



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: DECEMBER 11, 2012

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: CULINARY WORKERS UNION, LOCAL 226

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SDR-47324	Staff recommends DENIAL, if approved subject to conditions:	

**** CONDITIONS ****

SDR-47324 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0126-96) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. 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 building elevations, date stamped 10/25/12, except as amended by conditions herein.
4. A Waiver from Downtown Centennial Plan Section VII.G.1 is hereby approved, to allow a corner side yard setback of 20 feet where 70 percent of the south-facing façade is required to be aligned along New York Avenue.
5. A Waiver from Downtown Centennial Plan Section VII.G.5 is hereby approved, to allow an existing building without an articulated design using arcades, awnings and canopies at the main entry where such features are required and to allow existing mechanical equipment to be visible from New York Avenue and adjacent buildings where screening is required.

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6. 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 Department of Building and Safety.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

9. 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.
10. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards, except as amended by Conditions herein or otherwise allowed by the City Engineer, prior to issuance of any permits or occupancy of any additional space, whichever occurs first.
11. Submit an Encroachment Agreement for landscaping and private improvements, if any, in the Commerce Street, New York Avenue, and Fairfield Avenue public rights-of-way prior to this issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the Encroachment Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's Encroachment Agreement. The installation and maintenance of all private improvements in the public right of way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

In 2005, the applicant gained staff approval for a 36-foot by 60-foot temporary modular structure for an office use that was to last five years until a permanent building was constructed on the subject site. However, that Site Development Plan Review approval (SDR-6304) expired in 2010 and the applicant is requesting to keep the existing modular structure on a permanent basis, as there is an indefinite timetable for construction of a suitable replacement building. A permanent structure would require conformance with applicable sections of the Downtown Centennial Plan. As submitted, the existing structure does not meet Downtown Centennial Plan setback and architectural design requirements, nor is it architecturally or aesthetically compatible with other buildings on the site. Changes can be made in the design that will give the existing structure the appearance of a permanent building. Since no such changes are proposed, the building would remain incompatible with other permanent buildings on the site. Staff therefore recommends denial. If denied, the existing building must be removed from the site unless a new Site Development Plan Review that demonstrates substantial compliance with the design standards is reviewed and approved.

ISSUES

- A Site Development Plan Review is required for the existing 2,160 square-foot modular office building, since the previous entitlement for this building (SDR-6304) expired in 2010. As there is no current entitlement, the proposal is considered a new development that must conform to current code requirements.
- A Waiver of Downtown Centennial Plan setback standards is required, to allow a 20-foot corner side yard setback where 70 percent of the south elevation is required to be aligned to the property line. Staff recommends approval of this waiver, as the building already exists in place.
- Waivers of Downtown Centennial Plan architectural design standards are needed. Staff recommends denial of this request, as the building requires some upgrading in the design in order to give the appearance of a permanent structure.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
03/28/74	The Board of Zoning Adjustment approved a Special Use Permit (U-0014-74) to allow a meeting hall and parking facility in an R-4 (Apartment Residence) zoning district. Staff recommended denial.
02/05/97	The City Council approved a request for a Rezoning (Z-0126-96) from R-4 (Apartment Residence) and M (Industrial) to C-2 (General Commercial) on a 2.7 acre parcel located at 1630 South Commerce Street. The request included a plan to add three modular office buildings west of an existing union hall facility on the site. The Planning Commission and staff recommended approval.
05/03/05	The Department of Planning approved a Minor Site Development Plan Review (SDR-6304) for a proposed 36-foot by 60-foot temporary trailer on 2.66 acres at 1630 South Commerce Street). Administrative reviews of the trailer development were required after three and four years following final approval. No reviews were conducted. The approval expired 05/03/10, with the temporary trailer still on the site.
08/08/12	A Code Enforcement case (118176) was processed for a temporary trailer not meeting Conditions #1 and #3 of the approved Site Development Plan Review (SDR-6304). The case is still pending.

<i>Most Recent Change of Ownership</i>	
04/12/66	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
12/23/96	A building permit (#96025344) was issued for a temporary classroom trailer at 1630 South Commerce Street. A final inspection was completed 01/16/97.
07/06/05	A building permit (#05004663) was issued for a temporary office trailer at 1630 South Commerce Street. A final inspection was completed 10/04/05.

<i>Pre-Application Meeting</i>	
10/03/12	A pre-application meeting was held with the applicant to discuss submittal requirements for a Site Development Plan Review application. The review cannot be done administratively, as the previous Site Development Plan Review for the modular structure expired and the conditions of that approval had not been satisfied.

