

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: APRIL 9, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-33063 - APPLICANT: WAT LAO PUTHAMSEY ASSOCIATION OF LV, INC. - OWNER: WAT LAO PUTHAMSEY ASSOCIATION OF LV, INC., AND WAT LAO BUDDHAMIXAY**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL**, subject to:**Planning and Development**

1. 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.
2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 01/15/09, except as amended by conditions herein.
3. A Waiver from 19.12.040(A)(1) is hereby approved, to allow a zero-foot landscape buffer along the north, east, and south perimeters; and to allow a five-foot landscape buffer along the west perimeter.
4. An Exception from 19.10.010(J)(11) is hereby approved, to allow zero parking lot islands and associated landscaping.
5. Outdoor areas, including the patio cover area, shall not be used for religious services and shall conform to the Las Vegas Municipal Code Chapter 9.16.
6. The applicant shall work with city staff to determine the most appropriate mapping action necessary to consolidate the three existing parcels. The mapping action shall be completed and recorded prior to the issuance of any building permits.

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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:
 - a. Four, five-gallon shrubs per required tree.
 - b. Existing perimeter planter areas shall have one (1), 24-inch box tree every 20 linear feet, with four (4), five-gallon shrubs per tree.
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. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. 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.
13. 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.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

15. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
16. 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.
17. 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.
18. Comply with the requirements of Las Vegas Municipal Code Chapter 4.32 Traffic Signal Impact Fee prior to the issuance of permits for this site.
19. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a 1,126 square-foot addition to an existing 1,475 square-foot Monastery at 360 and 366 North 14th Street. The applicant has also requested a Waiver to allow a zero-foot landscape buffer along the north, south, and east perimeters where six feet is required, and to allow a five-foot landscape buffer along the west perimeter where ten feet is required. In addition to the requested Waivers, an Exception is being requested to allow zero parking lot landscape islands and zero parking lot landscaping where, at a minimum, one landscape island would be required at each end of the proposed row of seven parking spaces with one tree per parking lot landscape island for a total of two trees required.

The landscape Waivers requested can be mitigated by requiring that existing planters along the perimeter of the subject site that are not currently utilized be planted with appropriate landscape materials to provide screening from adjacent residential uses. The requested parking lot landscape Exception can be supported as the request is minor in nature, and the proposed parking lot is screened from the adjacent residential uses to the north and east by the structures located on the site, and US-95 on the south. Staff is recommending approval of this request as the proposed use of the site as a Monastery is compatible with the adjacent residential uses, and can be conducted in a manner that is harmonious with the surrounding development in the area.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/25/95	The Board of Zoning Adjustment approved (final action) a request for a Variance (V-0032-95) to allow a religious facility to be five feet from the rear property line where 20 feet is required, to allow 16 parking spaces where 33 parking spaces are required, and to allow the parking spaces to 8.5 feet in width where 9 feet is the minimum width required; and a Special Use Permit (U-0022-95) for a religious facility at 360 North 14 th Street.
08/27/96	The Board of Zoning Adjustment approved (final action) a request for a Variance (V-0088-96) to allow 16 parking spaces where 36 parking spaces are required for a proposed addition to a religious facility at 360 North 14 th Street.
11/14/03	The Department of Planning and Development administratively approved a request for a Site Development Plan Review (SDR-3102) for a patio cover at 360 North 14 th Street.
10/11/04	Code Enforcement processed a complaint (#22728) for a refrigerator being left on the sidewalk with the doors still attached at 360 North 14 th Street. The case was resolved on 10/13/04.

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07/13/07	Code Enforcement processed a complaint (#55325) for the re-roofing of a house without permits; numerous structures being attached to primary structure, creating a compound atmosphere; and all work has been done without permits at 360 North 14 th Street. The case is still open.
03/12/09	The Planning Commission approved a request to have Site Development Plan Review (SDR-33063) to be held in abeyance until the 04/09/09 Planning Commission meeting.
<i>Related Building Permits/Business Licenses</i>	
04/17/91	A building permit (#91103371) was issued for a bathroom remodel at 360 North 14 th Street. The permit was finalized on 09/04/91.
07/23/91	A building permit (#91114079) was issued for a family room addition and patio cover at 360 North 14 th Street. The permit was finalized on 12/11/91.
12/03/96	A building permit (#96023735) was issued for a 140-foot by six-foot wall and a 92-foot by four-foot wall at 360 North 14 th Street. The permit was finalized on 01/07/97.
02/17/98	A building permit (#98003287) was issued for a 147-foot by six-foot wall at 360 North 14 th Street. The permit expired on 09/05/98.
08/24/00	A building permit (#00015895) was issued for to demolish an exterior patio at 360 North 14 th Street. The permit was finalized on 09/19/00.
<i>Pre-Application Meeting</i>	
11/14/08	A pre-application meeting was held where the submittal requirements for a Site Development Plan Review were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required for this application, nor was one held.	
<i>Field Check</i>	
02/05/08	During a routine field check, staff observed an interior planter area adjacent to the perimeter walls. A condition has been added for this planter area to be landscaped, providing a buffer for the adjacent residential neighbors.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.46

