



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: DECEMBER 12, 2023
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: 935 DECATUR TRUST

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0361-VAR1	Staff recommends DENIAL, if approved subject to conditions:	23-0361-VAR2 23-0361-SDR1
23-0361-VAR2	Staff recommends DENIAL, if approved subject to conditions:	23-0361-VAR1 23-0361-SDR1
23-0361-SDR1	Staff recommends DENIAL, if approved subject to conditions:	23-0361-VAR1 23-0361-VAR2

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 229

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0361-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a seven-foot residential adjacency setback where 48 feet is required, to allow a seven-foot rear yard setback where 15 feet is required and to allow a residential adjacency matching setback of seven feet where 20 feet is required.
1. Approval of and conformance to the Conditions of Approval for Special Use Permit (23-0361-VAR2) and Site Development Plan Review (23-0361-SDR1) 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 Building and Safety Division.
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.

23-0361-VAR2 CONDITIONS

Planning

1. A Variance is hereby approved to allow seven parking spaces where eight are required.

Conditions Page Two

December 12, 2023 - Planning Commission Meeting

1. Approval of and conformance to the Conditions of Approval for Variance (23-0361-VAR1) and Site Development Plan Review (23-0361-SDR1) 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 Building and Safety Division.
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.

23-0361-SDR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (23-0361-VAR1 and VAR2) 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, date stamped 10/30/23, landscape plan, and building elevations, date stamped 08/22/23 except as amended by conditions herein.
4. A Waiver from Archived Title 19.12 is hereby approved, to allow a zero-foot perimeter landscape buffer adjacent to right-of-way where 15 feet is required.
5. A Waiver from Archived Title 19.12 is requested to allow a five-foot perimeter landscape buffer where eight feet is required.
6. A Waiver from Archived Title 19.12 is requested to allow a seven-foot perimeter landscape buffer where eight feet is required.

Conditions Page Three

December 12, 2023 - Planning Commission Meeting

7. A Waiver from Archived Title 19.12 is requested to allow a five-foot perimeter landscape buffer where eight feet is required.
8. An Exception from Title 19.12 is hereby approved, to allow zero parking parking lot trees where four 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 Building and Safety Division.
10. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
11. Pursuant to LVMC Title 19.08.040.G for commercial and industrial properties, a perimeter wall shall be constructed adjacent to any residential zoning district or property used solely for residential purposes. The wall or fence is intended to screen the commercial or industrial activity from the residential property, and shall be of a solid decorative material that is a minimum of six feet in height measured from the side of the commercial or industrial property. In no case shall the wall or fence exceed the overall height limitation applicable to the adjacent zoning district or property unless approved through a Variance or other applicable means. The overall height of a wall or fence shall be measured from the side with the greatest vertical exposure above finished grade.
12. 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, which 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. The technical landscape plan shall include the following changes from the conceptual landscape plan:
 - All trees and planting materials shall be drought-tolerant and consistent with the Southern Nevada Water Authority & Southern Nevada Regional Planning Coalition Regional Plant List.
13. A letter from Republic Services allowing for curbside pickup shall be required prior to the issuance of a building permit.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Conditions Page Four**December 12, 2023 - Planning Commission Meeting****Public Works**

15. In accordance with Section 2.2 of the City's Vision Zero Action Plan, the sidewalk adjacent to this site shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with development of this site. Grant any Pedestrian Access Easement needed to complete this requirement.
16. Coordinate with the Sewer Planning section of the Department of Public Works to determine if the existing sewer lateral to this site is feasible for this use, or if a new connection is required. Comply with the direction of the Sewer Planning section.
17. 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.
18. 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.

Fire & Rescue

19. 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.

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

The applicant requests a Site Development Plan Review for a proposed one-story, 2,280 square-foot commercial building on a 0.16-acre undeveloped lot on the east side of Decatur Boulevard, approximately 100 feet north of Alpine Lane.