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

<i>Field Check</i>	
11/01/12	The site is developed with three permanent buildings and several modular office buildings. The following items were noted during the field check: • The buffer area to the south of the subject modular building is well landscaped and is protected from the public sidewalk by a six to eight-foot chain link fence. • The modular building contains exposed mechanical units on the west elevation that extend out from the wall of the building. • Bollards have been installed in the asphalt surrounding the modular building. • Temporary ramps provide access to the entrance on the north elevation and a secondary access on the south elevation. • The exterior surface and trim are painted and in good condition.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.66

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Office, Other Than Listed	C (Commercial)	C-2 (General Commercial)
North	Office, Other Than Listed	LI/R (Light Industry/Research)	M (industrial)
	Motor Vehicle Sales, Used		
	Auto Repair Garage, Major		
	General Retail		
South	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)
East	Undeveloped	C (Commercial)	C-M (Commercial/Industrial)
			C-2 (General Commercial)
West	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)
	Outdoor Storage	LI/R (Light Industry/Research)	M (Industrial)

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<i>Master Plan Areas</i>	<i>Compliance</i>
Downtown Centennial Plan	N
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Downtown Centennial Plan Overlay District (Northern Strip Gateway District)	Y
A-O (Airport Overlay) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to the Downtown Centennial Plan, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Minimum Setbacks:			
Front	70% of first story façade shall align along the front property line	Building is interior to the property	N/A
Side	None	214 Feet	Y
Corner	70% of first story façade shall align along the property line	0% (set back 20 feet)	N
Rear	None	89 Feet	Y
Max. Building Height	N/A	12 Feet	N/A
Mech. Equipment	Screened	Exposed HVAC units	N
Utilities	Existing allowed; no undergrounding required	No above ground utilities	Y
Streetscape (New York Ave.)	Less than 50% block frontage, streetscape not required at this time	5-foot sidewalk, no amenity zone	Y

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Fairfield Avenue	N/A	N/A	60	N/A
New York Avenue	N/A	N/A	50	N/A

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Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Other Than Listed	27,160 SF	1 space/ 300 SF GFA	91				
TOTAL SPACES REQUIRED			91		159		Y
Regular and Handicap Spaces Required			87	4	155	4	Y

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City.

Waivers		
Requirement	Request	Staff Recommendation
70% of building façade shall align with the corner side property line	Existing building to remain set back 20 feet from property line	Approval
Use of arcades, awnings and canopies at the ground floor	No arcades, awnings or canopies incorporated into the design	Denial
Main entry shall be articulated through a change in materials, colors and/or detailing around the entry	No articulation at north entrance	Denial
Mechanical equipment shall be screened from street level and surrounding building views	Mechanical units visible from New York Ave. and from adjacent buildings	Denial

ANALYSIS

Although the temporary building has existed on the site since 2005, the request to make the building permanent coupled with the expiration of the entitlement that established the building on the site make this request a “new development” subject to the current zoning and special area requirements. As part of the Downtown Centennial Plan Overlay District, new developments that do not have 50 percent or more frontage along a street are not immediately subject to the undergrounding of utilities or provision of streetscape. However, waivers are needed from the corner side yard setback and architectural design standards. Staff recommends approval of the setback waiver, as the existing landscaping is already located at the street front and provides screening from the modular building. In addition, sufficient parking is still available on the site to accommodate the permanent

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office use. However, staff cannot support a request to make a temporary structure permanent without the design changes necessary to create the appearance of a permanent building. At a minimum, the building should be painted and stuccoed to match other permanent buildings on the site, and architecturally modified to provide changes in wall plane, screen mechanical units and provide permanent ramps to the entry/exit doors. If this request is denied, the existing building will have to be removed.

FINDINGS (SDR-47324)

In order to approve a Site Development Plan application, per Title 19.16.100(E) 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;

As a proposed permanent building, no changes are proposed to the existing modular structure, which gives the appearance of a temporary building and is thus not compatible with other permanent buildings on 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 existing building is consistent with the Downtown Centennial Plan with the exception of the required corner side setback and architectural design standards, for which waivers are required. Staff does not support the architectural design waivers, as no changes are planned to the building that would give it the appearance of a permanent structure.

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

Site access is provided by multiple driveways from Fairfield Avenue, a 60-foot right-of-way and Commerce Street, an 80-foot right-of-way. A 24-foot drive aisle between the existing modular building and angled parking to the east is acceptable as long as the 20-foot setback on the south of the building is maintained. Access points on either side of the property will not be overburdened as a result of the proposal.

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

For a proposed permanent building, the painted pre-manufactured vinyl and plastic materials are inappropriate for use on this site and are not compatible with existing adjacent buildings. The site contains existing mature trees and landscaping along the New York Avenue and Fairfield Avenue rights-of-way that are appropriate for buffering of the building.

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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 existing modular building is placed on the property so as not to interfere with site circulation. However, as an intended permanent building, the architectural design, materials and color scheme are incompatible with adjacent existing buildings. At a minimum, the building should be painted to match existing buildings on the site.

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

The existing modular building has been permitted and inspected in accordance with building codes; therefore, it will not compromise the public health, safety and welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 155

APPROVALS 0

PROTESTS 0