



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: OCTOBER 21, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: CLARK COUNTY LEGAL SERVICES PROGRAM

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-39099	Staff recommends DENIAL, if approved subject to conditions:	
VAR-39100	Staff recommends DENIAL, if approved subject to conditions:	
SDR-39098	Staff recommends DENIAL, if approved subject to conditions:	VAR-39099 VAR-39100

** CONDITIONS **

VAR-39099 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-39100) and Site Development Plan Review (SDR-39098) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit for the principal structure has been issued. An Extension of Time may be filed for consideration by the City of Las Vegas.

VAR-39100 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-39099), and Site Development Plan Review (SDR-39098) shall be required, if approved.
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SDR-39098 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-39099) and Variance (VAR-39100) 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 9/24/10, building elevations date stamped 9/24/10 and floor plans date stamped 9/24/10, except as amended by conditions herein.
4. Waivers of Title 19.12 perimeter Landscape and Buffer Standards to allow a zero-foot buffer along the north property line where eight feet is required, a zero-foot buffer along the west property line where eight feet is required, a zero-foot buffer along the east property line where 15 feet is required, and a 10-foot buffer along the south property line where 15 feet is required, is hereby approved.
5. An Exception of Title 19.12 perimeter Landscape and Buffer Standards to allow zero 5-gallon shrubs per tree where four 5-gallon shrubs per tree are required is hereby approved.
6. 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.
7. 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.
8. 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).

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

Public Works

15. Dedicate a 10-foot radius on the northwest corner of East Charleston Boulevard and 8th Street prior to the issuance of any permits.
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.
17. Landscape and maintain all unimproved right-of-way adjacent to this site. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
18. Obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for all driveways or other private improvements in the East Charleston Boulevard public right-of-way adjacent to this site prior to constructing any improvements within NDOT jurisdiction.

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19. Submit an Encroachment Agreement for all landscaping and private improvements in the Eight Street public right-of-way adjacent to this site prior to occupancy of this site.
20. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade 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 drainage ways as recommended.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The scope of this project is to construct a 35,200 square-foot office building on a currently vacant parcel. This phase of the project doesn't including any parking for the building and thus will require a Variance to allow for zero parking spaces where the code requirement is 118 spaces. In addition, a Variance for setbacks is also being requested for the east, west and south sides of the building. Waivers are also being requested to reduce and/or eliminate the required landscape buffers. This project, as currently proposed, is over-built for the parcel.

Although there is a Phase II plan (SDR-39457) being submitted in conjunction with this project that includes a 92-space parking garage, there is no timetable provided and no guarantee that it will be built. If this project is approved as presented, there is the possibility that no parking will ever be provided.

The proposed office building is not consistent with Title 19, which is evidenced by the number of associated Variances and Waivers. Staff recommends denial. If denied, the development of the subject site shall conform to previously approved plans.

ISSUES

- A Variance to allow zero parking spaces where 118 spaces are required by code is needed.
- A Variance to reduce the setbacks on the east, west and south sides of the building and to exceed maximum lot coverage is needed.
- Waivers to reduce and/or eliminate the code required landscape buffers on all sides of the building is needed.
- An Exception is required to provide no 5-gallon shrubs where four 5-gallon shrubs per tree are required.
- Parking in the area is expected to become increasingly congested due to the opening of the Mexican Consulate in the neighborhood.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/16/94	The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south. The Planning Commission recommended approval on 12/10/94.
11/05/08	The City Council approved a Site Development Review Plan (SDR-29445) for a 39,000 Square Foot Office Building, Variance (VAR-29446) to allow 84 parking spaces where 130 are required and Variance (VAR-29447) to allow a 10-foot front yard setback where 20 feet is required, a five-foot side yard setback where 10 feet is required, a zero-foot corner side setback where 15 feet is required a zero-foot rear yard setback where 20 feet is required, and to allow approximately 83% lot coverage where 50% is the maximum allowed on 0.71 acres at the northwest corner of Charleston Boulevard and 8th Street. The Planning Commission recommended Approval, and Staff recommended Denial.
<i>Related Building Permits/Business Licenses</i>	
05/21/01	A Building Permit (#L-3747-01) was issued for a non-work certificate of occupancy at 721 E. Charleston Boulevard. Project was completed on 05/23/01.

<i>Most Recent Change of Ownership</i>	
11/15/07	A deed was recorded for a change in ownership.

