

## AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 16, 2008  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: SDR-25968 - APPLICANT/OWNER: LAND CAPITAL PARTNERS, LLC

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

The Planning Commission (7-0 vote) and staff recommend DENIAL.

#### Planning and Development

1. 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.
2. All development shall be in conformance with the landscape plan and elevations date stamped 02/13/08 and site plan date stamped 01/07/08, except as amended by conditions herein.
3. A Waiver from Title 19.12.040 is hereby approved, to allow no landscaping on the north, south, east and west perimeter buffer zones.
4. If landscaping is required 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. If landscaping is required 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.

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.

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

**PROJECT DESCRIPTION**

This is a request for a Site Development Plan Review for a proposed 276 square foot addition to an existing 1,197 square foot office building with Waivers of the perimeter landscape requirements to allow a zero-foot landscape buffer in the front yard where 15 feet is required, a zero foot landscape buffer in the rear yard where eight feet is required, a zero-foot landscape buffer along the west property line where 8 feet is required and a zero foot landscape buffer along the east property line where 6 feet 5 inches is required on .15 acres at 4704 West Charleston Boulevard.

The entire site has been completely covered in concrete and asphalt leaving no room for landscape planters. The applicant was asked to work with the Planning Commission in order to provide some additional landscape and retain the existing palm tree on site. The applicant has provided plans which indicate the addition of two planters, one fronting Charleston Boulevard and one to the east of the handicapped parking space at the front of the building. In addition, the site as proposed cannot conform to Title 19.10 Parking Standards as aisle width for two-way access is 24 feet. The applicant is proposing a 16.6 foot wide single access point in and out of the main parking area, which poses a potential safety risk. Due to the lack of landscape and parking lot access staff recommends denial of this proposal.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
11/23/77	The City Council approved a Rezoning (Z-0005-66[10]) to P-R zone, establishing the commercial use on this location.
02/28/08	The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #34/dc).
<b><i>Related Building Permits/Business Licenses</i></b>	
02/02/98	A Tailor/Alterations license (#T01-00245) was issued for the site. The license expired 10/15/07.
<b><i>Pre-Application Meeting</i></b>	
10/17/07	A pre-application meeting was held with the applicant. Several elements of the application were discussed at the meeting, including the Public Works requirement to remove and replace any substandard street improvements, contact the Nevada Department of Transportation, meet with flood control and maintain landscape for sight visibility zones.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required nor was one held.	

<b>Field Check</b>	
12/20/07	A field check was made on site. The existing building was observed to be vacant, paved and concreted on every exterior surface, and devoid of landscape with the exception of one palm tree at the driveway entrance, which is to be removed per the site plan submitted. No ADA parking or parking space striping was observed in the parking lot.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	0.15 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential) Zone
South	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
East	Strip Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
West	Gas Station / Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	N/A
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
A-O (Airport Overlay) District	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
<b>Project of Regional Significance</b>		X	N/A

**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 Size	N/A	6,920 SF	Y
Min. Lot Width	100 Feet	70 Feet	Y*
Min. Setbacks			
• Front	20 Feet	26.6 Feet	Y
• Side (east)	10 Feet	6.42 Feet	Y**
• Side (west)	10 Feet	16.6 Feet	Y
• Rear	20 Feet	20 Feet	Y
Max. Lot Coverage	50%	21.2%	Y
Max. Building Height	2 stories/35 feet	12.7 Feet	Y
Trash Enclosure	No	Access off street	Y
Mech. Equipment	Screened	Not provided	N

\* The lot width is legally non-conforming.

\*\* The existing building to which the addition is attached met the setbacks at the time of its construction; therefore it is legally nonconforming.

*Pursuant to Title 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	1 Tree	1 Tree	Y
Buffer: Min. Trees (south, east and west)	1 Tree/30 Linear Feet	11 Trees	Zero Trees	N
Buffer: Min. Trees (north)	1 Trees/20 Linear Feet	4 Trees	Zero Trees	N
<b>TOTAL</b>		16 Trees	1 Tree	N*
Min. Zone Width (south/front)	15 Feet		Zero Feet	N*
Min. Zone Width (north/rear and west side yard)	8 Feet		Zero Feet	N*
Min. Zone Width (east side yard)	6.42 Feet		Zero Feet	N*
Wall Height	6-8 Feet		6 Feet	Y

\* A waiver of landscape buffer standards along the north, south east and west property lines is requested.

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

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Required 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	1,473 SF	1 space/ 300 SF	4	1	5	1	Y
<b>TOTAL</b>			5		6		Y

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
Waiver of the perimeter landscape buffer to allow a zero foot landscape buffer along the south property line	15 feet is required	Denial
Waiver of the perimeter landscape buffer to allow a zero foot landscape buffer along the north and west property lines	8 feet is required	Denial
Waiver of the perimeter landscape buffer to allow a zero foot landscape buffer along the east property line where 6 feet 5 inches is required	6 feet 5 inches is required	Denial

**ANALYSIS**

The existing office building on the property is intended to be expanded from 1,197 square feet to 1,473 square feet by means of a 12 x 23 foot addition placed at the rear northeast corner of the building. The 276-square foot addition will provide additional office space for the structure and retain a similar appearance to the existing exterior of the building. The structure was originally built as a single family home in 1960 and converted to an office use in 1977. Originally operated as a real estate office and more recently as an alterationist/tailor shop, the building is currently unoccupied. No significant landscape exists on this site, over the years the entire yard area has been covered in concrete and asphalt, except for one lone palm tree at the southwest corner of the site which is slated to be removed as part of the remodeling of this building. The parking lot striping has also faded from the parking areas and no ADA parking stall or signage was noted on site.

