

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: SEPTEMBER 11, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-29216 - PUBLIC HEARING APPLICANT: JEAN CVR
SERRATORE OWNER: VINCE LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Site Development Plan Review [Z-0100-64(162)] and Special Use Permit (SUP-29217), 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, and building elevations, date stamped 08/18/08, except as amended by conditions herein.
4. A Waiver from the Downtown Centennial Plan Build-To-Line Requirement to allow zero percent of the first story façade to align along the front property line where 70% is required, is hereby approved.
5. A Waiver of the Downtown Centennial Plan Streetscape Requirement to allow a five-foot sidewalk where a 10-foot sidewalk is required and to allow palm trees where shade trees are required along north/south streets is required, is hereby approved.
6. A Waiver of the Downtown Centennial Plan Landscape Standards to allow less than one 24 boxed tree every 20 feet on center with four (5) gallon shrubs per each required tree, where one is required, is hereby approved.
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. 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.

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10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

11. Coordinate with the City Surveyor to determine whether a Reversionary Map or other action is necessary; comply with the recommendations of the City Surveyor.
12. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Downtown Development Standards concurrent with development of this site.
13. A signage plan shall be submitted to and approved by the Traffic Engineering Section of the Department of Public Works prior to the issuance of any permits for this site. The plan shall include the locations and verbiage of signs prohibiting onsite limousine parking and prohibiting the parking of vehicles in such a way that necessitates backing out into public right-of-way.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

There are two existing buildings on the subject site at 708 and 710 S. 3rd Street. The current uses are a wedding chapel at 708 S. 3rd Street and an accountants office at 710 S. 3rd Street. The applicant is proposing to remodel the existing wedding chapel and add 204 square feet to 710 S. 3rd Street. 710 S. 3rd Street is proposed to be a Massage Establishment. An associated Special Use Permit (SUP-29217) has been submitted for the proposed Massage Establishment. The proposed Massage Establishment and building addition are not consistent with Title 19 and the Downtown Centennial Plan requirements. Therefore, staff is recommending denial of the subject application and the related Special Use Permit (SUP-29217).

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.
09/26/96	The Board of Zoning Adjustment approved a Plot Plan and Elevation Review [Z-0100-64(162)] for an accountants office at 710 S. 3 rd Street.
09/11/08	The Planning Commission will consider a related Special Use Permit (SUP-29217) for a proposed Massage Establishment with Waivers to allow a zero-foot distance separation from a residential use where 400 feet is required and to allow the use to be located on a local street where a secondary thoroughfare is required at 708 and 710 South 3rd Street.
<i>Related Building Permits/Business Licenses</i>	
01/23/97	A Building Permit (L-3378-96) was finalized for a tenant improvement remodel at 710 S. 3rd Street.
04/15/97	A Business License (#A23-01503) was issued for a bookkeeper at 710 S. 3 rd Street.
03/13/03	A Business License (#A47-00017) was issued for an artist or art studio at 708 S. 3 rd Street.
11/08/07	A Business License (#H02-01544) was issued for handbill at 708 S. 3 rd Street.
11/08/07	A Business License (#M06-02935) was issued for miscellaneous sales at 708 S. 3 rd Street.

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11/08/07	A Business License (#P06-00931) was issued for photography at 708 S. 3 rd Street.
11/08/07	A Business License (#W01-00111) was issued for a wedding chapel at 708 S. 3 rd Street.
<i>Pre-Application Meeting</i>	
07/24/08	A pre-application meeting was held on the indicated date. The applicant indicated the proposed remodel and the proposed change in use. The applicant was also advised on the requirements for the subject Site Development Plan Review and the associated Special Use Permit (SUP-29217).
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
08/06/08	The field check indicated the existing office and wedding chapel; the location for the proposed addition and proposed Massage Establishment; residential property immediately south of the subject site and the lack of on-site parking. The overall site was in fair condition and free of debris and graffiti.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.16

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office and Wedding Chapel	C (Commercial)	C-2 (General Commercial)
North	Office	C (Commercial)	C-2 (General Commercial)
South	Single-Family Residential	C (Commercial)	R-4 (High Density Residential) under Resolution of Intent to C-2 (General Commercial)
East	Multi-Family Residential	C (Commercial)	R-4 (High Density Residential) under Resolution of Intent to C-2 (General Commercial)
West	Parking	C (Commercial)	C-2 (General Commercial)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan (Downtown South District)	X		N*
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (200-foot)	X		Y**
Live/Work Overlay District	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

Redevelopment Plan Area The subject site is located within the boundaries of the Las Vegas Redevelopment Plan District. The proposed uses are in conformance with Redevelopment Plan goals and policies that encourage innovative, mixed use projects in this area of the City.

