

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: MARCH 25, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-37195 - APPLICANT/OWNER: THOTES PROPERTIES, LLC.**

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**\*\* CONDITIONS \*\***

Staff recommends APPROVAL, subject to conditions:

**Planning and Development**

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 and landscape plan, date stamped 01/28/10 and building elevations and floor plans, date stamped 01/15/10, except as amended by conditions herein.
3. A Waiver from Title 19.12.040(A) is hereby approved to allow a two-foot wide landscape buffer along the south property line where 15 feet is required and zero-foot wide landscape buffers along the north, east, and west property lines where eight feet is required.
4. A Waiver from Title 19.12.040(F) is hereby approved to allow a zero-foot wide landscape buffer between the back of curb and sidewalk along Charleston Boulevard where a five foot landscape buffer is required.
5. An Exception from Title 19.12.040 is hereby approved, to allow zero trees within the perimeter landscape buffers where 17 trees are required.
6. An Exception from Title 19.10.010(J)(11) is hereby approved, to allow zero landscape islands with zero trees within the on-site parking area where a minimum of four islands and trees are required.
7. 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.

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8. 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.
9. 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).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. 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.
13. 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.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

15. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the ITS Communications Infrastructure Phase 1B project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
16. The pan-style driveway accessing this site from Charleston Boulevard is acceptable as shown on the site plan date stamped January 15, 2010.
17. 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**

The current site consists of an existing 2,000 square-foot commercial building on 0.22 acres at 4236 East Charleston Boulevard. The applicant is proposing to expand the existing commercial building to 2,700 square feet with a 700 square-foot expansion. Due to the size of the site, landscaping cannot be provided to Title 19 standards and the applicant is requesting Waivers and Exceptions. Staff recommends approval of the site as proposed along with the requested landscape waivers and exceptions, subject to conditions. If denied, the site would remain as is and approval of a new Site Development Plan Review would be required prior to any additional development of the site.

**ISSUES**

- Perimeter landscape waivers are required along all sides of the development, and exceptions of the parking lot landscaping requirements are also requested.
- The proposed development is not consistent with Title 19.12.040(F), which requires “any sidewalk along arterial streets one hundred feet and wider to be separated from the back of the street curb by a minimum five-foot wide landscape buffer.” The applicant has requested a waiver of this standard. Staff can support the request, as the existing sidewalk is part of a fully improved right-of-way and is located at the back of curb for this site and the adjacent properties.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</i></b> |                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/22/1963                                                                                   | The Board of City Commissioners approved a Rezoning (Z-0083-63) from R-1 (Single-Family Residential) to R-3 (Medium Density Residential) and C-1 (Limited Commercial) at the subject site. Planning Commission and staff recommended approval. |
| 03/28/1978                                                                                   | The Planning Commission approved a Plot Plan Review [Z-0083-63(A)] for a neighborhood shopping center on 9.8 acres generally located at the northeast corner of Charleston Boulevard and Lamb Boulevard. Staff recommended approval.           |
| 08/14/08                                                                                     | A deed was recorded for a change in ownership.                                                                                                                                                                                                 |
| <b><i>Related Building Permits/Business Licenses</i></b>                                     |                                                                                                                                                                                                                                                |
| c.1985                                                                                       | The existing building was constructed.                                                                                                                                                                                                         |
| 02/28/91                                                                                     | A building permit (91098891) was issued for an illuminated pylon sign at 4236 East Charleston Boulevard. The permit received a final inspection on 07/02/91.                                                                                   |