<i>Pre-Application Meeting</i>	
09/02/10	Staff reviewed the proposal and informed the applicant of the following, which will require two Variance applications, a Site Development Review Plan application as well as a Waiver: 1. 19.08.050 C-1 (Limited Commercial) Zoning District Design Standards - Setbacks: Front = 20'; Side = 10'; Corner = 15'; rear = 20'. Site plans show 10' along front, 5' along side, 10' along corner and 8' along rear. Will require Variance. 2. C-1 (Limited Commercial) Zoning District Design Standards – Max Lot Coverage: 50%. Site plan shows approximately 57% coverage. This will require Variance that can be enjoined with Variance to setback standards request.

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	3. 19.12.040 Landscape Perimeter Buffering – Minimum Depths: 15’ adjacent to right-of-way and 8’ along interior lot lines. Site plan shows substantial landscaping serving as streetscaping that does not qualify as landscape buffer per 19.12. This will require a Waiver request along with the Site Development Plan Review request. 4. Parking for Office Use: 1 space per 300 sf of gross floor area. Proposal shows GFA of 35,200 office area which requires 118 parking spaces. The site plan shows zero parking spaces (100% deviation from standard) which will require a Variance.
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
09/16/10	The field check indicated a vacant lot that once housed a one-story office and retail building. The building has since been demolished, but a non-conforming parking area still exists.

Details of Application Request	
Site Area	
Net Acres	0.71
Gross Acres	1.12

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Substandard Parking Lot	C (Commercial)	C-1 (Limited Commercial)
North	Offices	C (Commercial)	C-1 (Limited Commercial)
South	Mary Dutton Park	PF (Public Facilities)	C-V (Civic)
	Offices	C (Commercial)	P-R (Professional Office and Parking)
East	Financial Institution, General (with Drive-Through)	C (Commercial)	C-2 (General Commercial)
West	Offices, Medical or Dental	C (Commercial)	C-1 (Limited Commercial)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Live/Work Overlay District	X		N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Las Vegas Redevelopment Plan	X		Y
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.010, the following development standards are proposed:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	31,052 SF	N/A
Min. Lot Width	100 feet	142 feet	Y
Min. Setbacks			
• Front (south property line)	20 feet	10 feet	N
• Side (west property line)	10 feet	5 feet	N
• Corner (east property line)	15 feet	10 feet	N
• Rear (north property line)	20 feet	80 feet	Y
Max. Lot Coverage	50%	57%	N
Max. Building Height	N/A	50 feet	N/A
Trash Enclosure	Roofed, Screened, Gated	Roofed, Screened and Gated	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.12 the following development standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/ 6 Spaces	0 Trees	0 Trees	N*
Buffer:				
Min. Trees				
(Front: south property line)	1 Tree/20 Linear Feet	6 Trees	6 Trees	Y
(Corner: east property line)	1 Tree/20 Linear Feet	6 Trees	0 Trees	N
(Side: west property line)	1 Tree/30 Linear Feet	9 Trees	0 Trees	N
(Rear: north property line)	1 Tree/30 Linear Feet	5 Trees	0 Trees	N
TOTAL		26 Trees	6 Trees	N

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Min. Zone Width			
(Front: south property line)	15 Feet	10 Feet	N
(Corner: east property line)	15 Feet	0 Feet	N
(Side: west property line)	8 Feet	0 Feet	N
(Rear: north property line)	8 Feet	0 Feet	N

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	35,200 square feet	1 space for each 300 square feet of gross floor area	113	5	0	0	N
TOTAL			118		0		N
Loading Spaces			3		0		N

<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Charleston Boulevard (Primary Arterial)	Master Plan of Streets and Highways	100	Y
8 th Street	N/A	80	Y

<i>Waivers</i>		
<i>Request</i>	<i>Requirement</i>	<i>Staff Recommendation</i>
North property line: Zero-foot landscape buffer	North property line: Eight-foot landscape buffer	Denial
South property line: 10-foot landscape buffer	South property line: 15-foot landscape buffer	Denial
West property line: Zero-foot landscape buffer	West property line: Eight-foot landscape buffer	Denial
East property line: Zero-foot landscape buffer	East property line: 15-foot landscape buffer	Denial

YK

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Exception		
Request	Requirement	Staff Recommendation
South property line: To allow zero shrubs.	South property line: Four 5-gallon shrubs per tree.	Denial

ANALYSIS

The proposed project is located within two overlay areas. The subject site is located within the boundaries of the Las Vegas Redevelopment District. The proposed uses are in conformance with the Redevelopment Plan goals and policies that encourage innovative, mixed use project in this area of the City. Secondly, the site is within the Live/Work Overlay district. The proposed development will not offer any housing options and therefore the project is not impacted by the Live/Work standards as outlined in Title 19.06.030.