ISSUES

- A Variance (23-0361-VAR1) is requested to allow a seven-foot residential adjacency setback where 48 is required, to allow a seven-foot rear yard setback where 15 feet is required and to allow a residential adjacency matching setback of seven feet where 20 feet is required. Staff does not support this request.
- A Variance (23-0361-VAR2) is requested to allow seven parking spaces where eight are required. Staff does not support this request.
- A Waiver from Archived Title 19.12 is requested to allow a zero-foot perimeter landscape buffer adjacent to right-of-way where 15 feet is required. Staff does not support this request.
- A Waiver from Archived Title 19.12 is requested to allow a five-foot perimeter landscape buffer where eight feet is required. Staff does not support this request.
- A Waiver from Archived Title 19.12 is requested to allow a seven-foot perimeter landscape buffer where eight feet is required. Staff does not support this request.
- A Waiver from Archived Title 19.12 is requested to allow a five-foot perimeter landscape buffer where eight feet is required. Staff does not support this request.
- An Exception of Archived Title 19.12 is requested to provide zero parking lot trees where four are required. Staff does not support this request.
- A Condition of Approval has been added requiring a letter from Republic Services allowing for curbside pickup prior to the issuance of a building permit.

ANALYSIS

The applicant is proposing to develop a single-story, 2,280 square-foot office building on a 0.16-acre undeveloped parcel within the P-R (Professional Office and Parking) zone. The subject site has a TOD-1 (Transit Oriented Development – High) land use designation. Previously, the subject site was an office building used as a law office that went out of business in 2017. Since the law office went out of business, the site has received several code enforcement violations for homeless camps. On 10/23/19, a demolition permit (C19-04771) was issued for the removal of all structures on the site and has remained undeveloped since.

Staff Report Page Two**December 12, 2023 - Planning Commission Meeting**

The subject site is surrounded by office developments to the west, north, and south, and an R-1 (Single Family Residential) zoned parcel to the east. Pursuant to Archived Title 19.08, "All property to be developed for nonresidential or multifamily use that is located adjacent to property which is zoned R-A, R-E, R-D, R-1 or R-CL shall be subject to residential adjacency standards." The proposed development is adjacent to a single family dwelling to the east where the development maintains a seven-foot setback where 48 feet are required and does not maintain a residential adjacency matching setback for the R-1 (Single Family Residential) setback of 20 feet. The proposed development also does not meet minimum setback requirements for the P-R (Professional Office and Parking) zone which call out a 15-foot rear yard setback. No justification has been provided for this request. Staff finds that this issue is self-imposed as the site is undeveloped, indicating the applicant's attempt to overdevelop the site. As such, staff does not support this Variance request.

Additionally, the applicant is requesting a second Variance (23-0361-VAR2) to allow seven parking spaces where eight are required, resulting in a 12.5 percent deviation from the required amount. Archived Title 19.04 requires one parking space for every 300 square feet of floor area for an Office, Other than Listed use. Staff finds this to be a self-imposed hardship, as this request could be negated by reducing the size of the proposed office development; therefore, staff does not support this Variance request.

The submitted building elevations depict a single-story office building that is comprised of stucco. All sides of the proposed building are coherently designed and treated with a consistent level of detailing and finish in compliance with Title 19.08. The submitted floor plan depicts 13 office rooms with a reception area, break room, and storage areas.

The submitted landscape plan includes multiple Waivers to allow a reduction in the perimeter landscape buffer requirements on all property lines. The applicant proposed five-foot landscape buffers on the north and south where eight feet is required, seven feet on the east property line where eight feet is required, and zero feet along a portion of the western property line adjacent to Decatur Boulevard where 15 feet is required. As perimeter landscape buffer trees cannot be counted towards parking area trees, the applicant also requests an Exception to provide zero parking area trees where four are required. As one of the fastest warming cities in the country, extreme heat is one of three current and long-term hazard vulnerabilities to the City that must be mitigated. The City of Las Vegas 2050 Master Plan has prioritized increasing tree canopy across all areas of the city as one of the methods to reduce the urban heat island effect and corresponding extreme heat conditions. The applicant's request for relief from these minimum standards is yet another example of the applicant attempting to overdevelop the site, which also detracts from the intent of the Master Plan. Therefore, staff does not support these Waiver and Exception requests.

Staff Report Page Three**December 12, 2023 - Planning Commission Meeting**

The subject site is located within the Charleston neighborhood planning area as identified in the City of Las Vegas 2050 Master Plan. The Charleston Boulevard corridor is the City's major east-west link and commercial corridor between Downtown Las Vegas and its western suburbs and new suburban neighborhoods. This area has high potential for high capacity transit along Charleston and Decatur Boulevard Corridors. The subject property has a TOD-1 (Transit Oriented Development – High) land use designation where higher intensity, mixed-use transit oriented development is more suitable for future light rail transit improvements. These goals would be achieved in part by incorporating mixed-use and walkable site design. The development as proposed provides parking in front of the building with reduced landscape buffers adjacent to Decatur Boulevard, thus further detracting from the intent of the Master Plan of discouraging auto-oriented development along this segment of Decatur Boulevard.

