



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 14, 2013

DEPARTMENT: PLANNING

**ITEM DESCRIPTION: APPLICANT: PETERSEN MANAGEMENT, LLC - OWNER:
DARREN C. PETERSEN INVESTMENT TRUST**

** STAFF RECOMMENDATIONS **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ZON-48835	Staff recommends APPROVAL.	N/A
VAR-48833	Staff recommends APPROVAL, subject to conditions:	ZON-48835 SDR-48832
VAR-48834	Staff recommends APPROVAL, subject to conditions:	ZON-48835 SDR-48832
SDR-48832	Staff recommends APPROVAL, subject to conditions:	ZON-48835 VAR-48833 VAR-48834

** CONDITIONS **

VAR-48833 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-48835), and Site Development Plan Review (SDR-48832) 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 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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- 5.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

VAR-48834 CONDITIONS

Planning

- 1.Approval of and conformance to the Conditions of Approval for Rezoning (ZON-48835), and Site Development Plan Review (SDR-48832) 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 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.
- 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-48832 CONDITIONS

Planning

- 1.Approval of and conformance to the Conditions of Approval for Rezoning (ZON-48835), Variance (VAR-48833), and Variance (VAR-48834) 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.

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3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 03/28/13, except as amended by conditions herein.
4. The applicant shall coordinate with the City Surveyor and other 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.
5. An Exception from Title 19.08.040(F)(8) is hereby approved to allow no plant materials within a 60-foot portion of the north, a 20-foot portion of the east, and 75-foot portion of the south landscape buffers.
6. An Exception from Title 19.08.110(C)(12) is hereby approved, to allow no parking lot landscape islands for the rear parking lot.
7. 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.
8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
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. Installed landscaping shall not impede visibility of any traffic control device.
10. 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.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. Per title 13.56, remove all substandard public sidewalk improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting standard drawing #234 concurrent with development of this site.
13. Sign and record a Covenant Running with Land agreement for the possible future installation of streetlights. Such Covenant Running with Land agreement shall record prior to the issuance of any permits for this site.

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14. Submit an Encroachment Agreement for landscaping and private improvements in the 7th Street public right-of-way adjacent to this site, if any, 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.
15. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, or the installation of landscaping, whichever may occur first. Provide and improve all drainage ways as recommended.

**** STAFF REPORT ******PROJECT DESCRIPTION**

The applicant is requesting a Rezoning and Site Development Plan Review related to the conversion of a 1,418 square-foot single family residence to an office building at 608 South 7th Street. This proposal is accompanied by Variances to allow 48-foot lot width where a 60-foot minimum lot width is required (VAR-48833) and to allow a motor vehicle to back onto a public right-of-way (VAR-48834). The proposed development is located within the Las Vegas High School Historic District and will retain much of the existing architectural character and landscaping of the existing residence, with the exception of the removal of the existing turf located in the rear yard. Staff recommends approval of the proposed development and all related entitlement requests, as this will allow for a successful office conversion of one of the two remaining residential dwellings out of the six offices operating on the block. If denied, the site will remain as a single family residence.

ISSUES

- The applicant is requesting to Rezoning from the R-1 (Single Family Residential) zoning district to the P-O (Professional Office) zoning district. The P-O (Professional Office) zoning district replaces the P-R (Professional Office and Parking) zoning district listed in the previous iteration of the Title 19 Zoning Code.
- The Variance (VAR-48834) to allow a motor vehicle to back out onto the public right-of-way stems from the applicant's request to retain the existing front driveway for the required handicapped parking space. Staff supports this request, as this design is used frequently in the general area and is in context with the residential appearance of the neighborhood.
- The existing structure is not a recognized historic building, but is located within the Las Vegas Historic District. The proposed conversion will remain in context with the surrounding area.
- Exceptions to allow no landscape materials within portions of the north south, and east landscape buffer and to allow no landscaping for the parking spaces adjacent to the alley accompanies the Site Development Plan Review. The applicant has provided an alternative landscape plan that places the landscape materials internally within the site and two street trees within the detached sidewalk planter in lieu of the required plant materials within the landscape buffer areas. Staff supports the exceptions and proposed alternative landscape plan.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>
There are no relevant City actions related to the property at 608 South 7 th Street.

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<i>Most Recent Change of Ownership</i>	
05/24/12	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>
There are no relevant building permits or business licenses related to the property at 608 South 7 th Street.

