



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: AUGUST 12, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: WOLF T.H., LLC - OWNER: JAMES R. MARSH

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
WVR-54398	Staff recommends DENIAL, if approved subject to conditions:	
WVR-54400	Staff recommends DENIAL, if approved subject to conditions:	

** CONDITIONS **

WVR-54398 CONDITIONS

Planning

1. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-50105) 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 19.16. 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 elevation plans, date stamped 06/02/14, and the landscape plan, date stamped 07/08/14 except as amended by conditions herein.
4. A Waiver from the Town Center Development Standards Section (F) is hereby approved, to allow a pylon sign with a 1-foot setback where five feet is the minimum required.
5. A Waiver from the Town Center Development Standards Section (F) is hereby approved, to allow a pylon sign advertising one tenant, in which the tenant does not occupy 20,000 square feet of gross floor area.
6. A Waiver from the Town Center Development Standards Section (F) is hereby approved, to allow a 73-foot tall flag pole where the maximum height allowed is 40 feet.

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7. 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.
8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

WVR-54400 CONDITIONS

Planning

1. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-50105) 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 19.16. 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 elevation plans, date stamped 06/02/14, and the landscape plan, date stamped 07/08/14 except as amended by conditions herein.
4. A Waiver from the Town Center Development Standards Section C is hereby approved to allow 12-foot tall Mexican Fan Palms as street trees along Durango Drive and Deer Springs Way where a minimum of 25-foot tall Mexican Fan Palms are required.
5. A Waiver from the Town Center Development Standards Section C is hereby approved to allow 9 parking lot trees where 10 trees are required.
6. 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. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

Currently, the 1.55-acre subject site is undeveloped at 6775 North Durango Drive. In 2013, the City Council approved a Site Development Plan Review (SDR-50105) for a 3,940 square-foot convenience store (with fuel pumps) and a 1,996 square-foot car wash, full service with a waiver of the Town Center Development Standards to allow the gas station to be oriented away from public right-of-way. The applicant is proposing to amend the original approval by requesting to eliminate one parking lot tree and replace the previously approved Rio Grande Ash street tree species located along Durango Drive and the previously approved 25-foot tall Mexican Fan Palms located along Durango Drive and Deer Springs Way with 12-foot tall Mexican Fan Palms. A Waiver of the Town Center Development Standards is required to eliminate the parking lot tree and replace the required street tree species.

The applicant is also proposing to construct a 24-foot tall pylon sign on property designed to advertise one tenant in which that tenant occupies less than 20,000 square feet of gross floor area. In addition, the applicant is proposing the pylon sign to have a 1-foot setback where five feet is required. The applicant also proposes a 73-foot tall flag pole where 40 feet is the maximum height allowed. A second Waiver application from the Town Center Sign Standards is required for the pylon sign and flag pole.

ISSUES

- A Waiver of the Town Center Development Standards (C)(2)(B) is required to replace the previously approved 36-inch box Rio Grande Ash street trees located along Durango Drive and the 25-foot tall Mexican Fan Palms located along Durango Drive and Deer Springs Way with 12-foot tall Mexican Fan Palms.
- A Waiver of the Town Center Development Standards (C)(2)(B) Streetscape Planting Requirements is required to allow for alternate streetscape planting to consist of a combination of a shade tree or palm tree every 35 feet where one shade tree and two palm trees planted 35 feet on center in an alternating pattern is required.
- A Waiver of the Town Center Development Standards (C)(2)(B) is required to allow 9 parking lot trees where 10 trees are required.
- A Waiver of the Town Center Sign Standards (F)(2)(A) is required to allow a 24-foot tall pylon sign advertising one tenant, in which the tenant does not occupy 20,000 square feet of gross floor area.

