

## AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 18, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-14137 - APPLICANT/OWNER: CARLOS ALBERTO CODARINI

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### \*\* CONDITIONS \*\*

Staff recommends DENIAL. The Planning Commission (5-2/sd/bg vote) recommends APPROVAL, subject to:

#### Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-14139) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. [All development shall be in conformance with the revised site plan, landscape plan, and building elevations, date stamped 08/28/06, except as amended by conditions herein.](#)
4. The approval of the requested waivers for the reduction of perimeter landscaping.
5. 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.
6. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
7. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
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. Dedicate an additional 5 feet of right-of-way for a total half-street width of 30 feet on Hinkle Drive prior to the issuance of any permits; coordinate with the Right-of-Way Section of the Department of Public Works for assistance in the preparation of appropriate documents.
13. Construct all incomplete half-street improvements on Hinkle Drive adjacent to this site 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.
14. 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.
15. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.
16. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

The applicant requests for a Site Development Plan Review for a proposed 1,880 square-foot office building and a Waiver of perimeter landscape buffer width requirements on 0.17 acres at 2400 Hinkle Drive.

There is a related request for a Variance (VAR-14139) to allow a five-foot side yard setback where a setback of 10 feet is the minimum setback required and a five-foot rear yard setback where 20 feet is the minimum setback required.

**EXECUTIVE SUMMARY**

Staff cannot support this request as the applicant has created a self-imposed hardship by proposing a development that will not fit within the building envelope created by development standards applicable to the site. In addition, the site does not meet perimeter landscape buffer requirements. A smaller building could satisfy these standards; therefore, staff recommends denial.

**BACKGROUND INFORMATION**

**A) Related Actions**

- 3/16/05            The City Council tabled requests to amend a portion of the Southeast Sector Map of the General Plan (GPA-5597) from SC (Service Commercial) to GC (General Commercial), to Rezone (ZON-5598) from C-1 (Limited Commercial) to C-2 (General Commercial), and a Special Use Permit (SUP-5600) for a proposed motor vehicle sales used on 0.17 acres at 2400 Hinkle Drive. Planning Commission and staff recommended denial.
- 09/21/06            The Planning Commission voted 5-2/sd/bg to recommend APPROVAL (PC Agenda Item #27/jm).

**B) Pre-Application Meeting**

- 05-08-06            The pre-application was held and the applicant noted the various applications, Site Development Plan Review and Variance, that were needed to satisfy their request. In a follow-up meeting, the applicant was asked to supply revised plans illustrating the office use and modifying their justification letter to request a Waiver of the landscape buffer requirements.

**C) Neighborhood Meetings**

A neighborhood meeting was not held, nor is one required.

**DETAILS OF APPLICATION REQUEST**

**A) Site Area**

Net Acres: 0.17

**B) Existing Land Use**

Subject Property: Undeveloped

North: Car Wash

South: Auto Repair Shop

East: Restaurant

West: Undeveloped

**C) Planned Land Use**

Subject Property: SC (Service Commercial)

North: SC (Service Commercial)

South: SC (Service Commercial)

East: SC (Service Commercial)

West: SC (Service Commercial)

**D) Existing Zoning**

Subject Property: C-1 (Limited Commercial)

North: C-1 (Limited Commercial)

South: C-2 (General Commercial)

East: C-1 (Limited Commercial)

West: C-2 (General Commercial)

**E) General Plan Compliance**

The Southeast Sector Map of the General Plan designates the site as SC (Service Commercial). The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily the local area patrons and do not include more intense general commercial characteristics. The C-1 (Limited Commercial) Zoning District and the proposed site plan conform to the proposed SC (Service Commercial) land use designation.

<i><b>SPECIAL DISTRICTS/ZONES</b></i>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>		X
<b>Special Overlay District</b>		X
<b>Trails</b>		X
<b>Rural Preservation Overlay District</b>		X
<b>Development Impact Notification Assessment</b>		X
<b>Project of Regional Significance</b>		X

**PROJECT DESCRIPTION**

The site plan indicates the office building is proposed for the west portion of the site, with the remainder of the parcel proposed to be paved for parking. A 24-foot wide driveway provides access to Hinkle Drive. The site plan also indicates that the office has a five-foot side yard setback where a setback of 10 feet is the minimum setback required and a five-foot rear yard setback where 20 feet is the minimum setback. A Variance (VAR-14139) has been requested for rear and side yard setbacks.