<i>Pre-Application Meeting</i>	
03/07/13	A pre-application meeting was held with the applicant to discuss the submittal requirements for the proposed P-O (Professional Office) conversion of an existing 1,418 square-foot single family residence. It was determined that a Rezoning and Site Development Plan Review would be required for the change in land use and that Variances would be required for the deficient lot width and the proposed design of the front handicapped parking space.

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

<i>Field Check</i>	
04/09/13	Staff visited the site and found a well maintained single family residence with an existing front driveway along 7 th Street. The subject site is one of two remaining residences on the block among the six office conversions located along the west side of 7 th Street.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.16

<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	Single Family, Detached	MXU (Mixed-Use)	R-1 (Single Family Residential)
North	Office, Other Than Listed	MXU (Mixed-Use)	P-O (Professional Office)
South	Office, Other Than Listed	MXU (Mixed-Use)	P-R (Professional Office and Parking)

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<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>
East	Office, Other Than Listed	MXU (Mixed-Use)	P-R (Professional Office and Parking)
West	Office, Other Than Listed and Parking Lot	MXU (Mixed-Use)	R-4 (High Density Residential)

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
H (Historic Designation)	N/A
Live/Work Overlay District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.060, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	60 Feet	48 Feet	N
Min. Setbacks			
• Front	20 Feet	24 Feet	Y
• North Side	5 Feet	0 Feet	Y*
• South Side	5 Feet	2 Feet	Y*
• Rear	15 Feet	25 Feet	Y
Max. Lot Coverage	50 %	20 %	Y
Max. Building Height	2 Stories	1 Story	Y
Mech. Equipment	Screened	Screened	Y

**A conversion from an existing residential structure may maintain the existing setbacks. Any additions may also be constructed to the existing established corner setback.*

Pursuant to Title 19.08.060, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 30 Linear Feet	3 Trees	0 Trees	N*
• South	1 Tree / 30 Linear Feet	2 Trees	1 Trees	N*
• East	1 Tree / 25 Linear Feet	0 Trees	0 Trees	N*
• West (Alley)	-	-	-	-
TOTAL PERIMETER TREES		5 Trees	1 Trees	N*
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	2 Trees	2 Trees	N*
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		8 Feet	Y
• South	8 Feet		8 Feet	Y
• East	15 Feet		15 Feet	Y
• West (Alley)	0 Feet		0 Feet	Y

**These areas of deficient landscaping are addressed with an exception to allow an alternative landscape design per Title 19.08.040(F)(3). Staff supports the exception*

Street Name	Functional Classification of Street	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
7 th Street	N/A	Planned Streets and Highways Map	80'	Y

Pursuant to Title 19.08 and 19.12, 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, Other Than Listed	1,418 SF	-	-				
Office, Other Than Listed – Storage Structure	360 SF	-	-				
Subtotal	1,778 SF	1:300	6				
TOTAL SPACES REQUIRED			6		6		
Regular and Handicap Spaces Required			5	1	5	1	Y

ANALYSIS

The subject site is designated MXU (Mixed Use) on the Las Vegas Redevelopment Plan, which is intended for uses allowed within the O (Office) Master Plan designation. Due to the gradual increase in traffic and other development factors, the area has undergone a significant transformation to low intensity office conversions and is no longer suitable for the continuation of low density residential uses. The applicant's request to Rezone the site from the R-1 (Single Family Residential) zoning district to the P-O (Professional Office) zoning district is necessary for the proposed office use and is supported by the recent development patterns to low intensity office uses. The subject site is also located within the Las Vegas High School Historic District, and the applicant has submitted a proposal that retains the contextual design of the neighborhood to preserve its historic character and integrity. The applicant has requested a Variance (VAR-48833) to allow a 48-foot wide lot where Title 19.08.060 requires a minimum 60-foot wide lot. Staff supports this request, as there is little that the applicant can do to remedy this deficiency and is therefore not a self-imposed hardship.

There is a 360 square-foot detached accessory structure located approximately 55 feet from the rear northeast corner of the property. This structure contributes to the gross floor area, giving the proposal 1,778 square feet of office space, thus requiring six parking spaces. The provided site plan shows five parking spaces located at the rear of the property adjacent to the alley with one handicap parking space located at the front of the property within the existing driveway. A Variance (VAR-48834) has been requested to allow vehicles that utilize the handicap space to back out onto 7th Street, which is not allowed per Title 19.08.110(C)(1)(a). Staff supports this request, as the existing front driveway would be best utilized by the handicap space in that it is a common location for the handicap space in the area. The utilization of the front driveway for the handicap space also allows for a more accessible design for pedestrians arriving from the front of the property who are accustomed for looking for the required accessible route to the building.

