

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: FEBRUARY 25, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - RENOTIFICATION - SDR-36959 -****APPLICANT/OWNER: SHARON ROTH**

**** CONDITIONS ****

Staff recommends DENIAL, if approved subject to conditions:

Planning and Development

1. Conformance to the Conditions of Approval for Rezoning (ZON-3474), except as amended herein.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-36958) and Review of Condition (ROC-36960) 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 landscape plan date stamped 02/17/10, and the site plan and building elevations, date stamped 12/15/09, except as amended by conditions herein.
5. A Waiver from Title 19.12.040 is hereby approved, to allow buffer widths of zero feet along the west perimeter where 15 feet is required, and zero feet along portions of the north and south perimeters where five feet is required.
6. An Exception from Title 19.10.010 is hereby approved, to allow no parking lot trees where four trees are required.
7. An Exception from Title 19.12.040 is hereby approved, to allow six perimeter trees where 20 trees are required.
8. A letter from the service provider shall be provided to the Planning and Development Department prior to or at the time of building permit submittal approving the continuation of curb-side trash pickup. If no such letter can be provided, a trash enclosure conforming to all requirements of Title 19.08 shall be provided on site.

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9. As needed, the existing walls along the east and south property lines, adjacent to residential properties, shall be raised to a minimum height of six feet to conform to the requirements of Title 19.12.075 for screening purposes.
10. 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.
11. 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.
12. 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).
13. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
14. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
15. 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.
16. 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.
17. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

18. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

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19. Meet with the Traffic Engineering Representative for assistance in the possible redesign of the proposed driveway access, on site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. The driveway accessing this site from Jones Boulevard shall also receive written approval from the Nevada Department of Transportation.
20. If on-street parking is not already prohibited adjacent to this site, submit a written request to the City Traffic Engineer to eliminate on-street parking on Jones Boulevard adjacent to this site.
21. Landscape and maintain all unimproved right-of-way, if any, on Jones Boulevard adjacent to this site prior to the issuance of any permits. 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.
22. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Jones Boulevard public right-of-way adjacent to this site.
23. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for the proposed conversion of an existing 1,770 square-foot single-family residence to a medical office at 708 North Jones Boulevard. There are no other existing or proposed structures on the site. The office would be open Monday through Friday from 8:00 a.m. to 5:00 p.m., and weekends by appointment only. The proposed site will not have adequate parking, and requests for Waivers and Exceptions of the required perimeter and parking lot landscaping will result in a lack of adequate buffering between the commercial site and the adjacent single-family residences located to the south, east and west; therefore, staff is recommending denial of this request. If denied, the site will remain as a single-family residence.

