

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: JANUARY 22, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-32540 - APPLICANT/OWNER: MARQUIS NAVE

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-32543) and Variance (VAR-32541) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan date and landscape plan date stamped 12/29/08, and building elevations, date stamped 12/09/08, except as amended by conditions herein.
4. The garage shall be open for public use during normal business hours from 8:00 am to 5:00 pm to provide adequate on-site parking.
5. A Waiver from Title 19.12 Landscape and Buffer Standards to allow a portion of the north and west property buffer to be zero feet where 15 feet is required, to allow a portion of the east property buffer to be three feet where 15 feet is required and to allow a portion of the south property buffer to be 10 feet where 15 feet is required, is hereby approved.
6. A Waiver from Title 19.08 Development Standards to allow the building to be oriented away from the corner where buildings on corner lots should be oriented to the corner and to the street fronts, and should make a strong tie to the building lines is required, is hereby approved.
7. A Waiver from Title 19.08 Development Standards to allow a residential adjacency setback of five feet where 81 feet is required is hereby approved.
8. An Exception from Title 19.10 Parking, Loading and Traffic Standards, to allow less than one tree to be planted every six uncovered spaces and to allow less than one tree for each landscape island is required, is hereby approved.

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9. An Exception from Title 19.12 Landscape and Buffer Standards, to allow zero trees along the front property line where two are required and to allow two trees along the south property line where three are required, is hereby approved.
10. 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.
11. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
12. 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.
13. 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).
14. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
15. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
16. 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.
17. 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.
18. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

19. Dedicate a 15 foot radius on the northeast corner of Jackson Avenue and C Street prior to the issuance of any permits.
20. Construct all incomplete half-street improvements on Jackson Avenue and C Street adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
21. 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.
22. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.
23. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for the driveway accessing this site from Jackson Avenue, unless an alternate driveway design is approved by the Transportation Planning Section of the Department of Public Works.
24. Landscape and maintain all unimproved right-of-way, if any, on Jackson Avenue and C Street 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.
25. Submit an Encroachment Agreement for all landscaping, if any, located in the Jackson Avenue and C Street public right-of-way adjacent to this site prior to occupancy of this site.
26. 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 the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed 2,212 square-foot Mixed-Use development with associated Waivers of Residential Adjacency and Landscape Standards. The applicant is proposing to utilize the space as a travel agency and residence. The site is currently undeveloped. The proposed two-story building is indicated at 27 feet in height. The first floor will consist of 556 square feet of residential space, 250 square feet of commercial space, and 400 square feet of garage space. The second floor will consist of 1,006 square feet of residential space. The applicant has also requested Waivers to allow a Residential Adjacency setback of five feet where 81 feet is the required, to allow a Waiver of Building Placement and Orientation Standards and Waivers of the Perimeter Landscape Buffer Requirements to allow a portion of the north and west property buffer to be zero feet where 15 feet is required, to allow a portion of the east property buffer to be three feet where 15 feet is required and to allow a portion of the south perimeter to be 10 feet where 15 feet is required.

A related Variance (VAR-32541) and a Special Use Permit (SUP-32543) will be heard with this item. The Variance (VAR-32541) request is to allow a five-foot side yard setback where 10 feet is required, to allow a 11-foot corner side yard setback where 15 is required and to allow a 10-foot rear yard setback where 20 feet is required. Special Use Permit (SUP-32543) is for a proposed Mixed-Use development with a Waiver to allow no architectural differentiation of uses. The proposed Mixed-Use development is not consistent with Title 19 requirements, which is evidenced by the number of Waivers and the associated Variance (VAR-32541). Therefore, staff is recommending denial of the subject application and related cases.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/14/04	A Citation (#12814) was issued by Code Enforcement for trash, debris, high weeds, outside storage, and inoperable vehicles. The issue was resolved on 08/05/04.
11/18/05	A Citation (#36424) was issued by Code Enforcement for raw sewage located in the side yard. The issue was resolved on 12/02/05.
06/25/07	A Citation (#54694) was issued by Code Enforcement for raw sewage located in the side yard. The issue was resolved on 06/28/07.
08/14/07	A Citation (#56714) was issued by Code Enforcement for fire damage. The issue was resolved on 10/12/07.
09/25/08	A Citation (#70076) was issued by Code Enforcement for rubble and concrete on a vacant lot. The issue was resolved on 10/20/08.