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- A Waiver of the Town Center Sign Standards (F)(2)(A) is required to allow the proposed pylon sign to be set back 1-foot from the property line where at least five feet is required.
- A Waiver of the Town Center Sign Standards (F)(2)(D) is required to allow a 73-foot tall flag pole where a maximum height of 40 feet is allowed.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/17/01	The City Council approved a Petition to Annex (A-0003-99) 622.50 acres generally located north of Rome Boulevard and west of El Capitan Way. The annexation became effective on 01/26/01.
10/16/13	The City Council approved a Major Modification (MOD-48831) of the Town Center Land Use Plan to amend the Special Land Use Designation from UC-TC (Urban Center Mixed Use – Town Center) to GC-TC (General Commercial – Town Center) on 3.96 acres at the southwest corner of Deer Springs Way and Durango Drive. Planning Commission recommended approval. Staff recommended denial.
	The City Council approved a Rezoning (ZON-50104) from U (Undeveloped) to TC (Town Center) on 3.96 acres at the southwest corner of Deer Springs Way and Durango Drive. Planning Commission and staff recommended approval.
	The City Council approved a Site Development Plan Review (SDR-50105) for a 3,940 square-foot convenience store (with fuel pumps), a 1,996 square-foot car wash, full service and an associated encroachment agreement into the public right-of-way, with a waiver of the Town Center Development Standards to allow the gas station to be located away from public right-of-way on 1.50 acres at the southwest corner of Deer Springs Way and Durango Drive. Planning Commission recommended approval. Staff recommended denial.
	The City Council approved a Special Use Permit (SUP-50107) for a Convenience Store (with fuel pumps) at the southwest corner of Deer Springs Way and Durango Drive. Planning Commission recommended approval. Staff recommended denial.
	The City Council approved a Special Use Permit (SUP-50109) for a Beer/Wine/Cooler Off-Sale Establishment at the southwest corner of Deer Springs Way and Durango Drive. Planning Commission recommended approval. Staff recommended denial.
	The City Council approved a Special Use Permit (SUP-50110) for a LPG installation at the southwest corner of Deer Springs Way and Durango Drive. Planning Commission recommended approval. Staff recommended denial.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
	The City Council approved a Special Use Permit (SUP-50111) for a gaming establishment, restricted use at the southwest corner of Deer Springs Way and Durango Drive. Planning Commission recommended approval. Staff recommended denial.
01/02/14	Staff administratively approved a two-lot Parcel Map (PMP-52372) on 3.98 acres at the southwest corner of Deer Springs Way and Durango Drive. The Parcel Map was recorded on 04/08/14.
02/19/14	The City Council approved a Petition to Vacate (VAC-50106) a 1,300 square-foot section of public right-of-way (an existing bus turn out) generally located along the west side of Durango Drive, approximately 100 feet south of Deer Springs Way. Planning Commission and staff recommended approval.

<i>Most Recent Change of Ownership</i>	
10/10/97	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
02/28/13	A code enforcement citation (#125533) was issued for political signs at the subject property. The citation was resolved on 03/05/13.
05/21/14	A building permit (#254641) was issued for the convenience store building at 6775 North Durango Drive. The permit has not received a final inspection.
05/21/14	A building permit (#254648) was issued for the car wash building at 6775 North Durango Drive. The permit has not received a final inspection.
05/21/14	A building permit (#258067) was issued for onsite hardscapes at 6775 North Durango Drive. The permit has not received a final inspection.
06/30/14	A building permit (#256083) was issued for a fuel canopy at 6775 North Durango Drive. The permit has not received a final inspection.

<i>Pre-Application Meeting</i>	
03/24/14	Staff conducted a pre-application meeting with the representative to discuss proposed changes to the previously approved Site Development Plan Review (SDR-50105). The applicant proposed a reduction in required parking lot landscaping, a replacement of street tree species, the installation a 24-foot tall pylon sign and a 73-foot tall flag pole. Staff concluded that a Waiver application would be required for the proposed landscaping changes and an additional Waiver would be required for the pylon sign and flag pole.

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

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Field Check	
07/03/14	Staff conducted a routine field check of the subject site and noted an undeveloped parcel free of trash or debris.

