

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: SEPTEMBER 25, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-29445 - APPLICANT/OWNER: CLARK COUNTY LEGAL SERVICE PROGRAM, INC.**

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

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-29446) and Variance (VAR-29447) 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 and landscape plan date stamped 08/28/08, building elevations date stamped 09/11/08 and floor plans date stamped 08/12/08, except as amended by conditions herein.
4. Waivers of Title 19.12 perimeter Landscape and Buffer Standards to allow a zero-foot buffer along the north property line where eight feet is required, a five-foot buffer along the west property line where eight feet is required, a 10-foot buffer along the south and east property line where 15 feet is required, is hereby approved.
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.
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. 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).

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8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. Air conditioning units shall not be mounted on rooftops.
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. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Coordinate with the City Surveyor regarding recordation of a Reversionary Map for this site; comply with the recommendations of the City Surveyor.
16. Dedicate a 10-foot radius on the northwest corner of Charleston Boulevard and 8th Street prior to the issuance of any permits.
17. Submit an approval from the Nevada Department of Transportation (NDOT) for the improvements within the NDOT right-of-way to the Transportation Planning Section prior to the submittal of any improvement plans or map, whichever may occur first.
18. 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.

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19. Contact the City Engineers Office at 229-6272 to coordinate the development of this project with the ITS Communications Infrastructure Phase 1B project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
20. Landscape and maintain all unimproved rightsofway, if any, on 8th Street and Charleston Boulevard adjacent to this site.
21. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located in the 8th Street public right-of-way adjacent to this site prior to occupancy of this site.
22. 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 prior to the issuance of any permits.
23. All 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.
24. 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

The applicant is proposing to build a 39,000 square-foot office building on 0.71 acres at the northwest corner of Charleston Boulevard and 8th Street. The proposed building is four stories at 65 feet in height. The proposed building contains office space and parking within the building footprint. The applicant is requesting Waivers of the Perimeter Landscape Buffer Requirements to allow a zero-foot buffer along the north property line where eight feet is required, to allow a five-foot buffer along the west property line where eight feet is required and to allow a ten-foot buffer along the south and east property line where 15 feet is required. There are two associated Variances, which will be heard with the subject case. Variance (VAR-29946) to allow 84 parking spaces where 130 are required; and a Variance (VAR-29947) to allow a 10-foot front yard setback where 20 feet is required, a five-foot side yard setback where 10 feet is required, a zero-foot corner side setback where 15 feet is required, a zero-foot rear yard setback where 20 feet is required, and to allow approximately 83% lot coverage where 50% is the maximum allowed. The proposed office building is not consistent with Title 19, which is evidenced by the number of associated Variances and Waivers. Therefore, staff is recommending denial of the subject application and the related Variances and Waivers.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|---|--|
| 12/16/94 | The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south. The Planning Commission recommended approval on 12/10/94. |
| 09/25/08 | The Planning Commission will hear a related Variance (VAR-29446) to allow to allow 84 parking spaces where 130 are required and Variance (VAR-29447) to allow a 10-foot front yard setback where 20 feet is required, a five-foot side yard setback where 10 feet is required, a zero-foot corner side setback where 15 feet is required a zero-foot rear yard setback where 20 feet is required, and to allow approximately 83% lot coverage where 50% is the maximum allowed on 0.71 acres at the northwest corner of Charleston Boulevard and 8th Street. |
| <i>Related Building Permits/Business Licenses</i> | |
| 05/21/01 | A Building Permit (#L-3747-01) was issued for a non-work certificate of occupancy at 721 E. Charleston Boulevard. |

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| <i>Pre-Application Meeting</i> | |
|--|--|
| 07/24/08 | A pre-application meeting was held on the indicated date. The applicant outlined the proposed office building. The applicant was advised on the requirements for the subject Site Development Plan Review and related Variances needed for the proposal. |
| <i>Neighborhood Meeting</i> | |
| A neighborhood meeting was not required, nor was one held. | |

| <i>Field Check</i> | |
|---------------------------|---|
| 08/21/08 | The field check indicated a vacant lot that once housed an office building. The building has since been demolished, but a parking area still exists. The site is secured by a chain-link fence and is free of debris. There is no permit history for the existing chain-link fence. |

| <i>Details of Application Request</i> | |
|--|------|
| <i>Site Area</i> | |
| Net Acres | 0.71 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|---|---|---|
| Subject Property | Substandard Parking Lot | C (Commercial) | C-1 (Limited Commercial) |
| North | Offices | C (Commercial) | C-1 (Limited Commercial) |
| South | Mary Dutton Park and Offices | PF (Public Facilities) and C (Commercial) | C-V (Civic) and P-R (Professional Office and Parking) |
| East | Financial Institution, General (with Drive-Through) | C (Commercial) | C-2 (General Commercial) |
| West | Offices, Medical or Dental | C (Commercial) | C-1 (Limited Commercial) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|-------------------|------------------|--------------------------|
| Special Area Plan | | X | N/A |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | | |
| Live/Work Overlay District | 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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Redevelopment Plan Area The subject site is located within the boundaries of the Las Vegas Redevelopment District. The proposed uses are in conformance with the Redevelopment Plan goals and policies that encourage innovative, mixed use project in this area of the City.