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01/22/09	The Planning Commission will hear a related Variance (VAR-32541) to allow a five-foot side yard setback where 10 feet is required, to allow a 11-foot corner side yard setback where 15 feet is required and to allow a 10-foot rear yard setback where 20 feet is required; and a Special Use Permit (SUP-32543) for a proposed Mixed-Use development with a Waiver to allow no architectural differentiation in uses at the southeast corner of "C" Street and Jackson Avenue.
<i>Related Building Permits/Business Licenses</i>	
12/24/07	A Building Permit (#104678) was issued for a demolition permit for an existing residence. The building was demolished, but never received a final inspection. The building permits indicate that the house burned to the ground on 08/04/07.
<i>Pre-Application Meeting</i>	
11/25/08	A meeting was held to discuss the requirements of the subject Site Development Plan Review and the related Special Use Permit and Variance applications.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
12/22/08	A field check was completed on the indicated date. The site is currently vacant. A single-family dwelling was once on the subject site, but has since been demolished.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.08

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	MXU (Mixed Use)	C-2 (General Commercial)
North	Single-Family Dwelling	MXU (Mixed Use)	R-3 (Medium Density Residential)
South	Duplex	MXU (Mixed Use)	C-2 (General Commercial)
East	Single-Family Dwelling	MXU (Mixed Use)	C-2 (General Commercial)
West	Multi-Family Residential	MXU (Mixed Use)	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			
West Las Vegas Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
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

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

Airport Overlay District The site is within the 175-foot height limitation contour of the North Las Vegas Airport Overlay Map portion of the A-O (Airport Overlay) District. The proposed building is indicated at a height of 27 feet. The proposed building will not impact the 175-foot Airport Overlay height restriction.

West Las Vegas Neighborhood Plan The subject site is within the West Las Vegas Neighborhood Plan. The proposed development fails to further the goals and policies of the West Las Vegas Neighborhood Plan. Specifically, the proposed development fails to comply with Policy 2.2.1, which states: that any higher density or mixed-use redevelopment, which is adjacent to lower density residential development incorporate appropriate visual design. The applicant has clearly failed to comply with this requirement, which is evidenced by the overall building design and the need for the associated Waiver, which is a part of Special Use Permit (SUP-32543). The Waiver request is to allow no architectural differentiation of uses.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards are proposed:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 feet	50 feet	Y*
Min. Setbacks			
• Front (north property line)	20 feet	22 feet	Y
• Side (east property line)	10 feet	5 feet	N*
• Corner (west property line)	15 feet	11 feet	N*
• Rear (south property line)	20 feet	10 feet	N*
Max. Lot Coverage	50%	35%	Y
Max. Building Height	N/A	27 feet	N*
Trash Enclosure	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

BTS

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* First, the applicant has failed to meet the minimum development standards for side, corner side and rear yard setbacks. An associated Variance (VAR-32541) has been submitted, which addresses these deviations from Title 19.08 requirements. Second, the proposed building height is allowed within the subject C-2 (General Commercial) zoning designation, but is not compatible with the 3:1 Residential Adjacency Requirement. A Waiver of this requirement has been requested by the applicant. Finally, the minimum lot width in a C-2 (General Commercial) zoning designation is 100 feet. The existing lot width is 50 feet thereby making the lot legal non-conforming.

Pursuant to Title 19.08, the following development standards are proposed:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	81 feet	5 feet	N*
Adjacent development matching setback	10 feet	5 feet	N*

The building is proposed at 27 feet in height, which requires a setback of 81 feet. A Waiver of this requirement has been requested as a part of the subject Site Development Plan Review. Title 19.08.60, states a one story building up to 15 feet in height may be constructed to the applicable setback line that is established for the zoning district in which the property subject to the standards of this Subchapter. Therefore, the appropriate height for the subject building would be 15 feet in height. The appropriate setback for this building would be 10 feet. The proposed building is setback five feet where 10 feet is required in a C-2 (General Commercial) zoning designation. The associated Variance (VAR-32541) addresses the setback discrepancies.

