



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 1, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-21947 - APPLICANT: JOCELYN AND ERNESTO BENDICION - OWNER: JOCELYN D. BENDICION

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-21948) 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 site plan and landscape plan date stamped 06/13/07 and building elevations date stamped 06/19/07, except as amended by conditions herein.
4. A Waiver from 19.12.040 is hereby approved, to allow a zero-foot landscape buffer along the north and west property lines where eight feet is required, and to allow a zero to five-foot landscape buffer along the south property line where eight feet is required.
5. An Exception from Title 19.08.050.E(4b) is hereby approved, to allow no trash enclosure where a walled, gated and screened enclosure with a roof or trellis is required.
6. A refuse removal plan detailing how trash will be stored and removed from the site shall be submitted to the Planning and Development Department prior to the issuance of a Certificate of Occupancy.
7. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to reflect a minimum six-foot block wall along the west property line and a wall face elevation drawing. The block wall shall be decorative and contain 20 percent contrasting materials.

8. 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. The technical landscape plan shall include the following changes from the conceptual landscape plan: show two additional 24-inch box trees and a minimum of four (4) five-gallon shrubs provided for each tree within the front (east) buffer area. Show a minimum of four (4) five-gallon shrubs for each tree within the south side buffer area.
9. 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.
10. Revised elevations shall be submitted to and approved by the Planning and Development Department prior to the time application is made for a building permit to indicate a color scheme that provides visual interest.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. The shared pan driveway with the property to the north is acceptable to the Department of Public Works.
14. Remove the southernmost driveway to this site and replace with new improvements meeting current City Standards concurrent with development of this site.
15. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the north prior to the issuance of any permits.
16. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans or the issuance of any building or grading permits for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for the proposed conversion of a single-family residence to a single-story 1,205 square foot office building on 0.14 acres at 1410 South Maryland Parkway. Waivers are also requested of perimeter landscape buffer requirements to allow the following:

1. A zero-foot wide buffer along a portion of the east (front) property line where 15 feet is required; and
2. Zero-foot wide buffers along the north, south, and west property lines where five feet is the minimum required.

An exception to the Commercial Development Standards in Title 19.08.050 is also requested to remove the requirement for a trash enclosure. As an alternative, the applicant requests to use curbside trash removal.

This request is in conjunction with a related Rezoning (ZON-21948) from R-1 (Single Family Residential) to P-R (Professional Office and Parking). The proposed office is generally compatible with the abutting properties; however, additional landscaping is needed to provide shade and visual interest.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/07/05	Code Enforcement investigated a complaint (#36025) about selling vehicles out of residence at 1410 South Maryland Parkway and on vacant lots. The issue was resolved on 12/01/05.
05/07/06	The City Council approved a city-initiated request (GPA-12043) to amend a portion of the Southeast Sector Plan of the General Plan from L (Low Density Residential) to O (Office) on this site as part of a larger request on 30.15 acres. The Planning Commission and staff recommended approval.
07/19/06	Code Enforcement investigated a complaint (#44663) about a psychic arts business being run out of residence at 1410 South Maryland Parkway. The issue was resolved on 07/24/06.
09/28/06	Code Enforcement investigated a complaint (#46682) about a psychic arts business (palm reader) being run out of residence at 1410 South Maryland Parkway. The issue was resolved on 10/03/06.
04/23/07	The existing building failed a scheduled fire inspection (IMP-86916) by Las Vegas Fire and Rescue (no exit lighting, extinguishers, emergency lighting, etc.) for a proposed cleaning business.

05/23/07	The existing building failed a second scheduled fire inspection (IMP-86916) by Las Vegas Fire and Rescue (no exit lighting, extinguishers, emergency lighting, etc.) for a proposed cleaning business. A third inspection is scheduled for 06/29/07.
06/28/07	The Planning Commission recommended approval of companion item ZON-21948 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #36/ss).
<i>Related Building Permits/Business Licenses</i>	
02/10/92	A building permit (#92135816) for an electrical upgrade was issued for the property at 1410 South Maryland Parkway. The permit never received a final inspection and was marked inactive on 11/18/92.
04/13/07	A business license application (M01-92506) for a janitorial service at 1410 South Maryland Parkway was submitted to the Finance and Business Services Department for review. Planning and Development denied its review on 04/23/07, stating that a commercial business could not be approved at a residence without an approved home occupation permit. The application is still active without full license denial.
<i>Pre-Application Meeting</i>	
04/13/07	Issues discussed included the need for waivers for landscaping along all property lines. The applicant should provide a trash enclosure, ADA-compliant parking, and a joint access agreement between the owners of this property and the property to the north.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

<i>Field Check</i>	
05/24/07	The subject property contains an existing residence with a pink stucco exterior, asphalt roof shingles and bars over the windows. The wall of the house on the east elevation extends into a stuccoed wall of the same color to the south property line. A circular driveway exists on the Maryland Parkway frontage. Turf along the frontage is in poor condition. A parking area in the rear is already paved and is shared with the abutting office building at 1404 South Maryland Parkway. There is a non-decorative CMU wall on the south side and a chain link fence with a black covering on the west property line. The rear contains an existing accessory structure that is attached to the main structure.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply to the subject property:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	6,000 SF	N/A
Min. Lot Width	60 feet	60 feet	Y
Min. Setbacks			
• Front	20 feet	20 feet	Y
• Side	5 feet	5 feet	Y
• Corner	15 feet	N/A	Y
• Rear	15 feet	47 feet	Y
Max. Lot Coverage	50%	20.1%	Y
Building Height	2 stories/35 feet	14 feet 8 inches	Y
Mechanical Equipment	Screened	Screened	Y

Pursuant to Title 19.08.060, the following standards apply to the subject property:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
Buildings at less than 15 feet in height may go to the setback line	15 feet from the rear property line	47 feet	Y
Adjacent development matching setback	15 feet	47 feet	Y
Trash Enclosure	50 feet from single-family residential	Not provided	N*

*The applicant requests that trash receptacles continue to be stored at the rear of the building and then periodically placed on the curbside for regular pickup.

