

## AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: SDR-16180 - APPLICANT/OWNER: YIN YAN & PETER CHUNG

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

The Planning Commission (5-0 vote) and staff recommend DENIAL.

#### Planning and Development

1. Conformance to the conditions for Rezoning (ZON-16179), Variance (VAR-16181) and Variance (VAR-17191) if approved.
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 site plan, landscape plan, (date stamped 11/20/06) and building elevations (date stamped 08/22/06), except as amended by conditions herein.
4. A Waiver from Title 19.12 is hereby approved, to allow no perimeter landscaping along the south property line where an eight-foot buffer and four trees are required, and to allow five-foot buffers along the north and west property lines where eight feet are required and along the east property line where 15 feet are required.
5. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for building permit, to reflect a maximum building area of 3,000 square feet.
6. 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.
7. 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.

8. 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).
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. 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.
12. 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.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

14. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the south prior to the issuance of any permits.
15. No permanent structures, such as the proposed sign, shall be constructed within the existing 6-foot Public Sewer Easement along the south side of this lot. The handicap access ramp may be permitted to be within the sewer easement; the applicant/owner shall televise the sewer line prior to any demolition or construction and provide a video tape to the Collection Systems Planning section of the Department of Public Works for review and approval prior to construction. The applicant shall also televise the sewer line after construction is complete and provide a video tape to the Collection Systems Planning section. If the sewer line is damaged in any way from construction all repair work shall be paid for in full by the applicant.
16. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

17. 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.
18. Site development to comply with all applicable conditions of approval for ZON-16179 and all other site-related actions.

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

**PROJECT DESCRIPTION**

This application is for a 3,000 square-foot office building with Waivers of Perimeter Landscaping requirements to allow no trees and no landscape buffer along the south property line where 3 trees and a minimum 8-foot buffer is required, to allow a five-foot landscape buffer along the east property line where a 15-foot buffer is required, and to allow a five-foot buffer along a portion of the west property line where an eight-foot buffer is required, on 0.26 acres at 5104 Mountain View Drive. Companion applications include ZON-16179, VAR-16181 and VAR-17191.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>			
12/21/06	<p>The Planning Commission recommended denial of companion items ZON-16179, VAR-16181 and VAR-17191 concurrently with this application.</p> <p>The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #16/rl).</p>		
<i>Pre-Application Meeting</i>			
08/04/06	<p>At a Pre-application meeting, the applicant was informed that the proposed office development will require a Rezoning, a Site Development Plan Review, and a Variance for residential adjacency for a trash enclosure.</p>		
<i>Neighborhood Meeting</i>			
<p>A Neighborhood Meeting is not required for this application, nor was one held.</p>			
<i>Details of Application Request</i>			
<i>Site Area</i>			
Gross Acres	0.26		
Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Duplex	SC (Service Commercial)	R-3 (Medium Density Residential)
North	Office	SC (Service Commercial)	SC (Service Commercial)
South	Office	SC (Service Commercial)	C-1 (Limited Commercial)
East	Service Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>	X		Y
A-O Airport Overlay District 200 -foot Buffer	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A

**DEVELOPMENT STANDARDS**

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>			
Min. Lot Size	NA	0.26 Acres	Y			
Min. Lot Width	100	87.77	N*			
Min. Setbacks						
• Front	20 Feet	15 Feet	N**			
• Side	10 Feet	10 Feet	Y			
• Corner	15 Feet	NA	NA			
• Rear	20 Feet	15 Feet	N**			
Max. Lot Coverage	50%	27%	Y			
Max. Building Height	2 Stories 35 Feet	1 Story 25 Feet including Parapet	Y			
Trash Enclosure	50 Feet	6 Feet	N**			
Mech. Equipment	Screened	Yes	Y			
<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>			
3:1 proximity slope	56.25 Feet	77.25 Feet	N**			
Adjacent development matching setback	15 Feet	15 Feet	Y			
Trash Enclosure	50 Feet	6 Feet	N**			
<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>	<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>General Plan</i>	<i>Permitted Density</i>
R-3	13-25 2 d/u on the subject site	6 2 d/u on the subject site	C-1	0	SC	0

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Parking Area	1 Tree/6 Spaces	1 Tree	1 Tree	Y
Buffer: Min. Trees	1 Tree/20 Linear Feet	17 Trees	14 Trees	N
<b>TOTAL</b>		18 Trees	15 Trees	N
Min. Zone Width				
• East		15 Feet	5 Feet	N
• Others		8 Feet	5 Feet	N
Wall Height		6-8 Feet	Not Shown	

\* Addressed in companion Variance (VAR-17191)

\*\* Addressed in companion Variance (VAR-16181)

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Parking Ratio</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>
			<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Office	3,000 SF	1/300 SF	9	1	9	1	Y
<b>TOTAL</b>			10		10		Y

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
No Landscaping Buffer along south property line	8 -foot Buffer	Denial
5-foot Buffer along a 41-foot portion of the 110-foot west property lines	8 -foot Buffer	Denial
5-foot Buffer along a east property line	15 -foot Buffer	Denial

**ANALYSIS**

•Zoning

The proposed C-1 (Limited Commercial) zone that the applicant requests for the subject site in the related Rezoning (ZON-16179) will conform to the General Plan Designation of SC (Service Commercial), but the subject site is 87 feet wide where 100 feet is the minimum lot width required in the C-1 zone. This deficiency requires a Variance (VAR-17191) which accompanies this application. The site is currently located in the R-3 (Medium Density Residential) zone, which is non-conforming to the

General Plan Designation of SC (Service Commercial). Because the subject site does not meet the minimum lot width requirements and because the applicant proposes to overbuild this site, staff is recommending denial on the requested Rezoning.