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Monastery	MXU (Mixed Use)	R-3 (Medium Density Residential)
North	Single-Family Residence	MXU (Mixed Use)	R-3 (Medium Density Residential)
South	I-95	ROW (Right-of-Way)	ROW (Right-of-Way)
East	Single-Family Residence	MXU (Mixed Use)	R-3 (Medium Density Residential)
West	Single-Family Residence	MXU (Mixed Use)	R-3 (Medium Density Residential)

NE

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
Downtown Redevelopment Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
Trails	X		Y*
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

**A Multi-Use Transportation Trail exists within the US-95 Right-of-Way Easement adjacent to the subject site.*

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following Development Standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	6,559 SF	Y
Min. Setbacks			
• Front	20 FT	30 FT	Y
• Side	5 FT	5 FT	Y
• Corner	5 FT	N/A	N/A
• Rear	20 FT	20 FT	Y
Max. Building Height	2 stories, or 35 feet, whichever is less.	19.5 FT	Y
Trash Enclosure	Enclosed, Roofed, and Gated	N/A	Curbside Pick-Up*
Mech. Equipment	Screened	Existing Mechanical Equipment on Roof.	N**

**The applicant currently uses, and will continue to use curb-side pick-up provided for by Republic Services.*

*** A condition has been added to require screening of the mechanical equipment.*

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Pursuant to Title 19.10 and 19.12, the following Parking Lot and Landscape 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	One (1) tree per every six (6) parking spaces.	2 Trees	Zero Trees	N*
Buffer:				
Min. Trees:				
North:	1 Tree / 20 Linear Feet	7 Trees	Zero Trees	N**
South:	1 Tree / 20 Linear Feet	7 Trees	Zero Trees	N**
West:	1 Tree / 20 Linear Feet	6 Trees	7 Trees	Y
East:	1 Tree / 20 Linear Feet	10 Trees	Zero Trees	N**
TOTAL		32 Trees	7 Trees	N
Min. Zone Width:				
North:	6 Feet		Zero Feet	N**
South:	6 Feet		Zero Feet	N**
West:	10 Feet		5 Feet	N**
East:	6 Feet		Zero Feet	N**
Wall Height	6 Feet		6 Feet (Existing)	Y***

*The applicant is requesting an Exception to allow zero parking lot trees where two trees are required.

**The applicant is requesting a Waiver to allow a zero-foot landscape buffer along the north, south, and east perimeters where six feet is required, and a five-foot landscape buffer where 10 feet is required along the west perimeter.

***The subject site currently has an existing six-foot block wall along the south and east perimeters, an existing 6-foot wood fence along the north perimeter, and an existing 5-foot fence along the west perimeter consisting of block wall and wrought iron with a rolling wrought iron gate at the entrance for vehicular access.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Monastery	3 Beds	One space per three beds.	1	1	7	1	Y
SubTotal			1	1	7	1	
TOTAL			2		8		

NE

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Waivers		
Request	Requirement	Staff Recommendation
Zero-foot landscape buffer along the north, south, and east perimeters.	Six feet of landscape buffer.	Approval
Five-foot landscape buffer along the west perimeter.	Ten feet of landscape buffer.	Approval

Exceptions		
Request	Requirement	Staff Recommendation
Zero parking lot landscape islands.	Parking lot landscape islands shall be provided at the end of each row of parking spaces; parking lot landscape islands shall be provided either parallel to parking spaces, at a ratio of one landscape island for every six parking spaces, or perpendicular to parking spaces, if located between abutting rows of parking spaces.	Approval

ANALYSIS

This is a request for a Site Development Plan Review for a 1,126 square-foot addition to an existing 1,475 square-foot Monastery at 360 and 366 North 14th Street. The applicant has also requested a Waiver to allow a zero-foot landscape buffer along the north, south, and east perimeters where six feet is required, and to allow a five-foot landscape buffer along the west perimeter where ten feet is required. In addition to the requested Waivers, an Exception is being requested to allow zero parking lot landscape islands and zero parking lot landscaping where, at a minimum, one landscape island would be required at each end of the proposed row of seven parking spaces with one tree per parking lot landscape island for a total of two trees required

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● **Zoning**

The subject site is in an R-3 (Medium Density Residential) zone, and has a General Plan designation of MXU (Mixed Use). The General Plan designation of MXU (Mixed Use) allows for a mix of uses that are normally allowed within the L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories. The purpose of the R-3 (Medium Density Residential) district is to provide for the development of a variety of multi-family units such as duplexes, townhouses and medium density apartments. The R-3 (Medium Density Residential) district is consistent with the policies of the Medium Density Residential category of the General Plan.