Staff finds the proposed development is not harmonious or compatible and harmonious with the existing and future development in the surrounding area. This is evidenced by the requested Variance of residential adjacency requirements and Waivers of perimeter landscape buffer requirements and an Exception to provide no parking area landscaping, which demonstrates the applicant's attempt to overdevelop the site. Therefore, staff recommends denial of all requested entitlements. If approved, they will be subject to conditions.

FINDINGS (23-0361-VAR1 and VAR2)

In accordance with the provisions of Title 19.16.140(B), the 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."

Staff Report Page Four**December 12, 2023 - Planning Commission Meeting**

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to place a building within required setbacks and not provided required parking. 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 (23-0361-SDR1)

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 is not compatible with the adjacent residential development and development in the area. This is evidenced by the requested Variance (23-0361-VAR1) of residential adjacency standards, which staff cannot support.

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

The proposed development requires multiple Variances and Waivers from Archived Title 19 development standards and detracts from goals outlined in the City of Las Vegas 2050 Master Plan. Therefore, this development is not consistent with the General Plan, this Title, and other duly adopted city plans, policies and standards.

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

The subject site is accessible from Decatur Boulevard, a 100-foot Primary Arterial as defined by the Master Plan of Streets and Highways which is adequate in size to serve the proposed development.

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

The proposed stucco building façade is appropriate for this area of the city. Proposed trees are consistent with the Southern Nevada Regional Plant List. A Condition of Approval has been added requiring a modified landscape plan that depicts proposed shrubs that are also consistent with the Southern Nevada Regional Plant List.

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;**

While the proposed building elevations are not unsightly and create an orderly environment, the Variance request for a reduced residential adjacency setback does not create an orderly environment and is not compatible with the existing residential development to the east.

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

Site development is subject to building permit review and inspection, thereby securing the public health, safety and general welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
05/17/06	City Council approved a General Plan Amendment (GPA-12156) to amend a portion of the Southeast and a portion of the Southwest Sector Plan of the General Plan from: SC (Service Commercial), L (Low Density Residential), and M (Medium Density Residential) to: O (Office).
06/17/20	The City Council approved a Variance (VAR-78458) to allow seven parking spaces where eight are required at 935 South Decatur Boulevard. The Planning Commission recommended denial while staff recommended approval.
06/17/20	The City Council approved a Variance (VAR-78457) allow an eight-foot rear yard setback where 15 feet is required at 935 South Decatur Boulevard. The Planning Commission recommended denial while staff recommended approval.
06/17/20	The City Council approved a Site Development Plan Review (SDR-78459) for a proposed 2,280 square-foot office building with a Waiver of perimeter landscape buffer requirements on 0.16 acres at 935 South Decatur Boulevard. The Planning Commission recommended denial while staff recommended approval.
03/09/21	The Planning Commission approved a Site Development Plan Review (20-0375-SDR1) for a Major Amendment to a previously approved Site Development Plan Review (SDR-78459) for a proposed 2,280 square-foot office building with a Waiver of the perimeter landscape buffer requirements.

Most Recent Change of Ownership

04/10/23	A deed was recorded for a change in ownership.
----------	--

Related Building Permits/Business Licenses

1951	A Business License (P50-01459) was issued for a law office at 935 South Decatur Boulevard. The license expired on 01/01/17.
10/23/19	A Building Permit (C19-04771) was issued for the demolition of all structures including slabs, asphalt, and footings at 935 South Decatur Boulevard.

Pre-Application Meeting

04/10/23	A pre-application meeting was held with the applicant to discuss the submittal requirements of a Site Development Plan Review and Variance.
----------	---

Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.
--

Field Check

11/01/23	Staff conducted a routine field check of the subject site. Staff observed an undeveloped parcel. Nothing of concern was noted.
----------	--

Details of Application Request**Site Area**

Net Acres	0.16
-----------	------

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	TOD-1 (Transit Oriented Development – High)	P-R (Professional Office and Parking)
North	Office, Other than Listed	TOD-1 (Transit Oriented Development – High)	P-R (Professional Office and Parking)

Staff Report Page Seven

December 12, 2023 - Planning Commission Meeting

<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>
South	Office, Other than Listed	TOD-1 (Transit Oriented Development – High)	P-R (Professional Office and Parking)
East	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Office, Medical	TOD-1 (Transit Oriented Development – High)	C-1 (Limited Commercial)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Charleston	N*
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (175 Feet)	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