***Downtown Centennial Plan (Downtown South District)** The subject site is within the Downtown South District of the Downtown Centennial Plan. This district is intended to accommodate a wide variety of commercial and residential uses within a dense, urban environment with its own unique design standards. The proposed project is not consistent with the goals and objectives of the Downtown Centennial Plan. This is evidenced by the number of associated Waivers.

****Airport Overlay** The subject site is within the North Las Vegas Airport Overlay (200 feet). There are two building on-site. The taller of the two buildings is 13 feet, two-inches. Therefore, the building height is within the limitation of the A-O (Airport Overlay District).

*****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 the Downtown Centennial Plan, the following development standards apply to the subject proposal:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	0.16	Y
Min. Lot Width	100 feet	48 feet	Y
Min. Setbacks			
• Front (3 rd Street)	20 feet	25 feet	Y
• Side (North)	10 feet	4 feet	Y
• Side (South)	10 feet	4-feet, 1-inch	N*
• Rear (Alley)	20 feet	16 feet	Y

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Max. Lot Coverage	50%	29%	Y
Max. Building Height	N/A	13 feet, 2-inches	Y
Trash Enclosure	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

* Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements.

Pursuant to the Downtown Centennial Plan, the following landscape and buffer 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 (located in islands and/or at the perimeter)	6 Trees	6 Trees	Y
Buffer:				
Min. Trees				
(Front: east property line)	1 Tree/30 Linear Feet	2 Trees	5 Trees	Y
(Side: north property line)	1 Tree/30 Linear Feet	5 Trees	1 Tree	N*
(Side: south property line)	1 Tree/20 Linear Feet	7 Trees	14 Trees	Y
(Rear: west property line)	1 Tree/30 Linear Feet	2 Trees	0 Trees	N*
TOTAL		22 Trees	26 Trees	N*

* The applicant fails to meet Downtown Centennial Plan development standards for landscaping. A Waiver of these standards has been requested by the applicant.

Pursuant to the Downtown Centennial Plan, the following streetscape standards apply:

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
North/South Street (3 rd Street)	1 Shade Tree @ 15-20 O.C. Maximum (36 box) 3 Shade Trees	5 Palm Trees; no height listed	N*
Right-of-Way Improvements	Sidewalk and Amenity Zones (Per Graphics 11 & 12, Downtown Centennial Plan)	5-foot Amenity Zone and a 5- foot Sidewalk	N*

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* The submitted plans do not meet the Downtown Centennial Plan Streetscape Standards. The submitted plans indicate a five-foot amenity zone and a five-foot sidewalk. The Downtown Centennial Plan requires a five-foot amenity zone and a ten-foot sidewalk. Also, north/south streets require shade trees, where the applicant is indicating palm trees. A Waiver from Downtown Centennial Plan Streetscape Standards has been requested.

Pursuant to Title 19.10, the following parking standards apply:

<i>Parking Requirement - Downtown</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Base Parking Requirement</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			<i>Regular</i>	<i>Handi-capped</i>	<i>Regular</i>	<i>Handi-capped</i>	
Wedding Chapel	590.2 SF (360 SF of assembly space)	1 space for each 150 square feet in the principal assembly space	3	1	1	1	N*
Massage Establishment	1,396.4 SF	2 spaces for each massage room (6 massage room)	12	1	0	1	N*
TOTAL	1,986.6 SF		16		3		N*

* Title 19.060.060 exempts properties within the Downtown Centennial Plan area from the automatic application of standard parking requirements. However, the exemption does not prohibit City staff, the Planning Commission, and the City Council from imposing limitations on the approval of a Site Development Plan.

Waivers		
Request	Requirement	Staff Recommendation
To allow a five-foot wide sidewalk.	A 10-foot sidewalk is required.	Denial
To allow palm trees as the primary landscape element on north/south streets	All other non-major north/south streets shall only have shade trees	Denial
To allow less than one 24 boxed tree every 20 feet on center with four (5) gallon shrubs per each required tree.	One 24 boxed tree every 20 feet on center with four (5) gallon shrubs per each required tree.	Denial
To allow zero percent of the first story façade to align along the front property line.	70% of the first story façade shall align along the front property line.	Denial

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ANALYSIS

The applicant is proposing to remodel the existing building at 708 and 710 S. 3rd Street. 708 S. 3rd Street is currently being used as a Wedding Chapel. The applicant is proposing to continue the use of the wedding chapel, but remodel the interior of the existing building, without adding any additional square footage. 710 S. 3rd Street is currently being used as an accountants office. The applicant is proposing to remodel this building, but add approximately 204 square feet to the existing building. The applicant has submitted an associated Special Use Permit (SUP-29217), which proposes to utilize 710 S. 3rd Street as a proposed Massage Establishment.

- **Site Plan**

The site plan indicates two buildings on the subject site at 708 and 710 S. 3rd Street. The site plan indicates an approximately 204 square-foot addition to 710 S. 3rd Street, which is the proposed Massage Establishment. The current siting of the building has necessitated the Waiver of the Downtown Centennial Plan Build-To-Line Requirement.