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 Trees/ 6 Spaces	1 Tree	0 Trees	N*
Buffer:				
Min. Trees				
Front (north p/l)	1 Tree/30 Linear Feet	2 Trees	0 Trees	N*
Side (east p/l)	1 Tree/20 Linear Feet	4 Trees	4 Trees	Y
Corner (west p/l)	1 Tree/30 Linear Feet	3 Trees	3 Trees	Y
Rear (south p/l)	1 Tree/20 Linear Feet	3 Trees	2 Trees	N*
TOTAL		13 Trees	9 Trees	N*
Min. Zone Width				
Front (north p/l)	15 feet		0 feet	N*
Side (east p/l)	15 feet		3 feet	N*
Corner (west p/l)	15 feet		0 feet	N*
Rear (south p/l)	15 feet		10 feet	N*

* The applicant fails to meet Title 19.12 Landscape and Buffer Standards. Waivers and exceptions of these standards have been requested by the applicant.

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Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Mixed-Use	2,212 square feet	N/A	N/A	N/A	2	1	Y*
TOTAL					3		Y*

*Pursuant to Title 19.04 requirements, Mixed-Use development parking requirements are determined on a case-by-case basis, depending on the requirements of the individual uses represented on the site. The subject site provides adequate parking for the proposed use, as conditioned. A condition of approval has been added, which requires the garage to be open during business hours in order to provide adequate customer parking.

Waivers		
Request	Requirement	Staff Recommendation
North property line: 0-foot landscape buffer West property line: 0-foot landscape buffer East property line: 3-foot landscape buffer South property line: 10-foot landscape buffer	North property line: 15-foot landscape buffer West property line: 15-foot landscape buffer East property line: 15-foot landscape buffer South property line: 15-foot landscape buffer	Denial
To allow the building to be oriented away from the corner lot.	Buildings on corner lots should be oriented to the corner and to the street fronts, and should make a strong tie to the building lines.	Denial
To allow a residential adjacency setback to five feet	Residential adjacency requires a 3:1 setback, which would require an 81-foot setback	Denial
Exceptions		
Request	Requirement	Staff Recommendation
To allow less than one parking finger for every six space	One parking finger every six spaces	Denial
North property line: 0 trees	North property line: 2 trees	Denial

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ANALYSIS

The applicant is proposing a 2,212 square-foot Mixed-Use development. The site is located at the southeast corner of "C" Street and Jackson Avenue. The applicant has also requested several Waivers and exceptions as a part of the subject application. The Waivers are as indicated; a Waiver to allow a Residential Adjacency setback of five feet where 81 feet is required, to allow a Waiver of Building Placement and Orientation Standards and Waivers of the Perimeter Landscape Buffer Requirements to allow a portion of the north and west property buffer to be zero feet where 15 feet is required, to allow a portion of the east property buffer to be three feet where 15 feet is required and to allow a portion of the south perimeter to be 10 feet where 15 feet is required.

A related Variance (VAR-32541) and Special Use Permit (SUP-32543) will be heard with this item. The Variance (VAR-32541) request is to allow a five-foot side yard setback where 10 feet is required, to allow a 11-foot corner side yard setback where 15 is required, to allow a 10-foot rear yard setback where 20 feet is required. Also, a Special Use Permit (SUP-32543) for a proposed Mixed-Use development with a Waiver to allow no architectural variation in use where such is required.

- **Site Plan**

The site plan indicates a proposed 2,212 square-foot Mixed-Use development. Access to the site is provided from Jackson Avenue and C Street, which are both 70-foot Local Streets. The proposed development has necessitated the need for an associated Variance (VAR-32541) and Special Use Permit (SUP-32543). The applicant is also seeking Waivers for landscaping, building placement and residential adjacency requirements.

