



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JUNE 4, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: CARMEN T ESPITIA & CARLOS JIMENEZ -
OWNER: C&C MEDICAL PLAZA, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-51765	Staff recommends DENIAL, if approved subject to conditions:	SDR-51764
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**** CONDITIONS ****

VAR-51765 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for and Site Development Plan Review (SDR-51764) 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.

VAR-51766 CONDITIONS

Planning

- 1.Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-51764) 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-51764 CONDITIONS

Planning

- 1.Approval of and conformance to the Conditions of Approval for Variance (VAR-51765) and Variance (VAR-51766) 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 color board date stamped, 10/23/13, site plan, landscape plan and building elevations, date stamped 11/13/13, except as amended by conditions herein.
- 4.A Waiver from Title 19.08.080 is hereby approved, to allow a zero-foot buffer along the north, south, and east property lines where 15 feet is required.

Conditions Page Three

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5. Prior to issuance of a building permit the applicant shall obtain and submit to the Department of Planning an approval letter from a waste management company that allows curb-side garbage pickup.
6. When submitting for building permits revised plans shall be submitted to incorporate a roof or trellis on the trash enclosure and solid metal gates that are in conformance with Title 19.08.040 [(E)(4)(b)(i)].
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 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.
10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

11. In accordance with code requirements of Title 13.56, remove all substandard sidewalk improvements on Charleston Boulevard and 17th Street, including the unused driveway on Charleston Boulevard, 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.
12. 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.
13. 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.
14. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for this Site Plan Prior to submittal of construction drawings for this site. Fire Department access shall be maintained at all times per Fire Department Standards.

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15. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the west (APN #162-02-113-005) prior to the issuance of any permits.
16. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Site Development Plan Review (SDR-51764) for a proposed 868 square-foot addition to an existing 1,677 square-foot medical building located on the southwest corner of Charleston Boulevard and 17th Street. The proposed addition is located on the east side of the building and will expand beyond the building envelope and into the corner side yard setback area.

This development proposal is accompanied by a Waiver request to allow a zero-foot wide landscape buffer along the north line where a 15-foot wide landscape buffer is required. Additionally, an exception is needed to allow no parking lot landscape islands and vegetation.

Two variances accompany this land use application. The first Variance (VAR-50766) is to allow a five-foot corner side yard setback where 10 feet is required and to allow a trash enclosure 18 feet from a residentially zoned property, where 50 feet is the minimum required. The second Variance (VAR-51765) is to allow seven parking spaces where 14 parking spaces are required.

This project as proposed cannot be developed in accordance with Title 19 Development Standards due to the over-development of the site. The two variances, one exception and two waivers reinforce the unsuitability of the proposed addition. The applicant has created a self-imposed hardship by proposing to overbuild the site; therefore, staff recommends denial of the two Variances, the Site Development Plan Review.

ISSUES

- A Variance to allow a five-foot corner side yard setback where 10 feet is required has been requested.
- A Variance to allow a trash enclosure 18 feet from residential zoned property, where 50 feet is required has been requested.
- A Variance to allow seven parking spaces, where 14 parking spaces are required has been request.
- A Waiver of the Title 19.08.080 perimeter landscape requirement has been requested to allow a zero-foot landscape buffer along the north property line, where a 15-foot buffer is required.
- Exceptions of Title 19.08.110 are required to allow no parking lot trees in islands or at ends parking rows; otherwise, a further reduction in the provided onsite parking will occur.
- There is a non-permitted temporary sign on site. A complaint was filed with Code Enforcement on 11/06/13.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/10/13	The Planning Commission voted to hold this item in abeyance to the 01/14/14 Planning Commission meeting at the request of the Planning Commission.
01/14/14	The Planning Commission voted to hold this item in abeyance to the 03/11/14 Planning Commission meeting at the request of the Planning Commission.
03/11/14	The Planning Commission voted (7-0) to recommend APPROVAL of this item.
04/16/14	The City Council voted to hold this item in abeyance to the May 21, 2014 City Council meeting.

