



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: AUGUST 17, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: CONTINENTAL BEAD SUPPLIERS, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ZON-41798	Staff recommends APPROVAL.	
VAR-41800	Staff recommends DENIAL, if approved subject to conditions:	ZON-41798
VAR-41801	Staff recommends DENIAL, if approved subject to conditions:	ZON-41798
SDR-41799	Staff recommends DENIAL, if approved subject to conditions:	ZON-41798 VAR-41800 VAR-41801

** CONDITIONS **

VAR-41800 CONDITIONS

Planning

1. Approval of Rezoning (ZON-41798) and conformance to the Conditions of Approval for Site Development Plan Review (SDR-41799) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. This approval is for a total of five parking spaces where eight are required, with three compact parking spaces where one is the maximum permitted.
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 Department of Building and Safety.

Conditions Page Two
August 17, 2011 - City Council Meeting

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-41801 CONDITIONS

Planning

1. Approval of Rezoning (ZON-41798) and conformance to the Conditions of Approval of Site Development Plan Review (SDR-41799) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
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 Department of Building and Safety.
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.

SDR-41799 CONDITIONS

Planning

1. A revised Landscape plan shall be submitted to and approved by the Department of Planning to depict a five-foot landscape buffer along the north perimeter with landscape materials to comply with the requirements of Title 19.
2. Approval of Rezoning (ZON-41798) and conformance to the Conditions of Approval for Variances (VAR-41800) and (VAR-41801) shall be required, if approved.

Conditions Page Three
August 17, 2011 - City Council Meeting

3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. This approval is for an office building with a maximum area of 2,146 square feet.
5. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 05/16/11, except as amended by conditions herein.
6. A Waiver from Title 19.08.050 is hereby approved, to allow perimeter landscape buffer widths of six feet along the west perimeter where 15 feet is required and zero feet along the north and a portion of the south perimeters where eight five feet is required.
7. An Exception from Title 19.08.040 is hereby approved, to allow zero trees where seven trees are required along the south perimeter.
8. An Exception from Title 19.08.110 is hereby approved, to allow zero shade trees where five shade trees are required for the parking lot.
9. Prior to issuance of a building permit, the applicant shall provide a letter from the service provider that approves the continuation of curb side trash pickup once the subject site is converted to commercial use.
10. 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 05/16/11. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.
11. 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 Department of Building and Safety.
12. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
13. 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.

Conditions Page Four
August 17, 2011 - City Council Meeting

14. 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).
15. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.08.040.
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.
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.

Public Works

19. Remove all substandard 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 may remain.
20. 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. As appropriate, submit an Encroachment Agreement to the City of Las Vegas or obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements, if any, in the Jones Boulevard public right-of-way adjacent to this site.
22. 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 drainage ways as recommended. A previously approved drainage study for this site is on file with the City and an update to this study may be required.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant has requested to rezone property at 612 North Jones Boulevard to P-O (Professional Office) in order to operate an internet-based company from the site. The property is currently zoned as a single family residence, but a General Plan Amendment (GPA-3388) was approved in 2004 for an O (Office) land use designation, which would permit the requested zoning. Staff supports the zoning request as it will correspond with the existing General Plan land use designation.

The applicant has also requested a Site Development Plan Review with Waivers of the perimeter landscape buffering requirements and two Variances; one for parking and one for a reduced front yard setback. The project was noticed as a 2,576 square-foot building when a 430 square-foot converted garage space was added to the total building area. This area had already been included in the total area and should not have been added again. The resulting decrease in building area to 2,146 square feet reduces the parking requirement by one space, which results in a slightly less intense Variance request of five parking spaces where eight are required instead of the nine spaces that were noticed. In addition, a maximum of 30% of the total spaces provided, or one space, may be designated as a compact space; the proposed site plan depicts three compact spaces. The parking request is exacerbated due to the requested expansion of the building area via a 420 square-foot addition to the rear of the existing 1,726 square-foot structure and the setback variance is due to a vehicle shade structure that was installed without proper building permits. Staff does not support these applications.

The overall site is appropriate for a Professional Office. However, the applicant's proposal to increase the building area by 420 square feet would result in the site being overdeveloped. Therefore, staff recommends approval of the rezoning application and denial of the accompanying Site Development Plan Review and two Variance applications.

ISSUES

- A Variance is required for parking. Conversion of the existing structure will result in a deficiency of one space; however, the additional building area proposed will increase this deficiency to four spaces. Staff does not support the Variance request.
- A Variance is required for the carport that was built without the proper building permits within the required front yard setback. Staff does not support the requested Variance.
- Waivers are required for reduced perimeter landscape buffers along the north, south and west perimeters. Staff does not support these Waivers.
- An Exception is required to allow mechanical equipment to be unscreened and located on the front-facing sloped roof of the structure. Staff does not support the Exception.

