



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: FEBRUARY 14, 2017
 DEPARTMENT: PLANNING
 ITEM DESCRIPTION: APPLICANT: DAPPER DEVELOPMENT - OWNER: TEN15
 NOVAT, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-68319	Staff recommends DENIAL, if approved subject to conditions:	
SDR-68318	Staff recommends DENIAL, if approved subject to conditions:	VAR-68319

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 30

NOTICES MAILED 638

APPROVALS 1

PROTESTS 8

**** CONDITIONS ****

VAR-68319 CONDITIONS

Planning

1. Approval and conformance to the Conditions of Approval for Site Development Plan Review (SDR-68318) shall be required.
2. Conformance to the approved conditions for Site Development Plan Review (SDR-60353) and Site Development Plan Review (SDR-63013), except as amended herein.
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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-68318 CONDITIONS

Planning

1. Approval and conformance to the Conditions of Approval for Variance (VAR-68319) shall be required.
2. Conformance to the approved conditions for Site Development Plan Review (SDR-60353) and Site Development Plan Review (SDR-63013).

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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 development shall be in conformance with the site plan, landscape plan, date stamped 12/27/16 and building elevations, date stamped 01/19/17, except as amended by conditions herein.
5. 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.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. 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.
8. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

9. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to submittal of any construction drawings or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage study update.
10. Site development to comply with all applicable conditions of approval for SDR-60353 and all other applicable site-related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a parking Variance and a Site Development Plan Review for a proposed 3,410 square-foot building for a Restaurant with Drive-Through use at the northwest corner of Cliff Shadows Parkway and Novat Street.

ISSUES

- A Restaurant with Drive-Through use is permitted in the VC (Village Commercial) Lone Mountain Special Land Use Designation.
- A Variance is needed to allow 116 parking spaces where 132 spaces are required as a result of adding the Restaurant with Drive-Through use. Staff does not support this request.

ANALYSIS

The subject site is located within the Centennial Hills Sector of the General Plan with a PCD (Planned Community Development) land use designation. The PD (Planned Development) zoning district is consistent with the General Plan designation and the proposed Restaurant with Drive-Through is a permitted use within the PD (Planned Development) zoning district and the Lone Mountain Master Plan.

The subject property is located within the VC (Village Commercial) Lone Mountain Master Plan area. Village Commercial designation allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons, and do not include more intense general commercial characteristics. Village Commercial is typically located on the periphery of residential neighborhoods and should be confined to the intersections of major arterials along major retail corridors.

The site plan shows a 3,410 square-foot one-story commercial building to be located at the remaining undeveloped pad between the office building and a general retail building. Vehicular site access is from Novat Street, an 80-foot wide public right-of-way.

The submitted landscape plan indicates the landscaping adjacent to the proposed building is in conformance with the approved Site Development Plan Review (SDR-63013).

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The provided elevations demonstrate compliance with the requirements of the Lone Mountain Master Plan. The “Burnt Sienna” or Traditional Red Brick finish adequately wraps around the west side of the building and it is distributed on the south elevation at the mid-point. The brick finishing is also complimented by a silver corrugated metal siding. The brick and metal siding are consistent throughout the building elevations.

This project is the third phase of a three-phased one-lot commercial subdivision. This project will develop the last pad site in the commercial center.

The proposed building will serve as a Restaurant with Drive-Through use. The provided floor plan shows two suites to be utilized as a restaurant; one of the suites will have a drive-through associated with it.

Pursuant to Title 19.12, a Restaurant use has a parking requirement which consists of one space per 50 square feet of public seating and waiting area, plus one for each 200 square feet of the total remaining gross floor area. The subject site does not qualify as a Shopping Center use, pursuant to Title 19.12. There are two other uses within the commercial development an Office, Other Than Listed and a General Retail Store. Each of these uses is calculated according the use. The commercial subdivision currently contains 116 parking spaces. The proposed Restaurant with Drive-Through use increases the demand for this development to 132 parking spaces; therefore, the applicant is requesting a parking Variance.

The proposed 3,410 square-foot commercial building will consist of two suites with restaurant uses and a drive-through. The building will be constructed on the remaining pad site located at the center of the commercial lot. The applicant has created a self-imposed hardship by proposing a Restaurant with Drive-Through use, which increases the demand for parking; therefore, staff recommends denial. If these are approved, they are subject to conditions.

FINDINGS (VAR-68319)

In accordance with the provisions of Title 19.16.140(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.”

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Additionally, Title 19.16.140(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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a Restaurant with Drive-Through use, which increases the demand for parking. A use that is less parking intense, such as the retail use that was originally proposed, would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (SDR-68318)

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 Restaurant with Drive-Through use is appropriate, in terms of the type and intensity of permissible uses listed in section 2.4 of the Lone Mountain Master Plan for areas under the VC (Village Commercial) land use designation.

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 Site Development Plan Review is accompanied by a Variance to allow 116 parking spaces where 132 spaces are required. The proposed development does not meet all development standards outlined in Title 19 for the parking requirement.

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

The proposed development will be accessed from Novat Street, which is adequate in size to meet the moderate requirements set forth by this proposal. No negative impacts to neighborhood traffic are anticipated with this approval.

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

The building materials for the proposed commercial building are appropriate for both the immediate area and the City. The landscape materials are in compliance with the approved SDR-60353.

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 design characteristics of the proposed building elevations are not unsightly and are compatible with existing development in the area.

