



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: NOVEMBER 19, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: WESTCARE NEVADA, INC. – OWNER:
FITZHOUSE ENTERPRISES, INC.

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-55763	Staff recommends APPROVAL, subject to conditions:	
SDR-55764	Staff recommends APPROVAL, subject to conditions	VAR-55763

**** CONDITIONS ****

VAR-55763 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-55764) 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-55764 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-55763) 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, landscape plan, and building elevations, date stamped 08/25/14, 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. The new trash enclosure must be screened, gated with a roof or a trellis.
6. A Waiver from Title 19.08.070 is hereby approved to allow zero-foot landscape buffers along a portion of the north, east and west perimeters.
7. An Exception from Title 19.08.110 is hereby approved to allow two shade trees in the parking lot where seven are required.
8. An Exception from Title 19.08.040 is hereby approved to allow five perimeter landscape buffer trees where 15 are required.
9. 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.
10. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
11. 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.

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

Public Works

14. A Petition of Vacation, such as VAC-52721, shall record prior to the issuance of any building permits if required.
15. In accordance with code requirements of Title 13.56, remove all substandard public street improvements and unused driveway cuts, including all sidewalk ramps adjacent to this site, and replace with new improvements meeting current City Standards concurrent with development of this site. However, the existing pan style driveways may remain. 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.
16. The proposed driveway on the northwest corner of the site shall be exit only to Maryland Parkway.
17. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for this site.
18. Landscape and maintain all unimproved right-of-way 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.
19. Submit an Encroachment Agreement for landscaping and private improvements in the Maryland Parkway and 13th Street public rights-of-way, if any, prior to the 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. Coordinate all requirements for the Encroachment Agreement with the Land Development Section of the Department of Building and Safety (702-229-4836).

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site contains an existing 18,588 square-foot commercial building at 323 North Maryland Parkway. The applicant is requesting minor site modifications, an expansion to the existing parking lot and the addition of a porte cochere to the existing commercial building. The minor site modifications include a new trash enclosure and two new courtyard areas adjacent to the west building elevation. As proposed, the porte cochere and parking lot expansion do not adhere to all requirements as established by Title 19. The required landscape buffers adjacent to the expanded parking lot are not being provided. In addition, landscape exceptions are needed in the parking lot. Furthermore, the proposed porte cochere does not adhere to minimum setback requirements and the applicant is requesting a Variance (VAR-55763) to address the issue.

The requested deviations from landscape requirements can be supported as they are mitigated by additional landscaping located within existing landscape buffers in the right-of-way. In addition, the request to expand the parking lot decreases an existing parking variance (VAR-52719) deviation from 46% to 7%. The design of the parking lot is conducive to accommodating more parking stalls to a parking deficient site. Staff also supports the associated Variance (VAR-55763) for the porte cochere, as it would improve site accessibility and would visually improve the west building elevation fronting Maryland Parkway.

ISSUES

- City Council approved a parking Variance (VAR-52719) to allow 29 parking spaces where 62 spaces are required, which represented a 46% deviation from standard. The applicant has added 29 parking spaces. As a result, the original parking variance deviation has decreased from 46% to 7%.
- A Variance is needed to allow the porte cochere to be set back zero feet where a minimum of ten feet is required.
- A Waiver of Title 19.08 perimeter landscape requirement is needed to allow a zero-foot buffer along the east and west property lines where 15 feet is required.
- A Waiver of Title 19.08 perimeter landscape requirement is needed to allow a zero-foot buffer along the north property line where 8 feet is required.
- An Exception of Title 19.08.110 is required to allow two parking lot trees in islands and at the ends of new parking rows where seven are required.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/24/78	The Board of Zoning Adjustment approved a Special Use Permit (U-0005-78) to allow a child care center at 323 North Maryland Parkway.
09/01/90	The Planning and Development Department approved a plot plan for an addition to an existing structure at 323 North Maryland Parkway.
09/06/06	The City Council approved a Rezoning (ZON-14246) from R-2 (Medium-Low Density Residential) to C-1 (Limited Commercial) on 1.47 acres at 323 North Maryland Parkway. The Planning Commission and staff recommended approval.
	The City Council approved a Special Use Permit (SUP-14252) for an existing social service provider at 323 North Maryland Parkway. The Planning Commission and staff recommended approval.
	The City Council approved a Variance (VAR-14251) to allow 29 parking spaces where 50 parking spaces are the minimum required on 1.47 acres at 323 North Maryland Parkway. The Planning Commission and staff recommended approval.
04/16/14	The City Council approved a Special Use Permit (SUP-52715) for a Social Service Provider use at 323 North Maryland Parkway. Planning Commission and staff recommended approval.
	The City Council approved a Special Use Permit (SUP-52717) for a Facility To Provide Testing, Treatment, or Counseling For Drug or Alcohol Abuse at 323 North Maryland Parkway. Planning Commission and staff recommended approval.
	The City Council approved a Variance (VAR-52719) to allow 29 parking spaces where 62 spaces are required at 323 North Maryland Parkway. Planning Commission and staff recommended approval.
	The City Council approved a Petition to Vacate (VAC-52721) a public right-of-way at 323 North Maryland Parkway. Planning Commission and staff recommended approval.
10/14/14	The Planning Commission unanimously voted to recommend APPROVAL of a Variance (VAR-55763) request to allow a zero-foot front yard setback for a proposed porte cochere where ten feet is required and a Site Development Plan Review (SDR-55764) request to expand the parking lot and add a porte cochere with waivers to allow a zero-foot perimeter landscape buffer width where 15 feet is required adjacent to rights-of-way and to allow a zero-foot width adjacent to interior lot lines at 323 North Maryland Parkway.