Staff Report Page Two

August 17, 2011 - City Council Meeting

- An Exception is required to allow eight perimeter trees where 20 are required. Staff does not support the Exception.
- An Exception is required to allow zero parking lot trees where four are required. Staff supports the Exception.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/18/04	The City Council approved General Plan Amendment (GPA-3388) to amend a portion of the Southwest Sector Plan of the General Plan from: L (Low Density Residential) to: O (Office) on 1.70 acres at 600 - 804 North Jones Boulevard. The Planning Commission and staff recommended approval.
02/18/04	The City Council approved Rezoning (ZON-3474) from: R-1 (Single Family Residential) to: P-R (Professional Office and Parking) on 1.7 acres at 600 - 804 North Jones Boulevard. The Planning Commission and staff recommended approval. The case expired without being exercised.
10/20/04	The City Council denied Review of Condition (ROC-5250) to remove Condition Number 3, which required a comprehensive site plan, including all lots, to be submitted for approval by the Planning and Development Department and the Department of Public Works prior to the issuance of a certificate of occupancy for any of the lots involved in the rezoning to allow the lots to submit Site Development Plan Reviews on an individual basis on 1.7 acres a 600 to 804 North Jones Boulevard. Staff recommended denial.
07/12/11	The Planning Commission voted (6-0-1/vq) to recommend APPROVAL of ZON-41798; while voting (4-2-1/gt,tm-vq) to recommend APPROVAL of companion items VAR-41800, VAR-41801 & SDR-41799 (PC Agenda Items 33-36/yk).

<i>Most Recent Change of Ownership</i>	
04/03/06	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
02/09/11	A Business License (G04-05319-2-112173) was issued for a Wholesale Bead Internet Sales business at 612 N. Jones Boulevard. The permit is under review.

<i>Pre-Application Meeting</i>	
03/31/11	Staff met with the applicant and reviewed the applications required for the project.

Staff Report Page Three

August 17, 2011 - City Council Meeting

<i>Neighborhood Meeting</i>
A neighborhood meeting was not required, nor was one held.

<i>Field Check</i>
06/02/11
Staff visited the property and found a single family structure being used as an office. A free-standing carport was constructed in the front yard without permits and within the setback area. All five existing parking spaces were full.

<i>Details of Application Request</i>
<i>Site Area</i>
Net Acres
0.19

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Single Family, Detached	O (Office)	R-1 (Single Family Residential)
North	Single Family, Detached	O (Office)	R-1 (Single Family Residential)
South	Single Family, Detached	O (Office)	R-1 (Single Family Residential)
East	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (140 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

Staff Report Page Four
August 17, 2011 - City Council Meeting

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply:

Standard P-O (Professional Office)	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	N/A	N/A
Min. Lot Width	60 Feet	65 Feet	Y
Min. Setbacks • Front • Side • Corner • Rear	20 Feet 5 Feet 15 Feet 15 Feet	6 Feet 7 Feet N/A 32 Feet	N Y N/A Y
Max. Lot Coverage	50 %	36 %	Y
Max. Building Height	35 Feet	10 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Not Provided	N/A
Mech. Equipment	Screened	Not Screened	N

Pursuant to Title 19.08.050, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	7 Trees	0 Trees	N
• South	1 Tree / 20 Linear Feet	7 Trees	1 Trees	N
• East	1 Tree / 20 Linear Feet	3 Trees	3 Trees	Y
• West	1 Tree / 20 Linear Feet	3 Trees	4 Trees	Y
TOTAL PERIMETER TREES		20 Trees	8 Trees	N
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	4 Trees	0 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		0 Feet	N
• South	8 Feet		0 Feet	N
• East	8 Feet		8 Feet	Y
• West	15 Feet		6 Feet	N
Wall Height	6 to 8 Feet Adjacent to Residential		6 Feet	Y

Staff Report Page Five

August 17, 2011 - City Council Meeting

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Jones Boulevard	Secondary Collector	Master Plan of Streets and Highways	80	Y

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

As shown in Table 17-10 and 17-12, 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	2,146 SF	1/300 SF	8				
TOTAL SPACES REQUIRED			8		5	N	
Regular and Handicap Spaces Required			7	1	4	1	N
Compact Spaces		Max 30% of Total	1		3		N
Percent Deviation			38%				N

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
To provide a 15-foot perimeter landscape buffer adjacent to right-of-ways.	To allow six feet along the west perimeter.	Denial
To provide an eight-foot wide landscape buffer along interior lot lines.	To allow a zero-foot landscape buffer along the north and a portion of the south perimeters.	Denial

<i>Exceptions</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
No Mechanical Equipment shall be attached to any sloped roof. Mechanical equipment shall be screened from view.	To allow unscreened Mechanical Equipment to be attached to the sloped roof on the front of the building.	Denial

Staff Report Page Six
August 17, 2011 - City Council Meeting

To provide one 24-inch boxed tree for every 20 linear foot along the perimeter for a total of 20 perimeter trees.	To provide a total of 8 perimeter trees.	Denial
To provide four shade trees in the parking lot.	To provide zero shade trees in the parking lot.	Approval

ANALYSIS

This parcel is appropriate for P-O (Professional Office) zoning, since it would correspond to the existing O (Office) land use designation of the General Plan. Staff supports the rezoning application request.

