



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: NOVEMBER 4, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: BRENTWOOD CAPITAL PARTNERS - OWNER: JAMES R MARSH

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
MOD-55735	Staff recommends DENIAL.	
SDR-55737	Staff recommends DENIAL, if approved subject to conditions:	MOD-55735

** CONDITIONS **

SDR-55737 CONDITIONS

Planning

1. Approval of a Major Modification (MOD-55735) 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 building elevations, date stamped 10/07/14, and the landscape plan date stamped 10/22/14, except as amended by conditions herein.
4. The donation drop-off lanes shall only be operational during normal business hours.
5. A Waiver from the Town Center Development Standards Manual is hereby approved, to allow zero percent of the proposed retail building to be built at the setback lines where 60 percent is required.
6. An Exception from Title 19.08.040(E) is hereby approved, to allow an internal trash collection facility in lieu of a screened trash enclosure on the property.

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. 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:

Provide eight additional 24-inch box shade trees in the parking area for a total of 21 parking lot trees. Three additional islands shall also be provided.
10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. Grant pedestrian access easements for all public sidewalks located outside of the public right-of-way on Echelon Point Drive and Durango Drive, if any, prior to the issuance of any building permits.
13. Construct half-street improvements on Durango Drive and Echelon Point Drive meeting Town Center Development Standards adjacent to this site, concurrent with development. 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.
14. Per condition #15 of SDR-50105, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on site with a handicap ramp.
15. Per condition #16 of SDR-50105, extend public sewer in Echelon Point Drive from Durango Drive to the western edge of this site at a size, depth and location acceptable to the Collection System Planning section of the Department of Public Works. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer

system have been granted to the City.

16. 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.
17. Submit an Encroachment Agreement for landscaping and private improvements in the Echelon Point Drive and Durango Drive public rights of way prior to the issuance of permits for these improvements. 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).
18. 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.
19. Site development to comply with all applicable conditions of approval for SDR-50105 and all other applicable site-related actions.

Staff Report Page One**November 4, 2014 - Planning Commission Meeting****** STAFF REPORT ******PROJECT DESCRIPTION**

The applicant is requesting to construct a new 17,158 square-foot Thrift Shop on the subject property. The Thrift Shop use was previously only permitted as a conditional use in the EC-TC (Employment Center Mixed Use - Town Center) District; however, no parcel in Town Center is designated EC-TC at this time. The district was phased out of the Town Center land Use Plan, and all related development standards were removed from the Town Center Development Standards Manual in March 2014. The applicant is applying for a Major Modification to designate this site as EC-TC in order to accommodate the Thrift Shop use, which is not otherwise permitted in Town Center. The EC-TC designation was originally envisioned to be located at the periphery of Town Center along U.S. 95 and is not compatible with the surrounding land uses at the proposed location. Thus, staff recommends denial of the requested modification to the Town Center land use plan. Further, the project is designed so that the building is situated at the rear of the property with parking in the front, contrary to Town Center Development Standards. Staff does not support the requested waiver and therefore recommends denial of the Site Development Plan Review, with conditions if approved.

ISSUES

- Before a modification of the land use plan can be approved and finalized, an ordinance must first be adopted reestablishing the EC-TC District and its standards. A Text Amendment (TXT -54143) was approved by the Planning Commission on 07/08/14 and the resulting bill (2014-58) was adopted at the 10/01/14 City Council meeting.
- A Waiver of the Town Center Development Standards is requested to allow zero percent of the proposed retail building to be built at the setback lines in the Town Center Urban Zone where 60 percent is required.
- No trash enclosure is proposed, as refuse would be stored in an interior collection area at the rear of the building, and then sent daily to an offsite Goodwill distribution center for processing, either as trash or recyclables. Title 19.08.040(E) requires screened dumpsters and trash collection areas of sufficient size and number to meet the needs of the development. Staff does not support an exception to this requirement, as the proposed arrangement will then require any future tenant of the building to transport its refuse away from the building or build its own screened trash facilities on site for customary pick-up.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/03/13	

MOD-55735 and SDR-55737 [PRJ-54989]

