



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ABEYANCE - SDR-17745 - APPLICANT/OWNER LARRY AND PATRICIA SCHEUSNER FAMILY TRUST, POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 17, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

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

Staff recommends DENIAL. The Planning Commission (4-3/se, sd, bg vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to the conditions for Rezoning (ZON-17740), and Variances (VAR-17741, VAR-17742, VAR-17743) if approved.
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, landscape plan, and building elevations, date stamped 10/24/06, except as amended by conditions herein.
4. A Waiver from Section 19.12 is hereby approved, to allow a five-foot wide landscape perimeter along the north property line where six feet is required, zero feet along Ninth Street where ten feet is required, and four feet along Bridger Avenue where ten feet is required.
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.
6. 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.

7. 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).
8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
10. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
11. 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.
12. 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.
13. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department 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.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

15. A Petition of Vacation, such as VAC-17744, to eliminate the existing alley right-of-way in conflict with this site plan shall record prior to the issuance of any permits overlying the area to be vacated. Dedicate a 20-foot wide alley through Assessors Parcel No. 139-34-712-041 to connect to Tenth Street (including a radius) acceptable to the City Engineer prior to or concurrent with recordation of the Order of Vacation.
16. The proposed entry on 9<sup>th</sup> Street shall be designed to accommodate a minimum queue of three vehicles prior to the gate, unless otherwise allowed by the City Traffic Engineer.

17. Parking spaces located directly off the public alley shall be set back sufficiently to allow a 24-foot wide aisle width for vehicles to back out.
18. A sanitary sewer relocation plan must be submitted to and approved by the Collection Systems Planning Section of the Department of Public Works and the new sewer lines must be constructed and active prior to the recordation of an Order of Vacation of the existing sewer easements. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
19. Landscape and maintain all unimproved rights-of-way, if any, on Bridger Avenue, 9<sup>th</sup> Street and 10<sup>th</sup> Street 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.
20. Submit an Encroachment Agreement for all landscaping, if any, located in the public right-of-way adjacent to this site prior to occupancy of this site.
21. Site development to comply with all applicable conditions of approval for ZON-17740 and all other applicable site-related actions.

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

**PROJECT DESCRIPTION**

This is a request for a Site Development Plan Review for a proposed 300-unit, 66-foot high, six-story apartment building and a waiver of the perimeter landscape buffering standards for zero feet of landscaping where ten feet is required along the southern, eastern, and western perimeter and to allow five feet of landscaping where six feet is required along a portion of the northern perimeter on 1.38 acres on the north side of Bridger Avenue between Ninth Street and Tenth Street.

The project as designed is more intense than the existing residential development on this block, and requires numerous Variances and Waivers. As such, the project is not appropriate to its context, and staff recommends denial.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
01/04/61	The Board of City Commissioners approved a Special Use Permit for an office at 227 South 9 <sup>TH</sup> Street
12/07/06	The Planning Commission recommended approval of companion items ZON-17740, VAR-17741, VAR-17742, VAR-17743 and VAC-17744 concurrently with this application.  The Planning Commission voted 4-3/se, sd, bg to recommend APPROVAL (PC Agenda Item #19/ar).
<b><i>Pre-Application Meeting</i></b>	
08/18/06	The requirements for a rezoning application were reviewed.
<b><i>Neighborhood Meeting</i></b>	
	A neighborhood meeting is not required for this type of application
<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	1.38 Acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Offices, multi-family dwellings, single family dwellings.	Mixed Use	R-4
North	Single family dwelling	Mixed Use	R-4
South	Apartments	Mixed Use	R-4
East	Apartments	Mixed Use	R-4
West	Apartments and Non-profit organization	Mixed Use	C-V and C-2

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
Downtown Centennial Plan		X	
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	
<b>Development Impact Notification Assessment</b>		X	
<b>Project of Regional Significance</b>		X	

### Redevelopment Area

The subject site is located within the Downtown Redevelopment Area, where special funding may be available for proposed projects. Developments are subject to all requirements of Title 19.