Details of Application Request	
Site Area	
Gross Acres	1.55

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	GC-TC (General Commercial – Town Center)	T-C (Town Center)
North	General Retail	GC-TC (General Commercial – Town Center)	T-C (Town Center)
South	Undeveloped	GC-TC (General Commercial – Town Center)	T-C (Town Center)
East	General Retail	UC-TC (Urban Center Mixed Use – Town Center)	T-C (Town Center)
West	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center)	U (Undeveloped)

Master Plan Areas	Compliance
Town Center Master Plan	N
Special Purpose and Overlay Districts	Compliance
T-C (Town Center) District	N
Other Plans or Special Requirements	Compliance
Trails	Y
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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DEVELOPMENT STANDARDS

Pursuant to the Town Center Development Standards Manual, the following standards apply:

Standard	Approved (SDR-50105)	Provided	Compliance
Min. Lot Size	172,498 SF	172,498 SF	Y
Min. Lot Width	265 Feet	265 Feet	Y
Min. Setbacks • Front (Durango) • Side • Corner • Rear	79 Feet 10 Feet 40 Feet 41 Feet	79 Feet 10 Feet 40 Feet 41 Feet	Y Y Y Y
Max. Lot Coverage	7 %	7 %	Y
Max. Building Height	1 Story/22 Feet	1 Story/22 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Parapet screened	Y

Pursuant to Title 19.08 and the Town Center Development Standards Manual, the following standards apply:

Landscaping and Open Space Standards				
Standards	Approved (SDR-50105)		Provided	Compliance
	Ratio	Trees		
Buffer Trees: • North • South • East • West	N/A N/A N/A N/A	1 Trees 3 Trees 0 Trees 0 Trees	1 Trees 6 Trees 0 Trees 0 Trees	Y Y Y Y
TOTAL PERIMETER TREES		4 Trees	7 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	10 Trees	9 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width • North • South • East • West	Approved (SDR-50105) 15 Feet 10 Feet 10 Feet 0 Feet		15 Feet 10 Feet 10 Feet 0 Feet	Y Y Y Y
Wall Height	Not Required		No Walls proposed	N/A

<i>Open Space – Town Center</i>						
<i>Total Acreage</i>	<i>Density</i>	<i>Approved (SDR-50105)</i>		<i>Provided</i>		<i>Compliance</i>
		<i>Percent</i>	<i>Area</i>	<i>Percent</i>	<i>Area</i>	
65,527 SF	N/A	20%	13,364 SF	20%	13,364 SF	Y

<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>
Durango Drive	Town Center Parkway	Town Center Development Standards	130	Y
	Parkway Arterial	Master Plan of Streets and Highways		
Deer Springs Way	Town Center Arterial	Town Center Development Standards	45	N
	Major Collector	Master Plan of Streets and Highways		

<i>Streetscape Standards</i>	<i>Required</i>	<i>Approved (SDR-50105)</i>	<i>Proposed</i>	<i>Compliance</i>
Town Center Parkway (Durango Drive)	9.5-foot sidewalk	9.5-foot sidewalk	9.5-foot sidewalk	Y
	5-foot amenity zone	5-foot amenity zone	5-foot amenity zone	Y
	36-inch box Rio Grande Ash alternating with 25' BTH Mexican Fan palm tree pairs at 35-foot intervals	36-inch box Rio Grande Ash alternating with 25' BTH Mexican Fan palm tree pairs at 35-foot intervals	12-foot tall Mexican Fan Palm at 35-foot intervals	N
	Scored sidewalk/scroll pattern	Scored sidewalk/scroll pattern	Scored sidewalk/scroll pattern indicated	Y
Town Center Arterial (Deer Springs Way)	9.5-foot sidewalk	5-foot sidewalk	5-foot sidewalk	Y
	5-foot amenity zone	3-foot amenity zone	3-foot amenity zone	Y
	36-inch box Rio Grande Ash or 25-foot tall Mexican Fan Palm	36-inch box Rio Grande Ash at 30-foot intervals	Alternating 36-inch box Rio Grande Ash and 12-foot tall Mexican Fan Palm at 30-foot intervals	N
	Scored sidewalk/scroll pattern	Scored sidewalk/scroll pattern indicated	Scored sidewalk/scroll pattern indicated	Y

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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	
Convenience Store	3,940 SF	1 space per 175 SF GFA	23				
Car Wash, Full Service	1,996 SF	1 space per 150 SF GFA	14				
TOTAL SPACES REQUIRED			37			37	
Regular and Handicap Spaces Required			35	2	35	2	Y
Loading Spaces	5,936 SF	Less than 10,000 SF	1		1		Y

