



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: APRIL 6, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: PACIFIC WOODS RENTALS, LLC

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ZON-40756	Staff recommends APPROVAL.	
VAR-40757	Staff recommends APPROVAL, subject to conditions:	ZON-40756
VAR-40758	Staff recommends DENIAL, if approved subject to conditions:	ZON-40756 VAR-40757
VAR-40876	Staff recommends APPROVAL, subject to conditions:	ZON-40756 VAR-40757
SDR-40759	Staff recommends APPROVAL, subject to conditions:	ZON-40756 VAR-40757

**** CONDITIONS ****

VAR-40757 CONDITIONS

Planning

- 1.Approval of and conformance to the Conditions of Approval for Rezoning (ZON-40756), Variances (VAR-40758), (VAR-40876) and Site Development Plan Review (SDR-40759) 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 new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.

**Conditions Page Two
April 6, 2011 - City Council Meeting**

3. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

VAR-40758 CONDITIONS

Planning

1. Construct a six-foot-high wall beginning five feet back from the front building façade extending back to the alley along the southern perimeter. Within the front yard setback area, the applicant shall plant a hedge including 15 gallon shrubs. The location of the final termination of the wall shall be determined by the Department of Public Works to ensure that sight visibility within the alley is maintained.
2. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-40756), Variances (VAR-40757), (VAR-40876) and Site Development Plan Review (SDR-40759) shall be required, if approved.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

VAR-40876 CONDITIONS

Planning

- 1.Approval of and conformance to the Conditions of Approval for Rezoning (ZON-40756), Variances (VAR-40757), (VAR-40758 and Site Development Plan Review (SDR-40759) shall be required, if approved.
- 2.This approval shall be exercised upon the approval of Rezoning (ZON-40756).
- 3.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-40759 CONDITIONS

Planning

- 1.The wrought iron shall be removed from the front (west) elevation.
- 2.Approval of and conformance to the Conditions of Approval for Rezoning (ZON-40756), Variances (VAR-40757), (VAR-40758) and (VAR-40876) shall be required, if approved.
- 3.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.
- 4.All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 01/19/11, except as amended by conditions herein.
- 5.The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.
- 6.A Waiver from Title 19.12 is hereby approved, to allow a landscape perimeter buffer of zero feet on the west perimeter, and four feet wide along the north and south where a minimum of eight-foot wide buffers are required.

**Conditions Page Four
April 6, 2011 - City Council Meeting**

- 7.A proposed building façade improvement plan shall be submitted to the Planning Department staff for review and approval prior to the issuance of a business license.
- 8.Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 01/19/11. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.
- 9.The applicant shall provide a letter prior to issuance of building permits to the Department of Planning from the waste service provider indicating that contained curb-side trash pickup is acceptable after the property is converted to a commercial use.
10. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
11. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
12. 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. Installed landscaping shall not impede visibility of any traffic control device.
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 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.

**Conditions Page Five
April 6, 2011 - City Council Meeting**

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. Remove all substandard sidewalk improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards 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. The existing “pan” style driveway accessing this site from 8th Street may remain.
19. Parking spaces designed perpendicular to and accessed directly from public alleys shall be a minimum of 22 feet in depth from the alley right-of-way line.
20. Landscape and maintain all unimproved rights-of-way on 8th 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.
21. Submit an Encroachment Agreement for all landscaping located in the 8h Street public right-of-way adjacent to this site prior to occupancy of this site. The installation and maintenance of all landscaping in the public right of way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement.
22. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Staff Report Page One
April 6, 2011 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to convert an existing single-family residence to an office by rezoning the parcel from R-1 (Single Family Residential) to P-R (Professional Office & Parking). Variances for reduced parking, reduced lot width and no screening wall as well as a Waiver for reduced perimeter landscape buffers and an Exception for reduced perimeter trees accompanies the request. Staff supports the requests with conditions. However, the Exception for reduced perimeter trees is not supported as well as the Variance to allow no screen wall adjacent to existing residential. If the applications are denied, the property would remain as a single family residence.

ISSUES

- A Variance is required for a lot width of 49 feet where the minimum required is 60 feet;
- A Variance is required to allow no perimeter screening wall along the south property line where one is required adjacent to a residentially zoned parcel;
- A Variance is required allowing four parking spaces where five are required;
- A Rezoning application is required to allow for a professional office and parking lot use;
- A Site Development Plan Review with a Waiver and Exception is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/16/05	The City Council approved a Rezoning (ZON-5726) from R-1 (Single Family Residential) to P-R (Professional Office And Parking), a Site Development Plan Review (SDR-5727) for a 1,495 square foot residential to office conversion and waivers of landscape and buffer requirements, and a Variance (VAR-5730) to allow a 48 foot lot width when 60 feet is required for a proposed professional office development at 717 South 8 th Street. The Planning Commission and staff recommended approval.
03/07/07	The City Council approved an Extension of Time (EOT-19407) of an approved Rezoning (ZON-5726) which allowed a Rezoning FROM R-1 (Single Family Residential) TO P-R (Professional Office and Parking) at 717 South 8 th Street. Staff recommended approval.

