applicant is aware of and will adhere to the requirement to use no more than ten percent of the floor area for the sell and/or display of liquor.

The building is oriented back from the front of the parcel. The applicant states in the justification letter, "The owner of the property has requested this proposed location based on negotiations with other possible developers/tenants for the remaining portion of their overall site and do not want to restrict the visibility from the north bound traffic along Decatur Boulevard." A Waiver has been requested to address this issue and staff supports the request.

A Waiver has been requested to allow for no landscape buffer along all of the north, and a portion of the west perimeters. This request is needed to allow for driveways to be shared by adjacent parcels under the recorded cross access agreement. Staff supports this request.

An Exception is required as the applicant isn't providing the required landscape fingers. The applicant is providing 10 of the required 21 shade trees. The reduced parking called for in the Alternative Parking Standards has made the parking lot much smaller in size and the adjacent perimeter landscape buffer trees will off-set the reduction called for with this Exception. Staff supports the request.

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The building is designed meeting all code requirements regarding façade enhancements and other embellishments. This particle retailer utilizes a trash compactor incorporated within the building footprint instead of the standard free-standing trash enclosure structure. The overall aesthetic of the building is ultramodern.

The Retail Establishment with Accessory Package Liquor Off-Sale use is defined as “A retail establishment: 1. Whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold; and 2. In which the sale of alcoholic beverages is ancillary to the retail use, and in which no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages. This use includes an establishment that provides on-premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license for that location.” The proposed use meets the definition as the applicant states in their justification letter that the primary use will be as a pharmacy/retail store and that any liquor sold would be for off-site consumption.

The Minimum Special Use Permit Requirements for the proposed Retail Establishment with Accessory Packaged Liquor Off-Site use include:

1. Except as otherwise provided, no retail establishment with accessory package liquor off-sale (hereinafter “establishment”) shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.

The proposed use meets this requirement in that no protected uses are located within 400 feet of the proposed location.

2. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

The proposed use meets this requirement since the site will be subject to regular inspections.

An Alternative Parking Standard-Parking Demand Analysis is a tool applicants can utilize via the Special Use Permit process to make an argument to provide fewer parking spaces than code otherwise would require. The applicant has submitted such an analysis signed and sealed by a professional engineer in the state of Nevada. The staff concurs with this report to allow 61 parking spaces where 85 are required by code and supports this request.

FINDINGS (SUP-48845)

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:

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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 Retail Establishment with Accessory Package Liquor Off-Sale use is compatible with the C (Commercial) General Plan land use designation and the C-2 (General Commercial) zoning district permissible uses, upon the approval of a Special Use Permit. The proposed use can be conducted in a manner harmonious with the surrounding commercial uses.

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

The site is located on the corner of two major Primary Arterial roads and surrounded by other commercial uses, which makes the site suitable for the proposed use.

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 site has direct access from Decatur Boulevard and Sahara Avenue, both designated as Primary Arterial roadways on the Master Plan of Streets and Highways Map. These streets are adequate to serve the proposed use.

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 site will be subjected to regular inspections and will not compromise the public's health, safety, and welfare, or the overall objectives of the General Plan.

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

The proposed use in conjunction with the proposed General Retail Store complies with the Special Use Permit requirements.

FINDINGS (SUP-48846)

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.

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The Alternative Parking Standard is appropriate for the proposed General Retail (Drug Store) use, as the applicant has provided a signed and sealed traffic analysis demonstrating that the proposed type of retail use and the location adjacent to two major mass transit stops requires less parking spaces than otherwise would be the case.

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

The site is suitable for the retail and ancillary uses proposed.

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 site has direct access from Decatur Boulevard and Sahara Avenue, both designated as Primary Arterial roadways on the Master Plan of Streets and Highways Map. These streets are adequate to serve the proposed use.

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 site will be subjected to regular inspections and will not compromise the public's health, safety, and welfare, or the overall objectives of the General Plan.

5.The use meets all of the applicable conditions per Title 19.18.

The proposed Alternative Parking Standard provided has adhered to all the requirements of Title 19.18.

FINDINGS (SDR-48844)

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 General Retail Store and Retail Establishment with Accessory Package Liquor Off-Sale uses are compatible with the C (Commercial) General Plan land use designation and the C-2 (General Commercial) zoning district permissible uses, with the approval of a Special Use Permit. The proposed use can be conducted in a manner harmonious with the surrounding commercial uses.

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2.The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;

The proposed development is consistent with the General Plan and Title 19, with the exception of the requests for Waivers and Exceptions of Title 19. The request for reduced landscaping is necessary to accommodate drive aisles.

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

The site has direct access from Decatur Boulevard and Sahara Avenue, both designated as Primary Arterial roadways on the Master Plan of Streets and Highways Map. These streets are adequate to serve the proposed use. Circulation on the site is assisted by the recorded cross access agreement with the adjacent parcels.

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

The proposed building materials are appropriate for this area and for the City.

5.Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

This project will be harmonious and compatible with surrounding commercial properties, while providing site improvements that will not be unsightly, undesirable, or obnoxious in appearance.

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

The site will be subjected to regular inspections and will not compromise the public's health, safety, and welfare, or the overall objectives of the General Plan.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

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APPROVALS

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PROTESTS

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