- **Waivers and Exceptions**

The applicant is requesting Waivers and Exceptions as a part of the subject Site Development Plan Review. The Waivers and Exceptions cannot be supported by staff as they are self-imposed and can be better mitigated through better site design and adherence to Title 19 requirements.

- A Waiver from Title 19.12 Landscape and Buffer Standards to allow a portion of the north and west property buffer to be zero feet where 15 feet is required, to allow a portion of the east property buffer to be three feet where 15 feet is required and to allow a portion of the south property buffer to be 10 feet where 15 feet is required.
- A Waiver from Title 19.08 Development Standards to allow the building to be oriented away from the corner where buildings on corner lots should be oriented to the corner and to the street fronts, and should make a strong tie to the building lines is required.

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- A Waiver from Title 19.08 Development Standards to allow a residential adjacency setback of five feet where 81 feet is required.
- An Exception from Title 19.10 Parking, Loading and Traffic Standards, to allow less than one tree to be planted every six uncovered spaces and to allow less than one tree for each landscape island is required.
- An Exception from Title 19.12 Landscape and Buffer Standards, to allow zero trees along the front property line where two are required and to allow two trees along the south property line where three are required.

- **Landscape Plan**

The applicant is proposing a portion of the north and west property buffer to be zero feet where 15 feet is required, a portion of the east property buffer to be three feet where 15 feet is required, and to allow a portion of the south property buffer to be 10 feet where 15 feet is required. There are no existing trees or shrubs, which will be utilized for the proposed development. The proposed site will contain all new trees and shrubs. The applicant is proposing two types of trees and ground cover. The trees are indicated as 24-inch Modesto Ash and Flowering Plum. The ground cover is indicated as five-gallon Indian Hawthorne. Overall, the site is lacking with respect to the number of required trees and landscape buffer width. The lack of landscaping has necessitated the need for the requested Waivers and Exceptions.

- **Elevations and Floor Plans**

The proposed building appears to be residential in nature. Mixed-Use developments are required by the Special Use Permit process; to require that the overall architecture of the front elevation shall highlight the difference in uses through variations in volume and proportion, and shall be treated as a cohesive whole through finishes and colors. The applicant has not applied this requirement to the front elevation as required. Therefore, a Waiver of this requirement has been requested as a part of the related Special Use Permit (SUP-32540) application. The overall height of the building is proposed at 27 feet. The subject building is also setback five feet from the existing residence to the east. Residential Adjacency requirements require a 3:1 setback for all property to be developed for nonresidential use that is located adjacent to a protected property. Therefore, the subject building is required to be setback 81 feet. A Waiver of this requirement has been requested as a part of the subject Site Development Plan Review.

The floor plans depict a two-story building. The first floor consists of 556 square feet of residential space, 250 square feet of commercial space, and 400 square feet of garage space. The second floor consists of 1,006 square feet of residential space. The combined uses are 2,212 square feet in area.

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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 not compatible with adjacent residential properties as it will not comply with the Residential Adjacency Standards. Additionally, setback requirements are not met, so adjacent residential properties are not adequately protected from the proposed project.

- 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 Building Placement and Orientation and Residential Adjacency Requirements. The associated Variance (VAR-32541) for setbacks also demonstrates this inconsistency. This is also seen by the number of Waivers of 19.12 Landscape and Buffer Standards requested as a part of this Site Development Plan Review.

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

Access to the site is provided from Jackson Avenue and C Street, which are both 70-foot Local Streets. Both streets will provide adequate access and will accommodate the traffic generated by the proposed development.

- 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 Perimeter Landscape Buffer Requirements. The provided landscape materials are lacking in buffer width and tree quantity.

- 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 inappropriate building design and architectural features, which are inconsistent with Title 19.04 Permissible Uses, minimum Special Use Permit requirements, which require the front elevation to provide differentiation in uses in architecture.

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- 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 as well as routine business license inspections for any commercial activities.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 158

APPROVALS 0

PROTESTS 0