

## AGENDA MEMO

**CITY COUNCIL MEETING DATE: DECEMBER 20, 2006**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SDR-16508 - APPLICANT: NUVISION HOLDINGS, LLC -**  
**OWNER: THE MOYER TRUST**

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### **\*\* CONDITIONS \*\***

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

#### **Planning and Development**

1. Conformance to the conditions for Rezoning (ZON-16510), Special Use Permit (SUP-16520), Variance (VAR-16512), and Variance (VAR-16516).
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. 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 and building elevations, date stamped 09/05/06, the landscape plan, date stamped 09/27/06, except as amended by conditions herein.
4. A Waiver from 19.12.040 is hereby approved, to allow a ten-foot landscape buffer along the Peak Drive frontage consisting of a five-foot landscape area adjacent to the curb, a five-foot detached sidewalk and five feet of foundational landscaping along the building. Along the Rainbow Boulevard frontage there shall be a five-foot landscape buffer adjacent to the curb, a five-foot sidewalk and an elevated landscape planter up to ten-foot in width as shown on the revised landscape plan, dated September 27, 2006; the planter shall include openings in the planter to provide connectivity to the building from the sidewalk in more than one location.
5. 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, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan. The Peak Drive frontage shall have a ten-foot landscape buffer with a variety of palm trees located 20 feet on center between a detached sidewalk and the curb. There shall be a ten-foot landscape buffer between a detached sidewalk and the curb plus a landscape planter as shown on the existing landscape plan with openings in the planter and a raised outside amenity area for the proposed restaurant.

6. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
8. Revised elevations shall be submitted to and approved by the Planning and Development Department prior to the time application is made for a building permit to reflect split-faced CMU block in the areas where flat-faced block is used.
9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. 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.
13. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
14. Prospective buyers shall be informed that views may be obscured by future adjacent development and this information shall be included in project CC & Rs.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.
16. Conformance with revised landscape plan dated September 27, 2006.
17. Perimeter walls shall not exceed a maximum height of eight feet.

**Public Works**

18. Landscape and maintain all unimproved rights-of-way, if any, on Rainbow Boulevard and Peak Drive adjacent to this site.
19. Submit an Encroachment Agreement for all landscaping, if any, located in the Rainbow Boulevard and Peak Drive public right-of-way adjacent to this site prior to occupancy of this site.
20. 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.
21. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
22. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON16510 and all other applicable site-related actions.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The purpose of this request is for a Site Development Plan Review 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 and a reduction in the perimeter landscaping buffer in conjunction with a mixed-use project as well as companion items for a Rezoning (ZON-16510) from U (Undeveloped) to C-1 ( Limited Commercial District), Variances (VAR-16512 & VAR-16516 ) for increased percentage of lot coverage and reduced parking, as well as and a Special Use Permit (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**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |  |
|---|--|
| 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 ZON-16510, VAR-16512, VAR-16516 and SUP-16520 concurrently with this application.  |
| 11/16/06  | The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #18/ng).   |
| <b><i>Related Building Permits/Business Licenses</i></b>                  |  |
|   | No buildings exist on this parcel.   |
| <b><i>Pre-Application Meeting</i></b>                                     |  |
| 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. |
| <b><i>Neighborhood Meeting</i></b>  |  |
|   | A neighborhood meeting is not required for this application, nor was one held.   |

| <b>Details of Application Request</b> |      |
|---------------------------------------|------|
| <b>Site Area</b>                      |      |
| Gross Acres                           | 1.05 |
| Net Acres                             | 0.97 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b> | <b>Planned Land Use</b>        | <b>Existing Zoning</b>                                       |
|-----------------------------|--------------------------|--------------------------------|--|
| 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)                             |