	The City Council approved a Major Modification (MOD-47016) to change the Town Center special land use designation from EC-TC (Employment Center Mixed Use - Town Center) to ML-TC (Medium-Low Density Residential - Town Center) on 36.36 acres at the northeast corner of Gilcrease Avenue and Fort Apache Road. This was the last conglomeration of property to have this designation. Planning Commission and staff recommended approval.
10/16/13	The City Council approved a request for 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. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a request for a Rezoning (ZON-50104) from U (Undeveloped) [TC (Town Center) General Plan designation] to T-C (Town Center) on 3.96 acres at the southwest corner of Deer Springs Way and Durango Drive. The Planning Commission and staff recommended approval.
	The City Council approved a Site Development Plan Review (SDR-50105) for a proposed 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 rights-of-way on 1.50 acres at the southwest corner of Deer Springs Way and Durango Drive. The Planning Commission recommended approval; staff recommended denial.
02/19/14	The City Council approved a Petition to Vacate (VAC-50106) a portion of Durango Drive containing an existing bus turnout. The Planning Commission and staff recommended approval. An Order of Vacation has not been recorded.
03/19/14	Ordinance #6307 was adopted by City Council. This ordinance readopted the Town Center Development Standards Manual and included the removal of standards and permitted uses for the EC-TC (Employment Center Mixed Use – Town Center) District.
04/08/14	A two-lot parcel map (PMP-52372) on 3.98 acres at the southwest corner of Deer Springs Way and Durango Drive was recorded in Parcel Map File 119 Page 59.
07/08/14	The Planning Commission recommended approval of a Text Amendment (TXT-54143) to amend the Town Center Development Standards to reintroduce the EC-TC (Employment Center Mixed Use – Town Center) District. The amendment was forwarded to the City Council in ordinance form.
10/01/14	The City Council adopted Bill 2014-58 to amend the Town Center Development Standards to reintroduce the EC-TC (Employment Center Mixed Use – Town Center) District.

Most Recent Change of Ownership

10/10/97	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

There are no permits or licenses related to this site.
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Pre-Application Meeting

07/09/14	Submittal requirements for development of a Thrift Shop in Town Center were discussed. Prior to submittal for a Major Modification of the Town Center Land Use Plan, a city ordinance to add the EC-TC (Employment Center Mixed Use – Town Center) land use designation and standards would need to be adopted. A neighborhood meeting would also be required. Staff determined that the drop-off lane would not require a Special Use Permit, as the Town Center Development Standards do not recognize a Drive-Through as a separate use. The applicant explained that in lieu of a trash enclosure, the Thrift Shop would collect and transport its own trash from the property. An exception from Title 19 would be required in this situation.
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Neighborhood Meeting

10/09/14	A neighborhood meeting to discuss the project and land use change was held at the Centennial Hills Community Center YMCA, 6601 North Buffalo Drive, Las Vegas, NV 89131. There were five members of the public, four members of the development team, one member of the Council Office, and one member of Planning staff in attendance. The development team gave a presentation of the project that included renderings of the proposed building. Concerns were raised about how donations would be handled and what impact the right turns into the site would have on traffic on Durango Drive. The public in attendance had no objection to the project if the concerns were addressed.
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Field Check

08/28/14	The subject site is undeveloped and free of trash and debris.
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Details of Application Request***Site Area***

Net Acres	1.89
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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12/TCDS</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Undeveloped	GC-TC (General Commercial – Town Center)	T-C (Town Center)
North	Undeveloped (approved Convenience Store with Fuel Pumps and Car Wash, Full Service)	GC-TC (General Commercial – Town Center)	T-C (Town Center)
South	Undeveloped	UC-TC (Urban Center Mixed Use – Town	U (Undeveloped)

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		Center)	
East	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center)	T-C (Town Center)
West	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center)	U (Undeveloped)

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

DEVELOPMENT STANDARDS

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

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	82,328 SF	N/A
Min. Lot Width	N/A	299 Feet (avg)	N/A
Min. Setbacks			
• Front	15 Feet	120 Feet	Y
• Side	10 Feet	73 Feet	Y
• Corner	15 Feet	86 Feet	Y
• Rear	20 Feet	20 Feet	Y
Max. Lot Coverage	N/A	21 %	N/A
Build-to line percentage (TC Urban Zone)	60%	0%	N
Max. Building Height (TC Urban Zone)	7 stories	1 story/29.5 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Interior Refuse Collection/Recycling	N
Mech. Equipment	Screened	Parapet screened	Y

