



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: AUGUST 14, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: BROWN KIDS, INC.

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SDR-73718	Staff recommends DENIAL, if approved subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 39

NOTICES MAILED 353

PROTESTS 3

APPROVALS 0

**** CONDITIONS ****

SDR-73718 CONDITIONS

Planning

1. 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.
2. All development shall be in conformance with the site plan, landscape plan and building elevations date stamped 06/14/18 except as amended by conditions herein.
3. Pursuant to Title 19 Downtown Las Vegas Overlay District Development Standards, a Waiver from Title 19.12.060 is hereby approved to allow 37 parking spaces where 40 spaces are required.
4. Pursuant to Title 19 Downtown Las Vegas Overlay District Development Standards, a Waiver from Title 19.08.040 is hereby approved to allow a 40-foot residential adjacency setback where 48 feet is required.
5. Pursuant to Title 19 Downtown Las Vegas Overlay District Development Standards, a Waiver from Title 19.08.070 is hereby approved to allow a zero-foot side yard setback for the proposed office/retail building where 10 feet is required.
6. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. 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.
9. Prior to the submittal of a building permit application, the applicant shall meet with Department of Planning staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

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

Public Works

11. 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, whichever may occur first. Provide and improve all drainage ways as recommended.
12. Site development to comply with all applicable conditions of approval for Site Development Plan Review SDR-50417 and all other applicable site related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to construct a 1,984 square-foot office/retail building on the undeveloped portion of the property at 1625 East Charleston Boulevard. In addition, a 668 square-foot back-of-house addition to an existing restaurant with drive through and other site improvements are proposed. Other site improvements include a new 172 square-foot outdoor seating area with lattice canopy and a change in the configuration of the drive through lane, which will allow for relocation of parking spaces and relocation of the loading space for the restaurant.

ISSUES

- Waivers of Downtown Las Vegas Overlay District Development Standards are requested to allow 37 parking spaces where 40 spaces are required, a 40-foot residential adjacency setback from protected single-family residential property where a 48-foot setback is required and a zero-foot side yard setback where 10 feet is required for the proposed office/retail building.

ANALYSIS

The subject site is zoned C-1 (Limited Commercial) and located along a well-established commercial corridor. The restaurant, retail and office uses are appropriate for this area.

In 2013, in addition to approval of the restaurant, a Variance and Site Development Plan Review were approved to allow a proposed 2,450 square-foot retail/office building in the northeast corner of the site with reduced setbacks; however, no permits were issued for this building and the variance expired December 18, 2015. Staff did not support the variance request in 2013. The applicant is now requesting a zero-foot side yard setback to allow for construction of a similar building on the undeveloped portion of the lot.

While this proposed building is smaller than the one originally approved in 2013, the proposed increased building and outdoor seating area for the restaurant will create parking demand that exceeds the number of provided parking spaces; therefore, a waiver of the Title 19 parking standard is required. Additionally, the new building does

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not meet residential adjacency standards requiring it to be set back from single-family residential property to the north proportional to its height, thereby necessitating a third waiver. The previously approved variance allowed the original retail/office building to meet residential adjacency standards, as that building was 15 feet in height at the approved setback. The proposed building would be 16 feet in height at the minimum C-1 (Limited Commercial) rear yard setback.

The site is located in Area 2 of the Downtown Las Vegas Overlay District (DTLV-O), which implements the goals and strategies of the Vision 2045 Downtown Las Vegas Masterplan. Development in this area is subject to Title 19 development standards, except that deviation from these standards requires a waiver that must be approved by the City Council rather than a variance. This part of the Founders District is envisioned to include creative office and retail spaces. However, these uses should be located at the street to engage the public space and support the proposed transit hub to be located at Charleston Boulevard and Maryland Parkway. The proposed waivers of development standards do not support this vision; therefore, staff recommends denial.

As the site cannot be constructed as proposed without the approval of self-imposed waivers unrelated to the physical characteristics of the site, this is an indication that it would be overbuilt and not compatible with development in the area. A reduction in the size of the new building would allow for conformance to Title 19 standards. Staff therefore recommends denial, with conditions if approved.

FINDINGS (SDR-73718)

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 restaurant addition and commercial building are appropriate uses for this area, which is located along a Primary Arterial roadway with similar uses. However, the proposed site design requires three waivers of development standards, which indicates the site would be overbuilt and thus incompatible with development in the area.

2. The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;

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Waivers are requested for building setback, residential adjacency setback and parking standards. Although the addition of outdoor patio space at the restaurant will help to engage the public street frontage, the placement of the proposed office/retail building does not meet the intent of Founders District goals envisioned by the Vision 2045 Downtown Las Vegas Masterplan.

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

Access to the site is provided by two existing driveways from Charleston Boulevard, a Primary Arterial. Secondary access is provided from the rear alley. The drive through is accessed from the front of the property near the east driveway. These points of access are acceptable and will not negatively impact traffic movement on the adjacent streets and alleyways.

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

The building materials proposed for the restaurant and commercial buildings are typical of other such buildings in the area. The existing landscape materials will remain and are appropriate for this area.

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 proposed commercial building contains architectural design elements such as arched storefronts, cornices and metal awnings to provide visual interest. The main design elements are carried on all sides of the building. The elevations are designed with no windows on the north and east sides, which do not face Charleston Boulevard.