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|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/21/97                                                  | A building permit (97009580) was issued for a tenant improvement remodel at 4236 East Charleston Boulevard. The permit received a final inspection on 08/20/97.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 09/10/04                                                  | A business license (T18-00629) was issued for a Cellular Phone Accessory store at 4236 East Charleston Boulevard. The license was marked out of business on 04/18/08.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 09/10/07                                                  | A business license (B10-02443) was issued for a Building Supply/Hardware store at 4236 East Charleston Boulevard. The license was marked out of business on 10/14/08.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 02/26/08                                                  | A business license (R05-99572) was issued for a Hot Dog Cart at 4236 East Charleston Boulevard. The license was marked out of business on 04/18/08.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 11/16/09                                                  | A demolition permit (#151406), related to building permit (#150667) was denied by the Planning and Development Department, as the proposed expansion of the existing building requires a Site Development Plan Review.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 11/25/09                                                  | A building permit (#150667) was processed for the expansion of an existing structure at 4236 East Charleston Boulevard. The permit is pending approval of this request.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 01/19/10                                                  | A building permit (#151401) was processed for onsite improvements at 4236 East Charleston Boulevard. The permit is pending approval of this request.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 03/26/09                                                  | A Code Enforcement Case (76117) was opened for graffiti. The case was closed by Code Enforcement on 04/14/09.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 02/25/10                                                  | The Planning Commission voted to hold this item in abeyance as the applicant was not present.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b><i>Pre-Application Meeting</i></b>                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 12/31/09                                                  | <p>A pre-application meeting was held on the indicated date. The following items were discussed at the meeting:</p> <ul style="list-style-type: none"> <li>• A Variance in regards to setbacks and Residential Adjacency will not be required, per Title 19.16.030, as the subject site contains a Nonconforming Building. The proposed expansion does not encroach into setback areas.</li> <li>• A Site Development Plan Review application will be required. The requirements for a Site Development Plan Review were discussed.</li> <li>• Waivers of Title 19.12.040 Perimeter Landscape Buffer Requirements will be required, as the applicant is not providing any landscaping along the perimeters of the site.</li> <li>• An Exception of Title 19.10.010(J) Parking Lot Landscape Requirements will be required as the applicant is not providing any parking lot landscaping.</li> </ul> |
| <b><i>Neighborhood Meeting</i></b>                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| A neighborhood meeting is not required, nor was one held. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| <b>Field Check</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01/21/10           | <p>Staff conducted a field check on the indicated date. The following items were noted:</p> <ul style="list-style-type: none"> <li>• A well maintained existing 2,000 square-foot commercial building.</li> <li>• An existing six-foot block wall along the north property line and portions of the east and west property lines.</li> <li>• Faded parking lot striping.</li> <li>• No landscaping on the entire site.</li> </ul> |

| <b>Details of Application Request</b> |      |
|---------------------------------------|------|
| <b>Site Area</b>                      |      |
| Net Acres                             | 0.22 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>   | <b>Planned Land Use</b>     | <b>Existing Zoning</b>          |
|-----------------------------|----------------------------|-----------------------------|---------------------------------|
| Subject Property            | Vacant Commercial Building | SC (Service Commercial)     | C-1 (Limited Commercial)        |
| North                       | Single-Family Residence    | L (Low Density Residential) | R-1 (Single-Family Residential) |
| South                       | Shopping Center            | Clark County                | Clark County                    |
| East                        | Office, Medical or Dental  | SC (Service Commercial)     | C-1 (Limited Commercial)        |
| West                        | Undeveloped                | SC (Service Commercial)     | C-1 (Limited Commercial)        |

| <b>Special Districts/Zones</b>                    | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
|---------------------------------------------------|------------|-----------|-------------------|
| <b>Special Purpose and Overlay Districts</b>      |            | X         | N/A               |
| <b>Trails</b>                                     |            | X         | N/A               |
| <b>Rural Preservation Overlay District</b>        |            | X         | N/A               |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

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**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08.050, the following development standards apply to the proposed site:*

| <b>Standard</b>                                                                                         | <b>Required/Allowed</b>       | <b>Provided</b>              | <b>Compliance</b> |
|---------------------------------------------------------------------------------------------------------|-------------------------------|------------------------------|-------------------|
| Min. Lot Size                                                                                           | N/A                           | 9,750 SF                     | N/A               |
| Min. Lot Width                                                                                          | 100 Feet                      | 65 Feet                      | N*                |
| Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul> | 20 Feet<br>10 Feet<br>20 Feet | 76 Feet<br>5 Feet<br>12 Feet | Y<br>N*<br>N*     |
| Max. Lot Coverage                                                                                       | 50%                           | 28%                          | Y                 |
| Max. Building Height                                                                                    | N/A                           | 24 Feet                      | N/A               |
| Trash Enclosure                                                                                         | Curbside Pick-up              | Curbside Pick-up             | Y                 |
| Mech. Equipment                                                                                         | Not Indicated                 | Not Indicated                | N/A               |

