



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA - OWNER: C & C ASSET MANAGEMENT, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ZON-37607	Staff recommends APPROVAL.	
SDR-37606	Staff recommends APPROVAL, subject to conditions:	ZON-37607



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**** CONDITIONS ****

SDR-37606 CONDITIONS

Planning and Development

1. Approval of Rezoning (ZON-37607) shall be required, if approved.
2. 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.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 03/26/10, except as amended by conditions herein.
4. An Exception from Title 19.12.040 is hereby approved to allow thirty-nine landscape buffer trees where forty-five trees are required.
5. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
6. The applicant shall work with city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.
7. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to reflect the changes herein. Provide elevations of all new perimeter walls, indicating the height from a minimum of six feet to a maximum of eight feet. Perimeter walls, end walls, and return area walls shall be decorative. Acceptable decorative wall materials include, without limitation, stone decorative block, slump, stone and wrought iron, and shall have a minimum of twenty percent contrasting material.
8. These Conditions of Approval shall be affixed to the cover sheet of the plan set submitted for building permit.

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9. 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: one additional parking lot island and tree along the south perimeter plus another tree at the end of the parking spaces at the southwest corner of the lot; all perimeter and parking lot trees shall be depicted as a minimum twenty-four inch box size; for every required perimeter and parking lot tree, four five-gallon shrubs are shall be required.
10. 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.
11. 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).
12. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
14. 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.
15. 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.
16. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
17. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

18. Coordinate with the Building and Safety Department to determine if existing lot lines are in conflict with the new proposed structure. If it is determined that a mapping or other lot consolidation is required, coordinate with the City Surveyor to determine the most appropriate lot consolidation method. If no mapping is required, then record a Joint Access Agreement between all the parcels comprising this Site Plan.
19. Construct all incomplete half-street improvements on Martin L. King Boulevard and N Street adjacent to this site 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.
20. 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.
21. Grant a Pedestrian Access Easement for the proposed sidewalk located outside of the public right-of-way prior to the issuance of any permits for this site.
22. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Martin L. King Boulevard widening project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
23. Landscape and maintain all unimproved right-of-way on Martin L. King Boulevard adjacent to this site.
24. Submit an Encroachment Agreement for all landscaping and private improvements in the Martin L. King Boulevard public right-of-way adjacent to this site prior to occupancy of this site.
25. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
26. 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 subject site consists of three undeveloped lots totaling 1.36 acres at the northeast corner of Martin Luther King Boulevard and Madison Avenue. This is a request for a Site Development Plan Review (SDR-37606) for a proposed 17 foot tall single-story 12,000 square feet clinic. The applicant is proposing to Rezone (ZON-37607) all three sites site from R-E (Residence Estates) to C-1 (Limited Commercial), as a clinic use is not permitted in the current R-E (Residence Estates) zoning designation. Therefore, staff is recommending approval. If these applications are denied, the site will remain undeveloped.

ISSUES

- The site currently consists of three parcels and must be remapped prior to issuance of building permits to combine these lots so that no lot line extends through any structure.
- The applicant is requesting an Exception to allow thirty-nine landscape buffer trees where forty-five trees are required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/07/06	The City Council approved a Site Development Plan Review (SDR-12315) for a 2,520 square-foot retail building and a Waiver to allow no perimeter walls, where 6-foot high walls are required. Planning Commission and staff recommended approval. The Site Development Plan Review (SDR-12315) expired on 06/07/08, since no building permit was issued, nor an Extension of Time approved.
06/07/06	The City Council approved a Rezoning (ZON-12317) from R-E (Residential Estates) to C-1 (Limited Commercial) on .45 acres by Resolution of Intent. This approval was for APN 139-28-601-001 only. The Rezoning (ZON-12317) expired on 06/07/08, since no building permit was issued, nor an Extension of Time approved.
06/07/06	The City Council approved a Variance (VAR-12319) to allow an 86-foot lot width where 100 feet is the minimum lot width required and to allow a trash enclosure 8 feet from a residential use where 50 feet is the minimum distance separation required on .45 acres. This approval was for APN 139-28-601-001 only. The Variance (VAR-12319) expired on 06/07/08, since no building permit was issued, nor an Extension of Time approved.

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<i>Most Recent Change of Ownership</i>	
11/14/07	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>
No building permits or business licenses have been issued.

<i>Pre-Application Meeting</i>	
02/24/10	A pre-application meeting was held. Submittal requirements were discussed, a Medical Clinic is proposed, Clinic use is not permitted in the O (Office) Zoning Designation and the property has not been addressed.

