

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: SEPTEMBER 25, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-29426 - APPLICANT/OWNER: ROBERT D. LAWSON**

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

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-15411) and Variances (VAR-29428 and VAR-29430) shall be required, 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 date-stamped 09/04/08 and the landscape plan and building elevations date stamped 08/12/08, except as amended by conditions herein.
4. Waivers from Title 19.12.030 have been approved to allow landscape buffers of zero feet on the east property line where 15 feet is required, six feet on the south where 15 feet is required, and zero feet on the west property line where five feet is required.
5. 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: one additional 24-inch box tree shall be provided to meet the parking lot tree requirements.
6. 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.
7. A perimeter wall at least six feet in height and meeting all requirements of Title 19.12.075 shall be provided where the subject site is adjacent to residentially zoned property.

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8. 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).
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. 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.
12. 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.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. 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 concurrent with development of this site.
15. 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 Jessica Avenue. The driveway shall be constructed per Standard Drawing #224.
16. 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 and abutting street intersections.
17. Landscape and maintain all unimproved rights-of-way on Jessica Avenue and Maryland Parkway adjacent to this site.
18. Submit an Encroachment Agreement for all landscaping, if any, located in the Jessica Avenue and Maryland Parkway public rights-of-way adjacent to this site prior to occupancy of this site.

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19. 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 as recommended.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Review for a proposed two-story, 3,132 square-foot Office on 0.17 acres, located at 1148 South Maryland Parkway. Waivers of Title 19.12.040 Landscape Buffer requirements have been requested to allow zero feet on the east property line where 15 feet is required, six feet on the south where 15 feet is required, and zero feet on the west property line where five feet is required. Two companion Variances have been submitted with this application, including a Variance (VAR-29428) to allow an eight-foot rear yard setback where 15 feet is required, to allow a two-foot corner side yard setback where 10 feet is required, and to allow a 40-foot setback where residential adjacency standards require 50 feet; and a Variance (VAR-29430) to allow seven parking spaces where 11 are required. The request for numerous Waivers and Variances has demonstrated that the applicant has created a self-imposed hardship by over-building the site; therefore, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/17/06	The City Council approved a General Plan Amendment (GPA-12043) to amend a portion of the Southeast Sector Plan from SC (Service Commercial) and L (Low Density Residential) to O (Office) at 1148 South Maryland Parkway. Planning Commission and Staff recommended approval.
10/04/06	The City Council approved a Rezoning (ZON-15411) request from R-1 (Single Family Residential) under Resolution of Intent to P-R (Professional Office And Parking) at 1148 South Maryland Parkway. Planning Commission and Staff recommended approval.
10/04/06	The City Council approved a Site Development Plan Review (SDR-15409) request for the conversion of a 1,051 square-foot residence to an office building and a Waiver of the landscape buffer requirements at 1148 South Maryland Parkway. Planning Commission and Staff recommended approval. The residence has since been demolished and this Site Development Plan no longer applies.
<i>Related Building Permits/Business Licenses</i>	
08/14/07	A building permit was issued to demolish the existing single family dwelling (H#95978).
<i>Pre-Application Meeting</i>	
07/23/08	Discussed the parking and development standards based on the proposed use and existing zoning and General Plan designation. Also discussed the requirement for required Variances and Waivers required for the application.

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Field Check	
08/19/08	A field check of the site was performed by staff. The site is noted to be undeveloped. Existing perimeter walls do not appear to meet the minimum requirements of Title 19.08.075 for height.

Details of Application Request	
Site Area	
Gross Acres	0.17

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	O (Office)	R-1 (Single Family Residential) under Resolution of Intent to P-R (Professional Office and Parking)
North	Single Family Residential and Office	L (Low Density Residential) and O (Office)	R-1 (Single Family Residential) and P-R (Professional Office and Parking)
South	Office	SC (Service Commercial)	C-D (Designed Commercial)
East	Park	PR-OS (Parks / Recreation / Open Space)	C-V (Civic)
West	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	N/A
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

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	60 Feet	60 Feet	Y
Min. Setbacks			
• Front	20 Feet	57 Feet	Y
• Side	5 Feet	12 Feet	Y*
• Corner	15 Feet	2 Feet	N**
• Rear	15 Feet	8 Feet	N**
Max. Lot Coverage	50%	27.8%	Y
Max. Building Height	Lesser of 2 stories or 35 feet	19.75 Feet	Y
Trash Enclosure	Screened, Enclosed	Not Shown	N/A
Mech. Equipment	Screened	Screened	Y

**Submitted plans indicate development beyond the west property line of the subject site onto the adjoining residential property for landscape only; the setback is measured to the property line.*

*** The applicant has requested a companion Variance (VAR-29428) for the reduction of the rear and corner side yard setback requirements, and the proximity slope setback requirement.*

Pursuant to Title 19.08.06, the following Residential Adjacency Standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	50 Feet	40 Feet	N*
Adjacent development matching setback	5 Feet (side) 15 Feet (rear)	10 Feet (side) 8 Feet (rear)	Y N*
Trash Enclosure	50 Feet	Not shown	N/A

** The applicant has requested a companion Variance (VAR-29428) for the reduction of the rear and corner side yard setback requirements, and the proximity slope setback requirement.*

Pursuant to Title 19.10 and 19.12, the following parking lot landscape standards and perimeter landscape buffer standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/6 Spaces	2 Trees	1 Tree	N*
Buffer: Min. Trees				
North	1 Tree per 20 feet	4 Trees	4 Trees	Y
South	1 Tree per 20 feet	2 Trees	2 Trees	Y
East	1 Tree per 20 feet	5 Trees	5 Trees	Y
West	1 Tree per 20 feet	2 Trees	2 Trees	Y