Staff Report Page Two
April 6, 2011 - City Council Meeting

03/07/07	The City Council approved an Extension of Time (EOT-19431) of an approved Site Development Plan Review (SDR-5727) for a 1,495 square-foot residential to office conversion and waivers of landscape and buffer requirements at 717 South 8 th Street. Staff recommended approval. This expired 2/16/09.
03/08/11	The Planning Commission voted (7-0) to recommend APPROVAL of companion items ZON-40756, VAR-40757, VAR-40758, VAR-40876 and SDR-40759 (PC Agenda Items 25-31/yk).

Most Recent Change of Ownership

07/13/10	A deed was recorded for a change in ownership.
----------	--

Related Building Permits/Business Licenses

12/21/10	A Building Permit (#178367) for a Tenant Improvement at 717 South 8 th Street was issued. It has not been finalized.
----------	---

Pre-Application Meeting

01/11/11	Staff met with the applicant and reviewed the applications required for their project. The requirements for Rezoning, Site Development Plan Review and Variance applications were discussed. Three Variances (Parking, Screen wall and Lot Width) are required. A Waiver for reduced perimeter landscape buffers and an Exception for the number of perimeter landscape trees & shrubs is also required.
----------	--

Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.
--

Field Check

01/26/11	Staff visited the site and found a vacant single-family dwelling with a POD storage shed in the front yard. The property was well maintained and clean. No issues were noted.
----------	---

Details of Application Request

Site Area

Net Acres	0.16
-----------	------

Staff Report Page Three
April 6, 2011 - City Council Meeting

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Vacant	MXU (Mixed Use)	R-1 (Single Family Residential)
North	Office	MXU (Mixed Use)	P-R (Professional Office and Parking)
South	Single Family Residential	MXU (Mixed Use)	R-1 (Single Family Residential)
East	Office	MXU (Mixed Use)	P-R (Professional Office and Parking)
West	Office	MXU (Mixed Use)	P-R (Professional Office and Parking)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y
<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 Width	60 Feet	49 Feet	N
Min. Setbacks			
• Front	20 Feet	40 Feet	Y
• Side	5 Feet	5 Feet	Y
• Rear	15 Feet	58 Feet	Y
Max. Lot Coverage	50 %	29 %	Y
Max. Building Height	35 Feet	15 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	N/A	By Condition
Mech. Equipment	Screened	Y	Y

YK

Staff Report Page Four
April 6, 2011 - City Council Meeting

Pursuant to Title 19.12 the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 30 Linear Feet	5 Trees	3 Trees	N
• South	1 Tree / 20 Linear Feet	7 Trees	4 Trees	N
• East	1 Tree / 30 Linear Feet	2 Trees	0 Trees	N
• West	1 Tree / 30 Linear Feet	2 Trees	1 Trees	N
TOTAL PERIMETER TREES		16 Trees	8 Trees	N
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	3 Trees	0 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		5 Feet	N
• South	8 Feet		5 Feet	N
• East	15 Feet		0 Feet	N
• West	15 Feet		15 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		None	N

Street Name	Functional Classification of Street(s)	Governing Document	Street Width (Feet)	Compliance with Street Section
8 th Street	N/A	N/A	80	Y

Pursuant to Title 19.04 and 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	
Office, Other than Listed	1,498 SF	1:300 SF	5				
TOTAL SPACES REQUIRED			5		4		N
Regular and Handicap Spaces Required			4	1	3	1	N
Percent Deviation			20 %				

Staff Report Page Five
April 6, 2011 - City Council Meeting

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
An Eight foot wide perimeter landscape buffer is required on the north and south property lines and a 15-foot on the east and west property lines.	To allow a zero perimeter landscape buffer on the west side and a five-foot wide buffer on the north and south property lines.	Approval

<i>Exceptions</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
To provide 16 perimeter landscape trees.	To provide eight perimeter landscape trees	Denial

ANALYSIS

The neighborhood that this project is located in has changed over the decades from a residential one to a professional office neighborhood. This parcel is almost the last one on the block to convert to Professional Office and Parking zoning. The request to rezone the property is in compliance with the General Plan and therefore, staff is recommending approval.