### Trails

The Master Plan Transportation Trails Element depicts a trail along Ninth Street adjacent to this site. If this trail is constructed, it will be constructed by the city, and therefore the applicant is not required to show the trail on the submitted plans.

### DEVELOPMENT STANDARDS

Per Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	7,000 square feet	1.38 acres	Y
Min. Lot Width	N/A	180 feet	Y
Min. Setbacks			
<ul style="list-style-type: none"> <li>• Front (west)</li> <li>• Side (north)</li> <li>• Corner (south)</li> <li>• Rear (east)</li> </ul>	<ul style="list-style-type: none"> <li>• 10 Feet</li> <li>• 5 Feet</li> <li>• 5 Feet</li> <li>• 20 Feet</li> </ul>	<ul style="list-style-type: none"> <li>• 0 Feet</li> <li>• 8 Feet</li> <li>• 0 Feet</li> <li>• 0 Feet</li> </ul>	<ul style="list-style-type: none"> <li>• N*</li> <li>• Y**</li> <li>• N*</li> <li>• N*</li> </ul>
Min. Distance Between Buildings	N/A	1 building	Y
Max. Lot Coverage	N/A	81 %	Y
Max. Building Height	5 Stories or 55 Feet	66 Feet	N***

\*These setbacks do not comply with the R-5 standards. This issue will be considered under Variance VAR-17743.

\*\*This setback complies with the R-5 standards, but does not comply with the Residential Adjacency Standards. This issue will be considered under Variance VAR-17742.

\*\*\*The proposed height does not comply with the R-5 standards. This issue will be considered under Variance VAR-17743.

Per Title 19.08.06, the following standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	198 feet from north property line	8 feet	N
Adjacent development matching setback	5 feet	8 feet	Y
Trash Enclosure	50 feet from north property line	10 Feet	N

These setback issues will be considered under Variance VAR-17742.

<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>
R-4	50 du/ac	69	R-5	unlimited	MXU	greater than 25.49 du/ac

Per Title 19.12, 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>		
Parking Area	1 tree/ 6 spaces	2 trees	2 trees	Y
Buffer: Min. Trees	1 tree/20 linear feet	27 trees	24 trees	N
Min. Zone Width	10 feet along 9th Street		0 feet along 9th Street	N
	10 feet along Bridger Avenue		4 feet along Bridger Avenue	N
	10 feet along Tenth Street		10 feet along Tenth Street	Y
	6 feet along north property line		5 feet along north property line	N

The applicant has requested a waiver to allow a reduction of the landscaping buffer requirements to allow 0 feet along a portion of the west property line, zero feet along Bridger Avenue, and five feet along the north property line.

***Pursuant to Title 19.10, the following parking standards apply:***

<b><i>Parking Requirement</i></b>							
<b><i>Use</i></b>	<b><i>Number of Units</i></b>	<b><i>Required</i></b>			<b><i>Provided</i></b>		<b><i>Compliance</i></b>
		<b><i>Parking Ratio</i></b>	<b><i>Parking</i></b>		<b><i>Parking</i></b>		
			Regular	Handi-capped	Regular	Handi-capped	
Apartments	300 one-bedroom units	1.25 spaces per unit plus one guest space for every six units	425 spaces	9 spaces	150 spaces	9 spaces	N
<b>TOTAL</b> (including handicap)			425 spaces	9 spaces	150 spaces	9 spaces	N
Percent Deviation					65 %		

This parking issue will be addressed under Variance VAR-17741.

<b><i>Waivers</i></b>		
<b><i>Request</i></b>	<b><i>Requirement</i></b>	<b><i>Staff Recommendation</i></b>
5 feet along north property line	6 feet along north property line	Denial
0 feet along 9th Street	10 feet along 9th Street	Denial
4 feet along Bridger Avenue	10 feet along Bridger Avenue	Denial

Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's landscaping standards, staff is recommending denial of all landscaping waivers.