● **Site Plan**

The proposed site encompasses three (3) parcels, with the structure located on the middle parcel being utilized as the primary structure for the Monastery. This structure currently has a non-permitted shade structure attached to the rear (east) of the building that the applicant has proposed to remove and replace with the room addition and partially enclosed patio cover proposed with this application. The addition will add a sitting area with kitchen, and a partially enclosed patio cover with two restroom facilities. The northern parcel provides the site ingress and egress point, and has two small dwellings utilized as ancillary housing for the Monastery. Both of the ancillary dwellings are approximately 550 square feet in size, and contain one (1) bedroom and one (1) bathroom each. The parcel to the south is used for vehicular parking, providing seven standard parking spaces and one handicap parking space. A condition has been added to require the subject site to be re-mapped, creating a single (1) parcel.

● **Landscape Plan**

The applicant is proposing a zero-foot landscape buffer along the north, south, and east perimeters, as well as no landscaping within the parking lot area. The only landscaping being proposed with this application is a five-foot landscape buffer along the west perimeter with seven trees and fifteen shrubs. Title 19.12 requires a six-foot landscape when adjacent to single-family residential, and a ten-foot buffer when adjacent to public right-of-way, with one tree per every 20 lineal feet, and four, five-gallon shrubs per tree within each landscape buffer adjacent to both residential and public right-of-way. The applicant has exceeded the tree requirement by one, and is deficient 9 shrubs along the proposed west landscape buffer. A condition has been added to ensure the proper number of shrubs is planted within the western perimeter of the subject site.

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During a routine field check, staff observed an existing landscape planter surrounding the subject property adjacent to the perimeter walls and fence. This planter area is approximately five-feet in width with the ability to provide adequate landscape buffering for the adjacent residential neighbors. A condition has been added for the applicant to add the appropriate landscape buffering within this interior planter area in accordance with Title 19.12.

●Waivers & Exceptions

The applicant has requested a Waiver to allow a zero-foot landscape buffer along the north, south, and east perimeters where six feet is required, and to allow a five-foot landscape buffer along the west perimeter where ten feet is required. In addition to the requested Waivers, an Exception is being requested to allow zero parking lot landscape islands and zero parking lot landscaping where, at a minimum, one landscape island would be required at each end of the proposed row of seven parking spaces with one tree per parking lot landscape island for a total of two trees required

The landscape Waivers requested can be mitigated by requiring that existing planters along the perimeter of the subject site that are not currently utilized be planted with appropriate landscape materials to provide screening from adjacent residential uses. A condition has been added requiring the planter to be landscaped in accordance with Title 19.12. The requested parking lot landscape Exception can be supported as the request is minor in nature, and the proposed parking lot is screened from the adjacent residential uses to the north and east by the structures located on the site, and US-95 on the south. Staff is recommending approval of this request as the proposed use of the site as a Monastery is compatible with the adjacent residential uses, and can be conducted in a manner that is harmonious with the surrounding development in the area.

●Elevation

The applicant has proposed to maintain the residential aesthetics of the monastery by proposing a room addition and patio cover that will match the existing single-family structure. The new addition and patio cover will have a stucco finish painted to match the existing structure, with a shingle roof to match the existing roof of the Monastery. The addition and patio cover will have a total height of 19.5 feet at the roof peak.

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● **Floor Plan**

Floor plans of the existing structures (dwelling units) were not submitted with this application as they will remain with no changes. The proposed addition to the primary structure consists of a sitting area with kitchen, and a partially enclosed, covered patio area with two (2) restroom facilities. The sitting area is completely enclosed with doorway access to the south parking area and covered patio area. The covered patio is partially enclosed with only the south and east sides remaining open, while the north side is enclosed with an access doorway provided to the northern dwelling units. The proposed restroom facilities located within the partially enclosed patio are accessed from the exterior of the building on the east side of the patio addition.

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 addition is compatible with the adjacent residential development in the area, as it will expand an existing Monastery using the same design theme as the original building.

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 addition does not alter the General Plan designation of MXU (Mixed Use) under the Southeast Sector Plan of the General Plan. The use of the subject site as a Monastery remains consistent with the General Plan. The proposed addition is consistent with Title 19.08 design standards.

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

Access to the subject site is provided by 14th Street, a 60-foot Local Street as defined by the Master Plan of Streets and Highways, which is adequate in size to meet the requirements of the existing Monastery as well as the proposed addition and patio cover.

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

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The applicant has proposed to remove the non-permitted additions to the rear (east) of the primary structure, and construct the addition and patio cover in a manner to match the existing primary structure using paint color and roofing materials. The landscape materials proposed are Chilean Mesquite tree, Rio Grande tree, and Rio Bravo Sage bush, which are all drought tolerant landscaping materials. Both the building and landscape materials proposed are appropriate for the area and the City.

- 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;**

Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance and create an orderly and aesthetically pleasing environment. The proposed addition and patio cover have been designed to match the existing structure which was once a single-family residence, in order for the remodeled structure to continue to be harmonious and compatible with the surrounding area.

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

The proposed addition and patio cover will be subject to Building Code requirements and City inspections during construction and will not compromise the public health, safety or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 11

SENATE DISTRICT 10

NOTICES MAILED 254

APPROVALS 2

PROTESTS 3