The applicant is proposing to construct a 50-foot tall, two-story office building located at the northwest corner of Charleston Boulevard and Eighth Street. The building will be accessed off of Charleston Boulevard. The proposed office building is too large for the subject site and fails to provide adequate parking and landscaping.

No parking is being provided for the proposed office building. The applicant has indicated it is their plan to build a parking garage after the building is built on the adjacent parcel to the north. Staff has recently fielded concerns over the current parking situation in the immediate area due to the pending opening of the Mexican Consulate at the northeast corner of Hoover Avenue and Sixth Street. To address these parking concerns, the city will be installing parking meters along area streets in the near future. It is imperative that all new projects include ample onsite parking to handle the traffic generated by the proposed square-footage so not to add to the pending parking congestion being forecast for the area.

- **Waivers**

The applicant is requesting a Waiver of Perimeter Landscape Buffer Requirements as a part of the subject Site Development Plan Review. The Waiver cannot be supported by staff as it is self-imposed and can be mitigated through better site design and adherence to Title 19 requirements. The applicant is providing 12 trees, but they are located within the sidewalk and not in a separated landscape buffer.

- **Exception**

The applicant is requesting an Exception of the Perimeter Landscape Buffer Requirement along the south perimeter to provide no 5-gallon shrubs where four 5-gallon shrubs per tree are required.

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- **Landscape Plan**

The applicant does not provide any onsite landscaping. Six Chinese Pistache trees are proposed along Charleston Boulevard and another six along 8th Street. There will also be a limited number of shrubs along the southwest corner of the building. Other than that, no additional landscaping is being provided along the perimeter of the project. The lack of landscaping has necessitated the need for the indicated Waivers and Exception.

- **Elevations/Floor Plans**

The floor plan indicates a total of two floors, which consist of typical office spaces with ancillary uses. Pedestrian access is from Charleston Boulevard and Eighth Street, while there is no vehicular access being proposed with this phase of the project. The exterior of the building indicates a 50-foot tall, two story building. The proposed building materials consist of white panels, metal louvers, and green spandrel panels. The building also utilizes colored glass that does not exceed 22% reflectivity. The applicant has indicated that the entire structure is attempting to meet the Leadership in Energy and Environmental Design (LEED) classification of Gold level.

The Site Development Plan Review proposed reflects a project that will overshadow the parcel and the surrounding area. No parking is being provided with this project and the building footprint is too large for the parcel as a Variance for setbacks and lot coverage is required. The overall lack of adherence to Title 19 development standards requires staff to strongly recommend denial of this project.

FINDINGS (VAR-39099)

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.”

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by not providing parking onsite for the proposed office building. Alternatively, this project could be designed to meet the minimum parking standards that would allow conformance to the Title 19 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 (VAR-39100)

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:

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a building with too large of a footprint for the site. An alternative footprint size would allow conformance to the Title 19 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-39098)

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:

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

The proposed development is incompatible with adjacent commercial development in the area. The number of associated Variances and Waivers that accompany the subject case indicate that other sites would be better suited for the size of the proposed development.

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 inconsistent with Title 19.08 and 19.10, which is evidenced by the associated Variance (VAR-39100) for parking and Variance (VAR-39099) for setbacks and lot coverage. The applicant has also requested Waivers of 19.12 Landscape and Buffer Standards.

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

Adequate site access is provided from Charleston Boulevard and Eighth Street. Charleston Boulevard is a (100-foot) Primary Arterial, as defined by the Master Plan of Streets and Highways. Eighth Street is an 80-foot right-of-way. The site is also accessed from an alley on the west side of the subject site. Adjacent streets may be affected by the lack of onsite parking proposed.

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

Building and landscape materials are not appropriate, which is evidenced by the Waivers and Exception of 19.10 Landscape and Buffer Standards requested.

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 is not orderly and aesthetically compatible with development in the area. A more appropriate site design would adhere to Title 19 Development Standards with respect to setbacks, lot coverage, parking and landscaping. Proper site design would eliminate the need for the associated Variances and Waiver.

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

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

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 24

NOTICES MAILED 260

APPROVALS 0

PROTESTS 0