Pylon Sign: (Town Center Development Standards)			
Standards	Allowed	Provided	Compliance
Maximum Number	1 per street frontage	1 sign	Y
Maximum Height	24 Feet	24 Feet	Y
Minimum Setback	5 Feet	1-Foot	N
Illumination	Illumination Permissible	Illuminated	Y
Minimum GFA	Advertises at least one tenant who occupies 20,000 square feet or greater of GFA	5,936 SF	N

Flag Pole: (Town Center Development Standards)			
Standards	Allowed	Provided	Compliance
Maximum Number	1 flag per parcel of land	1 Flag	Y
Maximum Height	40 Feet	73 Feet	N

Waivers		
Requirement	Request	Staff Recommendation
Town Center Development Standards (C)(2)(B), 25' tall Mexican Fan Palms or 36-inch box Rio Grande Ash	12-foot tall Mexican Fan Palms	Denial

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<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
Town Center Development Standards (C)(2)(B), 1 parking lot tree for every 6 parking spaces.	To allow 9 parking lot trees where ten trees are required	Denial
Town Center Sign Standards (F)(2)(A), pylon signs advertising one tenant must be located on property in which the tenant occupies at least 20,000 SF of GFA.	To allow the tenant to occupy 5,936 SF where a minimum of 20,000 SF is required.	Denial
Town Center Sign Standards (F)(2)(A), 5-foot minimum setback for pylon signs.	To allow a 1-foot setback where at least five feet is required.	Denial
Town Center Sign Standards (F)(2)(D), a government flag cannot be flown from a pole of which is more than 40 feet in height.	To allow a 73-foot tall flag pole where 40 feet is the maximum height allowed.	Denial

ANALYSIS

Development on this site is subject to the Town Center Development Standards. Currently, the 1.55-acre subject site is undeveloped at 6775 North Durango Drive. In 2013, the City Council approved a Site Development Plan Review (SDR-50105) for a 3,940 square-foot convenience store (with fuel pumps) and a 1,996 square-foot car wash, full service with a waiver of the Town Center Development Standards to allow the gas station to be oriented away from public right-of-way.

The applicant is currently proposing to amend the original Site Development Plan Review (SDR-50105) by requesting landscaping alterations. Specifically, the applicant proposes to eliminate one parking lot tree from the original approval. According to the submitted justification letter, the removal of the tree was necessary to facilitate a request made by the city of Las Vegas Fire Department to relocate the previously approved propane facility. The propane facility would relocate to the northeast corner of the subject site and would maintain its minimum distance separation of 330 feet from any single-family residential dwelling. In an effort to mitigate the loss of one parking lot tree, the applicant has proposed an additional three 36-inch Rio Grande Ash trees adjacent to the previously approved car wash building. As a result, the overall site would gain an additional two trees from the original approval.

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In addition, the applicant is proposing to replace the previously approved street tree species along Durango Drive and Deer Springs Way. Previously, a combination of 36-inch box Rio Grande Ash and 25-foot tall Mexican Fan Palms were to be planted along Deer Springs Way and Durango Drive. The applicant is requesting to eliminate both the 36-inch box Rio Grande Ash trees and 25-foot tall Mexican Fan Palms along Durango Drive and replace them with 12-foot tall Mexican Fan Palms. In addition, the applicant is requesting to replace the 25-foot tall Mexican Fan Palms along Deer Springs Way with 12-foot tall Mexican Fan Palms. The previously approved 36-inch box Rio Grande Ash trees along Deer Springs Way would remain.

According to the Town Center Landscaping Standards found in section (C)(2)(B), the Mexican Fan Palms are a permissible species for use as street trees, however, the section requires that the Mexican Fan Palms be at least 25 feet in height. A Waiver of the Town Center Landscape Standards is required to eliminate the parking lot tree and replace the street tree species. Staff cannot support the requested Waiver, as the applicant's justification letter omits any validation for proposing 12-foot tall Mexican Fan Palms rather than 25-foot tall Mexican Fan Palms.