*** Live/Work Overlay** This site is within the Live/Work Overlay district. The proposed development will not offer any housing options and therefore the project is not impacted by the Live/Work standards as outlined in Title 19.06.030.

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.010, the following development standards are proposed:

| <i>Standard</i> | <i>Required/Allowed</i> | <i>Provided</i> | <i>Compliance</i> |
|-------------------------------|-------------------------|-----------------|-------------------|
| Min. Lot Size | N/A | 30,928 SF | N/A |
| Min. Lot Width | 100 feet | 140 feet | Y |
| Min. Setbacks | | | |
| • Front (south property line) | 20 feet | 10 feet | N* |
| • Side (west property line) | 10 feet | 5 feet | N* |
| • Corner (east property line) | 15 feet | 0 feet | N* |
| • Rear (north property line) | 20 feet | 0 feet | N* |
| Max. Lot Coverage | 50% | 83% | N* |
| Max. Building Height | N/A | 65 feet | N/A |
| Trash Enclosure | Screened | Screened | Y |
| Mech. Equipment | Screened | Screened | Y |

* The applicant has failed to meet the minimum development standards for setbacks and lot coverage. An associated Variance (VAR-29447) has been submitted, which addresses these deviations from Title 19.08 requirements.

Pursuant to Title 19.12 the following development 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 | 24 Trees | 4 Trees | N* |
| Buffer: | | | | |
| Min. Trees | | | | |
| (Front: south property line) | 1 Tree/30 Linear Feet | 6 Trees | 8 Trees | N* |
| (Corner: east property line) | 1 Tree/30 Linear Feet | 7 Trees | 4 Trees | N* |
| (Side: west property line) | 1 Tree/30 Linear Feet | 9 Trees | 0 Trees | N* |
| (Rear: north property line) | 1 Tree/30 Linear Feet | 5 Trees | 0 Trees | N* |
| TOTAL | | 51 Trees | 16 Trees | N* |

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| | | | |
|---|---------|---------|----|
| Min. Zone Width (Front: south property line) | 15 Feet | 10 Feet | N* |
| (Corner: east property line) | 15 Feet | 10 Feet | N* |
| (Side: west property line) | 8 Feet | 5 Feet | N* |
| (Rear: north property line) | 8 Feet | 0 Feet | N* |

* The applicant fails to meet Title 19.12 development standards for Landscaping and Open Space standards. A Waiver of these standards has been requested by the applicant. The four trees indicated in the parking area, are located on the 3rd floor of the parking garage in an outdoor patio.

Pursuant to Title 19.10, the following parking standards apply:

| <i>Parking Requirement</i> | | | | | | | |
|-----------------------------------|---|--|------------------------|----------------------------|------------------------|----------------------------|--------------------------|
| <i>Use</i> | <i>Gross Floor Area or Number of Units</i> | <i>Parking Ratio</i> | <i>Required</i> | | <i>Provided</i> | | <i>Compliance</i> |
| | | | <i>Parking</i> | | <i>Parking</i> | | |
| | | | <i>Regular</i> | <i>Handi-capped</i> | <i>Regular</i> | <i>Handi-capped</i> | |
| Office | 39,000 square feet | 1 space for each 300 square feet of gross floor area | 130 | 5 | 84 | 4 | N* |
| TOTAL | | | 135 | | 88 | | N* |
| Loading Spaces | | | 3 | | 0 | | N* |

* The percent deviation from the required number of parking spaces is 36%. The percent deviation from the required number of loading zones is 100%. Pursuant to Title 19.10 the applicant has failed to provide an adequate number of parking spaces for the proposed development. The building will be utilized for office space and will not be receiving frequent deliveries; therefore no loading zones are required. An associated parking Variance (VAR-29446) will be heard concurrently with the subject Site Development Plan Review.

