

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 20, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SDR-30288 - APPLICANT/OWNER: ARG JONES II, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Variance (VAR-30267), 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 building elevations, date stamped 09/23/08, and the landscape plan dated 10/09/08, except as amended by conditions herein
4. A Waiver from Title 19.12 Landscape Buffer requirements is hereby approved, to allow a 13-foot landscape buffer where 15 feet is required along the west perimeter, and a zero-foot landscape buffer along the north perimeter where five feet is required.
5. An Exception from Title 19.10 Parking Lot Island Placement and Planting standards is hereby approved, to allow zero parking lot islands and trees where two of each are required.
6. Revised elevations shall be submitted to and approved by the Planning and Development Department prior to the time application is made for a building permit to reflect compliance with Title 19.08.050D standards for Architectural Character and Materials. The use of offsets, pop-outs and/or other architectural features to provide visual interest shall be incorporated into all facades to provide a coherent design for the entire building.
7. 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.

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8. 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.
9. 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).
10. A minimum six-foot high screen wall with 25% contrasting materials shall be provided along the east perimeter if the existing screen wall is insufficient to meet the requirements of Title 19.12.075.
11. The trash enclosure shall be roofed and screened to comply with the requirements of Title 19.08.050.
12. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
14. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. 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.
15. 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.
16. The applicant shall work with staff to determine what mapping action is needed to remove the lot line between the existing properties. Such mapping action shall occur prior to approval of civil improvement plans for the site.
17. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

18. A Reversionary Map, such as PMP-29857, shall record prior to the issuance of any permits for this site.
19. Remove all substandard public street improvements and unused driveway cuts adjacent to this site and replace with new improvements meeting current City Standards concurrent with development of this site.
20. If on-street parking is not already prohibited adjacent to this site, submit a written request to the City Traffic Engineer to eliminate parking on Jones Boulevard adjacent to this site prior to the issuance of any permits or the issuance of a business license, whichever may occur first. Comply with recommendations of the Traffic and Parking Commission.
21. Landscape and maintain all unimproved rightofway, if any, on Jones Boulevard adjacent to this site prior to the issuance of any permits. All landscaping and private improvements installed with this project shall be situated and maintained so as not to create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
22. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Jones Boulevard public rightofway adjacent to this site prior to the issuance of any permits.
23. 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.
24. Site development to comply with all applicable conditions of approval for Zoning Reclassification Z2691 and all other applicable site-related actions.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed 4,982 square-foot office building, with Waivers of Title 19.12.040 Perimeter Landscape requirements to allow a 13-foot landscape buffer where 15 feet is required along the west perimeter, and a zero-foot landscape buffer along the north perimeter where five feet is required, at 216 and 220 South Jones Boulevard. The applicant has also submitted a request for Rezoning (ZON-30261) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) and a request for Variances (VAR-30267) to allow a 13-foot front yard setback where 20 feet is required and a 72-foot setback where Residential Adjacency standards require 96 feet. The applicant is also requesting an Exception to Title 19.10 Parking Lot Island and Planting requirements to allow zero parking lot islands/trees where two are required.

The proposed development is not compatible with the General Plan, specifically the Neighborhood Revitalization Goal, Objective 2.2 and Policy 2.2.1, and Title 19 in that the applicant is requesting Variances to both the Commercial Development standards and the Residential Adjacency standards, Waivers to the landscape buffer requirements and an Exception to parking lot landscape standards as part of this request that, if approved, will result in the development having a greater adverse visual and aesthetic impact on the adjacent residential properties, instead of mitigating those impacts. These all indicate that the site, as proposed, will be overbuilt.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/07/04	The City Council approved a request for a Rezoning (ZON-4077) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) and a request for a Site Development Plan Review (SDR-4081) for a proposed 6,096 square-foot office building and Waiver of landscaping requirements at 216 and 220 South Jones Boulevard. Planning Commission recommended approval of both applications; staff recommended approval of the Rezoning, and denial of the Site Development Plan review.
05/17/06	The City Council approved a request to amend (GPA-12156) a portion of the Southeast and a portion of the Southwest Sector Plan of the General Plan from SC (Service Commercial), L (Low Density Residential) and M (Medium Density Residential) to O (Office) on multiple parcels, including 216 and 220 South Jones Boulevard. Planning Commission and staff recommended approval.