The parcel was created by combining two, 25-foot wide lots into one but the lots themselves were not remapped. A condition of approval will require the lots to be remapped into one lot. Another related issue is the fact that the parcel doesn't meet the minimum lot width requirement of 60 feet for the requested zoning district. A Variance to address this deficiency has been requested and staff is supporting the request.

The project also requires a Variance for reduced parking. The applicant is proposing to install four of the required five parking spaces off the alley in the rear of the property. The result reflects a 20% reduction in the required parking. This Variance meets the minimum requirements for a variance in that it is not a self-imposed hardship, as the constraints of the lot size prevent the code requirement from being met. Staff supports the request.

The last remaining residentially zoned parcel is adjacent to the south property line. The code requires a screening wall be constructed between the two uses. The applicant has requested a Variance in order to avoid this requirement. Staff does not support this request, as the residential property should be protected from the proposed commercial use. In addition, there are no physical constraints on the property that would prevent the construction of this required wall and the applicant has offered no justification.

Staff Report Page Six
April 6, 2011 - City Council Meeting

The requested perimeter landscape buffer Waiver is required due to the constraints of the lot size and the location of the existing structure. The reduced buffers will not have an adverse effect on the surrounding neighborhood and therefore, staff supports the request. However, an accompanying Exception request to allow eight perimeter trees where 16 are required is not supported by staff. There is ample space to plant the additional eight trees without altering the site plan and the applicant has offered no justification.

The applicant is not proposing to alter the exterior of the structure. However, improvement is required to make the transition from residential to professional office more compatible with the existing conditions on the street. Therefore, staff has added a condition that revised elevations be submitted for review and approved by Department of Planning staff prior to or at the time of submittal of building permits.

FINDINGS (ZON-40756)

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1.The proposal conforms to the General Plan.

The proposed Rezoning to P-R (Professional Office and Parking) conforms to the current Mixed-Use designation under the General Plan.

2.The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

The potential uses allowed in the PR (Professional Office and Parking) District are appropriate for the area, which has evolved over the past decades into a predominantly professional office neighborhood.

3.Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

There is a continuing demand for professional office space in the downtown area. The rezoning request will aid in meeting this demand.

4.Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

The established downtown street grid is adequate to meet the requested demands that this project will generate.

**Staff Report Page Seven
April 6, 2011 - City Council Meeting**

FINDINGS (VAR-40757)

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

Evidence of a unique and extraordinary circumstance has been presented, in that the constraint of the lot size combined with the location of existing structures, creates a hardship by limiting the area available for parking. There are no alternatives available that would allow conformance to the Title 19 requirements. A Variance is justified for this request and is supported by staff.

FINDINGS (VAR-40758)

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

**Staff Report Page Eight
April 6, 2011 - City Council Meeting**

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to not construct the required screening wall. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (VAR-40876)

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

Staff Report Page Nine
April 6, 2011 - City Council Meeting

The existing parcel dimensions result from the development of 25-foot lots that in past years were combined into larger developable sites. The existing site is non-conforming for lot width for an R-1 (Single Family Residential) lot. Conversion of non-conforming sites to commercial uses is common in the surrounding downtown area. The existing lot width is the result of historical mapping practices, and therefore is not a self-imposed hardship. In view of the hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is not preferential in nature, and it is thereby within the realm of NRS Chapter 278 for granting of Variances. Staff supports the request.

FINDINGS (SDR-40759)

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;

Rezoning to P-R (Professional Office and Parking) is suited for professional office development and these types of uses are anticipated by the General Plan. The residential architectural character of the neighborhood will be maintained and will be compatible with development in the area.

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 site, with approval of a request to rezone the lot at 717 South 8th Street to PR (Professional Office and Parking), will be in conformance to the existing MXU (Mixed-Use) General Plan land use designation on the site. Waivers of perimeter landscaping buffers are required for approval of the site as proposed due to the constraints imposed by the small lot size. Staff supports the Variances for reduced parking and lot width but not the Variance for the screening wall.

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

The parking will be accessed off of the existing paved alley and will not have a negative impact on the surrounding streets.

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

Staff Report Page Ten
April 6, 2011 - City Council Meeting

These materials are appropriate for this area and for the city as conditioned. Revised elevations shall be required to ensure that the residential character of the area is maintained.

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 existing structure will continue to resemble a single family residence and be harmonious with the neighborhood.

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.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

34

NOTICES MAILED

236 (By City Clerk)

APPROVALS

3

PROTESTS

2