710 S. 3rd Street is accessed from 3rd Street and 708 S. 3rd Street is accessed from an alley. The applicant has provided two parking spaces adjacent to 708 S. 3rd Street and one parking space adjacent to 710 S. 3rd Street. There is no vehicular access between the two existing buildings.

Title 19.060.060 exempts properties within the Downtown Centennial Plan area from the automatic application of standard parking requirements. However, the exemption does not prohibit City staff, the Planning Commission, and the City Council from imposing limitations on the approval of a Site Development Plan. Staff finds that the applicant does not adequately address parking. Only three parking spaces are provided where 16 spaces are required for the indicated uses. Of the three parking spaces that are provided, two spaces are van accessible handicapped. It should also be noted, that there is no vehicular access, between the two existing buildings. The following table indicates the proposed changes to the overall site plan.

Location	708 S. 3 rd Street	710 S. 3 rd Street	Total
Existing			
Use	Wedding Chapel	Office (Accountant)	
Square Footage	590.2 SF	1,192.70 SF	1782.90 SF
Height/Elevations	Existing	Existing	
Parking	2 space	1 space	3 spaces
Proposed			
Use	Wedding Chapel	General Personal Service (Beauty Salon)	
Square footage	590.2 SF	1,396.40 SF	1,986.6 SF
Height/Elevations	Unchanged/New stucco	Unchanged/New stucco, windows and roof tile	
Parking	2 space	1 space	3 spaces

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- **Waivers**

The applicant is requesting three Waivers as a part of the subject Site Development Plan Review (SDR-29216). The Waivers cannot be supported by staff as they are self-imposed and can be better mitigated through better site design and adherence to the Downtown Centennial Plan standards.

- A Waiver from the Downtown Centennial Plan Build-To-Line Requirement to allow zero percent of the first story façade to align along the front property line where 70% is required.
- A Waiver of the Downtown Centennial Plan Streetscape Requirement to allow a five-foot sidewalk where a ten-foot sidewalk is required and to allow palm trees where shade trees are required along north/south streets.
- A Waiver of the Downtown Centennial Plan Landscape Standards to allow less than one 24 boxed tree every 20 feet on center with four (5) gallon shrubs per each required tree, where one is required.

The Waivers cannot be supported by staff as they are self-imposed. The Waivers can be mitigated through better site design and an adherence to the Downtown Centennial Plan standards.

- **Landscape Plan**

There are no proposed changes to the existing landscaping on the subject site. The landscape plan indicates 20 trees, which vary from shade trees to palm trees. The majority of the existing landscaping is located along the south property line. The overall lack of trees and incorrect species has necessitated the need for the indicated Waivers of the Downtown Centennial Plan Landscape and Streetscape standards.

- **Elevations/Floor Plans**

The floor plans indicate the proposed remodel to 708 S. 3rd Street and the 204 square-foot addition to 710 S. 3rd Street. The floor plan for 708 S. 3rd Street indicates minor interior changes to the existing wedding chapel. The floor plan for 710 S. 3rd Street indicates the existing accountants office to be remodeled into a proposed Massage Establishment. A related Special Use Permit (SUP-29217) for a proposed Massage Establishment will be heard concurrently with the subject Site Development Plan Review.

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There are no proposed exterior changes to the elevations for 708 S. 3rd Street. The proposed 204 square-foot addition to 710 S. 3rd Street has necessitated the need for revisions to the exterior of the building. The applicant is proposing the following revisions; new light weight concrete tile roof, new windows and new doors. The proposed addition will be painted to match the existing building.

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 proposed development is incompatible with adjacent residential development in the area. The number of Waivers requested that accompany the subject case and the associated Special Use Permit (SUP-29217) indicates that other sites would be better suited for the proposed development and proposed use.

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 the Downtown Centennial Plan, which is evidenced by the number of requested Waivers. The applicant has requested Waivers of the Downtown Centennial Plan Build-to-Line Requirement, Streetscape and Landscape Standards.

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

Access to the site is from 3rd Street, which is an 80-foot Local Street. Access is also provided from an alley, which is adjacent to the west side of the site. Access to the site, is inadequate as Title 19 requires Massage Establishments to be located on a Secondary Thoroughfare or larger. Additionally, the applicant has provided only one parking space for the building located along 3rd Street, and two parking spaces for the building adjacent to the alley.

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 the Downtown Centennial Plan Streetscape requirements and the Downtown Centennial Plan landscape standards. The provided landscape materials are lacking in their overall quantity. The applicant is also providing palm trees, where shade trees are required along 3rd Street.

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- 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 building design and architectural features, which are consistent with Title 19 and the Downtown Centennial Plan.

- 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 routine business license inspections for any commercial activities.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

ASSEMBLY DISTRICT 6

SENATE DISTRICT 3

NOTICES MAILED 352

APPROVALS 2

PROTESTS 4