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

New development on this site is subject to building permit review and inspection, thereby protecting the public health, safety and general welfare.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
05/21/58	The Board of City Commissioners approved a Rezoning (Z-0046-56) from R-4 (Apartment Residence) to C-1 (Limited Commercial) for property fronting on both sides of Charleston Boulevard between 15th and Fremont Streets. The Planning Commission recommended approval.
12/18/13	The City Council approved a Variance (VAR-50418) to allow a zero-foot rear yard setback where 20 feet is required and a one-foot side yard setback where 10 feet is required on 0.64 acres at 1625 East Charleston Boulevard. The Planning Commission recommended approval; staff recommended denial. The approval expired 12/18/15.
12/18/13	The City Council approved a Site Development Plan Review (SDR-50417) for a proposed 1,850 square-foot restaurant and Drive Through and a proposed 2,450 square-foot general retail building with a waiver of perimeter landscape buffer standards to allow a three-foot buffer along the west property line where eight feet is required and a four-foot buffer along a portion of the south property line where 15 feet is required on 0.64 acres at 1625 East Charleston Boulevard. The Planning Commission recommended approval; staff recommended denial.
02/24/14	A one-lot Merger and Resubdivision Parcel Map (PMP-51799) on 0.64 acres on the north side of Charleston Boulevard, approximately 165 feet east of 16th Street was recorded.

<i>Most Recent Change of Ownership</i>	
09/14/17	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
02/18/14	A building permit (248136) was issued for a restaurant building at 1625 East Charleston Boulevard. A final inspection was approved 07/10/14.
	A building permit (248138) was issued for onsite improvements for a restaurant building at 1625 East Charleston Boulevard.
	Civil improvement plans (DN 107V6163) for the site at 1625 East Charleston Boulevard were approved by the Building and Safety Department. The project was completed 09/03/14.

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Related Building Permits/Business Licenses	
05/29/14	A building permit (261475) was issued for a wall sign at 1625 East Charleston Boulevard. A final inspection was approved 09/09/14.
09/08/14	A building permit (268729) was issued for a wall/roof sign at 1625 East Charleston Boulevard. A final inspection was not approved, and the permit expired 03/08/15.

Pre-Application Meeting	
03/20/18	A pre-application meeting was held with the applicant to discuss submittal requirements for a Site Development Plan Review application. A follow-up discussion took place on 06/14/18, at which the applicant was informed that deviations from the Interim Downtown Las Vegas Development Standards would require waivers instead of variances.

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

Field Check	
07/03/18	The site contains a vacant restaurant building in good condition and an undeveloped pad site on the northeast corner of the lot. The existing landscaping was well maintained.

Details of Application Request	
Site Area	
Net Acres	0.64

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Restaurant	C (Commercial)	C-1 (Limited Commercial)
North	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District	Office, Other Than Listed
				General Retail Store, Other Than Listed
East		Multi-Family Residential (Tri-Plex)	C (Commercial)	C-1 (Limited Commercial)
West		Office, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)

Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Area and Overlay Districts	Compliance
DTLV-O (Downtown Las Vegas Overlay) District (Area 2)	N
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	Y
Interlocal Agreement	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, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	27,878 SF	N/A
Min. Lot Width	100 Feet	216 Feet	Y

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Min. Setbacks			
• Front	10 Feet	13 Feet	Y
• Side	10 Feet	0 Feet	N*
• Rear	20 Feet	20 Feet	Y
Max. Lot Coverage	50 %	16 %	Y

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<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Max. Building Height	Limited by residential adjacency standards	19 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Existing walled, gated and roofed enclosure	Y
Mech. Equipment	Screened	Landscape Screened	Y

*A Waiver of Downtown Las Vegas Overlay Area 2 Standards is requested per Title 19 Appendix F.

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	48 Feet	40 Feet	N*
Adjacent development matching setback	15 Feet	40 Feet	Y
Trash Enclosure	50 feet from residential	20 feet**	Y

*A Waiver of Downtown Las Vegas Overlay Area 2 Standards is requested per Title 19 Appendix F.

**The existing trash enclosure is legally nonconforming per prior approved building permit.

<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	Master Plan of Streets and Highways Map	100	Y

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

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Restaurant	955 SF seating/ waiting (includes 172 SF outdoor seating) 1,668 back of house	1 space per 50 SF GFA seating and waiting + 1 space per 200 SF back of house	28				
Retail	1,984 SF	1 space per 175 SF GFA	12				
TOTAL SPACES REQUIRED			40				37
Regular and Handicap Spaces Required			38	2	35	2	N
Loading Spaces	4,435 SF	1 space for first 10,000 SF GFA	1		1		Y

*A Waiver of Downtown Las Vegas Overlay Area 2 Standards is requested per Title 19 Appendix F.

Waivers		
Requirement	Request	Staff Recommendation
Proposed mix of uses requires 40 parking spaces	To allow 37 parking spaces	Denial
10-foot side yard building setback	To allow a zero-foot side yard setback for the proposed retail/office building	Denial
Proximity Slope requires 48-foot residential adjacency setback from single-family residential property	To allow a 40-foot rear yard setback from single-family residential property	Denial