

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: APRIL 24, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-26386 - APPLICANT/OWNER: BRENT AND GARY LEAVITT**

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

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-26383) and Variance (VAR-26385) 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 02/22/08, and building elevations date stamped 01/11/08, except as amended by conditions herein.
4. 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.
5. 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.
6. 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).
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

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8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
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 radius of 25 feet on the southeast corner of Charleston Boulevard and Hinson Street and grant a traffic signal chord easement on the southeast corner of Charleston Boulevard and Hinson Street prior to the issuance of any permits for this site.
13. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards and construct incomplete half street improvements, if any, 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. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this site.
16. Landscape and maintain all unimproved rights-of-way, if any, adjacent to this site. All landscaping and private improvements 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.

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17. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements, if any, in the Charleston Boulevard public rightofway adjacent to this site.
18. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor 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 recommended by the Flood Control Section.
19. Contact the City Engineers Office at 229-6272 to coordinate the development of this project with the Oakey Meadows Storm Drain: ITS Communication Infrastructure, Phase 1B project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Site Development Plan Review for a new commercial building, to be located on 0.52 acres at 4077 Charleston Boulevard. The applicant proposes to demolish the existing structure and construct a two-story, 10,000 square foot building. A Pawn Shop will occupy 3,000 square feet of the first floor of the proposed building. An unspecified retail use will occupy the remaining 2,000 square feet. On the second floor, 5,000 square feet will provide space for office use and storage for the Pawn Shop. The existing building is currently being leased as an office with active licenses for auto title loan and check cashing businesses.

A revised site plan was submitted 02/11/2008, when NDOT advised the applicant they would prefer the Charleston Boulevard driveway to be eliminated. All ingress and egress to the site will occur off of Hinson Street. Removal of the access drive on to Charleston Boulevard caused a loss of three parking spaces within the proposed parking lot. A Variance (VAR-26385) to allow 37 parking spaces where 41 are required will be heard with this case.

This proposed development is generally in keeping with the requirements of the C-1 (Limited Commercial) zoning district; however, the site requires a Variance (VAR-26385) to allow four less parking spaces than required, thus, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
1982	V-29-82
02/28/08	The Planning Commission voted to hold this item in abeyance at the request of the applicant.
03/13/08	The Planning Commission held this item in abeyance until 03/27/08 at the applicants request.
03/27/08	The Planning Commission held this item in abeyance until 04/24/08 at the applicants request.
<i>Related Building Permits/Business Licenses</i>	
05/04/00	KC Capital of Nevada Inc Check Cashing (C21-00064) Active
05/05/00	Rainbow Loan Company Auto Title Loan (F14-00031) Active
<i>Pre-Application Meeting</i>	
01/04/08	Advised applicant of procedure to submit applications for a Site Development Plan Review, a Special Use Permit and a Variance for the parking deficiency.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	

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Field Check	
01/28/08	Existing one-story building on parcel adjacent to the south side of Charleston Boulevard. Active business in building.

Details of Application Request	
Site Area	
Net Acres	.52

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial	SC(Service Commercial)	C-1 (Limited Commercial)
North	Commercial	SC(Service Commercial)	C-2 (General Commercial)
South	Commercial	SC(Service Commercial)	C-1 (Limited Commercial)
East	Commercial	SC(Service Commercial)	C-1 (Limited Commercial)
West	Commercial	SC(Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Pawn Shop	3000 S.F.	1/250	12		12		
Retail	2000 S.F.	1/175	12		12		

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Office	5000 S.F.	1/300	15	2	11	2	
TOTAL (including handicap)	10,000 S.F.		41		37		N
Percent Deviation (VAR only)					9.75%		

DEVELOPMENT STANDARDS

Applicable code section here 19.08

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	N/A	N/A
Min. Lot Width	100 Feet	130 Feet	Y
Min. Setbacks			Y
• Front	20 Feet	23.8 Feet	Y
• Side	10 Feet	60 Feet	Y
• Corner	15 Feet	15 Feet	Y
• Rear	20 Feet	80 Feet	
Max. Lot Coverage	50%	44%	Y
Max. Building Height	N/A	34 Feet	N/A
Trash Enclosure	Screened and Gated	Screened	Y
Mech. Equipment	Screened	Screened	Y
Residential Adjacency	N/A	N/A	N/A

