



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: EVAPS, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-39122	Staff recommends DENIAL, if approved subject to conditions:	SDR-39121
SDR-39121	Staff recommends DENIAL, if approved subject to conditions:	VAR-39122

** CONDITIONS **

VAR-39122 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-39121) 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 new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-39121 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-39122) 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 and landscape plan date stamped 08/09/2010, and building elevations date stamped 09/01/2010, except as amended by conditions herein.
4. A Waiver from Title 19.12 is hereby approved, to allow a zero-foot landscape buffer where an eight-foot buffer is required along the west and south property lines and to allow a zero-foot landscape buffer where a 15-foot buffer is required along the east and north property lines.
5. The Reversionary Parcel Map (PMP-38638) shall be completed and recorded prior to the issuance of any building permits.
6. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 08/09/2010. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.
7. 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.
8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
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).

Conditions Page Three
September 23, 2010 - Planning Commission Meeting

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. 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. Dedicate a ten-foot radius at the southwest corner of 7th Street and Chef Andre Rochat Place.
16. Remove all substandard public street improvements and unused driveway cuts adjacent to this site and replace with new improvements meeting current City Standards 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.
17. Landscape and maintain all unimproved rights-of-way on 7th Street and Chef Andre Rochat Place adjacent to this site. 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.
18. Submit an Encroachment Agreement for all landscaping and private improvements, including the proposed balconies, located in the 7th Street and Chef Andre Rochat Place public rights-of-way adjacent to this site prior to issuance of permits for this site.
19. Site development to comply with all applicable conditions of approval for ZON-15045 and all other site-related actions.

Staff Report Page One
September 23, 2010 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The requested Site Development Plan Review and Variance are for a proposed five-story, 120-foot tall, 55,132 square-foot Office building to be located on 0.65 acres on the southwest corner of 7th Street and Chef Andre Rochat Place. Included with the Site Development Plan Review are requested Waivers of the perimeter landscape buffer width requirements. The related Variance (VAR-39122) is to allow zero-foot setbacks where a 10-foot side yard, 15-foot corner side yard, and 20-foot front and rear yard setback is required, and to allow 86% lot coverage where 50% lot coverage is the maximum allowed. Staff recommends denial of this request as the Site Development Plan Review (SDR-39121) does not meet the development standards as required by Title 19 for the C-1 (Limited Commercial) zoning district and the site, as proposed, will be overbuilt. In addition, the applicant has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18.070 that substantiate the requested Variance (VAR-39122). If denied, the property will remain in its current configuration with the southern half of the subject property undeveloped and the remaining northern half with two buildings.

ISSUES

- A Variance (VAR-39122) is required to allow a zero-foot front and rear yard setback where 20 feet is required; a zero-foot corner side yard setback where 15 feet is required; a zero-foot side yard setback where 10 feet is required; and 86% lot coverage where 50% is allowed.
- Waivers of Title 19.12.040 are required to allow no landscape buffer along the east, west and north perimeters where a 15-foot wide buffer is required and no landscape buffer along the south perimeter where eight feet is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/20/06	The City Council approved a Rezoning (ZON-15045) from R-3 (Medium Residential) to C-1 (Limited Commercial); a Site Development Plan Review (SDR-15043) for a proposed 23,613 square-foot Office building with a Waiver of perimeter landscape buffer width requirements; a Waiver of the street tree planting requirements; a Variance (VAR-15048) to allow 55 percent lot coverage where 50 percent is the maximum lot coverage allowed; a Variance (VAR-15596) to reduce the front yard setback of 10 feet where 20 feet is the minimum setback required; and a Variance (VAR-15049) to allow 58 parking spaces where 79 spaces is the minimum required on 0.64 acres at the subject site. The Planning Commission had no recommendation; staff recommended denial.

Staff Report Page Two
September 23, 2010 - Planning Commission Meeting

09/25/08	The Planning Commission heard the requests for a Site Development Plan Review (SDR-29051) for a five-story Mixed Use development with 52,498 square feet of commercial space and seven residential units; a Special Use Permit (SUP-29306) for a Mixed Use development; and a Variance (VAR-29730) to allow 100% lot coverage where 50% is allowed and to allow no setbacks where a 10-foot front yard setback, a 15-foot corner side yard setback, a 10-foot side yard setback, and a 20-foot rear yard setback are required. These items were forwarded to the City Council with no recommendation. Staff recommended denial. NOTE: These items were tabled at the 11/05/2008 City Council.
10/15/08	The City Council approved the request for an Extension of Time (EOT-29831) of an approved Rezoning (ZON-15045) from R-3 (Medium Density Residential) and R-3 (Medium Density Residential) under Resolution of Intent to P-R (Professional Office and Parking) to C-1 (Limited Commercial) on 0.64 acres at the southwest corner of Seventh Street and Chef Andre Rochat Place. Staff recommended approval.
07/23/10	The technical review for a Reversionary Map (PMP-38638) was approved by Planning and Development staff for a reversion to acreage for four lots, approximately .65 acres. The map has not been recorded.

