

**AGENDA MEMO - PLANNING**

PLANNING COMMISSION MEETING DATE: MARCH 14, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: THE LIANG & CHAN REVOCABLE FAMILY TRUST

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-67970	Staff recommends DENIAL, if approved subject to conditions:	
VAR-67971	Staff recommends DENIAL, if approved subject to conditions:	VAR-67970
VAR-68417	Staff recommends DENIAL, if approved subject to conditions:	VAR-67970 VAR-67971
SDR-67972	Staff recommends DENIAL, if approved subject to conditions:	VAR-67970 VAR-67971 VAR-68417

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 35**NOTICES MAILED** 352 - VAR-67970 and VAR-67971
352 - VAR-68417 and SDR-67972**APPROVALS** 1 - VAR-67970 and VAR-67971
1 - VAR-68417 and SDR-67972**PROTESTS** 1 - VAR-67970 and VAR-67971
1 - VAR-68417 and SDR-67972

**** CONDITIONS ****

VAR-67970 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-67972).
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. 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-67971 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-67972).
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-68417 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-67972).
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. A license agreement will be required, prior to the issuance of a building permit for the existing structure.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein

SDR-67972 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-67970), Variance (VAR-67971) and (VAR-68417) shall be required.

Conditions Page Three

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2. Conformance to the Conditions of Approval for approved Plot Plan Review [Z-0031-73(6)] shall be required, except where amended herein.
3. 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.
4. All development shall be in conformance with the building elevations date stamped 11/29/16 and site plan date stamped 01/05/17, except as amended by conditions herein.
5. 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.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. 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.
8. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

9. Correct all American's with Disabilities Act (ADA) deficiencies on the sidewalks adjacent to this site in accordance with code requirements of Title 13.56.040, if any, to the satisfaction of the City Engineer concurrent with development of this site. The "pan style" driveways on Maryland Parkway and Norman Avenue may remain as long as the sidewalk path along these streets complies with Americans with Disabilities Act (ADA) guidelines.
10. 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.

11. Submit a License Agreement for landscaping and private improvements in the Maryland Parkway and Norman Avenue 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 License 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 within the public right-of-way at the applicant's expense pursuant to the terms of the City's License Agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the License Agreement. Coordinate all requirements for the License Agreement with the Land Development Section of the Department of Building and Safety (229-4836).

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant has proposed a Major Amendment to an approved Plot Plan Review [Z-0031-73(6)] for a proposed 762 square-foot addition to the rear of an existing dental office at 1212 South Maryland Parkway.

ISSUES

- Per Title 19.16.100(F) since there are associated Variances requested with the proposed building addition to the existing building on the subject site, a Major Amendment is required for Plot Plan Review [Z-0031-73(6)].
- A Variance (VAR-67970) is required to allow no additional parking spaces where two additional parking spaces are required for a parking impaired development. Staff recommends denial of this request.
- A Variance (VAR-67971) is required to allow a five-foot rear yard setback where 15 feet is required. Staff recommends denial of this request.
- A Variance (VAR-68417) is required to allow the existing freestanding sign at a zero-foot setback where 5 feet is required.

ANALYSIS

The subject site is located within a P-R (Professional Office and Parking) zoning district, which allows a Dental Office as a permitted land use. On August 4th, 1975 the Planning Commission approved Plot Plan Review [Z-0031-73(6)] for the proposed conversion of an existing 1,303 square-foot single family residence to a professional office at the subject site. In addition, the front yard porch area located on the eastern perimeter of the building totaling 160 square feet was enclosed without permits, bringing the existing building to 1,463 square feet in size. As depicted on the submitted site plan, the proposed 762 square-foot building addition will bring the total area of the building to 2,225 square feet and will require the need for a rear yard setback Variance (VAR-67971) to allow a five-foot rear yard setback where 15 feet is required.

The proposed increase in floor area intensifies the amount of required parking on the subject site. Documentation associated with the previously approved Plot Plan Review [Z-0031-73(6)], indicates that three parking spaces were originally required for the previously approved 1,303 square-foot Dental Office development. However the site design provided seven on-site parking spaces with no ADA parking space. A total of

922 square feet has been proposed to be added since that approval, which includes the previously enclosed 160 square-foot front porch area and the 762 square-foot rear yard building addition. Under current Title 19.12 parking requirements the additional 922 square feet in floor area triggers the need for six additional parking spaces on the subject site, which brings the total amount of parking required to nine parking spaces. The submitted site plan depicts a total of 6 parking spaces, including one van-accessible parking space. The applicant has requested an additional Variance (VAR-67970) to allow no additional parking spaces where three additional parking spaces are required for a parking impaired development. No additional onsite spaces would be provided.