The applicant will retain much of the existing mature landscaping, with the exception of the removal of the turf located in the rear yard. Per Table 4 of Title 19.08.050, turf coverage is limited to 25% of the landscapable area. The landscape plan shows 370 square-feet of turf located at the front yard, south of the handicap parking space, which is 20% of the landscapable area. An exception to allow no landscape materials is supported for the portions adjacent to the north and south property lines, as the narrowness of the lot and the existing mature landscaping on the adjacent parcels make it difficult for successful plantings at these areas. The applicant has provided an alternative landscape plan that locates plant materials internally to the site, and has proposed two 24-inch box trees with the offsite sidewalk planter, which will greatly improve the pedestrian comfort along the west side of 7th Street.

Staff recommends approval of the Rezoning, Site Development Plan Review, and the related Variance requests, as the proposed development will be harmonious and compatible with the surrounding area. If denied, the subject site will remain as a single family residence.

FINDINGS (ZON-48835)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1.The proposal conforms to the General Plan.

The site is designated as MXU (Mixed Use) on the Las Vegas Redevelopment Plan map. The proposed P-O (Professional Office) zoning district conforms to the O (Office) land use designation, which is one of the General Plan land use designations permitted under the Mixed Use category of the Las Vegas Redevelopment Plan. The proposal is therefore in compliance with the Las Vegas 2020 Master Plan.

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 uses allowed within the P-O (Professional Office) are generally compatible with the surrounding area, as the provided site plan maintains the contextual residential design for projects within the Las Vegas High School Historic District.

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

This site is located within the Las Vegas High School Historic District, which encourages sensitive design and preservation of existing structures. Growth in the community indicates that a Rezoning to the P-O (Professional Office) district is appropriate. The design and scale of the proposed office building remains in context with the definition of the P-O (Professional Office) zoning district as the residential character of the area is retained.

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.

The site is accessed primarily from a 20-foot alleyway between 6th and 7th Street. The existing front driveway will be retained for the provision of the required handicapped parking space. Site access will not impact adjacent roadways or neighborhood traffic.

FINDINGS (VAR-48833)

In accordance with the provisions of Title 19.16.140(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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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 19.16.140(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.”

The applicant has not created a self-imposed hardship by requesting a 48-foot wide lot where a 60-foot wide lot is required. There is little, if any alternative that would allow conformance to the Title 19 requirements. Staff finds that the applicant’s hardship is not preferential in nature, and it is within the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (VAR-48834)

In accordance with the provisions of Title 19.16.140(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 19.16.140(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.”

The applicant has not created a self-imposed hardship by requesting to allow motor vehicles to back out onto a public right-of-way. The requested Variance stems from the desire to utilize an existing front driveway for a designated handicap spaces. Staff finds that proposed design will provide greater public safety when considering the low amount of traffic, the location of the parking space, and the utilization of the access aisles to provide pedestrians cues to the accessible route to the structure. The applicant's design proposal is commonly used in this area and the the hardship is not preferential in nature; therefore, the granting of this Variance is within the realm of NRS Chapter 278.

FINDINGS (SDR-48832)

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;

The proposal is compatible with the surrounding office uses and the few remaining residential dwellings. The applicant seeks to retain much of the original design in order to remain in context with the Las Vegas High School Historic District, the surrounding low intensity office buildings, and the few remaining residential structures in the area.

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;

With the approval of the requested Variances (VAR-48833 and VAR-48834), the development will be consistent with all applicable City plans, policies and standards. The Variance requests are sought after in order to retain as much of the original condition of the structure as possible, thus continuing the intent of the P-O (Professional Office) zoning district to be a transitional zone to allow low intensity administrative and professional offices.

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

The site is accessed primarily from a 20-foot alleyway between 6th and 7th Street with the existing front driveway being retained for the required handicapped space. Site access will not impact adjacent roadways or neighborhood traffic. A Variance (VAR-48834) has been requested to allow motor vehicles to back out onto a public right-of-way. This Variance will allow the space dedicated for the handicap space to utilize the front driveway, rather than reduce the required provided onsite parking spaces and locating the handicap space to the rear of the property.

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

Staff finds that the proposed landscaping retains the residential character of the neighborhood while improving the aesthetics of the site with desert appropriate landscaping.

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 building elevations are be compatible with the surrounding professional office conversions and the remaining residential dwellings. The applicant is retaining the existing architectural style of the building, thus keeping with the established design pattern of the surrounding area.

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

The subject site will be subject to regular inspection, and will therefore not compromise the public health, safety or general welfare.

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APPROVALS 1

PROTESTS 1