Most Recent Change of Ownership

03/02/10	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

There are no active building permits or business licenses associated with this request.	
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Pre-Application Meeting

07/28/2010	A pre-application meeting was held with staff to discuss the applicant's request to develop a five-story Office building covering four adjacent lots located at the southwest corner of 7 th Street and Chef Andre Rochat Place. Due to the chosen design path, an approved Variance for building setbacks was determined to be necessary prior to the issuance of building permits.
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Neighborhood Meeting

A neighborhood meeting is not required nor was one held.	
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Staff Report Page Three
September 23, 2010 - Planning Commission Meeting

Field Check	
08/19/10	A field check was conducted by staff with the following observations: • There are two vacant single-family homes and a two undeveloped lots on the proposed site. • The site is located across the street from the historic Las Vegas Academy High School campus.

Details of Application Request	
Site Area	
Gross Acres	0.65

Surrounding Property	Existing Land Use Per Title 19.04	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Offices/Undeveloped Lots	C (Commercial)	C-1 (Limited Commercial)
North	Apartments	C (Commercial)	C-1 (Limited Commercial)
South	Parking Lot	C (Commercial)	C-1 (Limited Commercial)
East	High School	PF (Public Facilities)	C-V (Civic)
West	Restaurant/Offices/Parking Lots	C (Commercial)	C-1 (Limited Commercial)

Master Plan Areas	Yes	No	Compliance
Master Plan Area		X	NA
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts			
H (Historic Designation)	X		Y
Live/Work Overlay District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	NA
Las Vegas Redevelopment Plan Area		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

Staff Report Page Four
September 23, 2010 - Planning Commission Meeting

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 Width	100 Feet	205 Feet	Y
Min. Setbacks			
• Front	20 Feet	0 Feet	N
• Side	10 Feet	0 Feet	N
• Corner	15 Feet	0 Feet	N
• Rear	20 Feet	0 Feet	N
Max. Lot Coverage	50 %	86 %	N
Max. Building Height	NA	120 Feet	Y
Trash Enclosure	Screened, w/ a Roof or Trellis	Internally located	Y
Mech. Equipment	Screened	Internally located	Y

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>		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	5 Trees	0 Trees	N
• South	1 Tree / 30 Linear Feet	3 Trees	0 Trees	N
• East	1 Tree / 20 Linear Feet	10 Trees	0 Trees	N
• West	1 Tree / 30 Linear Feet	7 Trees	0 Trees	N
TOTAL PERIMETER TREES		25 Trees	0 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	15 Feet		0 Feet	N
• South	8 Feet		0 Feet	N
• East	15 Feet		0 Feet	N
• West	8 Feet		0 Feet	N

<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
7th Street: Local	N/A	45	N/A
Chef Andre Rochat Place: Local	N/A	45	N/A

Staff Report Page Five
September 23, 2010 - Planning Commission Meeting

Pursuant to Title 19.04 and 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	55,132 SF	1:300 SF	184		184		
TOTAL SPACES REQUIRED			184		184		Y
Regular and Handicap Spaces Required			178	6	178	6	Y

Waivers		
Requirement	Request	Staff Recommendation
A 15-foot wide landscape buffer adjacent to right-of-way.	To allow no landscape buffer along 7 th Street and Chef Andre Rochat Place.	Denial
An eight-foot wide landscape buffer along the interior perimeter.	To allow no landscape buffer along the west and west perimeter.	Denial

ANALYSIS

Although the subject site is located within close proximity of the Downtown Centennial Master Plan and would meet or exceed those Design Standards, it is important to note that this proposal is bound to the standard Title 19.08.050 Commercial and Industrial Development Standards and the Title 19.12.040 Perimeter Landscape Buffering requirements. As such, the proposed scope of development exceeds the limitations in required setbacks and lot coverage as required by Title 19.08.050 for the C-1 (Limited Commercial) zoning district.

In relation to the zero-foot setbacks, there are insufficient landscape buffers widths provided adjacent to the public rights-of-way or the interior perimeter. Per Title 19.12, the applicant is required to provide a 15-foot wide landscape buffer inside the property line with a 24-inch box tree spaced 20 feet apart along 7th Street and Chef Andre Rochat Place and an eight-foot wide landscape buffer with 24-inch box trees along the south and west perimeters.

In order to address the deficiency of on-site landscaping that stems from the proposed zero-foot build-to line, the applicant is proposing enhanced streetscaping along the existing detached sidewalks on 7th Street and Chef Andre Rochat Place, with 24-inch box trees spaced 14-feet, six-inches apart within the existing landscape planter. No landscaping has been proposed along the public alley or southern property line.