As depicted on the submitted site plan the subject site is not in compliance with the approved landscape plan associated with the Plot Plan Review [Z-0031-73(6)], which depicted landscape buffers within the Norman Avenue and Maryland Parkway right-of-way. A previously approved plot plan associated with Variance (V-0035-80), indicated that a landscape buffer with a width of approximately five feet was required within the right-of-way adjacent to Norman Avenue and Maryland Parkway. Historical aerial photographs show that the planting materials were removed from the landscape buffers circa Spring of 2004 and the landscape buffers were covered with asphalt circa Spring of 2006. However, since this landscaping was not required on-site no Waivers of required landscaping are required with this request.

The submitted building elevations indicate the proposed 762 square-foot expansion will be 13.5 feet in height measured to the mid-point of the sloped roof and match the aesthetic of the rest of the building with a painted stucco exterior.

In addition, an existing freestanding sign has been erected on the southeast portion of the subject site without obtaining building permits. The existing sign is approximately 9 feet wide and 12 feet high and crosses the property line into the adjacent Norman Avenue right-of-way. The applicant has requested a Variance (VAR-68417) to allow the existing freestanding sign at a zero-foot setback where 5 feet is required from the property line. A license agreement is also required via added Condition of Approval

Staff has determined the proposed project is not compatible with surrounding development in the area, as demonstrated by the associated Variances. The applicant is proposing to over-build the site, and the lack of on-site parking can result in overflow into the adjacent residential neighborhood. Therefore, staff recommends denial of this project.

FINDINGS (VAR-67970)

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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a 762 square-foot increase in floor area and 160 square-foot enclosed patio to an existing building for an existing Dental Office use which requires additional parking on the subject site. The proposed addition would create a site with insufficient parking and result in a 15% deviation from standard parking requirements. A less intense development proposal 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-67971)

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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a 762 square-foot increase in floor area to an existing building for an existing Medical Office use which does not meet the rear yard building setback requirements for the P-R (Professional Office and Parking) zoning district. A reduced expansion of the existing building 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-68417)

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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by erecting a freestanding sign without permits for an existing Dental Office use which does not meet the five-foot setback requirements for the P-R (Professional Office and Parking) zoning district. 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-67972)

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 development of the subject site is not consistent with surrounding development in the area. The applicant has proposed a 922 square-foot building addition to an existing commercial building for an existing Dental Office use, which includes the unpermitted 160 square-foot patio addition and proposed 762 building addition. This increase in floor area represents a 70% increase in floor area from the previously approved Plot Plan Review (Z-0102-96). The proposed addition would create a site with insufficient parking and result in a 33% deviation from standard parking requirements and insufficient building setbacks along the rear property line.

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 of the subject site is consistent with the O (Office) General Plan designation. The requested Variance (VAR-67970) to allow no additional parking spaces where three additional parking spaces are required for a parking impaired development, Variance (VAR-67971) to allow a five-foot rear yard setback where 15 feet is required and Variance (VAR-68417) to allow the existing freestanding sign at a zero foot setback where 5 feet is required are not consistent with Title 19.

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

The primary access to the site will remain unchanged. Currently, the site is accessed from Maryland Parkway Avenue, a 60-foot Primary Arterial and Norman Avenue a 50-foot Local Street, which provides adequate capacity to serve the proposed use.

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

The subject site is not in compliance with the landscaping plan utilized from the previously approved Plot Plan Review [Z-0031-73(6)], which depicted landscape buffers within the Norman Avenue and Maryland Parkway right-of-way which have been removed. However, since this landscaping was not required on-site no Waivers of required landscaping are required with this request. The submitted building elevations indicate the proposed building addition will match the aesthetic of the rest of the building with a painted stucco exterior.

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

The proposed building addition to the existing building will be subject to inspections in order to protect the public health, safety and general welfare by City staff.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
08/16/72	The Board of City Commissioners approved a Rezoning (Z-0052-72) from R-1 (Single Family Residence) to P-R (Professional Office and Parking) on this site. The Planning Commission and staff recommended approval. The Resolution of Intent expired 08/16/73.
1973	The Board of City Commissioners approved a Rezoning (Z-0031-73) from R-1 (Single Family Residence) to P-R (Professional Offices and Parking) on this site.
08/04/75	The Planning Commission approved a Plot Plan Review [Z-0031-73(6)] for the proposed conversion of an existing single family residence to a professional office at 1212 South Maryland Parkway. Staff recommended approval.
06/26/80	The Board of Zoning Adjustment approved a Variance (V-0035-80) to allow an eight-foot rear yard setback where 15 feet is required. The addition was never built and the variance expired.

