

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: FEBRUARY 28, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-25482 - APPLICANT/OWNER: BBH, LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Conformance to the conditions for Variance (VAR-25481) and Variance (VAR-26127) 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 12/19/07, building elevations, date stamped 11/06/07 except as amended by conditions herein.
4. A revised site plan shall be submitted to and approved by the Planning and Development Department, to reflect the changes herein. The site plan shall be revised to include one additional handicap accessible space as required for 106 parking spaces pursuant to Title 19.10.010 (G).
5. A Waiver from 19.12 Landscape Buffer requirements is hereby approved to allow no landscaping along the north and south property lines where eight feet is the minimum width required.
6. An Exception from LVMC 19.10.010 (J)(11) is hereby approved, to allow zero parking lot fingers in the onsite parking area where five landscaped fingers with one, 24-inch box tree per finger would be required.
7. An Exception from LVMC 19.08.0 is hereby approved, to allow no screening for a solar collector, where Parapet screening would be required.
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.

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

Public Works

16. Dedicate an additional 10 feet of right-of-way for a total half-street width of 40 feet on Western Avenue adjacent to this site prior to the issuance of any permits. This additional right-of-way shall be kept clear of parking stalls, buildings or other permanent private improvements.

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17. Remove all substandard public street improvements and unused driveway cuts adjacent to this entire site on Western Avenue and Highland Avenue, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. Offsite improvements on Western Avenue shall be constructed within the existing right-of-way to the currently established back of curb. Sidewalk adjacent to Western Avenue may be deferred subject to submittal of a Covenant Running with Land agreement for the possible future installation of sidewalks adjacent to this site. The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the City prior to the issuance of any permits or the approval of any construction drawings, whichever may occur first.
18. All driveways shall be designed, located and constructed in accordance with Standard Drawing #224.
19. If the entry gates proposed are to be electrically opened and closed, the gates may be placed immediately behind the street rightofway line (i.e., on the private property side of where the sidewalk is located). If the 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; alternatively the gates shall remain open during regular business hours. The installation of either swing gates or rolling gates is acceptable as long as no part of the gates, either in the opened or closed position, intrude into the public rightofway.
20. Landscape and maintain all unimproved right-of-way, if any, adjacent to this site. 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.
21. Submit an Encroachment Agreement for all landscaping, if any, located in the public rightofway adjacent to this site prior to occupancy of this site.
22. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed 49,949 square-foot Light Manufacturing Facility on 2.02 acres at 1924, 1930 and 2000 Western Avenue with a waiver to allow no landscape buffers along the north and south property lines where eight feet is required. An existing 5,118 square-foot building will remain and provide for additional storage for this facility. Additionally, two companion Variances were submitted for this Light Manufacturing Facility.

A Variance (VAR-25481) was submitted to allow a zero-foot side yard setback where ten-feet is required. Also a Variance (VAR-26127) to allow 76 parking spaces where 106 are required was requested. These Variances will be considered in conjunction with this Site Development Plan Review. The proposed Light Manufacturing Facility is compatible with the M (Industrial) zoned property and the surrounding area; however, the site plan does not meet the Title 19 standards for parking, landscaping and setbacks. Therefore, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/07/06	The City Council approved a General Plan Amendment (GPA-9219) to Amend the City of Las Vegas Downtown Redevelopment Plan map by designating future land use designations as Commercial, Mixed Use, Industrial or Public Facility for areas within the proposed Redevelopment Plan expansion area. The Planning Commission and staff recommended approval of this request.
<i>Related Building Permits/Business Licenses</i>	
08/12/06	A business license (N31-00112) was issued for a Non Profit Social Services General at 1928 Western Avenue.
10/25/06	Business licenses (C11-00571 & C11-08183) were issued for a contractor (Big Town Mechanical) at 2000 Western Avenue.
11/08/07	A business license (D06-00838) was issued for a Designer-Decorator at 1930 Western Avenue.
<i>Pre-Application Meeting</i>	
10/15/07	A Pre-Application Meeting was held and the requirements for submitting a Variance and a Site Development Plan Review with a waiver were discussed. The applicant was told that a Reversionary Map would be a necessary condition of approval.
<i>Neighborhood Meeting</i>	
A Neighborhood Meeting was not required, nor was one held.	

