

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JUNE 11, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-34007 - APPLICANT/OWNER: W.I.T. BRO, INC.**

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

1. Approval and conformance to the conditions for Variance (VAR-34009), if approved.
2. This approval shall be void unless building permits have been issued for the conversion of the existing residential buildings to commercial buildings within 90 days from the date of final approval, and a final inspection has been completed within one year of the date of final approval.
3. All development shall be in conformance with the site plan and landscape plan, date stamped 04/24/09, and building elevations (photographs), date stamped 03/31/09, except as amended by conditions herein.
4. A Waiver from Title 19.12.040 Perimeter Landscape Buffer Standards is hereby approved, to allow zero-foot buffers along the east, west and south perimeters where eight feet is required.
5. An Exception from Title 19.12.040 Perimeter Landscape Buffer Planting Standards is hereby approved, to allow zero trees and shrubs in the required perimeter landscape buffer areas along the east, west and south perimeters.
6. An Exception from Title 19.10.010(J)(11)(e) is hereby approved, to allow a parking lot to be located less than five feet away from a building.
7. No outside storage is allowed on the subject site, pursuant to Title 19.04. Any existing outside storage shall be removed from the subject site within 30 days of final approval. All vehicle parking areas must be paved and striped to comply with Title 19.10.010.
8. The applicant shall work with city staff to determine the most appropriate mapping action necessary to consolidate the two existing parcels. The mapping action shall be completed and recorded prior to approval of a final inspection for a certificate of occupancy.
9. All signage shall be permitted and comply with the requirements of Title 19.14.

SDR-34007 - Conditions Page Two
June 11, 2009 - Planning Commission Meeting

10. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to or at the time of building permit submittal, to depict handicapped (ADA) access to the buildings from the public street and from the designated handicap parking space, as well as access to the accessory structures.
11. Revised floor plans shall be submitted and approved by the Planning and Development Department, prior to or at the time of building permit submittal, to depict the conversion of the existing residential structures to commercial offices and accessory structures. All references to the residential use of the structures shall be removed.
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. The technical landscape plan shall include the following changes from the conceptual landscape plan: In the required landscape buffer areas, four, five-gallon shrubs are required for each required tree; one additional parking lot tree is to be located within the parking lot island provided on the west side of the lot.
13. 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.
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. The trash enclosure shall be roofed and gated to comply with all minimum requirements of Title 19.08.
16. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
17. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

SDR-34007 - Conditions Page Three
June 11, 2009 - Planning Commission Meeting

18. 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.
19. 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.
20. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

21. Coordinate with the Department of Building and Safety to determine if existing property lines have any impact on further development of this site.
22. Construct all incomplete half-street improvements including an appropriate culdesac terminus and transitional paving on Red Coach Avenue adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system 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.
23. Remove all substandard public street improvements and unused driveway cuts, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
24. Unless otherwise allowed by the City Engineer, construct sidewalk, where such does not exist, on at least one side of all access drives connecting this site to the adjacent public street concurrent with development of this site. The connecting sidewalk shall be terminated onsite with a handicap ramp.
25. 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 Red Coach Avenue prior to the submittal of construction drawings.

SDR-34007 - Conditions Page Four
June 11, 2009 - Planning Commission Meeting

26. Provide a copy of a perpetual irrevocable recorded Joint Access Agreement between parcel numbers 138-03-602-001 and 138-03-602-002 prior to the issuance of any permits unless parcels are consolidated through an acceptable alternative method.
27. Extend public sewer from the intersection of Rainbow Boulevard and Red Coach Avenue to this site at a size, depth and location acceptable to the Collection System Planning section of the Department of Public Works. Connect to public sewer and abandon any Individual Sewage Collection System (ISDS) prior to the issuance of any permits for this site. Provide public sewer easements for all public sewers not located within a public street rightofway prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
28. 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.
29. 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.
30. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