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| Waivers | | |
|---|--|----------------------|
| Request | Requirement | Staff Recommendation |
| North property line: Zero-foot landscape buffer | North property line: Eight-foot landscape buffer | Denial |
| South property line: 10-foot landscape buffer | South property line: 15-foot landscape buffer | |
| West property line: Five-foot landscape buffer | West property line: Eight-foot landscape buffer | |
| East property line: 10-foot landscape buffer | East property line: 15-foot landscape buffer | |

ANALYSIS

The applicant is proposing to construct a 65-foot tall office building located at the northwest corner of Charleston Boulevard and 8th Street. The proposed building includes; office space and ancillary uses and a parking garage. The proposed office building is too large for the subject site and fails to provide adequate parking and landscaping. Two associated Variances will be heard concurrently with the subject Site Development Plan Review; Variance (VAR-29446) to allow 84 parking spaces where 130 are required and Variance (VAR-29447) to allow a 10-foot front yard setback where 20 feet is required, a five-foot side yard setback where 10 feet is required, a zero-foot corner side setback where 15 feet is required, a zero-foot rear yard setback where 20 feet is the required, and to allow approximately 83% lot coverage where 50% is the maximum allowed.

- **Site Plan**

The site plan indicates a proposed 39,000 square-foot building located at the northwest corner of Charleston Boulevard and 8th Street. The siting of the building has necessitated the need for a Variance (VAR-29447) for lot coverage and setbacks and Variance (VAR-29446) for parking. This has also resulted in the need for Waivers of the Perimeter Buffer Landscape Requirements to allow a zero-foot buffer along the north property line where eight feet is required, to allow a five-foot buffer along the west property line where eight feet is required and to allow a ten-foot buffer along the south and east property line where 15 feet is required. The proposed building is accessed from 8th Street, which is defined as an 80-foot Local Street and an alley.

- **Waivers**

The applicant is requesting a Waiver of Perimeter Landscape Buffer Requirements as a part of the subject Site Development Plan Review. The Waiver cannot be supported by staff as it is self-imposed and can be mitigated through better site design and adherence to Title 19 requirements.

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- Waiver of Perimeter Landscape Buffer Requirements to allow a zero-foot buffer along the north property line where eight feet is required, to allow a five-foot buffer along the west property line where eight feet is required and to allow a 10-foot buffer along the south and east property line where 15 feet is required.

- **Landscape Plan**

The applicant is providing ten-foot landscape buffers along Charleston Boulevard and 8th Street. A five-foot buffer is being provided along the west property line and a zero-foot buffer along the northern property line. Eight trees are proposed along Charleston Boulevard including; Deglet Noor Palms and Southern Live Oak trees. There are also four trees proposed along Charleston Boulevard. No additional landscaping is being provided along the perimeter of the project. The lack of landscaping has necessitated the need for the indicated Waivers.

- **Elevations/Floor Plans**

The floor plan indicates a total of four floors, which consist of typical office spaces with ancillary uses and associated parking. Pedestrian access is from Charleston Boulevard and 8th Street, while vehicular access is from 8th Street and an alley way located along the west property line.

The exterior of the building indicates a four story, 65-foot tall building. The proposed building materials consist of white panels, metal fabric mesh, composite panel with light wood finish and beige and cream stone. The building also utilizes a variety of colored glass that does not exceed 22% reflectivity. The applicant has indicated that the entire structure is attempting to meet the Leadership in Energy and Environmental Design (LEED) classification of Gold level.

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 development is incompatible with adjacent commercial development in the area. The number of associated Variances and Waivers that accompany the subject case indicate that other sites would be better suited for the proposed development and associated office use.

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- 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 Title 19.08 and 19.10, which is evidenced by the associated Variance (VAR-29446) for parking and Variance (VAR-29447) for setbacks. The applicant has also requested Waivers of 19.12 Landscape and Buffer Standards.

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

Adequate site access is provided from Charleston Boulevard and 8th Street. Charleston Boulevard is a (100-foot) Primary Arterial, as defined by the Master Plan of Streets and Highways. 8th Street is an 80-foot Local Street. The site is also accessed from an alley on the west side of the subject site.

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

Building and landscape materials are not appropriate, which is evidenced by the Waivers of 19.10 Landscape and Buffer Standards. The applicant has provided a minimum amount of perimeter landscape width and overall tree quantity on the subject site.

- 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 is not orderly and aesthetically compatible with development in the area. A more appropriate site design would adhere to Title 19 Development Standards with respect to setbacks, parking and landscaping. Proper site design would eliminate the need for the associated Variances (VAR-29446) and (VAR-29447) and the associated Waiver.

- 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 City inspections during construction of the addition, as well as routine business license inspections for any commercial activities.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 260

APPROVALS 0

PROTESTS 1