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

Field Check	
03/18/10	Three vacants lots, which contain weeds, trash and various debris, were observed.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.36

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Undeveloped	C (Commercial Downtown Land-Use)	R-E (Residential Estates)
North	Single-Family Residence	C (Commercial Downtown Land-Use)	R-E (Residential Estates)
South	Single-Family Residence and General Personal Service	C (Commercial Downtown Land-Use)	R-1 (Single Family Residential) and C-1 (Limited Commercial)
East	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single-Family Residence	R (Rural Density Residential)	R-E (Residential Estates)

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Master Plan Areas	Yes	No	Compliance
Master Plan Area			
West Las Vegas Plan	X		Y
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (140 feet)	X		Y
Trails		X	
Rural Preservation Overlay District		X	
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

DEVELOPMENT STANDARDS

Per 19.08.050

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	259 Feet	Y
Min. Setbacks			
• Front	20 Feet	76'9" Feet	Y
• Side	10 Feet	16 Feet	Y
• Rear	20 Feet	20 Feet	Y
Max. Lot Coverage	50%	20%	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened and Gated	By Condition
Mech. Equipment	Screened	Screened	By Condition

Per Title 19.08.060

Residential Adjacency Standards	Required	Provided	Compliance
3:1 proximity slope	51 Feet	168 Feet	Y
Adjacent development matching setback	10 Feet North 5 Feet South	19 Feet North 147 Feet South	Y
Trash Enclosure	50 Feet	62 Feet	Y

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Per 19.12.040

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	12 Trees	11 Trees	N
• South (E1/3)	1 Tree / 20 Linear Feet	5 Trees	5 Trees	Y
• South (W2/3)	1 Tree / 30 Linear Feet	5 Trees	5 Trees	Y
• East	1 Tree / 20 Linear Feet	13 Trees	10 Trees	N
• West	1 Tree / 20 Linear Feet	10 Trees	8 Trees	N
TOTAL PERIMETER TREES		45 Trees	39 Trees	N
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	14 Trees	14 Trees	By Condition
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		16 Feet	Y
• South	8 Feet		10 Feet	Y
• East	15 Feet		15 Feet	Y
• West	15 Feet		17 Feet	Y
Wall Height			Not Indicated	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	
Clinic	2,000	1:200	10		10		Y
Clinic	10,000	1:250	40		51		Y
TOTAL SPACES REQUIRED			50		61		Y
TOTAL (With Handicapped)			48	2	58	3	Y
Loading Spaces		N/A	2		2		Y

Exceptions		
Requirement	Request	Staff Recommendation
45 total perimeter trees are required in the landscape buffers	To allow 39 trees in the perimeter landscape buffers	Approval

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ANALYSIS

The proposed Clinic is located on three undeveloped lots totaling 1.36 acres at the northeast corner of Martin Luther King Boulevard and Madison Avenue. The majority of parcels south of Madison Avenue and Between Martin Luther King Boulevard and “N” Street down to Washington Avenue which consists of mainly retail and restaurants are presently zoned C-1 (Limited Commercial), and therefore the proposed zoning district is compatible with other zoning districts in the area. The Downtown Redevelopment Area is intended to accomodate commercial uses along the east side of Martin Luther King Boulevard, and therefore the proposed C-1 (Limited Commercial) zoning district is appropriate. The proposed Clinic would bring a much needed public service to the local residents. The proposed Clinic meets Title 19 Commercial Development, Residential Adjacency and Landscape and Buffer Standards with the requested Exception of thirty-nine landscape buffer trees where forty-five are required. Staff can support the requested Exception request, as the development will provide adequate landscaping and screening mechanisms to diminish the visual impact. Parking requirements are satisfied by provision of 61 onsite parking spaces. Access will be provided to the site by two driveways off of Martin Luther King Boulevard. Staff therefore recommends approval.

FINDINGS (ZON-37607)

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1.The proposal conforms to the General Plan.

The site is designated C (Commercial) on the Southeast Sector Land Use Plan Map of the General Plan. The proposed C-1 (Limited Commercial) Zoning designation is in conformance with the existing General Plan designation.

2.The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

The proposed C-1 (Limited Commercial) zoning will be compatible with surrounding land uses and zoning districts. The low-intensity commercial uses allowed in this district are intended to transition from more intense commercial development to existing residential uses by maintaining a residential character, thereby ensuring compatibility with the adjacent residential uses.

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

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Given the amount of traffic on Martin Luther King Boulevard, new residential development is not appropriate in this area. The majority of parcels south of Madison Avenue and Between Martin Luther King Boulevard and “N” Street down to Washington Avenue are presently zoned C-1 (Limited Commercial).

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

Access to this site is provided from Martin Luther King Boulevard, a fully improved 100-foot wide Arterial Street as designated by the Master Plan of Streets and Highways. The proposed development of the site will be sufficiently served by existing roadway facilities.

FINDINGS (SDR-37606)

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 Clinic is compatible with adjacent development and development in the area, which consists of mainly retail and restaurants. The proposed Medical Clinic would allow the applicant to provide a much needed service to the local residents.

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 C (Commercial) designation and Title 19 Commercial Development Standards.

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

Site access is provided directly from Martin Luther King Boulevard, a fully improved 100-foot wide Arterial Street as designated by the Master Plan of Streets and Highways. The proposed development of the site will be sufficiently served by existing roadway facilities.

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

The proposed landscape, as conditioned, is appropriate for the area and for the City. The building materials are appropriate for a Clinic and will provide a modern-looking building to the surrounding community.

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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 Clinic design characteristics and architectural features are appropriate and will be harmonious and compatible with adjacent commercial development in the area.

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

The proposed Clinic will be subject to Building and Safety and Planning and Development inspections; therefore, this development will not compromise the public, health, safety or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 216

APPROVALS 1

PROTESTS 2