Pursuant to Title 19.08 and the Town Center Development Standards Manual, 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:	N/A	N/A	0 Trees	N/A

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• North • South • East • West	N/A N/A N/A	N/A N/A N/A	7 Trees 11 Trees 7 Trees	N/A N/A N/A
TOTAL PERIMETER TREES		N/A	25 Trees	N/A
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	21 Trees	13 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North • South • East • West	N/A 15 Feet 15 Feet N/A		0 Feet 15 Feet 10 Feet 20 Feet	N/A Y Y* N/A
Wall Height	Not required		Not Indicated	N/A

*The reduced buffer width is to accommodate a new bus turnout, which is permitted.

<i>Open Space – Town Center</i>						
<i>Total Acreage</i>	<i>Density</i>	<i>Provided</i>		<i>Provided</i>		<i>Compliance</i>
		<i>Percent</i>	<i>Area</i>	<i>Percent</i>	<i>Area</i>	
82,328 SF	N/A	20%	16,466 SF	20 %	16,500 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 Manual	130	Y
	Parkway Arterial	Master Plan of Streets and Highways Map		
Echelon Point Drive	Town Center Collector	Town Center Development Standards Manual	40	N

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Town Center Parkway (Durango Drive)	9.5' sidewalk	9.5' sidewalk	Y
	5' amenity zone	5' amenity zone	Y
	36" box shade trees alternating with 25' BTH Mexican fan palm tree pairs at 35' intervals	36" box Rio Grande Ash 25' BTH Mexican Fan Palm pairs at 35' intervals	Y
	Amenity zone and sidewalk treatment	Per TCDS	Y
	7' sidewalk	7' sidewalk	Y
	5' amenity zone	5' amenity zone	Y

MOD-55735 and SDR-55737 [PRJ-54989]

Town Center Collector (Echelon Point Drive)	36" box shade trees and flowering trees at 30' intervals	Alternating 36" box Rio Grande Ash and Purple Robe Locust at 30' intervals	Y
	Amenity zone and sidewalk treatment	Per TCDS	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	
Thrift Shop	17,158 SF	1 space/ 250 SF GFA	69				
TOTAL SPACES REQUIRED			69		83		Y
Regular and Handicap Spaces Required			69	3	80	4	Y
Loading Spaces	17,158 SF	Range: 10,000-29,999 SF	2		3		Y

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
TCDS C.1.C: 60% Build-To Line in Town Center Urban Zone (remaining 40% plaza)	0% of the building at the setback lines; parking in front of building	Denial

<i>Exceptions</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
19.08.040(E): Trash collection areas of sufficient size and number shall be provided to meet the needs of the development. Such areas shall be properly screened.	Provide interior trash collection area at rear of building in lieu of trash enclosure	Denial

ANALYSIS

The EC-TC (Employment Center Mixed Use –Town Center) designation was established in 1998 with the adoption of the Town Center Land Use Plan. It was intended to provide areas for low-impact light manufacturing and high density residential uses that would not otherwise be located in a central business district. Properties designated EC-TC were originally located at the northern periphery of Town Center along U.S. 95, where their impact on surrounding properties would be

minimal. Over time, the development pattern in this area changed and the EC-TC District was phased out by March 2014. The area along Durango Drive proposed for change in designation from SC-TC (Service Commercial – Town Center) to EC-TC is well established as a high traffic retail corridor. There is no need to establish more intense uses in this area, as the development pattern envisioned by the Town Center Land Use Plan has already been implemented. Therefore, modification of the land use plan for the purpose of allowing a Thrift Store is unwarranted and not supported by staff. The property is on a boundary separating General Commercial uses from a more restrictive commercial area that allows some higher density residential uses (Urban Center Mixed Use); introduction of a more intense land use category that could include Thrift Store is not compatible with the existing and surrounding land uses.