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08/02/06	The City Council approved Extensions of Time (EOT-14214 and EOT-14683) of an approved Rezoning (ZON-4077) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) and an approved Site Development Plan Review (SDR-4081) that allowed an office and Waiver of landscaping requirements at 216 and 220 South Jones Boulevard. Staff recommended approval of both applications.
09/03/08	Applications were submitted for Extensions of Time (EOT-29067 and EOT-29068) of an approved Rezoning (ZON-4077) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) and an approved Site Development Plan Review (SDR-4081) that allowed an office and Waiver of landscaping requirements at 216 and 220 South Jones Boulevard. Both items were pulled because the approved entitlements had expired on 07/07/08.
11/06/08	The Planning Commission voted to hold this item and its related Rezoning (ZON-30261) and Variance (VAR-30267) in abeyance to the November 20, 2008 Planning Commission meeting.
<i>Related Building Permits/Business Licenses</i>	
11/08/07	A demolition permit (A/P #101782) was issued for the existing single-family residence located at 216 South Jones Boulevard. The permit has never been completed.
110807	A demolition permit (A/P #101783) was issued for the existing single-family residence located at 220 South Jones Boulevard. The permit has never been completed.
03/17/08	A permit (A/P #27393) was issued to remove and replace existing sidewalk, curb and gutter per approved standards at 216 and 220 South Jones Boulevard. The permit was completed on 06/10/08.
06/12/08	A demolition permit (A/P #117589) was issued for the existing single-family residence located at 220 South Jones Boulevard. The permit has never been completed; currently, it has a Stop Work status with the notation that the contractors license was suspended.
07/08/08	A plan check application (A/P #28918) was submitted with permits (A/P #s 119471, 119473 and 119474) for an office building at 220 South Jones Boulevard. The previously approved entitlements for the site (ZON-4077 and SDR-4081) expired 07/07/08, and the application has been denied by Planning pending approval of new entitlements.
<i>Pre-Application Meeting</i>	
09/08/08	A pre-application meeting was held to discuss the requirements for construction of a new office building, including Rezoning, Site Development Plan Review, Residential Adjacency issues, required Waivers and Exceptions and the need for Variances to setbacks.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

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Field Check	
09/30/08	A field check was conducted and both sites were noted to be vacant, with concrete slabs remaining from the demolished single-family residences that previously occupied the site. Debris, including two couches, was noted on both properties.

Details of Application Request	
Site Area	
Gross Acres	0.32 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant (Two single-family residences have been demolished)	O (Office)	R-1 (Single Family Residential)
North	Office building	O (Office)	P-R (Professional Office and Parking)
South	Office building	O (Office)	P-R (Professional Office and Parking)
East	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single-Family Residences	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			
A-O Airport Overlay District (175 feet)	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

*The proposed office building is 32 feet in height.

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	14,300 SF	Y*
Min. Lot Width	60 Feet	120 Feet	Y*
Min. Setbacks			
• Front	20 Feet	13 Feet	N**
• Side	5 Feet	12 Feet	Y
• Corner	N/A	N/A	N/A
• Rear	15 Feet	72 Feet	Y
Min. Distance Between Buildings	N/A	N/A	N/A
Max. Lot Coverage	50%	34%	Y
Max. Building Height	Lesser of two stories or 35 feet	2 Stories / 32 Feet	Y
Trash Enclosure	Screened, Roofed	Not Indicated	N***
Mech. Equipment	Screened	Not Indicated	N***

**The subject site is composed of two lots. Each lot is 60 feet wide, with lot areas of 7,145 and 7,155 square feet, for a total combined lot area of 14,300 square feet.*

***The applicant has requested a Variance (VAR-30267) to allow a 13-foot front yard setback where 20 feet is required.*

****Conditions have been added to require that the proposed trash enclosure be screened and roofed, and that all mechanical equipment be screened, per the requirements of Title 19.08.050.*

Pursuant to Title 19.08.060, the following Residential Adjacency Standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	96 Feet	72 Feet	N*
Adjacent development matching setback	15 Feet	72 Feet	Y
Trash Enclosure	50 Feet	50 Feet	Y

**The applicant has requested a Variance (VAR-30267) to allow a 72-foot setback where Residential Adjacency standards require 96 feet.*

