

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JANUARY 22, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-32447 - APPLICANT/OWNER: O & A PROPERTIES, LLC**

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

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-32448) 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 12/29/08, and building elevations, date stamped 12/04/08, except as amended by conditions herein.
4. A Waiver from Title 19.12.040 is hereby approved, to allow landscape buffers of five feet along the north perimeter where 15 feet is required; seven feet along the west perimeter where 15 feet is required; and zero feet along the south and east perimeters where eight feet is required
5. An Exception from Title 19.10.010 is hereby approved, to allow zero parking lot trees/islands where two are required.
6. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to depict a maximum of two compact parking spaces of the nine spaces required, in compliance with the minimum requirements of Title 19.10.
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. The technical landscape plan shall include the following changes from the conceptual landscape plan: an additional shrub of a minimum 5-gallon size shall be added to the required landscape area to meet the minimum requirements of Title 19.12.

SDR-32447 - Conditions Page Two
January 22, 2009 - Planning Commission Meeting

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. Any trash enclosure provided on-site shall comply with the minimum requirements of Title 19.08.
11. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
13. 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.
14. 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.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

16. 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.
17. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

SDR-32447 - Conditions Page Three
January 22, 2009 - Planning Commission Meeting

18. Landscape and maintain all unimproved rights-of-way on Francis Avenue and Maryland Parkway adjacent to this site. 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.
19. Submit an Encroachment Agreement for all landscaping, if any, located in the Francis Avenue and Maryland Parkway public rights-of-way adjacent to this site prior to occupancy of this site.
20. 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.

SDR-32447 - Staff Report Page One
January 22, 2009 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed 2,672 square-foot, two-story office building with Waivers to allow landscape buffers of five feet along the north perimeter where 15 feet is required; seven feet along the west perimeter where 15 feet is required; and zero feet along the south and east perimeters where eight feet is required on 0.16 acres at 1141 South Maryland Parkway. The applicant is also requesting an Exception to allow zero parking lot trees/islands where two are required. A request for a Variance (VAR-32448) to allow a building setback of 43 feet where Residential Adjacency standards require 96 feet; a five-foot front yard setback where 25 feet is required; and a seven-foot corner side setback where 15 feet is required has also been submitted in conjunction with this Site Development Plan Review. The number of Waivers requested for the proposed project, as well as the associated Variance, indicates that the subject site will be over built, and will not be harmonious or compatible with the surrounding single-family residential neighborhood; therefore, staff recommends denial of this Site Development Plan Review and the associated Variance.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/21/74	The Board of Commissioners approved a request for a Plot Plan Review (Z-0028-68) for a commercial building addition at 1141 S. Maryland Parkway. The Planning Commission recommended approval.
10/03/74	The Board of Zoning Adjustment approved a request for a Variance (V-0063-74) to allow a zero-foot front yard setback where 25 feet is required for a commercial building addition at 1141 S. Maryland Parkway.
<i>Related Building Permits/Business Licenses</i>	
07/23/98	A building permit (#98014979) was issued for a sign at 1141 S. Maryland Parkway. The permit expired on 01/23/99.
12/15/05	A building permit (#6000374) was issued for a non-work certificate of occupancy at 1141 S. Maryland Parkway. The permit was finalized on 02/16/06.
05/05/06	A building permit (#62321) was issued for a wall/fence at 1141 S. Maryland Parkway. The permit was finalized on 07/21/06.
11/05/04	A business license (#B20-01477) was issued for a business support service at 1141 S. Maryland Parkway, Suite #110. The license was marked as expired on 12/15/08.
10/26/05	A business license (#M09-00101) was issued for a mail box center at 1141 S. Maryland Parkway, Suite #110. The license was marked out of business on 04/27/07.

SDR-32447 - Staff Report Page Two
January 22, 2009 - Planning Commission Meeting

03/06/06	A business license (#H14-91971) was issued for a residential home health provider at 1141 S. Maryland Parkway, Suite #170. The license was marked out of business on 11/02/06.
07/24/06	A business license (#H14-97002) was issued for a residential home health provider at 1141 S. Maryland Parkway, Suite #110. The license was marked out of business on 10/24/06.
04/10/07	A business license (#C07-03676) was issued for a clothing store at 1141 S. Maryland Parkway, Suite #110. The license was marked out of business on 03/18/08.
07/17/08	A business license (#M09-00122) was issued for a mail box center at 1141 S. Maryland Parkway, Suite #110. The license is still active.
<i>Pre-Application Meeting</i>	
11/26/08	A pre-application meeting was held to discuss the requirements for Site Development Plan Review and Variance applications.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was neither required nor held.	

