LANDSCAPING             EASTERN AVE/RUSSELL RD
(TITLE 30)

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
WS-0768-13 – DUPIN, DAMIR & HEIDI LYNN:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) allow alternative landscaping; and 2) allow artificial plants.

DESIGN REVIEW for landscaping in conjunction with an existing office building on 1.0 acre in a C-P (Office & Professional) (AE-60) Zone.

Generally located on the east side of Eastern Avenue, 420 feet north of Russell Road within Paradise. MBS/al/ml (For possible action)

RELATED INFORMATION:

APN:
162-25-410-004

WAIVERS OF DEVELOPMENT STANDARDS:
1.  Allow alternative landscaping within a 10 foot wide landscape area adjacent to Eastern Avenue where a 15 foot wide landscape area with landscaping per Figure 30.64-15 is required.
2.  Allow the use of artificial plants where live plants are required.

LAND USE PLAN:
WINCHESTER/PARADISE - OFFICE PROFESSIONAL

BACKGROUND:
Project Description
General Summary
  • Site Acreage: 1
  • Project Type: Alternative landscaping for an office building

Site Plan
The plans depict an existing office building with access from Eastern Avenue. The building is located on the western portion of the site with parking located to the west and east of the building. There is a driveway located on the southwest corner of the site which provides ingress to parking lot and another driveway on the northwest corner that provides egress. The landscaped areas with the artificial plants are located along Eastern Avenue and along the front (west side) of the building.
Landscaping
The landscape area along Eastern Avenue is 10 feet wide and consists of decorative rock and artificial plants that look like yuccas and flowers. Additional artificial flowers and rock are located in a landscape area located along the south half of the west side of the building. The artificial plants are approximately 30 inches in height.

Applicant’s Justification
The applicant indicates that the artificial plants look and feel real and conserve water.

Prior Land Use Requests

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>WS-0532-12</td>
<td>Exterior remodel of an office building</td>
<td>Approved by PC</td>
<td>October 2012</td>
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<tr>
<td>DR-0216-07 (ET-0086-09)</td>
<td>First extension of time to commence a daycare facility</td>
<td>Approved by PC</td>
<td>May 2009</td>
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<tr>
<td>UC-0876-05 (ADET-1169-07)</td>
<td>Commence a daycare</td>
<td>Approved Administratively</td>
<td>August 2007</td>
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<tr>
<td>DR-0216-07</td>
<td>Daycare facility</td>
<td>Approved by PC</td>
<td>April 2007</td>
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<tr>
<td>UC-0876-05</td>
<td>Daycare facility</td>
<td>Approved by PC</td>
<td>August 2005</td>
</tr>
<tr>
<td>ZC-093-77</td>
<td>Reclassified the site to a C-P zone to convert a residence into an office building</td>
<td>Approved by BCC</td>
<td>June 1977</td>
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Surrounding Land Use

<table>
<thead>
<tr>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
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<tbody>
<tr>
<td>North</td>
<td>Office Professional</td>
<td>C-P</td>
</tr>
<tr>
<td>South</td>
<td>Office Professional &amp; Commercial Neighborhood</td>
<td>C-P &amp; C-1</td>
</tr>
<tr>
<td>East</td>
<td>Rural Neighborhood Preservation</td>
<td>R-E</td>
</tr>
<tr>
<td>West</td>
<td>Office Professional</td>
<td>CRT &amp; R-1</td>
</tr>
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Clark County Public Response Office (CCPRO)
ZV-7019-13 is an active case on file with CCPRO for the use of artificial plants within the landscaped areas which is pending this land use application.

STANDARDS FOR APPROVAL:
The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning
Waivers of Development Standards
According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses and value of the area
adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative. The office building was developed under a different Development Code which required a 6 foot wide landscape area adjacent to the street. By removing the live landscaping and providing artificial plants the site is now required to conform to the most recent development standards. Other commercial developments in the area do not have 15 foot wide landscape areas. The existing 10 foot wide landscape area is wider than what is provided by other commercial developments in this area. Therefore, staff can support allowing a 10 foot wide landscape area adjacent to Eastern Avenue.

The purpose of requiring landscaping with live plants is to improve air quality; reduce dust, noise, glare and heat; assist in wind control; and minimize water runoff onto streets. Since the artificial plants will not assist with these issues, the property may be affected in an adverse manner. Staff finds there are no ways to mitigate the use of artificial plants which would meet the purpose of requiring live plants. The artificial plants are not an acceptable alternative standard to providing live plants. Therefore, staff does not support waiver of development standards #2.

Design Review
The request does not comply with Policy 30.8 of the land use plan which encourages enhanced landscaping such as mature trees and shrubs at the perimeter and interior of parking areas to provide shade and improve ambient air quality. In addition, staff does not support the waiver to allow artificial plants. Therefore, staff does not support the design review.

Staff Recommendation
Approval of waiver of development standard #1; and denial of waiver of development standards #2 and the design review.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning
If approved:
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must commence within 2 years of approval date or it will expire.

Public Works – Development Review
- No comment.

Clark County Water Reclamation District (CCWRD)
- No comment.
TAB/CAC:
APPROVALS:
PROTESTS:

APPLICANT:  Damir Dupin
CONTACT:    Damir Dupin, 5606 South Eastern Avenue, Las Vegas, NV 89119