- Site Plan

The applicant is proposing to build a 3,000 square-foot office building on the subject site fronting Decatur Boulevard. Currently, the residential structure fronts the corner of Mountain View Drive and Angel Drive. Access to the property will be provided through a shared access agreement for an existing driveway on the parcel directly south of the subject site on Decatur Boulevard. The minimum 10 required parking spaces are provided. Four spaces, including the required van accessible space back directly onto the shared access drive on the adjoining parcel. The remaining six spaces and the trash enclosure are provided in a small parking lot to the rear of the building, also accessed via the shared driveway.

The site plan shows the building to be set back 15 feet from both the front and rear property line where 20 feet is the minimum setback required. In addition, a trash enclosure is sited six feet from the rear property line which abuts a residential lot where a 50 residential adjacency setback is required for a trash enclosure. These deficiencies require a Variance (VAR-16181), which accompanies the subject Site Development Plan Review. The applicant is requesting waivers as a part of this project, including perimeter and parking lot landscape requirements.

- Waivers

This application requires waivers for perimeter landscaping. Specifically, the waivers are requested to allow no perimeter landscaping along the south property line where eight 24-inch box trees are required 20 feet apart on center in an eight-foot landscape buffer and to allow a five-foot landscape buffer along 41 feet of the 110-foot long west property line where an eight-foot landscape buffer is required. The required eight-foot buffer is provided along the remaining 69 feet of the property, and all six trees required along the west property line are provided every 20 feet. A waiver is also requested to allow 5 Trees in a five-foot landscape buffer along Decatur Boulevard where 5 Trees in a 15-foot landscape buffer is required.

- Landscaping

The proposed project indicates one parking lot tree where one is required. There are seven Modesto Ash trees and nine Southern Live Oaks provided to meet the required 24-inch box trees accompanied by 44 red yucca shrubs and 42 sea green junipers to meet the five-gallon shrub requirements. A waiver is requested to allow no landscaping along the southern property line and a reduction of the width of a portion of the buffer along the west property line to allow parking. The north and east property line buffers provide a

24-inch box tree every 20 feet on center where only one tree every 30 feet on center is required, but the buffer width on the east property line is only five feet wide where 15 feet is the minimum buffer width required, necessitating an additional waiver.

- Elevation

The elevation plan depicts a single 3,000 square-foot building fronting Decatur Boulevard to the east and extending 52 feet westerly to the rear property line, closest to the existing residential parcel immediately to the west of the subject site. The front (east elevation) of the building consists of aluminum storefront fixtures with insulated glass, typical of this type of development. The aluminum storefront structure is nine feet and eight inches high. The primary façade is of brown stucco with tan and violet accents. The north and south elevations, the sides of the building, show the continuation of the aluminum storefront for the easterly third with a continuation of the stucco pattern for the remainder of the walls. The west (rear) elevation shows a stucco façade with three exit doors spaced evenly along the wall with a scupper on each side of the middle door, place halfway between the middle door and the outer doors. Most of the building is 15 feet high, although a 25.75-foot parapet in front fails to conform to the residential adjacency proximity slope setback requirements of Title 19.08. The parapet at its maximum height is only 56.25 feet from a residential property where 77.25 feet is required for the residential adjacency proximity slope setback requirements of Title 19.08. This deficiency would require the approval of a Variance (VAR-16181) which accompanies this application.

- Floor Plan

The provided floor plan depicts a 3,000 square-foot office building consisting of three equally sized 1,000 square-foot office suites. The floor plan shows three open areas with dimensions of 20 feet by 50 feet.

## 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;**

While a change from residential to commercial use is consistent with the General Plan designation of SC (Service Commercial) on the subject site, the proposed 3,00 square-foot office building on the oddly shaped site requires waivers and variances in order to comply with Title 19. A smaller building on the subject site would be appropriate and could conform to Title 19 standards.

- 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 site plan is consistent with the General Plan, but is not consistent with Title 19 in meeting landscape and setback requirements.

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

Access to the site will no longer be from the residential Mountain View Drive. Instead, the site will be accessed by Decatur Boulevard, a 100-Foot Primary Arterial that is adequate to meet the needs of the proposed development.

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

Building and landscape materials are appropriate for the area and for the city.

- 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 25-foot, nine-inch high building, including the parapet is inconsistent with the design and development standards in Title 19.08 in that it is only 56.75 Feet from the adjacent residential property where 77.25 Feet is required. The proposed development further fails to meet minimum setback and lot width requirements. The landscape buffer waivers which are implemented in order to approve a building larger than is appropriate for the size and shape of the subject site are neither harmonious nor compatible with development in the area.

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

The need for numerous waivers indicates that appropriate measures are not taken to secure and protect the public health, safety and general welfare

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

15

**ASSEMBLY DISTRICT** 3

**SENATE DISTRICT**            11

**NOTICES MAILED**            215 by Planning and Development Dept

**APPROVALS**                    0

**PROTESTS**                     0