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

**DEVELOPMENT STANDARDS**

*Per 19.08 the following development standards apply:*

| <b>Standard</b> | <b>Required/Allowed</b> | <b>Provided</b> | <b>Compliance</b> |
|-----------------|-------------------------|-----------------|-------------------|
| Min. Lot Size   | N/A                     | 0.97            | Y                 |
| Min. Lot Width  | 60 Feet                 | 190 Feet        | Y                 |
| Min. Setbacks   |                         |                 |                   |
| • Front         | 20                      | 20              |                   |
| • Side          | 10                      | 10              |                   |
| • Corner        | 15                      | 15              |                   |
| • 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<br>Most<br>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:<br>Min. Trees                       | 1 Trees/20 Linear Feet | 31 Trees          | 27 Trees        | N                 |
| <b>TOTAL</b>                                |                        | 31 Trees          | 27 Trees        | N                 |
| 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>Parking Ratio</i> | <i>Required</i> |              | <i>Provided</i> |              | <i>Compliance</i> |
|                            |  |                      | <i>Parking</i>  |              | <i>Parking</i>  |              |                   |
|                            |  |                      | Regular         | Handi-capped | Regular         | Handi-capped |                   |
| Residential                | 32 d/u                                     | 1.75/du + 1/6du      | 61              | 2            | 44              | 2            | N                 |
| Commercial                 | 10,500 sq. ft.                             | 1:175 sq. ft.        | 60              | 3            | 44              | 2            | N                 |
| <b>SubTotal</b>            |  |                      | 121             | 5            | 88              | 4            | N                 |

|   |  |  |        |     |    |     |   |
|---|--|--|--------|-----|----|-----|---|
| <b>TOTAL</b><br>(including<br>handicap) |  |  | 121    |     | 88 |     |   |
| Loading Spaces                          |  |  | 1      | N/A | 1  | N/A | Y |
| Percent<br>Deviation<br>(VAR only)      |  |  | 27.47% |     |    |     |   |

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

**ANALYSIS**

The applicant is proposing to develop a five-story, mixed-use project, consisting of two commercial tenant spaces totaling 10,500 square feet and 32 residential units. The first level of the project will contain the retail uses and a portion of the parking garage and a trash collection area. The entire second level of the building will be dedicated entirely to a parking garage. The third, fourth, and fifth levels of the building will contain 32 condominium units with four different floor plans, all of which will have two bedrooms and two bathrooms.

The height of the building is 70 feet tall. The applicant has taken time to provide attractive architectural fenestration. Window sizes are staggered so as to balance the building and give the center of the building a greater level of prominence. The applicant has accomplished this by utilizing wire grates to conceal the opened wall areas of the second level, which is a parking level. The first level has a metal awning with wire support braces along the Rainbow Boulevard frontage with a stucco finish on the majority of this level and a gray square CMU block finish on south corner of the building. The second level of the Rainbow Boulevard frontage will be a continuation of the same materials used on the first level. The residential levels along the Rainbow Boulevard frontage and the west (rear) elevation have stucco finishing. The color of this treatment is sandstone in color bordering on light gray to tan. Polycarbon railings are being used for the balconies. Metal awnings are depicted over windows on the Rainbow Boulevard frontage.

The central residential units fronting Rainbow Boulevard have French Doors opening on to balconies. The awnings and French Doors are finished in a dark olive color. A metal-roofed arch is depicted on the north and south 25% of the Rainbow Boulevard frontage and along the west elevation. This arched roof is treated in a light gray/olive slate color. While much thought has gone into the design elements of the Rainbow Boulevard frontage and the west elevation, the same level of detail can not be said of the north and south elevations, with the exception of that portion of the north elevation east of the entry to the garage. Additionally, the use of flat CMU block, while not rectangular in shape does not provide the same level of architectural detail that a split-faced CMU block would provide.

This project does not have to meet any residential adjacency requirements for the trash collection facility since it is located within the parking structure. Another element in the design of the project that falls short of ideal is the location of the truck loading zone. While the truck loading zone would functionally meet the developments needs, it is designed in a manner that will require trucks to back out onto Peak Drive. Peak Drive, however, does dead-end into a Las Vegas Valley Water District facility.