Pursuant to Title 19.12, the following Landscaping Standards apply to the subject site:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/6 Spaces	0 Trees	0 Trees	Y
Buffer:				
Min. Trees (west and east property lines)	1- 24 Box Tree/20 Linear Feet	6 Trees	1 Tree	N
Min. Trees (north and south PLs)	1 - 24 Box Tree/30 Linear Feet	6 Trees	3 Trees	N
TOTAL		12 Trees	4 Trees	N

Min. Zone Width Maryland Pkwy (front)	15 feet	5-20 feet	N
North, south and west PLs	8 feet	0 feet	N
Wall Height	6 feet minimum on west PL	6 feet	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Office	1,205 SF	1/300 SF GFA	4	1	4	1	Y
TOTAL	1,205 SF		5		5		Y
Loading Spaces			N/A		none		N/A*

* Loading spaces are not required for uses that do not receive or distribute materials or merchandise by truck.

Waivers		
Request	Requirement	Staff Recommendation
Zero-foot wide landscape buffer along north, south and west PL	8 wide landscape buffer	Approval: however, 5 can be provided along south side.
Zero-foot wide landscape buffer along portion of east PL: revised plan shows a minimum of 5 feet and maximum of 20 feet	15 wide landscape buffer	Denial: full buffer can be provided with removal of driveway.

Exceptions		
Request	Requirement	Staff Recommendation
Trash enclosure: waive requirement for enclosure	Walled, gated, screened	Approval with implementation of condition to provide trash removal plan
Trees in front landscape buffer: one 24 box tree	1 tree/20 linear feet (3 trees required)	Denial: additional trees can be provided within the buffer

ANALYSIS

- **Zoning**

The site is zoned R-1 (Single Family Residential). A companion Rezoning (ZON-21948) is requested to P-R (Professional Office and Parking) that would bring the site into compliance with the existing O (Office) General Plan designation and would permit commercial office uses at the location.

- **Site Plan**

The existing structure is parallel to the street, leaving room for a nine-foot driveway along the north side of the property. The driveway extends into the adjacent office property. A copy of a recorded joint access agreement shall be required prior to the issuance of permits for the conversion of this structure to an office. All parking is to the rear. The revised site plan dated 06/13/07 made the following proposed changes:

- Closed off the existing circular driveway in front of the existing house so that it extends the proposed landscape planter.
- Removed a standard parking space and properly striped a van-accessible parking space.
- Added existing details such as the location of trash dumpsters, mechanical equipment and an accessory structure located on the abutting property.
- Removal of the existing chain link fence along the west property line and addition of a block wall. This wall must be decorative with 20 percent contrasting materials, and must be at least six feet in height.

These changes increase the compatibility of the proposed office with the abutting properties. The applicant will be required to submit a trash removal plan in lieu of constructing and maintaining a trash enclosure, which would necessitate a residential adjacency setback variance if required.

- **Landscape Plan**

The revised conceptual landscape plan submitted 06/13/07 shows one 24-inch box Ashton Ash in the front (east side) planter, with five-gallon evergreen shrubs planted in the remainder of the buffer. As the circular driveway is being removed, provision of the full required 15-foot landscape buffer on the front side is now possible. Two additional 24-inch box trees will be required in that buffer. Two ash trees have also been added in the five-foot planter on the south side of the building. Desert shrubs and groundcover have been added as required on the east side, but not the south side.

Waivers of the landscape buffers are acceptable on the north, west and south property lines, due to the limitations of the existing site. The waiver does not apply to the east side, where additional width can be added to come into compliance with Title 19 requirements.

- **Elevations**

The revised elevations date stamped 06/19/06 show a single-story, 14-foot structure. The primary exterior material is pink stucco for the office and brown asphalt roof shingles. A condition has been placed on project approval to provide increased visual interest through a change in the color scheme.

- **Floor Plans**

The submitted floor plans include several offices, a waiting and reception room, equipment and break areas.

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;**

If approved, the proposed development will be compatible with existing office developments to the north and south. With implementation of conditions of approval, the site will be compatible with remaining adjacent single-family residential properties to the east and west.

- 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;**

This request is accompanied by a request (ZON-21948) to rezone the property from R-1 (Single Family Residential) to P-R (Professional Office and Parking) that would bring the site into compliance with the existing O (Office) General Plan designation and would permit commercial office uses at the location. Several Commercial Design Standards from Title 19.08 require waivers or exceptions as the plan is currently proposed. Due to the constraints of the property and the location of the existing house, most of the waiver requests are acceptable. Additional landscaping could be provided along the east side for its aesthetic and cooling effects.

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

It is recommended that the circular driveway on the property's frontage be removed, leaving one shared access between the subject property and the property to the north. With this condition implemented, access and circulation will not cause a negative impact on neighborhood traffic.

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

The existing building materials are similar to adjacent offices to the north and south of the subject site. Landscape materials should include 24-inch box shade trees and be accompanied by five-gallon shrubs in required numbers.

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 building elevations indicate an exterior stucco finish of a single pink color. A condition has been added requiring a revised elevation plan showing changes in the color scheme that will provide visual interest.

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

With regular inspections for building permits and business licenses, the public health, safety and general welfare will be safeguarded.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 377 by Planning Department

APPROVALS 0

PROTESTS 0