

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: NOVEMBER 5, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-35186 - APPLICANT/OWNER:
BODYFLYING US, LLC**

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

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 date stamped 08/10/09, building elevations and floor plans date stamped 07/14/09 and landscaping plan date stamped 09/03/09, except as amended by condition herein.
3. A Waiver from Title 19.12.040 is hereby approved to allow a zero-foot buffer along the north and west perimeters where eight feet is required, a three-foot buffer along a portion of the east perimeter where eight feet is required, and a five-foot buffer along the south perimeter where fifteen feet is required.
4. Proof of perpetual, irrevocable access to the site shall be provided by the applicant prior to issuance of any building permits. Access may be provided by an easement, private drive or other means acceptable to the Planning and Development Department.
5. 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.
6. 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.
7. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

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8. 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.
9. 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.
10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

11. Coordinate with the City Surveyor to determine whether an Administrative Joining or other map is necessary; comply with the recommendations of the City Surveyor.
12. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
13. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
14. Landscape and maintain all unimproved rightofway, if any, on Sahara Avenue adjacent to this site. All private improvements and landscaping 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.
15. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Sahara Avenue public rightofway adjacent to this site.
16. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review, which proposes to add a 9,979 square-foot Commercial Recreation/Amusement (Indoor) building at the subject site, generally located adjacent to the north side of Sahara Avenue, approximately 440 feet east of Sixth Street. The subject site consists of two separate parcels and is partially developed. Currently, the northern portion of the site is being utilized by a 3,475 square-foot medical office building, while the southern portion remains undeveloped. The proposed development, in its current configuration, will precipitate the overbuilding of the site as is evidenced by the requested Waivers and Exceptions as part of the Site Development Plan Review, as well as the associated Variance (VAR-35528) request; therefore, staff is recommending denial of this request. If denied, the applicant will be required to redesign the proposed site and adhere to all Title 19 development standards.

ISSUES

- This proposal fails to meet applicable Title 19 requirements, which is evidenced by the requested Waiver of Perimeter Landscape Buffer standards along the perimeters of the subject property and the Exception to allow no parking-lot landscape islands and reduce the required amount of planting materials in the proposed landscape buffer on the east side of the property.
- Approval of an associated Variance (VAR-35528) is required to approve this Site Development Plan Review request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
05/17/06	The City Council approved a request for a General Plan Amendment (GPA-9219) to change the Future Land Use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission and staff recommended approval of the request.
08/23/07	The Planning Commission tabled a request for a Site Development Plan Review (SDR-22017) for a proposed 98-foot tall 12,452 square-foot commercial recreation/ amusement (Indoor) facility with waivers of perimeter landscaping standards to allow five feet on the south property line where 15 feet is required and zero feet on the north, east and west property lines where eight feet is required; and a request for a Variance (VAR-22018) to allow 28 parking spaces where 63 spaces is the minimum required for a proposed commercial recreation/ amusement (Indoor) facility adjacent to the north side of Sahara Avenue, approximately 420 feet east of Sixth Street. Staff recommended denial of the request.

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<i>Related Building Permits/Business Licenses</i>	
Circa 1969	Office building located at 738 East Sahara Avenue on (APN 162-03-801-088) was constructed.
03/18/02	A business license (T18-00499) was issued for Miscellaneous Telephone Sales and (U05-00244) for a Public Utility Telephone at 738 East Sahara Boulevard, Suite #104. These licenses are still active.
06/06/02	A business license (B20-00414) was issued for Business Support Services at 738 East Sahara Boulevard, Suite #B. This license was marked out of business on 08/10/07.
08/09/07	A business license (I04-03459) was issued for an Insurance Producer and (K10-00257) for a Sales and Service Firm at 738 East Sahara Boulevard, Suite #B. These licenses are still active.
09/30/08	A business license (Q07-00825) was issued for a medical firm at 738 East Sahara Boulevard. This license is still active.
<i>Pre-Application Meeting</i>	
06/29/09	A pre-application meeting was held and elements of this application were discussed. It was noted that there would need to be landscape waivers added to the justification letter and that parking should be calculated at one space per 200 square feet of gross floor area.

<i>Neighborhood Meeting</i>	
10/07/09	A voluntary neighborhood meeting was held from 6:00 to 7:10 pm at the Mesquite Club located at 702 East St. Louis Avenue, Las Vegas, Nevada 89104. There were 20 attendees for the general public, and one (1) staff member of the Planning and Development Department. Discussion topics included: Reviewed Project: • Predominately by appointment only • Training video & personal approximately 25 minutes • 20 minutes to suit up • 3 minutes in the wind • Approximately 20% local, 80% tourists • Approximately 6 employees • Fan surrounded by concrete, takes in no external air • 8:00am 11:00am Skydiving • 11:00am 10:00pm Public Concerns & Questions: • Noise • Vibration • Driveway width • Bus traffic • Large crowds at a time

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	• Noise in parking lot from patrons • Limos idling in parking lot • Decibel levels • Signage being overly large • Height of building Conclusion: Approximately 1/3 in favor 1/3 opposed 1/3 no comment
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Field Check	
08/20/09	A site inspection was performed by staff with the following observations: • The subject site has been developed with a well maintained medical office building on the northern portion of the site. • The southern portion of the site adjacent to Sahara Avenue remains undeveloped with scattered debris.