Furthermore, the previously approved landscape plan, which was in compliance with Town Center Standards, was also in compliance with the Crime Prevention Through Environmental Design (CPTED) program. This design program is defined as "the proper design and effective use of the built environment that can lead to a reduction in the fear and incidence of crime and an improvement in the quality of life". The program goals are to reduce opportunities for crime that may be inherent in the design of structures or in the design of neighborhoods. The program includes the use of four overlapping strategies; access control, natural surveillance, territorial reinforcement and maintenance. The previously approved landscape plan (SDR-50105), was in compliance with these four strategies. Specifically, the natural surveillance strategy uses the design of an area so as to allow increased visibility in an effort to increase the chances that a crime could be witnessed and reported. The strategy details trimming bushes that are lower than 42 inches in height and trees that are taller than seven feet in height to increase visibility, however the program does not stipulate the removal or replacement of tree species as a method to do so.

The applicant is also proposing to construct a 24-foot tall pylon sign at the northeast corner of the subject site. The proposed pylon sign does not conform to all minimum requirements as outlined in the Town Center Sign Standards Section (F)(2)(A). According to the submitted elevation plans, the pylon sign would only advertise one tenant. Pylon signs advertising only one tenant are permissible in the GC-TC (General Commercial – Town Center) special land use designation, however, that tenant must occupy a minimum of 20,000 square feet of gross floor area. According to the submitted site plan, the applicant only occupies 5,936 square feet of gross floor area. The applicant states in the submitted justification letter that the remaining undeveloped future commercial property is not ready for development, thus the pylon sign would

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only be utilized by the single user. However, the submitted elevation plans illustrate that the pylon sign is to be utilized to advertise gasoline prices, leaving no available space for any future tenants at any time. Any additional future tenants would be forced to construct a second pylon sign and possibly seek the same Waiver request. Staff cannot support the request, as it would hinder future development options.

In addition, all pylon signs are required to be set back five feet from any property line. The applicant is proposing a 1-foot setback from the property line at the northeast corner of the subject site. Staff cannot support the setback request, as shifting the proposed pylon sign to the south would allow compliance with the five-foot setback requirement.

The applicant is also proposing a 73-foot tall flag pole to be located 24 feet east of the previously approved car wash building. According to the submitted elevation plans, the proposed 73-foot tall flag pole would fly a 600 square-foot official American flag. The proposed flag pole does not conform to the minimum requirements as outlined by the Town Center Sign Standards Section (F)(2)(D). According to Section (F)(2)(D), official flags of governments shall not be flown from a pole, the top of which is more than 40 feet in height. According to the applicant's justification letter, the applicant is seeking a waiver to allow the additional 33 feet in height so the flag is visible from Interstate 215. Staff cannot support the request, as the subject site is not in close proximity to the elevated right-of-way, which is approximately 850 feet south of the subject site.

FINDINGS (WVR-54398)

The Town Center Development Standards Section (F), specifically outlines the minimum requirements for both a pylon sign and flag pole. The proposal to construct the pylon sign one-foot from the property line and construct a flag pole 33-feet above the maximum height allowed is preferential in nature. The applicant fails to substantiate either request. In addition, the request to allow a pylon sign to be utilized by one tenant, in which the tenant does not occupy at least 20,000 square feet of gross floor area, would severely hinder any future commercial development on the commercial subdivision with plans to utilize a pylon sign. This proposal does not meet the minimum requirements as outlined by the Town Center Development Standards and the applicant fails to adequately justify the requests; therefore, staff recommends denial.

FINDINGS (WVR-54400)

The Town Center Development Standards Section (C), require landscaping standards that the applicant could install without the need for Waivers. The elimination of the parking lot tree could be avoided with minor site design adjustments. In addition, the applicant failed to provide any type of validation in the justification letter to substantiate the request to replace 36-inch Rio

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Grande Ash and 25-foot tall Mexican Fan Palms with 12-foot tall Mexican Fan Palms. This project does not meet the minimum requirements as outlined by the Town Center Development Standards; therefore, staff recommends denial.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

NOTICES MAILED 310

APPROVALS 1

PROTESTS 0