The applicant is proposing to increase the area of the primary structure with a 420 square-foot addition to the rear of the structure. Currently, the existing 1,716 square-foot building would be underserved by one parking space, which requires a parking variance. The additional building area would increase the required number of parking spaces by an additional two spaces, for a total deficiency of three spaces. Of the five spaces provided, three are depicted as compact spaces where a maximum of 30% of the provided spaces, or one space, is permitted to be designated as a compact space. Staff doesn't support this request, as it would result in an overdeveloped site and have a negative effect on the area.

The existing carport structure was installed without the required building permits and was built within the required front yard setback. This is a self-imposed hardship and staff does not support the structure in its current location. In addition, the structure is of metal construction with a fabric canopy. There are concerns regarding the aesthetic quality of the structure as well as the durability of the material, which would present future maintenance issues.

The requested perimeter landscape buffer waivers are excessive. Existing concrete along the south perimeter could be replaced with landscaping, thus reducing the impact of the waiver request. Additional landscaping could also be installed along the north perimeter from the parking lot to the east property line, again reducing the waiver requests. Therefore, staff does not support the requested waivers.

The requested exception to allow mechanical equipment to be located on the front sloping roof and to not be screened from public view is not supported by staff. The mechanical equipment could be screened from view of the public right-of-way or relocated to the rear section of the roof, thus removing the need for an exception.

The requested exception to reduce the number of required perimeter landscape buffer trees to eight where 20 are required is not supported by staff. There is room on the site to provide additional landscape buffer areas, with additional trees.

Staff Report Page Seven

August 17, 2011 - City Council Meeting

The requested exception to provide zero shade trees in the parking lot where five shade trees are required is supported by staff, as there is limited room to provide the required parking and such requests are common for these types of conversions.

The elevation of the building is not changing and will remain residential in character. The site is currently serviced with curbside trash pick-up; a condition has been added to require a letter from the service provider to ensure that this service will continue.

Staff has the following recommendations for the proposed project:

1. Additional storage could be provided in an accessory structure in the rear yard. This would effectively provide additional floor area for storage without increasing the parking requirement for the site;
2. Remove the concrete along the south perimeter to meet the required perimeter landscape buffer width;
3. Provide additional landscape buffer area along the north perimeter;
4. Screen the mechanical equipment on the front sloping roof;
5. Remove the shade structure from the required front yard setback; and
6. Install additional trees within the landscape buffer areas identified in Numbers 2 and 3, above.

This project, as proposed, would result in an overdeveloped site. The site is appropriate for P-O (Professional Office) designation, but the request to expand the structure would increase the intensity of the parking variance, and given the negative impact the Variances, Waivers and Exceptions would have on the site and the surrounding development, staff recommends denial of the Site Development Plan Review and two Variance requests.

FINDINGS (ZON-41798)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1.The proposal conforms to the General Plan.

The requested P-O (Professional Office) designation is appropriate for the existing O (Office) General Plan land use designation.

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.

Uses allowed in the P-O (Professional Office) district are appropriate buffers for the surrounding residential uses.

**Staff Report Page Eight
August 17, 2011 - City Council Meeting**

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

The increased traffic demands along Jones Boulevard make the P-O (Professional Office) district appropriate for the area.

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 property is accessed off of Jones Boulevard, an 80-foot wide Secondary Collector street that is able to handle the traffic generated by a small office development.

FINDINGS (VAR-41800)

In accordance with the provisions of Title 19.16.140(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 19.16.140(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 overbuild the site. An alternative design would allow conformance to Title 19 standards. 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.

Staff Report Page Nine
August 17, 2011 - City Council Meeting

FINDINGS (VAR-41801)

In accordance with the provisions of Title 19.16.140(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 19.16.140(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 constructing a carport in the front yard setback without building permits. Removal of the structure would allow conformance to the Title 19 requirements. 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 (SDR-41799)

In order to approve a Site Development Plan application, per Title 19.16.100(E) 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 project would result in an overdeveloped site and would not be compatible with adjacent development.

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;

Staff Report Page Ten
August 17, 2011 - City Council Meeting

The project does not conform to Title 19 as evidenced by the required Variances, Waivers and Exceptions that accompany the application.

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

This project will not have a negative impact on adjacent roadways or neighborhood traffic.

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

Building materials are residential in nature and are appropriate for the area. The proposed landscape materials are appropriate for the climate and area, but are not provided in sufficient quantities in appropriate locations.

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 will retain a residential character, and is not unsightly or obnoxious. The carport structure is not aesthetically harmonious with the primary structure, or with other development in the area.

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

All improvements will require proper building permits and inspections that will protect the public health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

32

NOTICES MAILED

395 (By City Clerk)

APPROVALS

3

PROTESTS

2