Details of Application Request	
Site Area	
Gross Acres	0.81 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Medical Office Building and Undeveloped	C (Commercial)	C-1 (Limited Commercial)
North	Office Building	C (Commercial)	C-1 (Limited Commercial)
South	Multi-Family Residences	CT (Commercial Tourist) - Clark County Designation	H-1 (Limited Resort and Apartment) - Clark County Designation
East	General Retail	C (Commercial)	C-1 (Limited Commercial)
West	Restaurant and General Retail	C (Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Redevelopment Plan Area	X		Y
Beverly Green/Southridge Neighborhood	X		Y

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050 the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	N/A	N/A
Min. Lot Width	100 Feet	115 Feet	Y
Min. Setbacks			
• Front	20 Feet	73 Feet	Y
• Side (West Property Line)	10 Feet	40 Feet	Y
• Side (East Property Line)	10 Feet	10 Feet	Y
• Rear	20 Feet	187 Feet	Y
Max. Building Height	N/A	N/A	N/A
Trash Enclosure	Screened, Gated, w/ Roof or Trellis	Y	Y
Mech. Equipment	Screened	Not Shown	By Condition

Pursuant to Title 19.12.040 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	10 Trees	6 Trees	N
Buffer: Min. Trees	1 Tree / 30 Linear Feet	12 Trees	2 Trees	N
TOTAL		22 Trees	8 Trees	N
Min. Zone Width	15 Feet (South) 8 Feet (East) 8 Feet (West and South)		5 Feet 5 Feet Zero Feet	N

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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	
Medical Office	3,475 S.F.	1:200 for the first 2,000 sq. ft. 1:175 for the remaining gross floor area	19		56	3	N
Commercial Recreation / Amusement (Indoor)	9,979 S.F.	1:200	50				
SubTotal	13,454 S.F.		66	3	56	3	
TOTAL	13,454 S.F.		69		59		
Percent Deviation					14%		

Waivers		
Requirement	Request	Staff Recommendation
15 Feet	To allow a 5-foot landscape buffer along the south perimeter (front).	Denial
8 Feet	To allow a 3-foot landscape buffer along the east perimeter and a zero-foot landscape buffer along the north and west perimeters.	Denial

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Exceptions		
Requirement	Request	Staff Recommendation
10 islands/trees	To allow no parking landscape islands with trees.	Denial
Eight Trees (One tree per 30 linear feet)	To allow two 24 box tress 40 linear feet apart within the east perimeter landscape buffer	Denial

ANALYSIS

This request is for a Site Development Plan Review for a proposed 9,979 square-foot commercial recreation/amusement (indoor) facility consisting of a 79-foot tall, cylindrical building for a wind tunnel with an attached six floors of public and mechanical areas with ground level parking on 0.81 acres adjacent to the north side of Sahara Avenue, approximately 440 feet east of Sixth Street. The property currently consists of two parcels of land that are zoned C-1 (Limited Commercial). The parcel located on the northern portion of the subject site has been developed as a 3,475 square-foot medical office development, while the parcel to the south adjacent to Sahara Avenue remains undeveloped. The applicant has requested a Waiver of the perimeter landscape buffer requirements to allow a landscape buffer of five feet along the south perimeter where 15 feet is required; zero feet along the north and west perimeter where eight feet is required; and three feet along the east perimeter where eight feet is required. The applicant is also requesting, as part of the review, an Exception to allow no parking lot landscape islands and trees where ten of each is required. An associated request has also been submitted for a Variance (VAR-35528) to allow 59 parking spaces where 69 parking spaces are required will accompany this item.

The applicant has indicated that the proposed commercial recreation/amusement (indoor) facility will be utilized by no more than 26 people in an hour, consisting of six staff members and twenty (20) guests. Guests of the proposed facility must receive instruction and special clothing prior to flying, which limits the number of people who can utilize the facility at the same time. The proposed commercial recreation/amusement (indoor) facility requires various deviations from standards including waivers and exceptions of landscaping and a reduction in parking; therefore, denial of this request is recommended.

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;**

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The development is not compatible with adjacent development and development in the area because the site, as proposed, will be overbuilt, as is evidenced by the requested Waivers and Exceptions as part of the Site Development Plan Review, as well as the associated Variance request to reduce the required amount of parking.

- 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 consistent with the General Plan but is not consistent with Title 19 parking and landscape standards.

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

The proposed commercial recreation/amusement (indoor) facility is accessed by Sahara Avenue which is designated as a 100-foot Primary Arterial by the Master Plan of Streets and Highways via a private access drive and should not negatively impact the adjacent roadways or neighborhood traffic.

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

The building material is appropriate for this area and for the City; however the landscape materials are not appropriate as evidenced by the requested Waiver of Perimeter Landscape Buffer requirements and Exceptions of parking lot landscaping.

- 5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The proposed commercial recreation/amusement (indoor) facility is not unsightly or obnoxious in appearance; however, due to the height and the type of architectural approach used, it is not compatible with other development in the area.

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

The proposed commercial recreation/amusement (indoor) facility is subject to regular building and business licensing inspections and therefore should not compromise the public health, safety or welfare.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 183

APPROVALS 4

PROTESTS 55