



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MARCH 14, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: DEL TACO CORPORATE OFFICE - OWNER:
MLK MARIAH-PURE, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SDR-68741	Staff recommends APPROVAL, subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

NOTICES MAILED 180

APPROVALS 0

PROTESTS 0

**** CONDITIONS ****

SDR-68741 CONDITIONS

Planning

1. 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.
2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 01/31/17, except as amended by conditions herein.
3. Dead and missing landscape materials and ground cover within the western landscape buffer shall be restored in accordance with the Landscape Plan date stamped (09/05/13) approved on 11/20/13 as part of Site Development Plan Review (SDR-50831).
4. The Trash Enclosure and Mechanical Equipment shall be screened in accordance with Title 19.08.040(E)(4).
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 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.
8. 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.

Conditions Page Two
March 14, 2017 - Planning Commission Meeting

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

Public Works

10. Correct all American's with Disabilities Act (ADA) deficiencies on the sidewalk and the proposed driveway on Martin Luther King Boulevard in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer 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.
11. In accordance with the intent of a Commercial Subdivision, all sites within this subdivision shall have perpetual common access to all driveways connecting this site to the abutting streets unless incompatible uses can be demonstrated to the satisfaction of the City Engineer and a note to this effect shall appear on the Final Map for this site. No barriers (e.g. curbs, wall, etc.) shall be erected within the boundaries of the overall commercial subdivision map site which would prohibit any vehicle on this site from utilizing any driveway connecting this commercial development site to the abutting public streets.
12. Unless otherwise allowed by the City Engineer, 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 and shall be terminated on-site with a handicap ramp.
13. This site shall have its own independent connection to the public sewer in Martin Luther King Boulevard. Alternatively, provide proof that a shared sewer lateral is a Common Element of the commercial subdivision in the Codes, Covenants, and Restrictions (CC&Rs).
14. All private improvements and landscaping 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.

Staff Report Page One
March 14, 2017 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed 2,420 square-foot Restaurant with a Drive Through located on the west side of Martin L King Boulevard, approximately 140 feet north of Mount Mariah Drive in the C-1 (Limited Commercial) zoning district.

ISSUES

- A Site Development Plan Review is required for a Restaurant with Drive Through in the C-1 (Limited Commercial) zoning district.
- The Enterprise Park Architectural Review Committee has reviewed and approved the proposed project.
- A Condition of Approval has been added for the replacement and rehabilitation of dead and missing landscape materials.
- Wall signs demonstrated in the plans are not part of this review and will be reviewed for compliance when a sign permit is applied for.

ANALYSIS

The subject site is a vacant, undeveloped 1.10 acre portion of a 1.96 acre site located on the west side of Martin L. King Boulevard, approximately 140 feet north of Mount Mariah Drive within Las Vegas Enterprise Park. The applicant has proposed to develop a single story, 2,420 square-foot Restaurant with Drive Through.

The subject site is zoned C-1 (Limited Commercial) in which a Restaurant use is permitted. The Drive Through use is a Conditional use in the C-1 (Limited Commercial) zoning district. Those Conditions include:

1. A single-station drive through shall have a stacking lane that will accommodate a minimum of six vehicles, including the vehicle at the station. A multiple-station drive through shall have stacking lanes that will accommodate a minimum of three vehicles per station, including the vehicle at that station.
2. The drive through shall be screened in accordance with LVMC 19.08.040 (F).

3. In the O (Office) and C-D (Designed Commercial) Districts a drive through shall be separated from any residentially zoned property by an intervening building and shall not have access to local residential streets.

Staff Report Page Two
March 14, 2017 - Planning Commission Meeting

The proposed Restaurant with Drive Through has met Conditions of Approval number's one and two, with three not being applicable.

Due to previous development south of the subject site, portions of the parking lot landscape islands located in between the proposed restaurant and the existing restaurant have already been installed, along with the perimeter landscaping along the western perimeter. During a routine field check staff observed dead and missing landscape materials within the existing western landscape buffer. Staff has added a Condition of Approval requiring the missing and dead landscape materials to be restored in accordance with the original approved landscape plan, Site Development Plan Review (SDR-50831). The remaining landscaping to be installed meets the minimum requirements set forth by Title 19.08 for perimeter landscape buffers and parking lot islands.