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

The proposed commercial building will be subject to regular inspections for building and licensing; therefore, the development will not compromise the public health, safety or welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
8/07/02	The City Council approved Extension of Time requests for a proposed Supper Club [U-0111-00(1)], Liquor Establishment (Off-Premise Consumption) [U-0112-01(1)] and Tavern [U-0113-00(1)] on the subject site. The City Council also approved an Extension of Time request for a Conceptual Site Development Plan Review [Z-0033-97(31)] for a proposed commercial center. The office component of the development was removed by condition. Planning Commission and staff recommended approval of all items.

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/21/02	The City Council approved a Site Development Plan Review [Z-0033-97(34)] for a service station and fast-food restaurant on a 1.69 acre portion of a larger development site. The Planning Commission and staff recommended approval of the request. (This Site Development Plan Review expired on 08/21/04.)
7/07/04	The City Council approved Extension of Time requests for a proposed Supper Club (EOT-4446), Liquor Establishment (Off-Premise Consumption) (EOT-4448), Tavern (EOT-4449), and a Conceptual Site Development Plan Review (EOT-4578) on the subject site. Staff recommended approval of all items.
7/18/03	The Department of Planning administratively approved a Wireless Communication Facility (Stealth Design), to be located within a 60-foot flagpole on the subject site.
11/10/04	The Department of Planning approved an Administrative Site Development Plan Review (SDR-4556) for a commercial development on the subject site.
10/20/05	The City Council approved Master Sign Plan (MSP-8642) as a request for an amendment to an approved Master Sign Plan (MSP-0002-02). The Planning Commission recommended approval of the request.
3/01/06	The City Council approved the request for a Major Modification (MOD-10791) to the Lone Mountain Master Development Plan to allow a Financial Institution, General with Drive-Through in the VC (Village Commercial) Lone Mountain Special Land Use Designation. The Planning Commission recommended approval of the request.

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/24/07	The Planning Commission approved a Site Development Plan Review (SDR-21198) for a proposed 10,052 square-foot Financial Institution, General with Drive-Through on 1.06 acres at 3307 Novat Street. Staff recommended approval.
09/08/15	The Planning Commission approved a Site Development Plan Review (SDR-60353) for a proposed 10,025 square-foot Commercial Building at 3375 Novat Street. The Department of Planning staff recommended approval.
01/27/16	The Department of Planning administratively approved a Site Development Plan Review (SDR-63013) of a previously approved Site Development Plan Review (SDR-60353) for the addition of four parking spaces and a reconfiguration of the parking lot design to allow for two additional handicapped parking spaces at 3375 Novat Street.

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Most Recent Change of Ownership	
08/02/16	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
01/31/08	A building permit (#95628) was issued for a bank building at 3303 Novat Street. The permit was finalized on 08/07/14.
05/01/14	A building permit (#257947) was issued for a tenant improvement at 3303 Novat Street. The permit was finalized on 12/31/14.
07/14/14	A business license (G62-06282) was issued for a law office at 3303 Novat Street. The license is currently active.
09/15/14	A business license (G62-07955) was issued for a law office at 3303 Novat Street. The license is currently active.
06/13/16	A building permit (#311646) was issued for a retail shell building at 3375 Novat Street. The permit was finalized on 10/13/16.
08/30/16	A building permit (#313564) was issued for a retail tenant improvement build out at 3375 Novat Street. The permit was finalized on 11/03/16.
11/22/16	A business license (G64-07563) was issued for a retail variety store at 3375 Novat Street. The license is currently active.

Pre-Application Meeting	
12/19/16	Staff met with the applicant's proposed commercial building requires a Site Development Plan Review application. Since the Restaurant with Drive-Through use will increase the demand for parking within the commercial subdivision and a parking Variance is needed to allow 116 spaces on the site where 132 spaces are required.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
01/05/17	Staff conducted a field check of the subject site and noted that the commercial center is well maintained.

Details of Application Request	
Site Area	
Net Acres	0.88

Surrounding Property	Existing Land Use Per Title 19.12 or Lone Mountain Master Plan	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	VC (Village Commercial – Lone Mountain Land Use)	PD (Planned Development)
North	General Retail Store, Other than Listed	VC (Village Commercial – Lone Mountain Land Use)	PD (Planned Development)
South	Office, Other than Listed	VC (Village Commercial – Lone Mountain Land Use)	PD (Planned Development)
East	Shopping Center	VC (Village Commercial – Lone Mountain Land Use)	PD (Planned Development)
West	Undeveloped	MFM (Multi-Family Medium Lone Mountain West Land Use Designation)	U (Undeveloped)

Master Plan Areas	Compliance
Lone Mountain	Y
Special Purpose and Overlay Districts	Compliance
PD (Planned Development) District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
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 Lone Mountain Master Plan and Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks			
• Front	20 Feet	126 Feet	Y
• Rear	10 Feet	30 Feet	Y
Max. Building Height	35 Feet	20 Feet	Y
Trash Enclosure	Screened and enclosed	Screened and enclosed	Y
Mech. Equipment	Screened	Screened	Y

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Novat Street	Major Collector	Planned Streets and Highways Map	80	Y

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

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Other than Listed	9,610 SF	1/300 SF	33				
General Retail Store, Other than Listed	10,025 SF	1/175 SF	58				

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Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Restaurant (Proposed)	Suite "A" 438 SF	1/50 SF seating area and	9				
	1,098 SF	1/200 SF remaining gross floor area	6				
	Suite "B" 1,038 SF	1/50 SF seating area and	21				
	836 SF	1/200 SF remaining gross floor area	5				
TOTAL SPACES REQUIRED			132		116		N
Regular and Handicap Spaces Required			127	5	109	7	N
Percent Deviation (for VAR only)			12%				