

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SDR-23577 - APPLICANT/OWNER: RAUL GIL**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

**Planning and Development**

1. Conformance to the conditions for Rezoning (ZON-23579), Variance (VAR-23580), Variance (VAR-23582), Special Use Permit (SUP-23583) and Site Development Plan Review (SDR-23577) 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, and building elevations, date stamped 07/31/07, except as amended by conditions herein.
4. A Waiver from LVMC 19.12.040 is hereby approved, to allow a perimeter landscape buffer of zero feet along the eastern property line where 15 feet are required.
5. A Waiver from LVMC 19.12.040 is hereby approved, to allow a perimeter landscape buffer of zero feet along the northern and western property lines and six feet along the southern property line where eight feet is required along all interior lot lines.
6. A Waiver from LVMC 19.08.050 (D) (1) is hereby approved, to allow no perimeter wall along the southern property line where a six-foot high wall would be required.
7. A Waiver from LVMC 19.10.010 (J) (11) is hereby approved, to allow no parking lot landscaping where at least two, 24-inch box trees would be required.
8. A Waiver from LVMC 19.12.040 (B) (1) is hereby approved, to allow five trees in the provided landscape buffer where a 24-inch box tree is to be planted a minimum of every 20 feet on center and the provided perimeter landscape buffer would require seven trees.
9. Recordation of a reversionary parcel map or administrative joining consolidating the parcels on the site prior to issuance of any building or grading permits.

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10. 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.
11. 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.
12. 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).
13. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
14. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
15. 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.
16. 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.
17. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

18. Remove all substandard public street and alley improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

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19. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for the driveway accessing this site from 11<sup>th</sup> Street.
  
20. If gating is proposed, electronic entry gates may be placed immediately behind the street rightofway line (i.e., on the private property side of where the sidewalk is located). If a proposed entry gate is to be manually opened and closed, the gates shall be set back a sufficient distance (a minimum of 18 feet) to allow a vehicle to pull completely out of the public street rightofway before parking to manually operate the gate unless otherwise allowed by the City Traffic Engineer; alternatively the gates shall remain open during regular business hours. The installation of either swing gates or rolling gates are acceptable as long as no part of the gates, either in the opened or closed position, intrude into the public rightofway.

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

**PROJECT DESCRIPTION**

This is a request for a Site Development Plan Review for a proposed conversion of two residential buildings to commercial structures totaling 5,100 square feet for a proposed Food Processing business. The applicant is requesting a number of waivers to allow deviations from various landscape requirements and to allow no perimeter wall along the south property line. The two lots that make up the subject site are located at 305 and 311 North 11<sup>th</sup> Street.

The applicant has requested Variances (VAR-23580 and VAR-23582) to allow a reduction in the parking requirement and setback standards for the side and rear yard. The extent of the changes to the site, which necessitate multiple deviations from standards, are not compatible with adjacent development and denial of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/13/07	Companion items for a Rezoning (ZON-23579), two Variances (VAR-23580 and VAR-23582), and a Special Use Permit (SUP-23583) will be heard concurrently with this item.
<b><i>Related Building Permits/Business Licenses</i></b>	
01/01/51	A business license, A07-00254, for an Apartment House category license was issued by the Department of Finance and Business Services. Due to a change of classification this license was re-issued on 10/01/98. This license was marked out-of-business as of 05/10/07. *
01/26/07	A building permit application, plan check 80550-C-07, for the 6.5-foot high ornamental iron wall was submitted for the site. The permit was reviewed and issued the same day. This permit has not received a final inspection approval as of 08/28/07.
03/07/07	A set of building permit applications, plan check L-0768 through 0771-07, for the internal wall demolition was submitted for the site. The permits were issued on 03/12/07 and was recorded as complete on 07/12/07.
<b><i>Pre-Application Meeting</i></b>	
06/13/07	A pre-application meeting was held and elements of this application were discussed. Landscaping requirements, necessary waiver requests, and various Public Works concerns were talked about. Submittal requirements were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

\* This license was issued with no apparent Planning and Development Department review.

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<b>Field Check</b>	
08/13/07	The Department of Planning and Development conducted a site visit that found that the site was developed with a multifamily building on each lot. The building to the south (305 South 11 <sup>th</sup> Street) appeared to have been gutted and no windows were evident. There is an existing wrought iron fence around the three parcels at the south end of the block, which includes the two project site parcels.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.34

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential) [Proposed: C-2 (General Commercial)]
	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)
North	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)
South	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)
East	Senior Citizen Apartments	MXU (Mixed Use)	R-4 (High Density Residential)
West	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>			
Redevelopment Plan Area	X		Y
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>		X	n/a
<b>Trails</b>		X	n/a
<b>Rural Preservation Overlay District</b>		X	n/a
<b>Development Impact Notification Assessment</b>		X	n/a
<b>Project of Regional Significance</b>		X	n/a

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**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08, the following development standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	100 Feet	Y *
Min. Setbacks			
• Front	20 Feet	21 Feet	Y
• Side	10 Feet	7.83 Feet	N **
• Corner	15 Feet	n/a	n/a
• Rear	20 Feet	15 Feet	N **
Min. Distance Between Buildings	n/a	20 Feet	n/a
Max. Lot Coverage	50%	33%	Y
Max. Building Height	n/a	20 Feet	n/a
Trash Enclosure	Screened and Covered	Screened and Covered	Y
Mech. Equipment	Screened	Screened	Y

\* The total lot width after the parcels are combined will equal 100 feet. A condition of approval has been added to this review that, if approved, the two parcels must be combined either through a reversionary map or an administrative joining.