<i>Most Recent Change of Ownership</i>	
12/30/08	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
1949	The principal structure was built.
07/20/92	A building permit (#92153253) was issued for a 1,695 square-foot tenant improvement. The permit was finalized on 11/19/92 at 1640 East Charleston Boulevard.
03/11/08	A complaint (#63240) was filed with Code Enforcement for non-permitted temporary signs at 1640 East Charleston Boulevard.. The complaint was resolved on 03/13/08
11/06/08	A building permit (#127810) was issued to demo an illegal addition at 1640 East Charleston Boulevard.. The permit was not finalized.
06/29/10	A complaint (#92338) was filed with Code Enforcement for trash improperly secured and rubbish blown through the area at 1640 East Charleston Boulevard. The complaint was resolved on 07/09/10.
08/13/08	A business license (P55-01238) was issued for Professional Services-Medical at 1640 East Charleston Boulevard. The license is still active

<i>Pre-Application Meeting</i>	
10/09/13	A pre-application meeting was held with the applicant's designated representative and the following was discussed: 1. The proposed addition requires a Site Development Plan Review. 2. Discussed the perimeter landscaping requirements. 3. A need for a parking Variance to allow seven parking spaces. 4. An Exception from the parking lot landscaping island and vegetation is needed. 5. A need for a landscape Waiver from the north property line.

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

<i>Field Check</i>
10/31/13
A field check was conducted and revealed the property was clean and maintained; however there is a non-permitted temporary sign was posted. A Code Enforcement Complaint was filed on 11/06/13.

<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	Office, Medical/Dental	C (Commercial)	C-1 (Limited Commercial)
North	General Retail Store, other than Listed	C (Commercial)	C-1 (Limited Commercial)
South	Single Family, Attached	ML (Medium Low Attached Density Residential)	R-2 (Medium-Low Density Residential)
East	Financial Institution, General Drive Through	C (Commercial)	C-1 (Limited Commercial)
West	Office, Other than Listed	C (Commercial)	C-1 (Limited Commercial)

<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>
No Applicable Special Purpose or Overlay Districts	N/A
<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 19.08.070, the following standards apply:*

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	55 Feet	N
Min. Setbacks			
• Front	10 Feet	57 Feet	Y
• Side	10 Feet	0 Feet	N*
• Corner	10 Feet	5 Feet	N*
• Rear	20 Feet ¹	21 Feet	Y
Max. Lot Coverage	50 %	34 %	Y
Max. Building Height	33 Feet	13.5 Feet	Y
Mech. Equipment	Screened		Y

1. Rear yard setbacks may be affected by the residential adjacency standards set forth in LVMC 19.08.040(H).

* The side yard side back is legally non-conforming as detailed in Title 19.14.

*A corner side setback Variance accompanies this application.

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
Trash Enclosure	50 Feet	18 Feet	N*

*A residential adjacency setback Variance accompanies this application.

Pursuant to Title 19.08 the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	3 Trees	0 Trees	N
• East	1 Tree / 20 Linear Feet	4 Trees	4 Trees	Y
TOTAL PERIMETER TREES		7 Trees	4 Trees	N
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	0 Trees	0 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	15 Feet		0 Feet	N*
• East	5 Feet		5 Feet	Y *

*A Waiver from the north and south landscape buffer accompanies this application.

*A setback Variance (VAR-51766) to allow a five-foot corner setback accompanies this application.

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<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>
Charleston Boulevard	Primary Arterial	Planned Streets and Highways Map	100	Y

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Medical/Dental	2,000 SF	1/200 SF	10				
	545 SF	1/175 SF	4				
TOTAL SPACES REQUIRED			14		7		N*
Regular and Handicap Spaces Required			13	1	6	1	N*
Percent Deviation			50%				

*A parking Variance (VAR-51765) accompanies this application

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
A 15-foot landscape buffer and associated landscape along the north and south property line.	Allow a zero-foot landscape buffer where 15 feet is the minimum required.	Denial

<i>Exceptions</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
A five-foot wide landscape island with one 24-inch box sized tree is required at the ends of parking rows	No landscape islands at the ends of the rows of parking spaces in the front and rear of the building.	Denial

ANALYSIS

This proposal is within the C-1 (Limited Commercial) zoning district. The existing medical office is appropriate for this location; however, the proposed expansion is unsuitable for this site. The number of variance, waiver and exceptions demonstrate the proposed project will overbuild this site.