SDR-34007 - Staff Report Page One
June 11, 2009 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The requested Site Development Plan Review and associated Waivers have been made as a direct result of past and current Code Enforcement cases, which state that there is commercial business activity occurring within a residential zoning district, operating out of single-family dwellings that have yet to be converted by means of permit. Furthermore, outdoor storage of equipment and trailers and the parking of commercial vehicles is taking place on dirt lots on the subject site. This proposal would combine two single-family residential parcels into a single office development, with the existing residences converted to offices, and the existing garage structures used for accessory storage. Staff recommends denial of this request as the lack of sufficient buffering, as evidenced by the requests for Waivers and an Exception, will have a negative impact on the adjacent residential properties to the east.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/03/08	The City Council approved a petition to Annex (ANX-28048) property at 6991 West Red Coach Avenue, containing approximately 0.99 acres, with an effective date of 09/12/08. The Planning Commission and staff recommended approval.
10/16/08	A Code Enforcement case (#70717) was processed for a business being conducted from a residence at 6991 W. Red Coach Avenue. Code Enforcement closed the case on 01/05/09.
12/03/08	The City Council approved a petition to Annex (ANX-28049) property at 6971 West Red Coach Avenue, containing approximately 0.50 acres, with an effective date of 09/12/08. The Planning Commission and staff recommended approval.
02/17/09	A Code Enforcement case (#74597) was processed for a business being conducted from a residence, parking vehicles on a dirt lot and outside storage of equipment at 6971 and 6991 W. Red Coach Avenue. The case is still active.

SDR-34007 - Staff Report Page Two
June 11, 2009 - Planning Commission Meeting

05/14/09	The Planning Commission, at the applicants request, abeyed requests for a Rezoning (ZON-34005) from R-E (Residence Estates) to O (Office), a Variance (VAR-34009) to allow a 2.75-foot side yard setback where eight feet is required for an existing accessory structure, a 15-foot front yard setback and a five-foot side yard setback where 25 feet and eight feet are required, respectively, for a proposed accessory structure, to allow accessory structures to be located within a required perimeter landscape area where such is not permitted, and to allow a 10-foot building setback where Residential Adjacency standards require a matching setback of 30 feet for an existing building, and a Site Development Plan Review for the proposed conversion of two single-family dwellings to offices with a Waiver to allow a zero-foot landscape buffer along the east, west and south property lines where eight feet is required on 1.49 acres at 6971 and 6991 West Red Coach Avenue.
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Related Building Permits/Business Licenses

12/23/08	A residential building permit (08-26263 BU6) was issued by Clark County for the conversion of a garage to a storage room. This permit was issued after the effective date of Annexation, and did not receive a final inspection.
01/08/09	A residential electrical permit (08-26263 EL1) was issued by Clark County for the conversion of a garage to a storage room. This permit was issued after the effective date of Annexation, and did not receive a final inspection.

Pre-Application Meeting

03/17/09	A pre-application meeting was held to discuss the submittal requirements for a Rezoning, a Variance and a Site Development Plan Review, including: • Setback requirements. • Parking requirements. • Landscape buffer and planting requirements.
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Neighborhood Meeting

A neighborhood meeting was neither required nor held for this application request.

Field Check

04/09/09	A field check was conducted of the subject site, which consists of two residential properties to be converted to offices. There was a large amount of outside storage, including trucks and other vehicles, semi and utility trailers, equipment and cargo storage containers, located on the site. There is an active Code Enforcement case pending for the properties.
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SDR-34007 - Staff Report Page Three
June 11, 2009 - Planning Commission Meeting

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.66 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residences	O (Office)	R-E (Residence Estates) [Proposed: O (Office)]
North	Undeveloped [Approved for Apartments (SDR-29442)]	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Single-Family Residences [Approved for a Warehouse and Office Development (SDR-28390)]	LI/R (Light Industrial / Research)	M (Industrial)
East	Single-Family Residences	O (Office) [Clark County]	R-E (Rural Estates, Residential District) [Clark County]
West	ROW (US 95)	ROW (US 95)	ROW (US 95)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Trails			
Rural Preservation Overlay District			
Development Impact Notification Assessment			
Project of Regional Significance			

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	65,531 SF	
Min. Lot Width	100 Feet	163 Feet	