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

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/6 Spaces	2 Trees	Zero Trees	N*
Buffer:				
Min. Trees				
North/South	1 Tree/30 Linear Feet	12 Trees	15 Trees	Y
East	1 Tree/20 Linear Feet	6 Trees	7 Trees	Y
West	1 Tree/20 Linear Feet	5 Trees	5 Trees	Y
TOTAL		23 Trees	27 Trees	Y
Min. Zone Width				
North/South		5 Feet	Zero Feet	N**
East		8 Feet	8 Feet	Y
West		15 Feet	13 Feet	N**
Wall Height		6 Feet Minimum (east perimeter) 8 Feet Maximum	Existing perimeter walls; height not indicated	N***

*The applicant has requested an Exception to Title 19.10 Parking Lot Island and Planting standards to allow zero parking lot islands/trees where two are required.

**The applicant has requested Waivers of Title 19.12.040 Landscape Buffer requirements to allow a zero-foot landscape buffer where five feet is required along the north perimeter, and a 12-foot landscape buffer where 15 feet is required along the west perimeter.

***A minimum six-foot high screen wall is required along the east perimeter where the subject site abuts a residentially zoned property. A condition has been added to meet this requirement, if the existing wall is insufficient.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office	4,982	1/300	16	1	18	1	Y
TOTAL			17		19		Y

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Waivers		
Request	Requirement	Staff Recommendation
12-foot landscape buffer along west perimeter	15-foot buffer adjacent to ROW	Denial
Zero-foot landscape buffer along north perimeter	Five-foot buffer along interior lot line	Denial

Exceptions		
Request	Requirement	Staff Recommendation
Zero parking lot islands/trees	Two islands/trees	Denial

ANALYSIS

This is a request for a Site Development Plan Review for a proposed 4,982 square-foot office building, with Waivers of Title 19.12.040 Perimeter Landscape requirements to allow a 13-foot landscape buffer where 15 feet is required along the west perimeter, and a zero-foot landscape buffer along the north perimeter where five feet is required, at 216 and 220 South Jones Boulevard. As part of this review, the applicant is requesting an Exception to Title 19.10 Parking Lot Island and Planting requirements to allow zero parking lot islands/trees where two are required. The applicant has also submitted a request for Variances (VAR-30267) to allow a 13-foot front yard setback where 20 feet is required and a 72-foot setback where Residential Adjacency standards require 96 feet. The multiple requests for Variances, Waivers and Exceptions indicate that the site, as proposed, will be overbuilt; therefore, staff recommends denial of this request.

- **Zoning**

The subject site is zoned R-1 (Single Family Residential) and has a General Plan designation of O (Office). The applicant is proposing a Rezoning (ZON-30261) to P-R (Professional Office and Parking), which is intended to allow for office uses in an area which is predominantly residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. This district is designed to be a transitional zone to allow low intensity administrative and professional offices. These uses are characterized by a low volume of direct daily client and customer contact. To decrease the impact to adjacent residential uses, single-family structures should be retained or new development in the P-R (Professional Office and Parking) district should be constructed to maintain a residential character. The P-R (Professional Office and Parking) district is consistent with the Office category of the General Plan, and would allow the proposed Office use.

A previous Rezoning (ZON-4077) from R-1 (Single Family Residential) under Resolution of Intent to P-R (Professional Office and Parking) was approved 07/07/04 with a two-year expiration date and extended (EOT-14214) for another two years on 08/02/06. It expired on 07/07/08.

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- **Site Plan**

The subject site consists of two parcels previously used for single-family residences. Both residences have been demolished to allow construction of a proposed 4,982 square-foot, two-story office building. The office building is located to the front of the site, and the applicant is requesting a companion Variance (VAR-30267) to allow a 13-foot front yard setback where 20 feet is required. Parking is located to the rear (east) of the building, with 19 parking spaces provided, of which one is designated as a van-accessible handicap space. A trash enclosure is indicated along the north property line, located a minimum of 50 feet from the residential property to the east as required by Residential Adjacency Standards.

A previous Site Development Plan Review (SDR-4081) for a 6,096 square-foot, two-story office building and Waiver of landscaping requirements was approved 07/07/04 with a two-year expiration date and extended (EOT-14683) for another two years on 08/02/06. It expired on 07/07/08.

- **City of Las Vegas 2020 Master Plan**

NEIGHBORHOOD REVITALIZATION GOAL: Mature neighborhoods will be sustained and improved through appropriate and selective high quality redevelopment and preservation.