- **Zoning**

The existing zoning classification for this site is C-1 (Limited Commercial) while the General Plan designates this parcel as SC (Service Commercial). The SC (Service Commercial) land use designation and its affiliated C-1 (Limited Commercial) Zoning District allow for mostly retail shopping and personal services, and are typically located on the periphery of residential neighborhoods

- **Site Plan**

Access to the site is from a new/proposed 24-foot wide driveway on Charleston Boulevard which leads to the two separate parking areas which maintains very little modification from the existing layout (two of the original seven parking spaces are lost in the rear of the structure to accommodate the proposed addition). The ADA parking is located in the front of the building, while the five remaining standard parking spaces are located at the rear of the building accessed by an existing two-way 16 foot 7 inch drive aisle. Per Title 19.10 Parking Standards, the minimum required width for a two way drive aisle is 24 feet, however due to existing site limitations and the inability to maintain the parking needed elsewhere on site, consideration and flexibility may need to be given to allow a two-way 16 foot 7 inch drive aisle on the subject property should this Site Development Plan Review be approved.

- **Landscaping**

The applicant is requesting Waivers of the front, rear, and side yard landscape buffer standards to accommodate the proposed addition. As previously stated in the Analysis, the existing site is completely devoid of all landscape except for one lone palm tree. The applicant was asked by Planning Commission to provide additional landscape on site and retain the existing palm tree. Revisions have been submitted depicting an approximate two-foot wide by eight-foot long planter accommodating three five-gallon shrubs fronting Charleston Boulevard. A second, approximately two-foot wide by 26-foot long planter containing five five-gallon shrubs has also been added at the east perimeter of the site adjacent to the handicapped parking stall and access aisles. These planters, and the existing palm tree, will be the only landscape provided on site.

Rezoning case [Z-0005-66(10)], which established the commercial use on the subject property 11/23/77, contained a Condition of Approval which stated, Provide a 5-ft. wide planter area on West Charleston Boulevard frontage with 5-gallon size evergreens, 3 ft. on center, and provide irrigation as required by the Planning Commission. An inspection performed by the City of Las Vegas on 04/12/78 confirmed that the front planter was installed and completed with landscape and irrigation. At some point this planter had been removed and covered with concrete violating this Condition of Approval and rendering the site void of landscape.

- **Waivers**

Three waivers of the landscaping and design standards are necessary to accommodate the proposed site plan, if approved. The applicant has provided a zero-foot landscape buffer along the south property line fronting Charleston Boulevard where 15 feet is required. The current site plan features 4-inch pipe bollards spaced 4 feet on center within this buffer, 4 feet 7 inches of concrete/asphalt and ADA parking in the buffer zone. The applicant has provided a zero-foot landscape buffer along the west and north property lines where 8 feet is required. The west property line currently serves as the 16 foot 7 inch wide two way access to the rear parking area and the north property line accommodates five 18 foot long parking spaces and a 25 foot wide drive aisle. The third waiver requested was for a zero-foot landscape buffer along the east property line where 6 feet 7 inches is required. The applicant is providing existing concrete and asphalt within this buffer.

While the applicant has provided some additional landscape on site, these waivers are still necessary in order to accommodate the site plan as presented. The placement of additional landscape planters will enhance the site; however none of the planters span a width great enough to accommodate removal of the waivers.

- **Elevations and Floor Plan**

The existing building was originally built in 1960 as a single-family home and reallocated for office use in 1977. The existing building retains the character of a single family home except for the addition of parapets at the roof line. The proposed addition to the rear of this building will mimic the existing façade and parapets as well as provide four windows on the west elevation facing the parking lot. No windows will be provided on the north or east elevations. The addition as proposed will be a one-room office while the existing floor plan is not slated for change.

## **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 addition is compatible with the surrounding development to the east and west of the subject property, however the surrounding property to the north is still used, zoned and planned for single-family use and the applicant has provided no landscape buffer in the 20 feet between the proposed addition and the R-1 zoned property to the north.

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 addition to the site is consistent with the SC (Service Commercial) land use designation of the General Plan and is keeping with the office use of the existing building. While any proposed change to this site would require some deviations from Title 19 Landscape and Buffer Standards due to existing building placement, the applicant has provided for minimal enhancement to the grounds of the subject property. The large number of Waivers requested for the site landscape indicates that an addition to this building and any proposed office use would not be an enhancement or benefit to the community; therefore, denial of this request is recommended.

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

The proposed driveway from Charleston Boulevard will require Nevada Department of Transportation approval prior to the issuance of a Certificate of Occupancy. Additionally, the access to rear parking is 16 feet 7 inches and will be serving at least five parking spaces, which is a potential safety hazard.

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

The building materials are appropriate for the area and for the City. The provision of some landscape provided at the front of the building but not at the rear is not 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 proposed elevation is consistent with the existing general appearance of the exterior of the building and will not create a detriment to the area.

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

The site will be subject to inspections and state licensing requirements and will not endanger the public health or compromise the general welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 17

**ASSEMBLY DISTRICT** 3

**SENATE DISTRICT** 11

**NOTICES MAILED** 151 by Planning Department

**APPROVALS** 0

**PROTESTS** 1