MR

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The proposed building elevations are an improvement to existing façade, as the north, south and east wall planes are broken up with bas reliefs of arcades and the use colors. Additional landscaping has been provided along the north and west sides of the buildings, providing visual softening of the principal structure. This visual softening further divides the wall planes.

Site circulation is limited with a number of congestion points in the front and rear parking lots. Egress and ingress is limited due to the poorly located access points. Said access points heighten the possibility of a vehicle pedestrian conflict. Additionally, a Variance is required to allow a 50 percent reduction (or seven parking space where 14 are required) of the on-site parking requirement. The applicant states that street parking is available; however, on-street parking or off-site parking is not an alternative permitted by code to providing the required amount of onsite parking.

A Waiver from Title 19.08.040 to allow zero-foot landscape buffer where 15 is required was advertised; however per Title 19.08.040(F)(9)a. allows “cub cuts” to encroach in the required buffer zone. The alley to the south is one continuous curb cut and therefore, does not require the requested landscape Waiver.

An Exception to Title 19.08.110 to allow no landscape islands is inconsistent with code and further reinforces the unsuitability of the proposed development. A Waiver from Title 19.08.040 to allow a 100% reduction (or zero feet) from the north landscape buffer requirement is needed.

A second Variance is required to allow a 50 percent reduction in the corner yard setback (or five feet where 10 feet is require) and a 64 percent (or 32-foot) reduction in the residential adjacency setback requirement for a trash enclosure.

The Exception, Variances and Waivers reinforce that this proposal will overbuild this site and is unsuitability for this location. Staff recommends denial of this request.

FINDINGS (VAR-51765)

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.”

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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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to expand the current structure beyond the physical capacity of this site. Alternatively, the proposed expansion could be reduced in size and redesigned in a manner that would provide adequate onsite parking in 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-51766)

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.”

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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 to expand the current structure beyond the physical capacity of this site. Alternatively, the proposed expansion could be reduced in size and the current site could be redesigned in a manner that would allow the principal structure to meet to 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-51764)

In order to approve a Site Development Plan Review 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 expansion of the existing Office, Medical/Dental use is not compatible with the adjacent residential and commercial uses as the proposed expansion is beyond sites physical capacity. The associated Variances (VAR-51765 and VAR-51766) reinforce the unsuitability 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 commercial development is not in compliance with the C-1 (Limited Commercial) development standards for building setbacks and parking requirements, does not provide the required amount of onsite parking and requires a number Waivers to the required landscape buffer. Also an Exception from Title 19.08.110(C)(12)(a) is needed to address the deficiency in required parking lot landscaping.

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

Access to the site is provided by Charleston Boulevard, classified as a 100-foot wide Primary Arterial and secondary access from 17th Street a residential street. Primary ingress is on Charleston Boulevard with on 17th Street. When considering the proposed parking-deficient plan and vehicle ingress and egress from Charleston Boulevard and 17th Street staff finds that site circulation for the commercial development is problematic as there are number of vehicle pedestrian congestion points in parking area.

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

The building materials provided elevations and materials board are atypical of the adjacent commercial developments. The proposed landscaping materials along 17th Street are desert-appropriate and suitable for this type of development; however, there is no landscaping provided within north required landscape buffer or in the parking lot.

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 provided building elevations demonstrate design characteristics meet the minimum requirements detailed in Title 19.08.040 Commercial Design Standards.

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

A number of conditions of approval (3, 5, 12 and 18) have been added to ensure public health and the facility will be subject to the required reviews for building permits and a final inspection prior to the issuance for a Certificate of Occupancy, and therefore will not compromise the health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

35

NOTICES MAILED

243 (By City Clerk)

APPROVALS

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PROTESTS

1 [VAR-51765 & VAR-51766]
2 [SDR-51764]