The subject site is located within the Las Vegas Enterprise Park and is subject to the development standards for the park. The Architectural Review Committee reviews proposed projects during the course of three meetings. The Las Vegas Enterprise Park Architectural Review Committee conditionally approved the proposed plans on 02/01/17 at the conclusion of meeting number two. After receiving the additional documentation required after meetings one and two, the Architectural Review Committee held meeting number three and approved the proposed project on March 1, 2017.

The commercial utilization of vacant land by constructing a new Restaurant with Drive Through within Las Vegas Enterprise Park will encourage more business activity within the area. Developing this highly visible, vacant lot adjacent to Martin L King Boulevard is not only consistent with the Las Vegas Enterprise Park plan objectives, but the West Las Vegas Plan objectives as well. There are a number of offices and commercial uses throughout the existing commercial subdivision and the addition of a Restaurant with Drive Through will add to the diversity of uses within the Las Vegas Enterprise Park.

All development standards are being met including the parking and landscaping requirements set forth by Title 19 for the C-PB (Planned Business Park) zone. The project is well designed and is an appropriate addition to the Las Vegas Enterprise Park. For these reasons, staff is recommending approval of this application. If denied, the proposed project will not be constructed.

FINDINGS (SDR-68741)

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;**

Staff Report Page Three
March 14, 2017 - Planning Commission Meeting

The proposed 2,420 square-foot restaurant development is compatible with the surrounding development in the area and meets the intent of the Las Vegas Enterprise Park plan.

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 located within Las Vegas Enterprise Park. The Architectural Review Committee for Las Vegas Enterprise Park reviewed the proposed project and conditionally approved the project on 02/01/17.

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

Site access is from an existing drive off of Martin L. King Boulevard, a 100-foot Primary Arterial as classified by the Master Plan of Streets and Highways. There is also shared access with the existing Restaurant with a Drive Through to the south of the subject site that also provides access from Mount Mariah Drive, a 60-foot Minor Collector Street as defined by Title 13 for Streets, Sidewalks and Public Places. Both Martin L. King Boulevard and Mount Mariah Drive is sufficient in size to provide site access for both the existing and proposed Restaurant with Drive Through.

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

The proposed elevations and landscape plan depict building and landscape materials that are appropriate for a desert climate, and are consistent with existing development throughout the Las Vegas Enterprise Park. The proposed landscape materials include the Desert Palo Verde and the Chinese Pistache tree, with Rosemary and Red Yucca shrubs. The proposed elevations demonstrate a building with decorative canopies and stone veneer to match the existing development in the area. The proposed Restaurant with Drive Through will develop a currently vacant, undeveloped lot and will make a positive visual improvement to the immediate area.

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;

Staff Report Page Four
March 14, 2017 - Planning Commission Meeting

The proposed building elevations depict a design that features modern architectural elements that are consistent with the Las Vegas Enterprise Park's development criteria, as well as the revitalization efforts of both the Redevelopment Plan Area and the West Las Vegas Plan. The development has received conditional approval from the Las Vegas Enterprise Park Architectural Review Committee for the proposed buildings, materials, and landscaping on 02/01/17.

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

The proposed Restaurant with Drive Through will be subject to building permit review and inspections during the construction phase, with the restaurant being subject to the business license review process once the future tenant is ready to inhabit the building. Therefore, appropriate measure will be taken to protect the public health, safety and general welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/21/94	The City Council approved a request for Reclassification of Property (Z-0136-94) from R-E (Residence Estates) to C-PB (Planned Business Park) located on the west side of Martin L. King Boulevard, between Lake Mead Boulevard and Vegas Drive.
10/03/95	The City Council approved a request for a Plot Plan Review [Z-0136-94(1)] to establish the Development Plan for a proposed business park on property located on the west side of Martin L. King Boulevard, between Lake Mead Boulevard and Vegas Drive.
02/14/96	The City Council approved a request for an Extension of Time [Z-136-94(3)] for an Extension of Time for a proposed planned business park on property located on the west side of Martin L. King Boulevard between Lake Mead Boulevard and Vegas Drive.
04/27/97	The City Council approved a request for a Rezoning (Z-0032-97) on property located on the southwest corner of Lake Mead Boulevard and Martin L. King Boulevard from R-E (Residence Estates) under Resolution of Intent to C-PB (Planned Business Park) to C-1 (Limited Commercial). The Planning Commission recommended approval.
03/30/15	Staff administratively approved a request for a Site Development Plan Review (SDR-58375) for a proposed 2,400 square-foot Restaurant with Drive Through on a portion of a 3.7 acre parcel located on the northwest corner of Mount Mariah Drive and Martin Luther King Boulevard.