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<i>Most Recent Change of Ownership</i>	
05/05/14	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
c.1979	The existing 18,588 square-foot commercial building was constructed.
03/13/91	A building permit (#91100014) was issued for shade structures at 323 North Maryland Parkway. The permit received a final inspection on 03/31/91.

<i>Related Building Permits/Business Licenses</i>	
06/01/95	A building permit (#95378462) was issued for an AC unit at 323 North Maryland Parkway. The permit received a final inspection on 06/28/95.
04/17/98	A building permit (#98007999) was issued for a new roof at 323 North Maryland Parkway. The permit received a final inspection on 04/29/98.

<i>Pre-Application Meeting</i>	
08/14/14	Staff conducted a pre-application meeting with the applicant to discuss the proposed parking lot expansion and porte cochere expansion. Staff concluded that a Variance would be required for the porte cochere, as it would encroach within the front yard setback. As a result of the Variance, the minor expansion would require a public hearing Site Development Plan Review.

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

<i>Field Check</i>	
08/28/14	Staff conducted a routine field check and noted a well maintained commercial building free of trash and debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.47

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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>
Subject Property	Social Service Provider	MXU (Mixed Use)	C-1 (Limited Commercial)
	Facility To Provide Testing, Treatment, or Counseling For Drug or Alcohol Abuse		
North	I-515 Right-of-Way	I-515 Right-of-Way	I-515 Right-of-Way
South	General Retail	MXU (Mixed Use)	C-2 (General Commercial)
	Social Service Provider		
East	General Personal Service	MXU (Mixed Use)	C-1 (Limited Commercial)
	Multi-Family		R-3 (Medium Density Residential)
West	Multi-Family	MXU (Mixed Use)	R-3 (Medium Density Residential)
			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>
Live/Work 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

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks			
• Front	10 Feet	0 Feet	N*
• Side	10 Feet	54 Feet	Y
• Side	10 Feet	180 Feet	Y
• Rear	20 Feet	35 Feet	Y
Max. Lot Coverage	50%	31 %	Y
Max. Building Height	N/A	26 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Not Indicated	Y**
Mech. Equipment	Screened	Screened	Y

*The applicant is requesting an associated Variance (VAR-55763) to allow a zero-foot front yard setback where ten feet is required.

**A condition of approval has been added requiring the proposed trash enclosure to be screened, gated with a roof or trellis.

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	2 Trees	N
• East	1 Tree / 30 Linear Feet	6 Trees	3 Trees	N
• West	1 Tree / 30 Linear Feet	6 Trees	0 Trees	N
TOTAL PERIMETER TREES		15 Trees	5 Trees	N
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	7 Trees	2 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		0 Feet	N
• East	15 Feet		0 Feet	N
• West	15 Feet		0 Feet	N

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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>
Maryland Parkway	Major Collector	Master Plan of Streets and Highways	80	Y
13 th Street	Collector	Master Plan of Streets and Highways	65	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	
Social Service Provider	18,588 SF	1:300 SF	62				
Facility To Provide Testing, Treatment, or Counseling For Drug or Alcohol Abuse		1:300 SF					

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
TOTAL SPACES REQUIRED			62		58		Y*
Regular and Handicap Spaces Required			60	2	56	2	Y*
Percent Deviation			7%				