OBJECTIVE 2.2: 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.

POLICY 2.2.1: That any higher density or mixed-use redevelopment which is adjacent to lower density residential development incorporate appropriate design, transition, or buffering elements which will mitigate adverse visual, audible, aesthetic and traffic impacts.

The proposed development is not consistent with these provisions of the Master Plan in that the applicant is requesting a Variance to the Residential Adjacency standards, Waivers to the landscape buffer requirements and an Exception to parking lot landscape standards that, rather than mitigating adverse impacts, will result in the development having a greater adverse visual and aesthetic impact on the adjacent residential properties.

- **Landscape Plan**

The landscape plan indicates that two types of trees, Raywood Ash and Multi-Sumac, and two types of shrubs, Sage and Red Yucca, will be planted in required buffer areas per Title 19.12 requirements for spacing, size and quantity. The applicant has requested Waivers of the Title 19.12 Landscape Buffer requirements to allow a 13-foot buffer along the west perimeter where 15 feet is required, and a zero-foot buffer where five feet is required along

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the north perimeter at the trash enclosure location. Otherwise, an eight-foot buffer is provided along the entire interior perimeter property lines of the site. The applicant is also requesting an Exception to the Parking Lot Island Placement and Planting standards to allow no islands or trees where two of each are required. This would result in a relatively large, unrelieved expanse of hard-surfaced parking lot adjacent to residential properties. Alternatively, the applicant is proposing to install two landscape planters at the rear of the building, each approximately 28 feet in length, and one to two feet in width. The narrowness of the proposed planters would prevent the applicant from planting trees, and would limit the types and quantity of shrubs that could be planted in these areas. Staff recommends denial of the requested Waivers and Exception due to the negative impact that they would have on adjacent development.

- **Elevations**

Building elevations depict a two-story stucco office building that is fairly monolithic in design, with only slight offsets along the west and east facades, and a single change in the roof plane at an embellished area in the middle of the structure that is stucco with an exposed aggregate embedded finish. Windows are flush with the exterior walls and provide no visual relief or contrast. The north and south facades are flat, unbroken planes of stucco, with solid doors for exiting and utility rooms. The structure has a flat roof with a metal cap and no parapet or cornice element. The building is 32 feet high; the applicant has requested a Variance (VAR-30267) to allow a 72-foot setback where Residential Adjacency standards require 96 feet from the residential property to the east.

- **Floor Plans**

The floor plans indicate a building with seven offices, a conference room, reception area and restrooms on the first floor, and eight offices, two community secretarial areas and restrooms on the second floor. There are two sets of exit stairs, but no elevator is depicted within the 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 not compatible with the adjacent residential development to the east as it does not retain any residential characteristics to help decrease the impact to those uses. The requested Variance to the Residential Adjacency standards would allow the development to encroach on the residential properties by reducing the required setback distance to them.

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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 not compatible with either the General Plan, specifically the Neighborhood Revitalization Goal, Objective 2.2 and Policy 2.2.1, or Title 19 in that the applicant is requesting a Variance to the Residential Adjacency standards, Waivers to the landscape buffer requirements and an Exception to parking lot landscape standards as part of this request that will have increased adverse impact on adjacent residential property. These all indicate that the site, as proposed, will be overbuilt.

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

Access to the site is via a driveway onto Jones Boulevard, which is classified as an 80-foot Secondary Collector. Site access is adequate for the proposed development, but on-site circulation is poor in that the parking lot dead ends with no provision for a vehicle to turn around unless there is an open parking space.

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

Building materials, including stucco, stucco with an exposed aggregate embedded finish and metal roof cap, are appropriate for the area and typical of similar office development within the city. Landscape materials are appropriate, but there is a lack of landscaping on the interior of the site, creating a relatively large, hard-surfaced parking lot area that is located adjacent to the residential properties to the east.

- 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 does not meet Title 19.08.050D standards for Architectural Character and Materials, specifically regarding height, bulk and scale, coherent design and building façade, and will result in a structure that is unsightly and not compatible with development in the area. A condition has been added to require the applicant to submit revised elevations that meet the standards.

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

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

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

ASSEMBLY DISTRICT 3

SENATE DISTRICT 3

NOTICES MAILED 379

APPROVALS 1

PROTESTS 2