Staff Report Page Five
March 14, 2017 - Planning Commission Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/01/17	The Las Vegas Enterprise Park Architectural Review Committee approved the proposed 2,420 square-foot Restaurant with Drive Through.

<i>Most Recent Change of Ownership</i>	
12/21/15	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
06/02/15	Mylar for civil improvements plans on a portion of a 3.7 acre parcel located on the northwest corner of Mount Mariah Drive and Martin L. King Boulevard (#58615) were submitted and approved.
06/24/15	A building permit (#58729) was issued for a restaurant shell building with on-sites on a portion of a 3.7 acre parcel located on the northwest corner of Mount Mariah Drive and Martin L. King Boulevard.
07/08/15	Combination utility plans (#60154) were submitted for a 2,400 square-foot restaurant with drive through on a portion of a 3.7 acre parcel located on the northwest corner of Mount Mariah Drive and Martin L. King Boulevard. The plans received final approval 08/31/15.

<i>Pre-Application Meeting</i>	
01/23/17	Staff conducted a pre-application meeting where the submittal requirements for a Site Development Plan Review and a submittal for Enterprise Park Review were discussed.

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

<i>Field Check</i>	
02/02/17	During a routine field check, staff observed the subject site to be surrounded by development to the north and south, with existing drives already in place. The landscape buffer along the western perimeter was installed as part of previous development and was missing ground cover in portions, with dead plants and weeds present as well. Staff has added a Condition of Approval for the existing landscaping to be restored in accordance with the original approved landscape plan.

Staff Report Page Six
March 14, 2017 - Planning Commission Meeting

Details of Application Request	
Site Area	
Net Acres	1.10

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	LI/R (Light Industry / Research)	C-1 (Limited Commercial)
North	Restaurant with Drive Through	LI/R (Light Industry / Research)	C-1 (Limited Commercial)
South	Restaurant with Drive Through	LI/R (Light Industry / Research)	C-1 (Limited Commercial)
East	Martin L King Boulevard	Right-of-Way	Right-of-Way
West	Undeveloped	LI/R (Light Industry / Research)	C-1 (Limited Commercial)

Master Plan Areas	Compliance
West Las Vegas Plan	Y
Special Purpose and Overlay Districts	Compliance
A-O (Airport Overlay) District – 105 Feet	Y
Other Plans or Special Requirements	Compliance
Enterprise Park	Y
Trails	N/A
Las Vegas Redevelopment Plan Area – Downtown Redevelopment Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

Staff Report Page Seven
 March 14, 2017 - Planning Commission Meeting

DEVELOPMENT STANDARDS

Pursuant to 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	180 Feet	Y
Min. Setbacks			
• Front	10 Feet	60 Feet	Y
• Side	10 Feet	28 Feet	Y
• Corner	10 Feet	N/A	N/A
• Rear	20 Feet	140 Feet	Y
Max. Lot Coverage	50 %	5 %	Y
Max. Building Height	Residential Adjacency	24 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	By Condition	
Mech. Equipment	Screened	By Condition	

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 / 20 Linear Feet	8 Trees	8 Trees	Y
• South	1 Tree / 20 Linear Feet	N/A	N/A	N/A
• East	1 Tree / 20 Linear Feet	6 Trees	6 Trees	Y
• West	1 Tree / 20 Linear Feet	Existing	Existing	Existing
TOTAL PERIMETER TREES		14 Trees	14 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	10 Trees	10 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		8 Feet	Y
• South	N/A		N/A	N/A
• East	15 Feet		20 Feet	Y
• West	8 Feet		10 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		N/A	N/A

Staff Report Page Eight
March 14, 2017 - Planning Commission Meeting

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Martin L King Boulevard	Primary Arterial	Master Plan of Streets and	95	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	
Restaurant with Drive Through	1,040 SF	1 Space Per 50 SF of Public Seating / Waiting	21				
	1,380 SF	1:200 Remaining	7				
TOTAL SPACES REQUIRED			28		34		Y
Regular and Handicap Spaces Required			26	2	32	2	Y
Loading Spaces		1		1		Y	