<i>Field Check</i>	
12/24/08	A field check was conducted by staff. The subject site contains an office building and is generally clean and well-kept.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.18 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office	SC (Service Commercial)	C-D (Designed Commercial)
North	Office	SC (Service Commercial)	C-D (Designed Commercial)
	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
South	Office	SC (Service Commercial)	C-D (Designed Commercial)
East	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
West	City Park	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)

SDR-32447 - Staff Report Page Three
January 22, 2009 - Planning Commission Meeting

<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		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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	8,164 SF	Y
Min. Lot Width	100 Feet	82 Feet	Y*
Min. Setbacks			
• Front	25 Feet	5 Feet	N**
• Side	10 Feet	43 Feet	Y
• Corner	15 Feet	7 Feet	N**
• Rear	15 Feet	40 Feet	Y
Max. Lot Coverage	30%	19%	Y
Max. Building Height	Lesser of 2 stories or 35 feet	2 Stories (32 Feet)	Y
Trash Enclosure	Screened, Enclosed	Not Shown	N***
Mech. Equipment	Screened	Not Shown	N****

**This is a legally non-conforming lot for the minimum required width.*

***A Variance (VAR-32448) has been submitted to allow a building setback of 43 feet where residential adjacency standards require 96 feet (a 55% deviation); a five-foot front yard setback where 25 feet is required (an 80% deviation); and a seven-foot corner side setback where 15 feet is required (a 5% deviation).*

****A condition has been added to require that any trash enclosure provided on the site meet all requirements of Title 19.08.*

*****A condition has been added to require that mechanical equipment be screened to meet all requirements of Title 19.08.*

SDR-32447 - Staff Report Page Four
January 22, 2009 - Planning Commission Meeting

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	96 Feet	43 Feet	N*
Adjacent development matching setback	5 Feet	43 Feet	Y
Trash Enclosure	50 Feet	Not Shown	N**

**A Variance (VAR-32448) has been submitted to allow a building setback of 43 feet where residential adjacency standards require 96 feet; a five-foot front yard setback where 25 feet is required; and a seven-foot corner side setback where 15 feet is required.*

***A condition has been added to require that any trash enclosure provided on the site meet all requirements of Title 19.08.*

<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 Trees	Zero Trees	N*
Buffer: Min. Trees				
• North, West	1 Tree/20 Linear Feet	9 Trees	9 Trees	Y
• East	1 Tree/20 Linear Feet	5 Trees	Zero Trees	N**
• South	1 Tree/30 Linear Feet	3 Trees	Zero Trees	N**
TOTAL		13 Trees	9 Trees	N**
Min. Zone Width	15 Feet (North and West)		5 and 7 Feet	N**
	8 Feet (South and East)		Zero Feet	N**
Wall Height	Minimum 6 to Maximum 8 Feet (East)		6 Feet (Existing)	Y

**The applicant is requesting an Exception to allow zero parking lot islands/trees where one is required.*

***The applicant is requesting Waivers to allow landscape buffers of five feet along the north perimeter where 15 feet is required; seven feet along the west perimeter where 15 feet is required; and zero feet along the south and east perimeters where eight feet is required*

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, Other Than Listed	2,672 SF	1:300	8	1	8	1	Y*
TOTAL			9		9		Y*

**Three of the nine required spaces are only eight feet in width, meeting the minimum requirement for a compact space. For required parking, a maximum of 70% of the required parking spaces may be compact spaces; only two of the required nine spaces may be compact spaces. A condition has been added to require that all parking must meet the minimum requirements of Title 19.10.*

January 22, 2009 - Planning Commission Meeting

Waivers		
Request	Requirement	Staff Recommendation
Landscape Buffers:		
• Five and Seven Feet (North and West, respectively)	15 Feet	Denial
• Zero Feet (South and East, respectively)	8 Feet	Denial

Exceptions		
Request	Requirement	Staff Recommendation
Zero Parking Lot Islands/Trees	2 Parking Lot Island/Tree	Denial

ANALYSIS

This is a request for a Site Development Plan Review for a proposed 2,672 square-foot, two-story office building with Waivers to allow landscape buffers of five feet along the north perimeter where 15 feet is required; seven feet along the west perimeter where 15 feet is required; and zero feet along the south and east perimeters where eight feet is required on 0.16 acres at 1141 South Maryland Parkway. The applicant is also requesting an Exception to allow zero parking lot trees/islands where two are required. A request for a Variance to allow a building setback of 43 feet where Residential Adjacency standards require 96 feet; a five-foot front yard setback where 25 feet is required; and a seven-foot corner side setback where 15 feet is required has also been submitted in conjunction with this Site Development Plan Review. The number of Waivers requested for the proposed project, as well as the associated Variance, indicates that the subject site will be over built, and will not be harmonious or compatible with the surrounding single-family residential neighborhood; therefore, staff recommends denial of this Site Development Plan Review and the associated Variance.

- Zoning**

The subject site is located within the Southeast Sector Plan of the General Plan and has a land use designation of SC (Service Commercial), which allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate.

SDR-32447 - Staff Report Page Six
January 22, 2009 - Planning Commission Meeting

The site is zoned C-D (Designed Commercial), which is intended to provide standards for the development of a select type of light commercial uses which will be in harmony with the neighborhood in which it is to be located. The C-D (Designed Commercial) district is consistent with the Service Commercial, Office and the Neighborhood Center categories of the General Plan. The proposed office is a permitted use within this district.