ISSUES

- Approval of an associated Variance (VAR-36958) is required to allow four parking spaces where nine are required, with one of the provided spaces required to be a van accessible handicap space. In addition, parking in the street along Jones Boulevard will not be available. The proposed office will have one doctor and two employees, resulting in a shortage of parking for staff and patients. Staff is recommending denial of the associated Variance request.
- Approval of an associated Review of Condition is required to delete Condition Numbers 3 and 5 of a previously approved Rezoning (ZON-3474) which required a comprehensive site development plan to illustrate the location of joint driveways, joint parking and access agreements, a consistent landscaping plan and a traffic impact analysis. The rezoning applied to nine properties along Jones Boulevard (600-804 N. Jones Boulevard), but only two of the properties have been hard-zoned to P-R (Professional Office and Parking) as a result of the action. The Resolution of Intent to Rezone subsequently expired on 02/18/08 for the other properties, which remain single-family residences, and a new Rezoning and Site Development Plan Review would be required to convert any of the residences to a commercial use. In addition, a plan that was previously submitted to meet the conditions is not consistent with existing building locations and site conditions. Although staff recommended denial of a similar request in 2004 when the Resolution of Intent to Rezone was still valid for all the affected properties, staff is now recommending approval of the associated Review of Condition for these reasons.
- Waivers of perimeter landscape buffer standards are requested to allow buffer widths of zero feet along the west perimeter where 15 feet is required, and zero feet along portions of the north and south perimeters where five feet is required. Exceptions of perimeter and parking lot planting requirements are requested to allow six perimeter trees where 20 trees are required and no parking lot trees where four trees are required. Staff cannot support the Waiver and Exception requests as they will result in a lack of adequate buffering between the proposed commercial site and the adjacent single-family residences to the south, east and west.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/18/04	The City Council approved a General Plan Amendment (GPA-3388) to O (Office) and a Rezoning (ZON-3474) to P-R (Professional Office and Parking) at 600-804 North Jones Boulevard. The Planning Commission and staff recommended approval.
10/20/04	The City Council denied a request for a Review of Condition (ROC-5250) for Condition Number 3 of an approved Rezoning (ZON-3474) 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 at 600 to 804 North Jones Boulevard. Staff recommended denial.
04/20/05	The City Council approved Ordinance #5760, which amended the zoning map by changing the zoning designations of multiple parcels of land. Included in this action were 708 and 800 North Jones Boulevard, which were part of Rezoning (ZON-3474).
04/05/06	The City Council approved a request for an Extension of Time (EOT-11905) of an approved Rezoning (ZON-3474) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) at 600-804 North Jones Boulevard. Staff recommended approval. The rezoning subsequently expired on 02/18/08.
09/25/09	A change of ownership was recorded.
01/28/10	The Planning Commission voted to abey this item and its associated requests for a Variance (VAR-36958) to allow four parking spaces where nine are required and a Review of Condition (ROC-36960) to delete Condition Numbers 3 and 5 of a previously approved Rezoning (ZON-3474) which required a comprehensive site development plan to illustrate the location of joint driveways, joint parking and access agreements, a consistent landscaping plan and a traffic impact analysis at 708 North Jones Boulevard.
02/25/10	The Planning Commission will consider associated requests for a Variance (VAR-36958) to allow four parking spaces where nine are required and a Review of Condition (ROC-36960) to delete Condition Numbers 3 and 5 of a previously approved Rezoning (ZON-3474) which required a comprehensive site development plan to illustrate the location of joint driveways, joint parking and access agreements, a consistent landscaping plan and a traffic impact analysis at 708 North Jones Boulevard.

<i>Related Building Permits/Business Licenses</i>	
c. 1964	A single-family residence was constructed at 708 North Jones Boulevard.

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<i>Pre-Application Meeting</i>	
10/21/09	A pre-application meeting was held to discuss the requirements for the conversion of a single-family residence to medical office use. Topics included: • Requirement for a Variance for parking, a Review of Condition for conditions 3 and 5 of a previously approved Rezoning (ZON-3474) and a Site Development Plan Review. • Parking requirements, including drive aisle widths, turning radii and an ADA route from the public right-of-way to the building. • Landscape requirements, including required Waivers and Exceptions.

<i>Neighborhood Meeting</i>
A neighborhood meeting was neither required nor held.

Field Check	
12/22/09	A field check was conducted by staff. The subject site contains a well-maintained single-family residence.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.18 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	O (Office)	P-R (Professional Office and Parking)
North	Single-Family Residence	O (Office)	P-R (Professional Office and Parking)
South	Single-Family Residence	O (Office)	R-1 (Single Family Residential)
East	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			

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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 (140 Feet)			
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	8,130 SF	N/A
Min. Lot Width	65 Feet	65 Feet	Y
Min. Setbacks			
• Front	20 Feet	27 Feet	Y
• Side	5 Feet	8 Feet	Y
• Rear	15 Feet	46 Feet	Y
Max. Lot Coverage	50%	22%	Y
Max. Building Height	Lesser of 2 Stories or 35 Feet	1 Story	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Curb-side Pickup	
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	15 Feet / 1 Story	1 Story	
Adjacent development matching setback	5/15 Feet	5/15 Feet	
Trash Enclosure	50 Feet	Curb-side Pickup	Y

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Pursuant to Title 19.10 and 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree / 6 Spaces, plus 1 tree at the end of each row of spaces	4 Trees	Zero Trees	N
Perimeter Buffer:				
• North	1 Tree / Linear Feet	7 Trees	3 Trees	N
• South	1 Tree / Linear Feet	7 Trees	1 Tree	N
• East	1 Tree / Linear Feet	3 Trees	2 Trees	N
• West	1 Tree / Linear Feet	3 Trees	Zero Trees	N
TOTAL (Perimeter Trees)		20 Trees	6 Trees	N
Min. Zone Width				
• North	5 Feet		Zero Feet	N
• South	5 Feet		Zero Feet	N
• East	8 Feet		8 Feet	Y
• West	15 Feet		Zero Feet	N
Wall Height			Existing walls	By Condition