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TOTAL	13 Trees	13 Trees	Y
Min. Zone Width (Interior)	8 Feet (north side) 5 Feet (west side)	8 Feet Zero Feet	Y N**
Min. Zone Width [R.O.W. (Maryland Pkwy)]	15 Feet	Zero Feet	N**
Min. Zone Width [R.O.W. (Jessica Ave)]	15 Feet	6.5 Feet	N**
Wall Height	6 Feet	6 Feet	Y***

**The landscape plan is short one parking lot tree. A condition has been added to require it.*

*** The applicant has requested Waivers of Title 19.12.040 Landscape Buffer requirements.*

****An existing fence is called out at the northwest corner of the site abutting an R-1 zoned property. A field check shows that the wall does not appear to meet the minimum requirements of Title 19.12.075, which requires a perimeter wall of at least six feet in height adjacent to residentially zoned properties. A condition has been added to meet this requirement.*

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	
Office	3,132	1 / 300 SF	10	1	6	1	N*
SubTotal			10	1	6	1	N*
TOTAL			11		7		N*
Percent Deviation					36%		

** The applicant has requested a companion Variance (VAR-29430) for seven parking spaces where 11 are required by Title 19.10.010.*

Monument Signs: [Title 19.14.060(C)]		
Standards	Allowed	Provided
Maximum Number	1 / Street frontage 2 total	1 / Street frontage 1 total
Maximum Area	75 SF /sign	75 Feet Max
Maximum Height	8 Feet	10 Feet*
Minimum Setback	5 Feet	5 feet
Illumination	Direct/Internal	External (Does not specify type)

**Plans indicate a proposed monument sign with a height of 10 feet where a maximum of eight feet is allowed. As the sign is not approved as part of this Site Development Plan Review, it shall be evaluated for conformance with Title 19.14.060 requirements at the time of building permit submittal.*

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Waivers		
Request	Requirement	Staff Recommendation
Perimeter Landscape Buffer Zone Width: Zero Feet (east) 6 Feet (south) Zero Feet (west)	15 Feet (east) 15 Feet (south) 5 Feet (west)	Denial

ANALYSIS

- **Zoning**

The subject site is undeveloped, with a zoning of R-1 (Single Family Residential) under Resolution of Intent to P-R (Professional Office and Parking) and is consistent with the General Plan designation of O (Office). A previous Site Development Plan Review (SDR-15409) approved the conversion of the existing single family residence at the site to an office building, with Waivers of landscape buffer requirements. The residence has since been demolished and the site is vacant; therefore, SDR-15409 no longer applies to the site.

- **Site Plan**

The site is located at the northwest corner of Jessica Avenue and Maryland Parkway. The site plan indicates a proposed 3,132 square-foot two-story Office. The applicant has requested a companion Variance (VAR-29428) for the reduction of the rear and corner side yard setback requirements, and the proximity slope setback requirement.

Parking is provided to the south of the proposed building, with access gained by a driveway to Jessica Avenue. A total of seven parking spaces, including one handicap accessible space, are proposed where 11 spaces are required. The applicant has requested a companion Variance (VAR-29430) for the deficiency.

- **Landscape Plan**

The landscape plan indicates that two types of trees, Mexican Palo Verde and Shoestring Acacia, will be planted at the site. The trees will be a minimum 24-inch box size. There are a total of 13 perimeter trees, which meets the perimeter buffer planting requirement of one tree for every 20 linear feet. In addition, there is one parking lot tree where two trees are required; a condition has been added to require the second tree. The landscape materials are of appropriate size and type to meet the requirements of Title 19.12, and are appropriate for the area.

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- **Waivers**

The applicant has requested Waivers of Title 19.12.040 Landscape Buffer requirements to allow zero feet on the east property line where 15 feet is required, six feet on the south where 15 feet is required, and zero feet on the west property line where five feet is required. Staff cannot support the requested Waivers because it would be inconsistent with Objective 2.2 of the Las Vegas Master Plan 2020, which is To ensure that low density residential land uses within mature neighborhoods can exist in close proximity to higher density residential, mixed-use or non-residential land uses by mitigating adverse impacts where feasible. Approval of the proposed development with the requested Variances and Waivers would ignore the adverse impacts of the site on adjacent residential properties.

- **Elevations**

Submitted elevations indicate a combination of stucco, stone veneer and patterned masonry walls with store front glazing. The materials and façade design are consistent with Title 19.08 requirements for changes in colors, materials and relief.

- **Floor Plans**

Floor plans indicate a reception area, a conference room and flexible office space on the first floor, with offices and service areas on the second floor.

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 development is incompatible with adjacent development in that the applicant is requesting numerous Variances and Waivers, indicating that the proposed site will be over-built.

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 inconsistent with Objective 2.2 of the Las Vegas Master Plan 2020, which is To ensure that low density residential land uses within mature neighborhoods can exist in close proximity to higher density residential, mixed-use or non-residential land uses by mitigating adverse impacts where feasible. Approval of the proposed development with the requested Variances and Waivers would ignore the adverse impacts of the site on adjacent residential properties.

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

Site access and circulation is adequate and will not negatively impact adjacent roadways or neighborhood traffic.

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

Building and landscape materials are appropriate for the area and meet the requirements of Title 19.

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 building elevations depict appropriate design and architectural features that are consistent with the area and the requirements of Title 19.

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

The proposed development will be subject to permit review and inspection, and therefore appropriate measures will be taken to protect the public health, safety or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 297

APPROVALS 1

PROTESTS 2