Most Recent Change of Ownership	
09/24/09	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
1942	A 1,463 square-foot single-family residential building was constructed at 1212 South Maryland Parkway.
04/29/05	A business license (#P55-00231) was issued for Professional Services – Medical (Alpha Smile Dental Care) at 1212 South Maryland Parkway. The license is still active.
05/02/06	A Code Enforcement Case (#40769) was processed for an illegal building at 1212 South Maryland Parkway. The case was resolved on 06/15/06.
07/01/13	A Code Enforcement Case (#130582) was processed for building without permits at 1212 South Maryland Parkway. The case was resolved on 07/27/13.
07/22/13	A building permit (#240810) was issued for a medical outpatient clinic remodel tenant improvement at 1212 South Maryland Parkway. A final inspection was not completed and the permit expired 01/22/14.

Pre-Application Meeting	
06/13/16	Pre-application meetings were conducted with the applicant to review the application materials and submittal requirements for the proposed Variances and Site Development Plan Review requests.
10/24/16	

Neighborhood Meeting
A neighborhood meeting was not held, nor was one required.

Field Check	
12/05/16	During a routine site visit staff observed a well maintained commercial development free from trash and debris. There is an existing wrought iron gate that restricts access to the rear of the property.

Details of Application Request	
Site Area	
Net Acres	0.15

<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	Dental Office	O (Office)	P-R (Professional Office and Parking)
North	General Office	O (Office)	P-R (Professional Office and Parking)
South	General Office	SC (Service Commercial)	C-D (Designed Commercial)
	Single-Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
East	City Park	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)
West	Single-Family Residential	L (Low Density Residential)	R-1 (Single Family 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>
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 19.08.050, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	60 Feet	73 Feet	Y
Min. Setbacks			
• Front	20 Feet	22 Feet	Y
• Side	5 Feet	5 Feet	Y
• Corner	15 Feet	23 Feet	Y
• Rear	15 Feet	5.5 Feet	N*
Max. Lot Coverage	50 %	34 %	Y
Max. Building Height	35 Feet	13.5 Feet	Y

*The applicant has requested a Variance (VAR-67971) to allow a five-foot rear yard setback where 15 feet is required on the subject site.

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	15 Feet	5 Feet	N*

*The applicant has requested a Variance (VAR-67971) to a five-foot rear yard setback.

Pursuant to Plot Plan Review [Z-0031-73(6)], the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 0 Linear Feet	0 Trees	0 Trees	Y
• South	1 Tree / 0 Linear Feet	0 Trees	0 Trees	N*
• East	1 Tree / 0 Linear Feet	0 Trees	0 Trees	N*
• West	1 Tree / 0 Linear Feet	0 Trees	0 Trees	Y
TOTAL PERIMETER TREES		0 Trees	0 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	0 Trees	0 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	0 Feet		0 Feet	Y
• South	0 Feet		0 Feet	N*
• East	0 Feet		0 Feet	N*
• West	0 Feet		0 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		Not Indicated	Not Indicated

*The previously approved Plot Plan Review [Z-0031-73(6)] depicts five-foot areas for landscape materials along a portion of the southern and eastern perimeter of the subject site within the adjacent Norman Avenue and Maryland Parkway right-of-way. These approved landscaping areas have been removed and have been covered by asphalt.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Maryland Parkway	Primary Arterial	Master Plan of Streets and Highways	120	Y
Norman Avenue	Local Street	Master Plan of Streets and Highways	50	N

Pursuant to Plot Plan Review [Z-0031-73(6)] 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, Medical or Dental (Existing)	1,303 SF	Per [Z-0031-73(6)]	3				
Office, Medical or Dental (Proposed)	922 SF	1:200 up to 2,000 SF, then 1:175 SF	6				
TOTAL SPACES REQUIRED			9		6		N*
Regular and Handicap Spaces Required			8	1	5	1	N*
Percent Deviation			33%				N*

*The applicant has requested a Variance (VAR-67970) to allow no additional parking spaces where one additional parking space is required for a parking impaired development. Documentation associated with previously approved Plot Plan Review [Z-0031-73(6)], indicates that three parking spaces were originally required for the previously approved 1,303 square-foot Dental Office development. However the site design provided seven on-site parking spaces with no ADA parking space. A total of 922 square feet has been proposed to be added to the subject site, which includes the previously enclosed 160 square-foot front porch area and the 762 square-foot rear yard building addition, which will require an additional six parking spaces based on current code requirements.