Staff Report Page Six
September 23, 2010 - Planning Commission Meeting

The materials specified on the landscape plan are acceptable for the surrounding area. Although ineligible for consideration as perimeter buffer trees, the applicant proposes to install 20 24-inch box trees within the detached sidewalk planter along 7th Street and Chef Andre Rochat Place. In addition to the proposed streetscape trees, an additional 14 trees are proposed on the third floor roof garden along the southern and eastern building edge.

Considering the dark appearance of the brick building, a darker broad-leafed street tree, such as the proposed Raywood Ash, would be acceptable for the site. However, if Raywood Ash trees are utilized, the spacing between each tree should be revised from 14 feet to a minimum of 20 feet on-center. Consideration should be given to providing pathways, sidewalk extensions or other similar allowances within the amenity zones adjacent to Seventh Street and Chef Andre Rochat Place in order to reduce the loss of landscape due to pedestrian traffic and soil compaction.

Provided that 14% of the tree population in Downtown Las Vegas consists of Ash trees, consideration should be given to the possibility of utilizing other species in order to better prevent monocultures. The following alternative tree species could be considered for the proposed building:

Seventh Street:

- *Gleditsia triacanthos* (Thornless Honey Locust and related cultivars, including ‘Imperial’, ‘Shademaster’, ‘Skyline’ or ‘Trueshade’) spaced at a minimum of 20-feet on center.
- *Pistachia chinensis* (Chinese Pistache and related cultivars, including ‘Red Push’) spaced a minimum of 20-feet on center.

Chef Andre Rochat Place (*Due to the anticipated shade that Chef Andre Rochat Place will receive due to the northern exposure and 50-foot adjacent building, the following species should be considered*):

- *Arbutus unedo* (Strawberry Tree) spaced 20 to 25 feet on center.
- *Elaeocarpus decipiens* (Japanese Blueberry Tree) 18 to 20 feet on center.

The subject property is located within the Las Vegas High School Historic District, which is not on the local City of Las Vegas historic property register. Two structures located on the proposed site have a substantial historic interest as they are greater than 70 years old, but are also not on the City of Las Vegas historic property register. One of those structures, located at 408 South 7th Street, is a Spanish Revival home constructed in 1931 for R.B. Griffith. This house was later the residence of Pop Squires, who was the publisher of *The Las Vegas Age* for forty years. Most of the single-family homes in the district have been converted to professional office space over the past decade. An off-street Multi-Use Transportation Trail is shown along the 7th Street right-of-way. This trail will be installed along the east side of the street and thus does not apply to this project.

Staff Report Page Seven
September 23, 2010 - Planning Commission Meeting

Staff recommends denial of this Site Development Plan Review (SDR-39121), as the proposed development does not meet the development standards as required by Title 19 for the C-1 (Limited Commercial) zoning district, and the site, as proposed, will be overbuilt, as is evidenced by the requested Variance and Waivers.

FINDINGS (VAR-39122)

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by placing the building adjacent to the property line. Even with an alternative design showing the required 20-foot front setback, 15-foot corner side setback, 10-foot side setback, and 20-foot rear setback, the applicant would need to further reduce the building’s footprint by approximately 4,400 square feet in order to meet the 50% lot coverage requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (SDR-39121)

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:

Staff Report Page Eight
September 23, 2010 - Planning Commission Meeting

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

The proposed development is contextually compatible with the neighboring four-story apartment building to the north, the three-story office building to the southwest, and the high school campus to the east; however, the proposed development does not meet the minimum requirements of the C-1 (Limited Commercial) zoning district development standards and is not compatible in scale with the residential and commercial development to the south.

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 applicable Objectives listed for the Neighborhood Revitalization Area as stated in the Master Plan and the stated objective of the Redevelopment Plan. However, the streetscape alternative to the required landscape buffers along with the zero-foot building setbacks do not meet the development standards as required by Title 19.

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

The proposed primary public access to the Office building is through the subterranean parking garage located off of 7th Street. A secondary, private access is provided via the public alley that runs west along the rear side of the building. Staff finds that the proposed access should not negatively impact the traffic flow of the area.

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

Although staff is recommending denial based upon the scope of the proposed development, the provided brick façade and tree-lined sidewalks are appropriate for the area and 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 and aesthetic features are not unsightly, undesirable, or obnoxious in appearance. The proposed tree-lined sidewalks along the east and north sides of the building create an orderly and aesthetically pleasing environment and are harmonious and compatible with development in the area.

Staff Report Page Nine
September 23, 2010 - Planning Commission Meeting

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

If approved, the proposed development will be subject to inspection during both building construction and business licensing and will therefore not compromise the public health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 26

NOTICES MAILED 127

APPROVALS 1

PROTESTS 0