Site development is subject to the requirements of the Town Center Development Standards Manual as amended by Ordinance 6359, which reintroduced standards for the EC-TC District. “Thrift Shop” is a conditional use; it must comply with all Title 6 requirements and have no outdoor sales, display or storage, or a special use permit would be required. Where the Town Center Development Standards are silent, Title 19 applies.

Access will be from both Echelon Point Drive and Durango Drive south of the new bus turnout location. Ingress and egress on Durango Drive must be right-in, right-out only, as no median cuts are permitted in this location. The parcel map that created the lot (File 159 Page 59) allows intersite access between the subject parcel and the parcel to the north.

A covered customer drop-off area (no window proposed) is proposed on the north side of the building to be in operation only during business hours. Stacking space for six vehicles in two separate lanes is provided. No special use permit is required as there is no “Drive-Through” use associated with a retail store in Town Center.

A single-story structure is proposed with a stucco and glass storefront with awnings at the entrance. The average height of the sloped portion of the roof is 29 feet, which allows for a tube steel architectural feature near the roof and clerestory windows on the non-storefront sides of the building. Approximately 65 percent of the floor space is devoted to retail sales. The remainder of the building contains a loading area, warehouse and administrative offices.

The objective of the Town Center requirements in this area is to encourage developments at a similar scale to small downtowns, which place the buildings at the street, create interest for the pedestrian and de-emphasize auto usage by placing parking areas to the rear of the building. The proposed development’s design does not promote this objective. Parking is situated on the east side of the building adjacent to Durango Drive, but this site configuration is unnecessary. Crime Prevention Through Environmental Design (CPTED) methods emphasize development designs that deter criminal activity. The CPTED natural surveillance strategy can easily be effective with the building at the setback lines, as the standards allow for a plaza area at the corner where citizens and law enforcement can maintain “eyes on the street.” However, the applicant is requesting a waiver from the build-to line and plaza standard using the same rationale. Staff supports Town Center land use policies and therefore recommends denial of the waiver.

The site complies with all Town Center street section and streetscape requirements. Eight shade trees and three planter islands are missing from the parking area and can be provided without a significant reduction in parking provided. A condition has been added to provide the necessary trees and islands for shading, cooling and aesthetic purposes.

No trash enclosure is proposed, as refuse would be stored in an eight-foot by eight-foot interior collection area at the rear of the building, and then sent daily to an offsite Goodwill distribution center for processing, either as trash or recyclables. Title 19.08.040(E) requires screened dumpsters and trash collection areas of sufficient size and number to meet the needs of the development. Staff does not support an exception to this requirement, as the proposed arrangement will then require any future tenant of the building to transport its refuse away from the building or build its own screened trash facilities on site for customary pick-up.

FINDINGS (MOD-55735)

The EC-TC designation was originally envisioned to be located at the periphery of Town Center along U.S. 95 and is not compatible with the surrounding land uses at the proposed location. Thus, staff recommends denial of the requested modification to the Town Center land use plan.

FINDINGS (SDR-55737)

In order to approve a Site Development Plan Review 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 Thrift Store would be located near a freeway interchange and major intersection within the Town Center. However, a Thrift Store is only permitted in the EC-TC (Employment Center Mixed Use – Town Center) District, which may contain uses that are incompatible with the existing retail and office uses in the area.

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;

Ordinance 6359 reintroduced the EC-TC District and development standards within the Town Center Development Standards Manual, which makes these requests possible. The development is inconsistent with the objective and requirements of the Town Center Urban Zone, which is intended to create a dense, walkable urban area similar to a downtown.

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

Access to the property is controlled by a median in Durango Drive that limits turns to right-in, right-out. Secondary access is provided through the corner property to the north. With this design, impacts to area traffic should be minimal.

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

Landscape materials are in full conformance with the requirements of the Town Center Development Standards Manual, and are appropriate for the area. Some trees and planter islands are missing from the parking area; these will be required to be provided as a condition of

approval.

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 submitted elevations indicate changes in wall plane, roofline and materials, with distinctive architectural features such as metal tubing being carried around all sides of the building. The design is in keeping with other development in this area of the Town Center.

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

Development is subject to permit review and physical inspection, thereby securing the public health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

NOTICES MAILED

APPROVALS 0

PROTESTS 0