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, Medical	1,770 SF	1 / 200	8	1	3	1	N
TOTAL			9		4		N
Percent Deviation			56%				

Waivers		
Requirement	Request	Staff Recommendation
15-Foot landscape buffer along the west perimeter, adjacent to Jones Boulevard	Zero feet	
Five-foot landscape buffer along portions of the north and south	Zero feet along portions	

perimeters		
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Exceptions		
Requirement	Request	Staff Recommendation
One tree at 20 feet on center along all perimeters (20 trees required)	Six trees	
One tree per six parking spaces, plus one tree at the end of each row of spaces (4 trees required)	Zero Trees	

ANALYSIS

This request is for the proposed conversion of an existing 1,770 square-foot single-family residence to a medical office at 708 North Jones Boulevard. There are no other existing or proposed structures on the site. The office would be open Monday through Friday from 8:00 a.m. to 5:00 p.m., and weekends by appointment only. The proposed office would retain the residential appearance of the existing structure on the site.

The proposed site is deficient in parking, and approval of an associated Variance (VAR-36958) is required to allow four parking spaces where nine are required, with one of the provided spaces required to be a van accessible handicap space. In addition, parking in the street along Jones Boulevard will not be available, as the Department of Public Works has added a condition to prohibit such parking due to right-of-way width and traffic volume concerns. Staff is recommending denial of the associated Variance request.

A Rezoning (ZON-3474) was previously approved for nine properties along Jones Boulevard, including the subject site, which required a comprehensive site development plan to illustrate the location of joint driveways, joint parking and access agreements, a consistent landscaping plan and a traffic impact analysis. An associated Review of Condition has been submitted to remove these requirements, as only two of the nine properties included in the rezoning action have been hard-zoned to P-R (Professional Office and Parking) as a result of the action. The Resolution of Intent to Rezone subsequently expired on 02/18/08 for the other properties, which remain single-family residences, and a new Rezoning and Site Development Plan Review would be required to convert any of the residences to a commercial use. In addition, a plan that was previously submitted to meet the conditions is not consistent with existing building locations and site conditions. As a general note, The Department of Public Works would prefer to see adjacent property owners work together to present multi-lot conversions with common access drives and common parking areas wherever possible, as cooperative redevelopment efforts allow for greater flexibility in the design of site access, parking and landscaping. Although staff recommended denial of a similar request in 2004 when the Resolution of Intent to Rezone was still valid for all the affected properties, staff is now recommending approval of the associated Review of Condition for these reasons.

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Waivers of perimeter landscape buffer standards have been requested to allow buffer widths of zero feet along the west perimeter where 15 feet is required, and zero feet along portions of the north and south perimeters where five feet is required. Exceptions of planting requirements have also been requested to allow six trees where 20 perimeter trees and four parking lot trees are required. The six additional trees are proposed for the north, south and east perimeters in existing planter areas. Staff cannot support these Waiver and Exception requests as they will result in a lack of adequate buffering between the proposed commercial site and the adjacent single-family residences to the south, east and west.

The proposed development lacks adequate parking and buffering from the adjacent single-family residences, and cannot be conducted in a manner that is compatible with the surrounding uses; therefore, staff is recommending denial of the request for a Site Development Plan Review.

FINDINGS

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;

The proposed development is not compatible with adjacent development and development in the area as there is a lack of adequate on-site parking and buffering for the surrounding adjacent properties.

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 is evidenced by the required parking Variance and requested Waivers and Exceptions to landscape standards.

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

Access to the site is provided by a driveway to Jones Boulevard, designated as an 80-foot Secondary Collector in the Master Plan of Streets and Highways, and is adequate for the proposed development. The lack of on-site parking may adversely impact the surrounding neighborhoods with additional vehicular traffic.

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

The building materials are appropriate for the area and will retain a residential appearance for the site.
 The landscape materials, as conditioned, are appropriate for the area and for 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;

The proposed building elevations will remain essentially the same as the existing residence, thereby retaining a residential appearance that is compatible with the surrounding development.

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

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NOTICES MAILED 356

APPROVALS 1

PROTESTS 1