**City Council approved a parking Variance (VAR-52719) to allow 29 parking spaces where 62 spaces are required, which represented a 46% deviation from standard. The applicant has added 29 parking spaces, as a result, the original parking variance deviation has decreased to 7 percent.*

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<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
8-foot perimeter landscape buffer along the north property line	Zero-foot buffer	Approval
15-foot perimeter landscape buffer along the east property line	Zero-foot buffer	Approval
15-foot perimeter landscape buffer along the west property line	Zero-foot buffer	Approval

<i>Exceptions</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
24-inch box shade trees in islands per six spaces and at the ends of each parking row (7 required)	2 Trees	Approval
24-inch box shade trees per 30 linear feet within the east landscape buffer (6 required)	3 Trees	Approval
24-inch box shade trees per 30 linear feet within the west landscape buffer (6 required)	Zero Trees	Approval
24-inch box shade trees per 20 linear feet within the north landscape buffer (3 required)	2 Trees	Approval

ANALYSIS

The subject site contains an existing 18,588 square-foot commercial building at 323 North Maryland Parkway. The applicant is requesting minor site modifications, an expansion to the existing parking lot and the addition of a porte cochere to the existing commercial building. The minor site modifications include a new trash enclosure located at the southeast corner of the site and two new courtyard areas adjacent to the west building elevation. The courtyard areas adhere to Title 19 standards as they do not further infringe upon the existing building setback.

As proposed, the porte cochere and parking lot expansion do not adhere to all requirements as established by Title 19. The required landscape buffers adjacent to the expanded parking lot are not being provided. In addition, landscape exceptions are needed in the parking lot. Staff supports the requested landscape waivers and exceptions, as the subject site is uniquely shaped and the applicant has mitigated the lack of required landscaping with additional planting materials throughout the interior of the site and along landscape buffers within the right-of-way. The buffers located within the right-of-way cannot be included in the provided counts but provide additional visual interest.

GK

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In 2014, a parking variance (VAR-52719) was approved to allow 29 parking spaces where 62 spaces were required, representing a 46 percent deviation from standard. This proposal to expand the parking lot does not eliminate the necessity of a parking variance, but it improves the deviation of standard to seven percent. The design of the parking lot is conducive to accommodating more parking stalls to a parking deficient site.

Finally, the proposed porte cochere does not adhere to minimum setback requirements and the applicant is requesting a Variance (VAR-55763) to address the issue. The proposed porte cochere would locate at the existing front entrance to the commercial building and provide a covered pick-up and drop-off area for visitors. The proposed porte cochere does not increase the square-footage of the existing commercial building. However, it would improve site accessibility and would visually improve the west building elevation fronting Maryland Parkway. Staff supports the waiver and exception requests, as well as the associated Variance (VAR-55763), as the uniquely shaped site would be improved with the proposed modifications. If denied, the requested site improvements could not be constructed and the parking lot would remain 46% deficient in required parking.

FINDINGS (VAR-55763)

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 provided evidence of a unique or extraordinary circumstance, in that the unique shaped lot physically restricts development on the subject site. The relief granted will not create any substantial detriment to the public good, substantial impairment of affected natural resources or substantially impair the intent and purpose of any ordinance or resolution. Therefore, staff recommends approval of this request.

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FINDINGS (SDR-55764)

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 proposed parking lot expansion and site modifications are compatible with the surrounding commercial uses. The design of this proposed development would improve the existing site conditions and is typical in this area of the City.

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;

Although the site is not fully consistent with all landscaping and setback requirements, staff can support the requested waivers, exceptions and variance as they are mitigated by additional landscaping located throughout the interior of the site and through improved functionality. The proposed development is consistent with all other Title 19 requirements and the General Plan.

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

The subject site is accessed from Maryland Parkway, an 80-foot wide Major Collector and 13th Street, a 65-foot wide Collector as classified by the Master Plan of Streets and Highways. Both streets are adequate in size to continue to provide access and site circulation.

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

The proposed building and landscape materials are appropriate for the desert environment and the neighborhood.

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, design characteristics and other architectural and aesthetic features are compatible with development in the area. The elevations provide a variety of patterns of visual interest.

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

The proposed project will not impact the public health, safety or general welfare as the site is subject to City inspections during construction, as well as routine business license inspections for any commercial activity.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 37

NOTICES MAILED 213 (By City Clerk)

APPROVALS 0

PROTESTS 0