An eight-foot wide landscape planter is provided along the north property line, with five-foot wide planters with 24-inch box trees spaced at 30 feet on center are provided along the south and west property lines. No landscaping is provided along the east property line. A Waiver of perimeter landscaping has been requested by the applicant.

**ANALYSIS**

**A) Zoning Code Compliance**

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

<b>Standards</b>	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	NA	0.17 ac	Y
Min. Lot Width	100 Feet	100 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet 8 Inches	Y
• Side	10 Feet	5 Feet	N
• Rear	20 Feet	5 Feet	N
Max. Lot Coverage	50 %	25%	Y
Max. Building Height	NA	One story, 20 feet	Y
Trash Enclosure	1	1	Y

The subject site does not meet the minimum side and rear setback requirements, and a Variance (VAR-14139) has been requested to provide relief from this requirement.

A2) Residential Adjacency Standards

The proposed office building complies with the Residential Adjacency Standards.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Office	1,880 SF.	1/300	7	1	7	1

The proposed office complies with all applicable Title 19 parking standards.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree/ 6 Spaces	1 Trees	1 Trees
Buffer:	1 Trees /30 Linear Feet	12 Trees	8 Trees
Min. Zone Depth Adjacent to Right-of-Way	15 Feet		8 Feet
Min. Zone Depth Interior Lot Lines	8 Feet		5 Feet

An eight-foot wide landscape planter is provided along the north property line, where 15 feet is the minimum while. As well a five-foot wide planter, where eight feet is the minimum, with 24-inch box trees spaced at 30 feet center are provided along the south and west property lines. No landscaping is provided along the east property line. The applicant requests a Waiver of the landscape buffer requirements.

**B) *General Analysis and Discussion***

•Zoning

The property is zoned C-1 (Limited Commercial) and is suitable for the proposed office use.

•Site Plan

The applicant is seeking a Variance (VAR-14139) of the side and rear setback requirements. Because this indicates that the site is being overbuilt, staff is recommending denial.

•Waivers

The applicant is seeking waivers for the reduction of perimeter landscaping. The landscape waiver request is to allow a five-foot landscape buffer where eight feet is required and eight-foot where fifteen-feet are required.

•Landscape Plan

An eight-foot wide landscape planter is provided along the north property line, where 15 feet is the minimum while. As well a five-foot wide planter, where eight feet is the minimum, with 24 inch box trees spaced at 30 feet center are provided along the south and west property lines. No landscaping is provided along the east property line. The applicant requests a Waiver of the landscape buffer requirements.

•Elevation

Chapter 19.08.045 of the Zoning Code requires that building design shall incorporate patterns and materials that provide visual interest. Staff finds that the gray concrete block exterior proposed by the applicant does not comply with this requirement and has included a condition, which addresses this issue.

**FINDINGS**

In order to approve a Site Development Plan application, per Title 19.18.050 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;**

Although the proposed office use is compatible in relation to the adjacent auto repair shop and commercial uses, the applicant has created a self-imposed hardship by proposing a development that will not fit within the building envelope created by development standards applicable to the site, therefore this application is not supported.

**2. The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;**

The structure could be redesigned in such a manner as to comply with the perimeter buffer requirements of Title 19.12 of the Zoning Code, which requires an eight-foot wide planter along all property lines of this site. Denial of this request is recommended, as it demonstrates the site is being overbuilt by not being able to conform to setback requirements.

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

The subject site has access to Hinkle Drive, a 60-foot wide local street which is not adequate to meet the requirements of the proposed zoning district.

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

The building materials are an appropriate material for the building exterior. Excluding the deficiencies discussed above in the landscape standards, the landscape materials proposed are appropriate for the 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;**

Building elevations and design characteristics are not unsightly or obnoxious and are compatible with surrounding development and landscaping isnt in harmony.

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

The proposed development will be subject to the Uniform Building Code and; therefore, the development will not compromise the public health, safety or welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 8

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 174 by Planning Department

**APPROVALS** 0

**PROTESTS** 0