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<i>Field Check</i>	
01/10/08	The surrounding area is a combination of offices and industrial uses. The proposed development is compatible with the surrounding area.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.02

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Offices and Light Industry	LI/R (Light Industry / Research)	M (Industrial)
North	Light Industry	LI/R (Light Industry / Research)	M (Industrial)
South	Offices and Light Industry	LI/R (Light Industry / Research)	M (Industrial)
East	Offices and Light Industry	LI/R (Light Industry / Research)	M (Industrial)
West	Offices and Light Industry	LI/R (Light Industry / Research)	M (Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y
Special Purpose and Overlay Districts			
A-O Airport Overlay District 200 Feet	X		Y*
Live/Work Overlay District	X		Y
Trails		X	N
Rural Preservation Overlay District		X	N
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* The proposed structure has a maximum height of 46-feet; this height is under the 200 feet height limitation by the A-O Airport Overlay District.

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following development standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	87,555.60	Y
Min. Lot Width	100 Ft	299.8 ft	Y
Min. Setbacks			
• Front	10 Ft	10 Feet	Y
• Side	10 Ft	Zero Feet	N*
• Corner	10 Ft	N/A	Y
• Rear	Zero Ft	N/A	Y
Max. Lot Coverage	N/A	37.43%	Y
Max. Building Height	N/A	46 Feet	Y
Trash Enclosure	Screened	Screened	Y

* A companion Variance (VAR-25481) was submitted to allow a zero-foot side yard setback where ten-feet is required on the north property line.

Pursuant to Title 19.12.040, 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 Trees/ 6 Spaces	5 Trees	2 Trees	No*
Buffer: (East) Min. Trees	1 Tree/ 30 Linear Feet	10 Trees	10 Trees	Yes
Buffer: (West) Min Trees	1 Tree/ 30 Linear Feet	10 Trees	10 Trees	Yes
Buffer: (North and South)	1 Tree/ 30 Linear Feet	32 Trees	Zero	No**
TOTAL		57 Trees	22 Trees	No**
Min. Zone Width	8 Feet		Zero	No**
Wall Height	8 Feet		7.33	Yes

* An Exception from LVMC 19.10.010 (J)(11) is requested, to allow no parking lot fingers where three landscaped fingers with one, 24-inch box tree per finger would be required.

** A waiver is requested to allow no landscaping buffers along the north and south property lines, where eight-feet is required.

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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>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Office	19,235 SF	1/300 SF	62	3	72	4	No
Light Manufacturing	30,259 SF	1/1000 SF	29	2			
Existing Building	5,118 SF	1/50% of gross floor area	10	0	0	0	No*
SubTotal	54,612 SF		101	5	72	4	No**
TOTAL	54,612 SF		106		76		No**
Percent Deviation			0%		28.3%		No**

* The pre-existing building is a parking impaired development. The existing parking spaces are not counted toward the total parking for this Light Manufacturing Facility, due to the future road widening of Western Avenue that will not allow these existing parking spaces to be utilized.

** A companion Variance (VAR-26127) has been submitted to allow 76 parking spaces where 106 spaces are required. The approval of this Variance will allow this development to continue as designed.

Waivers		
Request	Requirement	Staff Recommendation
A waiver to allow no landscape buffers along the north and south property lines.	A Minimum Zone Depth-Interior Lot Lines of eight feet is required	Denial*

* The inability to provide a landscaped buffer on the north and south property lines, in an industrial zone, does not comply with Title 19 requirements and therefore staff recommends denial of this request.