**ANALYSIS**

The site is currently developed with two apartment buildings, two single-family dwellings, and an office building. The applicant proposes to demolish these structures and construct a 300-unit apartment building which will require a variance (VAR-17743) to allow the building to be zero feet from the west property line where ten feet is the minimum setback required, zero feet from the east property line where 20 feet is the minimum setback required, and zero feet from the south property line where five feet is the minimum setback required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's setback standards, staff is recommending denial of these setback variances.

The applicant has also requested a variance (VAR-17743) to allow a building height of 66 feet where the R-5 (Apartment) standards allow a maximum height of 55 feet. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's height requirements, staff is recommending denial of this variance.

Because there is an existing single-family dwelling north of this site and adjacent to 9<sup>th</sup> Street, any proposed development of this site is required to comply with the proximity slope requirements of the Residential Adjacency standards. When applied to the height of the building as currently proposed (66 feet), these standards require a setback of 198 feet from the north property line which is adjacent to the existing single-family dwelling north of this site. The applicant has requested a variance (VAR-17742) to allow a setback of eight feet from the north property line where 198 feet is the minimum setback required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's Residential Adjacency standards, staff is recommending denial of this variance.

The Residential Adjacency standards also require trash enclosures to be setback at least 50 feet from single-family residential development. The applicant has requested a variance (VAR-17742) to allow the trash enclosure to be 10 feet from single-family development. Because the site plan could be redesigned to include a trash enclosure which would allow compliance with the city's Residential Adjacency standards, staff is recommending denial of this variance.

The applicant has requested a variance (VAR-17741) to allow 150 parking spaces on this site where 425 are required. Because there is no hardship associated with this site, and because staff finds that this proposed development is too intense for the subject property, staff is recommending denial of this parking variance. As part of this development, the applicant is proposing to vacate a portion of an existing 20-foot wide public alley that currently bisects this site and connects Carson Avenue and Bridger Avenue. In order to mitigate the vacation of this portion of the alley, the applicant proposes to construct a new alley, which will connect the un-vacated portion of the existing alley to Tenth Street. Because staff is recommending denial of the rezoning, site development plan review and variances associated with this development, staff is recommending denial of the alley vacation. A 10-foot wide landscape buffer that complies with city standards is proposed along Tenth Street. The applicant has requested waivers to allow no perimeter landscaping along Ninth Street where ten feet is required; to allow four feet along Bridger Avenue where 10 feet is required; and to allow five feet along the north property line where six feet is required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's landscaping standards, staff is recommending denial of all landscaping waivers.

The elevations depict a stucco exterior with aluminum accents.

## FINDINGS

The following findings must be made:

1. The proposed development is compatible with adjacent development and development in the area;
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;
3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;
4. Building and landscape materials are appropriate for the area and for the City;
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;
6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

**In regard to 1:** The proposed development will exceed the scale and massing of any existing development on the east side of Ninth Street. Staff finds the height and intensity of the project is greater than adjacent development and is not compatible with residential development immediately to the north of this site.

**In regard to 2:** The project as designed is more intense than the existing residential development on this block, and requires numerous Variances and Waivers to Title 19. As such, the project is not appropriate to its context, and staff recommends denial.

**In regard to 3:** The property is accessible from Ninth Street and Tenth Street. Both streets are adequate to meet the needs of the proposed R-5 (Apartment) District.

**In regard to 4:** The proposed building materials and landscape materials are appropriate for the immediate area and for the City, and are generally in compliance with the Residential Development Standards.

**In regard to 5:** The inability of the applicant to devise a site plan that complies with the setback, residential adjacency, building height and landscape standards indicate that the design characteristics of this proposal are too intense for this site.

**In regard to 6:** The proposed development will be subject to regular inspections for permitting and licensing and will; therefore, not compromise the public health, safety, and welfare.

**PLANNING COMMISSION ACTION**

One condition was deleted by the Planning Commission.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 18

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 129 by Planning Dept

**APPROVALS** 1

**PROTESTS** 0