

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 20, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-16510 - APPLICANT: NUVISION HOLDINGS, LLC -
OWNER: THE MOYER TRUST

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to the conditions for Special Use Permit (SUP-16520), Variance (VAR-16512), and Variance (VAR-16516), if approved.
2. A Resolution of Intent with a two-year time limit is hereby granted.
3. A Site Development Plan Review (SDR-16508) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

4. Construct all incomplete half-street improvements on Peak Drive and Rainbow Boulevard adjacent to this site concurrent with development of this site.
5. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. 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.
6. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings or the submittal of a Final Map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The purpose of this request is for a Rezoning to reclassify this property from the U (Undeveloped)[Service Commercial General Plan Designation] to C-1 (Limited Commercial Development) for a proposed 5-story, mixed-use development consisting of 10,500 square feet of commercial space and 32 residential units with waivers for residential adjacency in conjunction with a mixed-use project as well as companion items for variances (VAR-16512 & VAR-16516) for increased percentage of lot coverage and reduced parking, as well as a Site Development Plan Review and Special Use Permit (SDR-16508 SUP-16520) for a mixed-use project on 0.98 acres at the southwest corner of Rainbow Boulevard and Peak Drive U (Undeveloped) Zone [SC (Service Commercial) Land Use Designation] [PROPOSED: C-1 (Limited Commercial) Zone].

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/6/84	This property was annexed into the City via (A-15-84)
05/18/85	The City Council approved a Rezoning (Z-51-85) from U (Undeveloped) to R-3 (Medium Density Residential) for an apartment complex, which was constructed, but left out this 0.97 acre site.
09/06/89	The City Council approved a Rezoning (Z-79-89) this parcel from U (Undeveloped) to C-1 (Limited Commercial); however this application has since expired.
01/12/98	The City Council denied a request to Rezone (Z-113-97) from U (Undeveloped) to C-1 (Limited Commercial).
01/12/98	The City Council denied a request for a Special Use Permit (U-118-97) to construct a 3,150 square-foot convenience store with a retail pad site and a billboard.
11/16/06	The Planning Commission recommended denial of companion items VAR-16512, VAR-16516, SUP-16520 and SDR-16508 concurrently with this application.
11/16/06	The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #18/ng).
<i>Related Building Permits/Business Licenses</i>	
	No buildings exist on this parcel.
<i>Pre-Application Meeting</i>	
08/04/06	The applicant was informed that the height of the proposed building was significantly taller than any building in the area, and that the residential adjacency standards were not being met. Additionally, the applicant was informed that parking would need to be reconfigured to meet the handicapped parking standards as well as the site being under parked.

Neighborhood Meeting	
	A neighborhood meeting is not required for this application, nor was one held.
Details of Application Request	
Site Area	
Gross Acres	1.05
Net Acres	0.97

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC (Service Commercial)	U (Undeveloped)
North	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Condominiums	M (Medium Density Residential)	R-PD18 (Residential Planned development 18 Units Per Acre)
West	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts	Y		Y
A-O Airport Overlay District	Y		Y
Trails		N	N/A
Rural Preservation Overlay District		N	N/A
Development Impact Notification Assessment		N	N/A
Project of Regional Significance		N	N/A

DEVELOPMENT STANDARDS

Per 19.08 the following development standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	.97	Y
Min. Lot Width	60 Feet	190 Feet	Y
Min. Setbacks			
• Front	20	20	Y
• Side	10	10	Y
• Corner	15	15	Y
• Rear	20	25	Y

Min. Distance Between Buildings	N/A	N/A	Y
Max. Lot Coverage	50%	68%	N
Max. Building Height	150	70	Y
Trash Enclosure	50	In Garage	Y
Mech. Equipment	Screened	Screened	Y

Per 19.08.060, the following development standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	140	60 Feet Most Intrusive	N
Adjacent development matching setback			
Trash Enclosure	50	In Garage	Y
1:1 Step-back Mixed-use			Y

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>	<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>General Plan</i>	<i>Permitted Density</i>
U(SC)	N/A	N/A	C-1	N/A	SC	N/A

Per 19.12, the following landscaping 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>		
Parking Area	N/A	Parking Structure	N/A	N/A
Buffer: Min. Trees	1 Tree/20 Linear Feet	31 Trees	31 Trees	Y
TOTAL		31 Trees	31 Trees	Y
Min. Zone Width	15/20 Feet		10/15 Feet	N
Wall Height	N/A		N/A	N/A

Per 19.10, 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	
Residential	32 d/u	1.75/du + 1/6du	62	2	44	2	N
Commercial	10,500 sq. ft.	1:175 sq. ft.	60	3	44	2	N
SubTotal			122	5	88	4	N

TOTAL (including handicap)			122		88		
Loading Spaces			1	N/A	1	N/A	Y
Percent Deviation (VAR only)			27.47%				

Waivers		
Request	Requirement	Staff Recommendation
Landscaping (Depth)	15 & 20 Feet	Approval w/conditions
Landscaping (Tree Requirement)	31 Trees	Denial
Landscaping (Shrubs)	5 Shrubs per Tree	Denial

ANALYSIS

This property was annexed into the City of Las Vegas via A-15-84. Once annexed into the City of Las Vegas, the land was rezoned to R-3 via Z-51-85 as part of the adjacent apartment complex to the south and west; however, it was subsequently left out of the apartment development. The parcel has a land-use designation of SC (Service Commercial) and a zoning classification of U (Undeveloped). The applicant is seeking to rezone this property from U (Undeveloped) to C-1 (Limited Commercial). This site had previously been zoned C-1 via Z-79-89; however, the zoning has since expired. Another request to rezone this property to C-1 (Z-113-97) was denied.

This site is surrounded by multi-family residential apartment, townhome, and condominium projects, as well as, a single-family residential subdivision on the Northeast Corner of Peak Drive and Rainbow Boulevard.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

The proposed Rezoning conforms to the General Plan.

2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

Uses within the C-1 (Limited Commercial) zoning district would be compatible at this location; however, the proposed use in this application is not compatible with the surrounding land uses.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

The request for this Rezoning is inappropriate because this property is surrounded by residential development on both sides of Rainbow Boulevard.

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

At this location, Rainbow Boulevard is an 80-foot wide right-of-way as is Peak Drive. Public Works indicates that this development shouldnt negatively affect traffic.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 37

SENATE DISTRICT 3

NOTICES MAILED 177 by Planning Department

APPROVALS 0

PROTESTS 0