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ANALYSIS

- **Zoning**

The M (Industrial) District is intended to provide for heavy manufacturing industries in locations where they will be compatible with and not adversely impact adjacent land uses. This district is intended to be located away from all residential development. The M (Industrial) Zoning District is consistent with the Light Industry/Research category of the General Plan.

- **Site Plan**

The Site Plan shows an existing building and the proposed three-story Light Manufacturing Facility. The existing building is 5,118 square-feet and is located on the south of this property. The proposed three-story Light Manufacturing Facility has approximately 49,494 square-feet and is a combination of office space and manufacturing space. This facility is zero feet from the north property line where ten-feet is required. A Variance (VAR-25481) has been requested by the applicant for this departure from Title 19 requirements. This property will be accessed from Western Avenue, an 80-foot secondary collector and Highland Avenue, a 60-foot local street as designated by the Master Plan of Streets and Highways.

- **Parking**

This Light Manufacturing Facility does not meet the parking standards as required by Title 19. The proposed development provides 76 parking spaces, where 106 spaces are required. Of these 76 parking spaces, approximately 27 are located on street level, including two handicap spaces. The remaining 49 parking spaces, including two handicap spaces, are located on the roof of the proposed three-story building. The applicant has an additional 11 parking spaces, including one handicap space, provided by the existing building. These were not counted toward the parking requirement as the future widening of Western Avenue will make these spaces unusable. This proposal does not meet Title 19 standards for parking and as a result a Variance (VAR-26127) has been submitted.

- **Landscaping and Waiver**

The Landscape plan is deficient in the amount of perimeter landscaping required on the north and south and property lines. The landscaping provided on the west and east property lines meet the minimum requirements of Title 19. The applicant is requesting a Waiver to allow no landscaping buffers along the north and south property lines where eight feet is the minimum width required. As this request is a self imposed hardship, staff recommends denial of this Waiver request.

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- **Elevation and Floor Plan**

The Elevation Plan depicts a three story structure with a maximum height of 46 feet. The elevations show concrete tilt up panels and a variety of textures and colors to facilitate a thought-provoking design. The floor plan shows multiple levels of manufacturing and office space. The first floor has offices on the east side and manufacturing on the west side of the building. The second floor is an assortment of offices and conference rooms and a large mezzanine. The third floor has office space and a roof top parking garage containing 49 parking spaces.

- **Sustainability**

This development of a Light Manufacturing Facility has a goal of earning a LEED rating of Gold. The Gold rating is the second highest criteria under the LEED certification system. More realistically, it is expected that this project will receive a rating of Silver, which is a substantial achievement toward sustainability. One of the design elements under consideration is photovoltaic panels, capturing the sun's energy for heating the building and projected to be installed on the roof-top car covers.

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 development of a Light Manufacturing Facility is compatible with the M (Industrial) Zoning district. The parcels directly adjacent to this project all have the M (Industrial) Zoning designation; however, the site plan does not meet Title 19 standards for parking, setbacks and landscaping.

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 Light Manufacturing Facility is consistent with the General Plan; however, the proposed development does not comply with Title 19 standards. A Waiver to Title 19.12 Landscape Standards for no landscaped buffers on the north and south property lines, a Variance (VAR-25481) for a zero setback on the north property line and another Variance (VAR-26127) for parking have been requested.

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

This project gains access from Western Avenue, a 60-foot secondary collector and Highland Avenue, a 60-foot wide local street. In the future, Western Avenue will become an 80-foot secondary collector. The current and future access to the site will not negatively impact adjacent roadways or neighborhood traffic.

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

The building and landscape materials 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;

The building elevations depict design and materials that will provide an aesthetically pleasing light manufacturing facility. This building is compatible with industrial development in this area.

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

This development will be subject to inspections, and appropriate measures will be taken to protect the public health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 148

APPROVALS 2

PROTESTS 7