\*\* A Variance (VAR-23582) is being heard concurrently with this item. If approved, it would allow a rear setback of 15 feet where 20 feet would be required and a side yard setback of seven feet where 10 feet is required.

*Pursuant to Title 19.10 and 19.12, the following landscape standards apply:*

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree / 6 Spaces	2 Trees	0 Trees	N
Buffer:				
Min. Trees	1 Tree / 20 Linear Feet	20 Trees	5 Trees	N *
<b>TOTAL</b>		22 Trees	5 Trees	N
Min. Zone Width				
8 Feet @ North - Interior P L (Adj. to R-4 Zone)			0 Feet	N **
8 Feet @ South - Interior P L (Adj. to C-2 Zone)			6 Feet	N **
8 Feet @ West - Interior P L (Adj. to R-4 Zone)			0 Feet	N **
15 Feet @ East - P L @ ROW (Adj. to S. 11 <sup>th</sup> St.)			0 Feet	N **
Wall Height	6 Feet		6 Feet	N ***

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- \* There is a waiver request as a part of this review to allow sever reductions to the perimeter landscape buffer requirements. If approved, the waiver would reduce the buffer tree requirement to seven trees and a waiver of the tree planting requirement is still needed.
- \*\* There is a waiver request as a part of this review to allow no perimeter landscape buffer at the right-of-way (east property line) where 15 feet is required. The waiver also requests that perimeter landscape buffers along the north and west portions of the interior property lines be allowed to be zero feet wide and the south portion of the interior property lines be allowed to be six feet wide where eight feet is required. If approved, the waiver would grant relief from the citys standard.
- \*\*\* There are existing six-foot high wrought iron walls to the north, east, and west. To the south is a parcel that is not a part of this request but is under the same ownership. The applicant requests a waiver to allow no wall along the southern property line pursuant to 19.08.050 (D) (3).

***Pursuant to Title 19.04 and 19.10, the following parking standards apply:***

<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	
Food Processing	5,100 SF	1 Space / 500 SF of GFA	10 Spaces	1 Space	6 Spaces	1 Space	N *
<b>TOTAL (including handicap)</b>			11 Spaces		7 Spaces		N *
Loading Spaces	5,100 SF	1 Space @ less than 10,000 SF	1 Space		1 Space		Y
Percent Deviation			36.36% Reduction Requested				

- \* If approved, the companion Variance (VAR-23580) would allow seven parking spaces where 11 parking spaces are required, thus granting relief from the city standard.

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<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To provide a zero-foot wide perimeter landscape buffer along the eastern lot line along the ROW	15 FT	Denial
To provide a zero-foot wide perimeter landscape buffer along the interior property lines at the north and west	8 FT	Denial
To provide a six-foot wide perimeter landscape buffer along the interior property line at the south	8 FT	Denial
To provide only five trees in the perimeter landscape buffer along the interior property line at the south	7 Trees	Denial
To provide no trees for the parking area	2 Trees	Denial
To provide no perimeter wall along the south property line	6 Feet	Denial

## **ANALYSIS**

The subject site is located on the Southeast Sector Map of the General Plan. The site is designated as MXU (Mixed Use) on the Redevelopment Plan Area Map of the General Plan. This category allows for a mix of uses that are normally allowed within the L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories. The project proposes to convert the two existing multifamily residential buildings into a Food Processing use within 5,100 square feet of total building area on the 0.34 acre project site. The proposed Food Processing use is permissible under the MXU (Mixed Use) designation.

There is a Rezoning (ZON-23579) that proposes to change a portion of the project sites zoning from R-4 (High Density Residential) to C-2 (General Commercial). The existing and proposed C-2 (General Commercial) zoning district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The proposed use for this location is conditional, in a C-2 (General Commercial) zoning district which is compatible with the MXU (Mixed Use) General Plan designation. In this case the approval of a Special Use Permit (SUP-23583) is needed as the condition requiring a retail component is not met.

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The site encompasses two parcels intended to become one development for the processing of food. Should these parcels remain separate developments the site may be placed further out of conformance with the development standards for the C-2 (General Commercial) zoning district as relates to minimum lot width. For this reason a condition has been added to this review that prior to the issuance of any building or grading permits that a reversionary parcel map or administrative joining consolidating the parcels be recorded.

This site development plan review has been submitted in conjunction with a Rezoning (ZON-23579) to change the R-4 (High Density Residential) portion of the site into a C-2 (General Commercial); two Variances (VAR-23580 and VAR-23582) to allow deviations from setback and parking standards; and a Special Use Permits (SUP-23583) to allow a Food Processing use in a C-2 (General Commercial) zone without a retail component.