The building meets the 1:1 step-back ratio requirement along an arterial street (Rainbow Boulevard); however the 3:1 residential adjacency requirements on the northern portion of the building are not met. The north elevation of the building intrudes into the 3:1 residential adjacency requirement from the condominiums on the north side of Peak Drive by 115 feet and the 3:1 residential adjacency requirement from the single-family home on the northeast corner of Peak Drive and Rainbow Boulevard has an intrusion of 60 feet. There is an intrusion into the residential adjacency requirement to the condominiums on the east side of Rainbow Boulevard of 110 feet. The apartment complex to the south and west does not have a residential adjacency standard requirement because the units in this complex are not condominiums. However, SDR-10620 was approved on March 1, 2006 by the City Council and TMP-12228 was approved by the Planning Commission on April 27, 2006 to convert this apartment complex to a condominium complex.

The landscape amenity zone along the Rainbow Boulevard frontage consists of a CMU block planter, extended 15 feet from the building, which leaves a five-foot sidewalk attached to the curb. The attachment of a five-foot sidewalk to a curb along a busy 80-foot wide Secondary Collector street like Rainbow Boulevard is not inviting to pedestrians due to the speed of travel along such roads. A more preferable alternative to this design would be to provide five feet of landscaping along at the curb edge, a five-foot wide sidewalk and a ten-foot, elevated planter with several openings in the landscape planter. This will provide more integration between the pedestrians and the building. Additionally, the applicant does not meet the tree requirement along the Rainbow Boulevard frontage, which requires a waiver. Along the Peak Drive frontage, the applicant has placed the sidewalk adjacent to the curb, which is less attractive to a pedestrian as a walking environment. Along the Peak Drive frontage the applicant is also seeking a waiver to provide ten feet of landscaping where 15 feet is required. Again, the more appropriate alternative along Peak Drive would be a five-foot wide landscape buffer with a five-foot sidewalk and five feet of foundational landscaping. Moreover, the landscaping along both Rainbow Boulevard and Peak Drive lack the required tree spacing of one tree for every 20 linear feet. The applicant can meet this requirement utilizing a variety of palm trees that do not attain a large trunk diameter.

## **FINDINGS (SDR)**

In order to approve a Site Development Plan application, per Title 19.18.050 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;**

Staff finds the proposed development is out of character with the surrounding land uses. At a height of 70 feet, the proposed development will be as much as 35 feet taller than any of the adjacent residential developments. Additionally, the proposed development has a residential density of 35.5 units per acre.

- 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;**

While the proposed development is a permitted land-use within the Service Commercial land-use category, the proposed use is out of character for the area. Additionally, the landscaping for this development is substandard along the Rainbow Boulevard and the Peak Drive frontages. Moreover, the proposed development does not meet the parking requirements established for mixed-use projects.

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

Access to the site is gained via Peak Drive, which is a 80-foot wide street that provides two access points for the condominium complex to the north. Peak Drive dead-ends into a Las Vegas Valley Water District facility, adjacent to Interstate 95. The truck loading zone has the potential for a conflict with one of the access points to the condominium complex to the north because trucks will have to back out onto the street.

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

The building and landscape materials for the most part are appropriate for the area. However, the use of flat-faced CMU block is not an appropriate building material for a mixed-use project and the landscaping along the Rainbow Boulevard and Peak Drive frontages do not meet development standards. The use of split-faced CMU block would be a more appropriate building material and the use of a variety of palm trees along the Rainbow Boulevard and Peak Drive frontages would allow for the use of a landscape planter while still meeting the required number of trees along a right-of-way.

- 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 development has incorporated a number of attractive design elements; however, as stated in Finding Number Four, the use of flat-faced CMU block is an inappropriate building material in a mixed-use project and the use of split-faced CMU block is a more appropriate design alternative.

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

In general this project may negatively affect the health, safety, and general welfare of the public by increasing traffic along Rainbow Boulevard. Additionally, the height of the proposed building will cast shadows on the adjacent apartments (soon to be condominiums) to the south and west. Moreover, parking for this project, if successful, has the potential to force retail patrons (restaurant specifically) onto the street (Peak Drive).

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 4

**ASSEMBLY DISTRICT** 37

**SENATE DISTRICT** 3

**NOTICES MAILED** 177 by Planning Department

**APPROVALS** 0

**PROTESTS** 0