* The subject site is located within the Charleston neighborhood planning area as identified in the City of Las Vegas 2050 Master Plan. The Charleston Boulevard corridor is the City's major east-west link and commercial corridor between Downtown Las Vegas and its western suburbs and new suburban neighborhoods. This area has high potential for high capacity transit along Charleston and Decatur Boulevard Corridors. The subject property has a TOD-1 (Transit Oriented Development – High) land use designation where higher intensity, mixed-use transit oriented development is more suitable for future light rail transit improvements. These goals would be achieved in part by incorporating mixed-use and walkable site design. The development as proposed provides parking in front of the building with reduced landscape buffers adjacent to Decatur Boulevard, thus further detracting from the intent of the Master Plan of discouraging auto-oriented development along this segment of Decatur Boulevard. The City of Las Vegas 2050 Master Plan has prioritized increasing tree canopy across all areas of the city as one of the methods to reduce the urban heat island effect and corresponding extreme heat conditions. The applicant's request for relief from these minimum standards is yet another example of the applicant attempting to overdevelop the site, which also detracts from the intent of the Master Plan.

DEVELOPMENT STANDARDS

Pursuant to Archived Title 19.08 (Adopted March 1997/Pre-Unified Development Code), the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	6969 SF	N/A
Min. Lot Width	60 Feet	70 Feet	Y
Min. Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	20 Feet 5 Feet 15 Feet	57 Feet 5 Feet 7 Feet	Y Y N*
Max. Lot Coverage	50 %	32%	Y.
Max. Building Height	35 Feet	21.5 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	By Condition	Y**
Mech. Equipment	Screened	Screened	Y

*A Variance (23-0361-VAR1) is requested to allow a seven-foot rear yard setback where 15 feet is required.

**A condition of approval has been added requiring the applicant to provide a letter from Republic Services stating curbside pickup will be available for this development.

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	48 Feet	7 Feet	N*
Adjacent development matching setback	20 Feet	7 Feet	N*

*A Variance (23-0361-VAR1) is requested to allow a seven-foot residential adjacency setback where 48 feet is required, and to allow a seven-foot residential adjacency matching setback where 20 feet is required.

Pursuant to Archived Title 19.12 (Adopted March 1997/Pre-Unified Development Code) , the following standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Buffer Trees:				
• North	1 Tree / 30 Linear Feet	4 Trees	4 Trees	Y
• South	1 Tree / 30 Linear Feet	4 Trees	4 Trees	Y
• East	1 Tree / 20 Linear Feet	4 Trees	4 Trees	Y
• West	1 Tree / 30 Linear Feet	2 Trees	2 Trees	Y
TOTAL PERIMETER TREES		14 Trees	14 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	4 Trees	0 Trees	N*
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		5 Feet	N**
• South	8 Feet		5 Feet	N**
• East	8 Feet		7 Feet	N**
• West	15 Feet		0 Feet	N**
Wall Height	6 to 8 Feet Adjacent to Residential		Existing	Y

*An Exception has been requested to provide zero parking area trees where four are required.

**Waivers are requested to allow reduced landscape buffer widths along all property lines.

<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>
Decatur Boulevard	Primary Arterial	Master Plan of Streets and Highways	100 Feet	Y

Pursuant to Archived Title 19.04 (Adopted March 1997/Pre-Unified Development Code), 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	2,280 SF	1 per 300 SF	8				
TOTAL SPACES REQUIRED			8		7		N*
Regular and Handicap Spaces Required			7	1	6	1	N*
Percent Deviation			15%				N*

*A Variance (23-0361-VAR1) has been requested to allow six parking spaces where seven are required.

Waivers		
Requirement	Request	Staff Recommendation
Perimeter landscape buffers along interior lot lines shall be at least eight feet.	To allow a five-foot landscape buffer along the north interior property line.	Denial
Perimeter landscape buffers along interior lot lines shall be at least eight feet.	To allow a five-foot landscape buffer along the south interior property line.	Denial
Perimeter landscape buffers along right-of-way shall be at least 15 feet.	To allow a zero-foot landscape buffer along Decatur Boulevard.	Denial
Perimeter landscape buffers along interior lot lines shall be at least eight feet.	To allow a seven-foot landscape buffer along the east interior property line	Denial

Exceptions		
Requirement	Request	Staff Recommendation
Provide four parking area trees	To provide zero parking area trees	Denial