- **Site Plan**

The site lies just north of the intersection of Stewart Street and North 11<sup>th</sup> Street. These are existing multi-family residential buildings that are being converted for commercial use. The open area of the site is mostly hardscaped and will be refurbished to allow for a one-way drive aisle, parking and loading spaces, and small planters along the parking area on the north side of the site. Traffic would enter the site from North 11<sup>th</sup> Street and exit into the alleyway at the rear of the project site.

There are two buildings on-site that will be converted from residential use to commercial use to allow for a proposed Food Processing use at this location. There is a phasing plan that will complete the conversion of the single story building and the on-site improvements as a part of Phase 1 and the conversion of the two-story building as Phase 2. The site, with the existing building placements, does not have enough area to accommodate the necessary parking for the majority of commercial uses. Even though the parking requirement for a Food Processing use is relatively low at one space per 500 square feet of gross floor area the site requires a Variance (VAR-23580) to allow seven parking spaces where 11 would be required. Most any future commercial use wishing to occupy these building once they have been converted will require a parking variance for a reduction greater than the 36.36 percent requested at this time due to the limited area created by the use of buildings sited with residential needs in mind not commercial.

Further, the commercial development standards of a C-2 (General Commercial) zoning district are more restrictive than the previous residential zoning district and the site cannot meet the side and rear yard setback requirement. A Variance (VAR-23582) has been requested to allow a side setback on the northern side of seven feet where 10 feet is the minimum required and a rear setback of 15 feet where 20 feet is the minimum required.

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- **Waivers**

The applicant has requested waivers of the parking area landscaping requirements, the perimeter landscape buffer requirements and the perimeter wall requirement. Specifically, the request is to provide no parking area landscaping, no perimeter buffer at the north, east, and west property lines and a reduced perimeter buffer width (six feet where eight is required) along the southern property line. Additionally, the applicant requests to waive the perimeter wall requirement for the southern property line while retaining the existing wrought iron fencing around the perimeter at the north, east, and west property lines.

- **Landscape Plan**

The landscape plan depicts only one landscape buffer at the southern perimeter of this site. A waiver has been requested as a part of this review to allow this perimeter landscape buffers to be reduced from eight feet to six feet. The remaining buffer areas are requested to be zero feet where eight feet is required at the north and west sides of the site and 15 feet is required at the east. While it does not meet any of the landscaping requirements, there are five small (6-foot X 3.5-foot X 2-foot) planter boxes that are shown as a buffer between the parking spaces on the north side of the project area and the neighboring residential property.

The limited perimeter landscape buffer is depicted as having a minimum 24-inch box tree planted greater than 20 feet on center. The increase in the spacing of trees within the buffer reduces the number of trees provided to five where seven would be required within a 140-foot long buffer area. The planters in the parking area are represented as having three, 15-gallon trees per planter for a total of 15 of these smaller trees to help screen the majority of the parking area from the neighboring residential property.

- **Elevations/Floor Plan**

The building elevations illustrate existing brick buildings painted in a pale yellow color. The Phase 1 building is a single-story structure on the southern portion of the site with a covered porch that runs along the interior (southern) side of the structure. The Phase 2 building is a two-story structure on the northern portion of the site with second story patio at the east end of the building and a second set of exterior stairs at the west end of the building.

The floor plans show that food processing equipment will be within the Phase 1 building and that most of the floor area will be opened up to accommodate various workstations. Further, the floor plans show that the Phase 2 building will contain only support or ancillary activities such as the business offices, dry storage, break area, laundry facilities, and receiving area.

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This request is not compatible with the existing residential developments in the area due to the required waivers and Variances (VAR-23580 and VAR-23582). Therefore, staff is recommending denial of this Site Development Plan Review.

## **FINDINGS**

The following findings must be made for an SDR:

**1. The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with adjacent residential development in the surrounding area as it requires multiple deviations from design standards including a variance to allow for reduced setbacks. Further, the intensity of the proposed use is not appropriate at this location due to the existing adjacent residential uses to the north, 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;**

The proposed development is consistent with the General Plan, but is not consistent with Title 19 development, parking, or landscape standards. The proposed project is in line with the goal of the Downtown Redevelopment Plan which seeks to engage the private sector in investing in redeveloping properties within the plan area.

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

The subject site is adjacent to North 11<sup>th</sup> Street, an 80-foot wide local street that should be adequate to support the proposed use.

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

The building elevations depict an older, existing design and materials that provide an acceptable building and are compatible with the surrounding residential developments. While the proposed landscaping materials are appropriate for this area and the City, there is an inadequate amount of the required material to screen the site from neighboring properties in this area.

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- 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;**

These are existing buildings that are not unsightly, undesirable, or obnoxious in appearance. The buildings are compatible with other development in the area from a building elevation, design characteristics and aesthetic features point of view.

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

The proposed Food Processing use is subject to regular building and business licensing inspections and therefore should not compromise the public health, safety or welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12**

**ASSEMBLY DISTRICT 9**

**SENATE DISTRICT 3**

**NOTICES MAILED 166 (Mailed with SUP-23583)**

**APPROVALS 0**

**PROTESTS 3**