*\*The existing structure is nonconforming for setbacks and lot width, per Title 19.16. The proposed addition meets all required setback requirements.*

| <b>Residential Adjacency Standards</b> | <b>Required/Allowed</b> | <b>Provided</b> | <b>Compliance</b> |
|----------------------------------------|-------------------------|-----------------|-------------------|
| 3:1 proximity slope                    | 72 Feet                 | 12 Feet         | N*                |

*\*The existing structure is nonconforming, per Title 19.16. The proposed addition will not be located within the required setback area.*

*Pursuant to Title 19.12, the following landscaping standards apply to the subject proposal:*

| <b>Landscaping and Open Space Standards</b> |                       |                 |                   |                   |
|---------------------------------------------|-----------------------|-----------------|-------------------|-------------------|
| <b>Standards</b>                            | <b>Required</b>       |                 | <b>Provided</b>   | <b>Compliance</b> |
|                                             | <b>Ratio</b>          | <b>Trees</b>    |                   |                   |
| Parking Area                                | 1 Tree/6 Spaces       | 4 Trees         | Zero Trees        | N                 |
| Buffer:                                     |                       |                 |                   |                   |
| Min. Trees                                  |                       |                 |                   |                   |
| • North                                     | 1 Tree/20 Linear Feet | 4 Trees         | Zero Trees        | N                 |
| • East                                      | 1 Tree/30 Linear Feet | 5 Trees         | Zero Trees        | N                 |
| • West                                      | 1 Tree/30 Linear Feet | 5 Trees         | Zero Trees        | N                 |
| • South                                     | 1 Tree/30 Linear Feet | 3 Trees         | Zero Trees        | N                 |
| <b>TOTAL(Perimeter )</b>                    |                       | <b>17 Trees</b> | <b>Zero Trees</b> | <b>N</b>          |

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|                 |                                  |                            |   |
|-----------------|----------------------------------|----------------------------|---|
| Min. Zone Width |                                  |                            |   |
| • North         | 8 Feet                           | Zero Feet                  | N |
| • East          | 8 Feet                           | Zero Feet                  | N |
| • West          | 8 Feet                           | Zero Feet                  | N |
| • South         | 15 Feet                          | 2 Feet                     | N |
| Wall Height     | 6-8 Feet Adjacent to Residential | Existing 6-foot block wall | Y |

*Pursuant to Title 19.10, the following parking standards apply:*

| <b>Parking Requirement</b> |                                            |                      |                |                 |                |                   |   |
|----------------------------|--------------------------------------------|----------------------|----------------|-----------------|----------------|-------------------|---|
| <b>Use</b>                 | <b>Gross Floor Area or Number of Units</b> | <b>Required</b>      |                | <b>Provided</b> |                | <b>Compliance</b> |   |
|                            |                                            | <b>Parking Ratio</b> | <b>Parking</b> |                 | <b>Parking</b> |                   |   |
|                            |                                            |                      | Regular        | Handi-capped    | Regular        | Handi-capped      |   |
| Office, Medical or Dental  | 2,000 SF                                   | 1:200                | 10             |                 |                |                   |   |
|                            | 700 SF                                     | 1:175                | 4              |                 |                |                   |   |
| <b>SubTotal</b>            | 2,700 SF                                   |                      | 13             | 1               | 13             | 1                 |   |
| <b>TOTAL</b>               |                                            |                      | <b>14</b>      |                 | <b>14</b>      |                   | Y |

| <b>Waivers</b>                                                                                                        |                |                             |
|-----------------------------------------------------------------------------------------------------------------------|----------------|-----------------------------|
| <b>Requirement</b>                                                                                                    | <b>Request</b> | <b>Staff Recommendation</b> |
| Title 19.12.040(A) – Minimum 8’ landscape buffer along the north perimeter                                            | Zero feet      | Approval                    |
| Title 19.12.040(A) – Minimum 8’ landscape buffer along the east and west perimeters                                   | Zero feet      | Approval                    |
| Title 19.12.040(A) – Minimum 15’ landscape buffer along the south perimeter                                           | Two Feet       | Approval                    |
| Title 19.12.040(F) – Minimum 5’ landscape buffer between the back of curb and the sidewalk along Charleston Boulevard | Zero feet      | Approval                    |