SDR-34007 - Staff Report Page Four
June 11, 2009 - Planning Commission Meeting

Min. Setbacks • Front • Side • Corner • Rear	25 Feet 10 Feet 15 Feet 15 Feet	25 Feet 10 Feet N/A 280 Feet	
Min. Setbacks Accessory Structures • Front • Side • Corner • Rear	25 Feet 8 Feet 15 Feet 8 Feet	15 Feet 2.75 Feet N/A 212 Feet	
Max. Lot Coverage	30%	15%	
Max. Building Height	2 Stories or 35 Feet, Whichever is Less	1 Story	
Trash Enclosure	Screened, Gated	Not Indicated	
Mech. Equipment	Screened	Not Indicated	

Pursuant to Title 19.08.060, the following Residential Adjacency Standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	81 Feet	83 Feet	
Adjacent development matching setback	30 Feet	10 Feet	
Trash Enclosure	50 Feet	65 Feet	

Pursuant to title 19.12, the following 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 Tree / 6 Spaces	2 Trees	1 Trees	
Buffer:				
• North	1 Tree / Linear Feet	6 Trees	10 Trees	
• South	1 Tree / Linear Feet	5 Trees	Zero Trees	
• East	1 Tree / Linear Feet	27 Trees	Zero Trees	
• West	1 Tree / Linear Feet	15 Trees	Zero Trees	
TOTAL		55 Trees	11 Trees	
Min. Zone Width				
• North	Feet		15 Feet	
• South	8 Feet		Zero Feet	
• East	8 Feet		Zero Feet	
• West	8 Feet		Zero Feet	

SDR-34007 - Staff Report Page Five
June 11, 2009 - Planning Commission Meeting

Wall Height	6 to 8 Feet, Adjacent to Residential	Existing Six-Foot Block Wall	
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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	
Office	4,790 SF	1:300	15	1	19	1	
TOTAL			16		20		

Waivers		
Requirement	Request	Staff Recommendation
8-Foot Landscape Buffers	Zero-foot buffers along the east, west and south perimeters.	

Exceptions		
Requirement	Request	Staff Recommendation
45 Landscape Buffer Trees	Zero trees in buffer areas along the east, west and south perimeters.	
5 Feet of Sidewalk and/or Landscaping	To allow a parking lot to be located less than five feet away from a building.	

ANALYSIS

- Site Plan**

The site is comprised of two single-family residential lots to be combined in to a single office development, with the existing residences converted to offices, and the existing garage structures used for accessory storage. A parking lot will be provided at the northeast corner of the site, adjacent to Red Coach Avenue to the north and a single-family residential lot to the east, and consist of a total of 20 parking spaces, with one van accessible handicap space. Covered parking is proposed for the eleven spaces along the east side of the lot. The parking lot is accessed from Red Coach Avenue, which is classified as a 60-foot Local Street by the Master Plan of Streets and Highways, which provides adequate access to the site; however, the parking lot itself does not provide adequate space at the end of the single drive aisle for a

SDR-34007 - Staff Report Page Six
June 11, 2009 - Planning Commission Meeting

vehicle to turn around, unless there is an open parking space to facilitate the maneuver. The southern portion of the site is depicted as undeveloped, and will remain vacant.

An associated Variance (VAR-34009) has been requested to address issues with setbacks and Residential Adjacency standards. The existing residential structure located adjacent to the east property line is set back ten feet and meets the minimum required setback distance for the O (Office) zoning district, but does not meet the Residential Adjacency requirement to match the adjacent residential setback, which is 30 feet. The existing eastern most accessory structure is located within a required landscape buffer area, 2.75 feet from the property line where eight feet is required. The proposed covered parking structures will also be located within a required landscape buffer, with a front yard setback of 15 feet where 20 feet is required and a side yard setback of five feet where eight feet is required. Approval of the associated Variance is required for this application request.

The site plan does not depict a handicap (ADA) accessible route from the public sidewalk to both office buildings and the handicap parking space, as required, nor does it depict any access route, vehicular or pedestrian, to the accessory structures. A condition has been added to address these issues.