- **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.

The proposed development is not consistent with this provision of the Master Plan in that the project, as proposed, will not provide the necessary buffering elements for the adjacent residential properties due to the requested Variances to Residential Adjacency and building setback requirements, and Waivers of required landscape buffers. The proposed site will therefore have a greater adverse visual and aesthetic impact on the adjacent residential properties.

- **Site Plan**

The proposed office building is a 2,672 square-foot, two-story structure located at the northwest corner of the site, adjacent to both Francis Avenue and Maryland Parkway. The site has direct access by a single driveway to Maryland Parkway, designated a 100-foot Primary Arterial by the Master Plan of Streets and Highways, which is adequate for the proposed office use. As there is no direct access to Francis Avenue, there will be no negative impact on the adjacent roadways or neighborhood traffic. An associated Variance request has been submitted to allow a front yard setback of five feet along Francis Avenue where 25 feet is required and a seven-foot setback along Maryland Parkway where 15 feet is required. The Variance would also allow a 43-foot setback from the single-family residence to the east where Residential Adjacency standards require 96 feet. There are nine parking spaces, including one van accessible handicap parking space, located to the east of the proposed structure, with access provided by a single driveway onto Maryland Parkway. Landscaping is provided along the north and west perimeters adjacent to the rights-of-way, but not along the south or east perimeters adjacent to an office and a single-family residence, respectively.

- **Landscape Plan**

Landscaping is limited to the north and west perimeters, along the Francis Avenue and Maryland Parkway rights-of-way only. The plan indicates that within these areas will be

SDR-32447 - Staff Report Page Seven
January 22, 2009 - Planning Commission Meeting

planted nine, 24-inch box size Desert Willow trees and an assortment of shrubs and ground cover, including 15-gallon Desert Broom, 5-gallon Silvery Cassia, and 1-gallon Autumn Sage, Red Yucca and Sun Gold Lantana. The proposed plan indicates compliance with the size and number of required street trees, but it does not meet the minimum requirement of four, 5-gallon shrubs for every required tree. A condition has been added to require that an additional shrub of a minimum 5-gallon size be added to the landscape area. There is no landscaping indicated along the south and east perimeters, nor are any parking lot trees indicated in the plan.

- **Waivers and Exceptions**

The applicant has requested Waivers to allow landscape buffers of five feet along the north perimeter where 15 feet is required; seven feet along the west perimeter where 15 feet is required; and zero feet along the south and east perimeters where eight feet is required. Also requested is an Exception to allow zero parking lot landscape trees/islands where two are required. These required landscaping and buffer areas would serve to meet the intent of Objective 2.2 of the 2020 Master Plan by mitigating the adverse visual and aesthetic impacts that the site will have on existing adjacent residential development to the east and north; therefore, staff is recommending denial of these requests.

- **Elevations**

The elevations depict a two-story, flat roofed structure with a stucco and slate finish. The stucco color is designated as Cool December and the slate is Black Gold. There are metal canopies over several of the windows, providing shade and visual relief for the affected facades. There is a metal railing around the second floor deck area.

- **Floor Plans**

The floor plans depict a two-story office building with a reception area, three offices, an open office area, a break room and rest rooms on the ground floor, and three offices and a large open office area on the second floor, which allows access to an exterior deck area on the northwest corner of the building. The ground floor consists of 1,576 square feet, with an additional 876 square feet located 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;**

SDR-32447 - Staff Report Page Eight
January 22, 2009 - Planning Commission Meeting

The proposed development is not compatible or harmonious with the adjacent single-family residential development as the applicant has requested a Variance (VAR-32448) to reduce the required building setback areas, as well as Waivers and an Exception to allow the reduction or elimination of landscape buffers meant to reduce the adverse impacts that the commercial use will have on the residential properties to the north and east.

- 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 the General Plan, specifically Neighborhood Revitalization Goal, Objective 2.2, or Title 19 in that the applicant is requesting a Variance (VAR-32448) to reduce the required building setback areas, as well as Waivers and an Exception to the landscape buffer requirements as part of this request, resulting in a development that will have a greater adverse impact on adjacent residential properties.

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

The site has direct access by a single driveway to Maryland Parkway, designated a 100-foot Primary Arterial by the Master Plan of Streets and Highways, which is adequate for the proposed office use. As there is no direct access to Francis Avenue, there will be no negative impact on the adjacent roadways or neighborhood traffic.

- 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 landscape materials are appropriate for the area and for the City, and will meet the minimum requirements of Title 19.12, with the condition added for additional shrubbery.

- 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 building elevations are not unsightly or obnoxious in appearance and will be compatible with development in the area.

- 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.

SDR-32447 - Staff Report Page Nine
January 22, 2009 - Planning Commission Meeting

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 285

APPROVALS 1

PROTESTS 1