The applicable code section Title 19.12

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Trees / 6 Space	9 Trees	9 Trees	Y
Buffer:				
Min. Trees	1 Trees /30 Linear Feet	20 Trees	24 Trees	Y
TOTAL		29 Trees	33 Trees	Y
Min. Zone Width	15 Feet on ROW / 8 Feet Side and Rear		15 Feet on ROW and 8 Feet Side/Rear	Y
Wall Height	8 Feet		Not shown	Y

ANALYSIS

- **Zoning/Use**

The proposed building will house retail uses, an office and storage. The site is located on Charleston Boulevard, a 100 foot wide primary arterial as listed by the Master Streets and Highway Plan. Commercial uses are typical along this main street. The SC (Service Commercial) General Plan category with the affiliated C-1 (Limited Commercial) zoning district allows retail uses. The proposed use as a Pawn Shop is restricted by proximity to other financial uses within the 1,000 foot separation distance as required by Title 19.04.

- **Site Plan**

The applicant proposes to demolish the existing structure on the property and construct a two-story, 10,000 square foot building. A Pawn Shop is the use planned to occupy 3,000 square feet on the first floor of the proposed building. An unspecified retail use will occupy the remaining 2,000 square feet. On the second floor, 5,000 square feet will provide space for office use and storage for the Pawn Shop.

The site plan shows a two-story building with an approximate total gross floor area of 10,000 square-feet. The proposed building will be located on the northwest corner of the site. According to the building footprint shown the lot coverage is approximately 44% where 50% is allowed. Ingress and egress to the site is from Hinson Street.

Parking is depicted adjacent to the east and south sides of the building and along the south and east property lines. Parking was calculated for a Pawn Shop use at one space per 250 square feet of gross floor area; a general retail use at one space per 175 square feet of gross floor area; and office/storage space at one space per 300 square feet of gross floor area. The proposed Pawn Shop, General Retail and Office/Storage uses are subject to the parking standards of Title 19.04 and Title 19.10. The project as designed will provide 37 parking spaces, with two spaces meeting ADA accessibility standards, where 41 are the total minimum required which represents a 9.75 percent deviation from the standard. A loading space is shown on the south west portion of the building. A companion Variance (VAR-26385) to allow 37 parking spaces where 41 are required will be also be heard with this proposal.

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- **Landscape Plan**

The submitted landscape plan indicates a mixture of drought tolerant plant material that will enhance the building, provide shade in the parking area and add significantly to the Charleston Boulevard streetscape at this location. Chilean Mesquites will be used on the perimeter along with drought tolerant shrubs and groundcovers. The provided landscape plan shows an adequate amount of tree coverage within the parking lot islands. The flowering Chitalpa will provide adequate shade cover at maturity and will also add color to the site throughout the warm months. Mondel pines are used in areas to provide greenery throughout the year.

- **Elevations**

The selected materials shown on the elevations are appropriate for the proposed buildings. A cement plaster with a light sand finish will comprise the exterior of the proposed building. Visual interest to accentuate the building consists of four complementary shades of paint used on the exterior and large windows on all sides of the building enhanced with metal canopies above the windows. Mechanical equipment is shown on the flat roof and is screened by parapets. The roof lines of varying heights also add visual interest to the modern look of the proposed structure.

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;**

The proposed retail/office building is compatible with the surrounding commercial buildings and development in this area along the Charleston Boulevard Corridor.

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 retail/office use is an expected use for the SC (Service Commercial) General Plan Designation and is in context with the surrounding commercial development. Although, the project requires a Variance to allow a reduction in the number of on-site parking spaces as required by Title 19.04. Additionally, the proposed use as a Pawn Shop does not meet the 1,000 foot separation requirement from other Financial Institutions, Specified.

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

The site fronts onto Charleston Boulevard but site access (ingress and egress) for this development is from Hinson Street, a 60 foot wide collector street, adjacent to the west side of the site. This access point will not negatively impact adjacent roadways or neighborhood traffic.

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

The proposed building and landscape materials are appropriate for the area and the City. Additionally, the landscape proposed for this development will be an attractive addition to this portion of the Charleston Boulevard streetscape.

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 applicant proposes structures with varied roof line heights to the two story building. Expanses of windows and shade producing canopies provide visual interest to the exterior of the building.

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

The proposed plan will not impact public health, safety or welfare since the development will be subject to the International Building Code and City inspections during construction of the building as well routine business license inspections for the tenant commercial spaces.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 11

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NOTICES MAILED 69

APPROVALS 0

PROTESTS 8