There is an active Code Enforcement case (#74597) associated with the site as it is currently used to store equipment, vehicles and trailers. This is not a permitted use within either the R-E (Residence Estates) or the O (Office) zoning districts, and a condition has been added to address the issue, as much of the southern half of the site is depicted as undeveloped.

- **Landscape Plan**

The landscape plan depicts landscaping at the north end of the proposed development, along Red Coach Avenue only; the applicant has requested a Waiver of the remaining perimeter landscape requirements. The proposed landscape will include a variety of trees, including 24-inch box size Modesto Ash and Mondel Pine, Date Palms of varying size, and smaller accent trees. One-gallon shrubs are listed, but not specified as to type. In the required landscape buffer areas, four, five-gallon shrubs are required for each required tree; a condition has been added to ensure that the requirement is met. Also included in the condition is a requirement for one additional parking lot tree to be located within the parking lot island provided on the west side of the lot.

The applicant has requested a Waiver of the perimeter landscape buffer standards, and is proposing no landscaping along the east, west and south perimeters. The required landscape area along the east perimeter would provide an additional buffer to help mitigate the adverse impacts that a commercial development will have on the adjacent residential properties, while the remaining landscape areas would help to buffer the subject site from the US-95 right-of-way to the west, and the proposed industrial zoned warehouse development to the south. As the applicant has not provided adequate justification for omitting the buffers, staff

SDR-34007 - Staff Report Page Seven
June 11, 2009 - Planning Commission Meeting

cannot support this request, and recommends that perimeter landscape buffers be installed pursuant to the requirements of Title 19.12.040.

- **Elevations**

The applicant has submitted photos of the existing buildings on the site, and a reference elevation of the proposed carport structures. The existing buildings are one-story, single-family residences that will be converted to offices but still retain their residential appearance. The existing accessory structures are garages that will be converted into storage buildings. All structures have shingle roofs and stucco exteriors. Two of the structures are painted brown, while the remaining two appear to be in the renovation process, including repainting. The proposed carports are depicted with an open steel structure and corrugated metal roof. The height of the proposed carports shall not exceed 15 feet.

- **Floor Plan**

Floor plans were submitted for the two existing single-family residences and one of the existing accessory structures. The first residence is approximately 2,260 square feet, and is depicted as having a large lobby area, four offices, a conference room, a kitchen and three restrooms. The second residence is approximately 2,530 square feet, and is depicted as having two offices, a kitchen, a storage area, an attached garage, two restrooms, two bedrooms and a living/dining area. Residential use of a property located within the O (Office) zoning district is not permitted; a condition has been added to require revised floor plans which would remove all references to residential uses, and replace them with appropriate office use designations. The first accessory structure is approximately 1,324 square feet, and contains an open storage area and a small restroom. There was no plan submitted for the second accessory structure, but the justification letter indicates that it is approximately 1,295 square feet. A floor plan for this structure will be reviewed at the time of building permit submittal.

FINDINGS

The following findings must be made for a Site Development Plan Review:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with adjacent development and development in the area. The requested Waiver would remove the perimeter landscape buffer intended to mitigate the adverse impacts that a commercial site will have on adjacent residential properties to the east.

June 11, 2009 - Planning Commission Meeting

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is not consistent with Title 19, as evidenced by the requests for a Waiver of the majority of perimeter landscaping and two Exceptions.

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

Adequate site access is provided by a single driveway to Red Coach Avenue, which is designated as a Local Street by the Master Plan of Streets and Highways, and will not negatively impact adjacent roadways or neighborhood traffic.

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

The buildings will maintain a residential appearance by retaining shingle roofs and stucco exteriors, and are appropriate for the area and for the city. The landscape materials are appropriate as conditioned for the north perimeter of the site; however, the requests for a Waiver of the required perimeter landscape buffers and an Exception to provide no perimeter landscaping along the south, east and west perimeters has not been adequately justified, and is not appropriate for the area or 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 are compatible with the adjacent residential development as they will retain a residential appearance when converted to offices.

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

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

SDR-34007 - Staff Report Page Nine
June 11, 2009 - Planning Commission Meeting

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 37

SENATE DISTRICT 4

NOTICES MAILED 131

APPROVALS 1

PROTESTS 4