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| <b>Exceptions</b>                                                                                                       |                                        |                             |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-----------------------------|
| <b>Requirement</b>                                                                                                      | <b>Request</b>                         | <b>Staff Recommendation</b> |
| Title 19.10.010(J)(11) – Four minimum 5’ wide landscape islands within parking area with minimum of one tree per island | Zero landscape islands with zero trees | Approval                    |
| Title 19.12.040(B) – Minimum 17 trees within perimeter buffers                                                          | Zero trees within perimeter buffers    | Approval                    |

## **ANALYSIS**

The current site consists of an existing 2,000 square-foot vacant commercial building at 4236 East Charleston Boulevard. The applicant is proposing to expand the existing commercial building to 2,700 square-feet with a 700 square-foot addition. The addition will house a new reception area, storage room, and office space.

The subject property meets the requirements of Title 19.16.030 for a non-conforming building. The existing side and rear yard setbacks do not meet the current minimum setback requirements in the C-1 (Limited Commercial) zone, however, the proposed expansion does meet all required setback requirements; therefore, a Variance for setbacks and residential adjacency is not required.

Access is provided to the site by an existing 24-foot wide driveway on Charleston Boulevard. The development is proposing to include a curb cut for ADA access on the east side of the existing driveway. Currently, parking requirements are satisfied by the provision of 14 on-site parking spaces, including one van accessible parking space where 14 spaces are required. The site has adequate access and circulation for vehicles.

The applicant is also requesting a Waiver of Title 19.12.040(F), which requires a five-foot landscape buffer between the back of curb and the sidewalk along Charleston Boulevard. As Charleston Boulevard is improved to its fullest extent and the existing sidewalk condition is continued along the extent of Charleston Boulevard in this area, the requirement for a detached sidewalk and landscape buffer is inappropriate at this location.

Waivers of perimeter landscaping and arterial streetscape requirements, as well as exceptions of parking lot and perimeter tree requirements are needed for approval of the site as proposed. Per Title 19.12, a perimeter landscape buffer of 15 feet shall be provided adjacent to all street right-of-way and a buffer of eight feet shall be provided on interior property lines. The landscape plan depicts a two-foot landscape buffer along the south property line, adjacent to Charleston Boulevard, which is a 13 foot deviation from standard, and zero-foot landscape buffers along the north, east, and west property lines, which are eight-foot deviations from standard.

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The applicant is also requesting an Exception to allow zero parking lot trees/islands where four are required. Staff can support the request as the parking lot is existing and the addition of the required islands and trees would result in a parking deficiency for the site. Also, in an effort to compensate for the deficiency in parking lot landscaping, two, 24-inch box Mondel pine trees are proposed on either side of the addition.

The requested Waivers and Exceptions are supported as the subject site is non-conforming for existing building setbacks and lot width. As a result, the site can accommodate parking and circulation, but does not allow for development to current Title 19 landscape standards.

Although the perimeter landscape buffer areas are deficient and will not be increased in size, the proposed site design is improved from the existing commercial building site, as the existing non-conforming building will be improved aesthetically. Staff therefore recommends approval of these waivers and exceptions.

## **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 compatible with adjacent development and development in the area.

The site has existed in its current configuration since 1985, and the proposed changes will have a minimal impact on the functionality of the site, but will improve the aesthetic quality of the site.

**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 and Title 19, with the exception of the requests for Waivers and Exceptions of Title 19. The request for reduced landscaping is necessary to accommodate parking. Overall, the site is improved from the existing commercial building, which did not contain any landscaping in parking areas or along the perimeter.

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

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The site is accessed by Charleston Boulevard, designated as a 100-Foot Primary Arterial by the Master Plan of Streets and Highways, and will provide adequate access to the site. Site access and circulation will not negatively impact adjacent roadways and neighborhood traffic.

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

The proposed building materials are appropriate for this 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;**

This project will be harmonious and compatible with surrounding commercial properties, while providing site improvements that will not be unsightly, undesirable, or obnoxious in appearance.

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

The proposed plan will not impact public health, safety or welfare since the development will be subject to the International Building Code and City inspections during construction as well as routine business license inspections for any commercial activities.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**NOTICES MAILED**

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**APPROVALS**

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**PROTESTS**

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