



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 1, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-21234 - APPLICANT/OWNER: POULOS FAMILY TRUST,
AND ASHTON BOYD FAMILY TRUST

THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 11, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-2/bg/sd-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. A Vacation (VAC-21240) and Site Development Plan Review (SDR-21236) 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

3. Coordinate with the City Surveyor regarding recordation of a Reversionary Map for this site; comply with the recommendations of the City Surveyor.
4. Dedicate a 25 foot radius on the northeast corner of Bridger Avenue and 9th Street and a 25 foot radius on the northwest corner of 10th Street and Bridger Avenue prior to the issuance of any permits.
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. Construct all incomplete half-street improvements on Bridger Avenue, 9th Street and 10th Street adjacent to this site concurrent with development of this site.
7. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed apartments. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

8. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a rezoning from R-4 (High Density Residential) to R-5 (Apartment) on six separate parcels. The 1.38 acre site is located on the north side of Bridger Avenue between 9th Street and 10th Street. The following related applications will be considered concurrently: VAC-21240, VAR-21238, VAR-21239, and SDR-21236.

In addition to the Waivers to the Title 19.12 Landscape Standards and a Waiver request to the Title 19.08 Residential Adjacency Standards, the applicant has requested an associated parking Variance (VAR-21238) and a Variance (VAR-21239) to Title 19.08 Design Standards for setbacks and height. As the proposed design is more intense than the existing residential development on this block and requires multiple Variances and Waivers, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/04/61	The Board of City Commissioners approved a Special Use Permit (U-0032-60) for an office at 227 South 9 TH Street.
10/01/03	The City Council approved a request to Amend the City of Las Vegas Downtown Development Plan Map (Map 9) of the Las Vegas Redevelopment Plan from Industrial to Commercial and from Industrial to Mixed Use for properties bounded by Charleston Boulevard to the north, Third Street to the east, Commerce Street to the west and Colorado Street to the south.
12/07/06	The Planning Commission approved the following requests: a Rezoning (ZON-17740) from R-4 (High Density Residential) to R-5 (Apartment); a Vacation (VAC-17744) of a portion of an existing alley generally located north of Bridger Avenue, 140 feet east of Tenth Street; a Variance (VAR-17741) to allow 150 parking spaces where 425 spaces are required ; a Variance (VAR-17742) to allow an eight-foot setback from the north property line where the residential adjacency standards require a setback of 198 feet and to allow trash enclosures to be 10 feet from residential property where a 50-foot minimum setback is required; a Variance (VAR-17743) to allow a zero-foot setbacks from the east, west, and south property lines where 20 feet, 10 feet, five feet are the minimum setbacks required to allow a building height of 66 feet where 55 feet is the maximum height allowed; and a Site Development Plan Review (SDR-17745) for a on 1.38 acres on the north side of Bridger Avenue between 9th Street and 10th Street. These items were withdrawn from the 2/07/07 City Council meeting.

06/14/07	<p>The Planning Commission recommended approval of companion items VAR-21238, VAR-21239, VAC-21240 and SDR-21236 concurrently with this application.</p> <p>The Planning Commission voted 4-2/bg/sd to recommend APPROVAL (PC Agenda Item #18/mh).</p>
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Pre-Application Meeting

08/18/06	<p>The requirements for a rezoning application were reviewed. Issues regarding the specific changes stemming from the revisions to the previous five applications heard at the 12/07/06 Planning Commission meeting were discussed.</p>
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Neighborhood Meeting

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

Field Check

4/19/07	<p>A Field Check was made with the following observations: 1. The proposed vacation will cut off access from an actively used alley. However, the majority of that use stems from the apartments to be redeveloped. 2. The proposal is similar with an existing apartment building but is out of context regarding size and massing with the immediate surrounding neighborhood. 3. The site is within short distance of a similar project at 811 Bridger Avenue, which seems to be a functional apartment building with no observable issues from the street regarding off-site parking.</p>
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Details of Application Request

<i>Site Area</i>	
Net Acres	1.38 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
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>
Special Area Plan			
Downtown Centennial Plan		X	NA
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails	X		Y
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		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

Pursuant to 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			
• Front (west)	10 Feet	0 Feet	N*
• Side (north)	5 Feet	8 Feet	Y**
• Corner (south)	5 Feet	0 Feet	N*
• Rear (east)	20 Feet	0 Feet	N*
Min. Distance Between Buildings	N/A	1 building	Y
Max. Lot Coverage	N/A	81 %	Y
Max. Building Height	5 Stories or 55 Feet	62 Feet	N***

*These setbacks do not comply with the R-5 standards. This issue will be considered under Variance VAR-21239.

**This setback complies with the R-5 standards, but does not comply with the Residential Adjacency Standards. This issue will be considered under a Waiver request as permitted by 19.08.060(B)5b.

***The proposed height does not comply with the R-5 standards. This issue will be considered under Variance VAR-21239.

<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

ANALYSIS

<i>Comparison of the most recent application versus current proposal:</i>		
	Approved per SDR-17745	Proposed per SDR-21236
Project Description	300 unit, 66-foot high, six story apartment building	300 unit, 62-foot high, six story apartment building
Zoning	R-5 (Apartment)	R-5 (Apartment)
Density		
- Max. Allowed by Zoning	>25.50 du/ac	>25.50 du/ac
- Requested per the Project	217.39 du/ac	217.39 du/ac
Building Heights		
- Elevation Height	66 Feet	62 Feet
- Number of Stories	6-Stories	6-Stories
Setbacks Allowed		
- Front	0 feet where 10 feet required	0 feet where 10 feet required
- Side	0 feet where 5 feet required	10 feet where 5 feet required
- Corner Side	0 feet where 5 feet required	0 feet where 5 feet required
- Rear	0 feet where 20 feet required	0 feet where 20 feet required

- **General Plan/Land Use**

The General Plan category of the site was designated under the MXU (Mixed Use) land use category by a General Plan Amendment (GPA-2497) approved in 2003. A previous Rezoning (ZON-17740), Variances (VAR-17741, VAR-17742, & VAR-17743) and Site Plan Development Review (SDR-17745) were approved at Planning Commission but were withdrawn prior to being heard at City Council. The MXU (Mixed Use) General Plan Land Use designation allows a range of Multi-family housing and commercial uses.

- **Zoning**

The R-5 District is intended for the development of high-density multi-family units within the downtown urban core and in other high intensity areas suitable for high density residential development. The R-5 Apartment District is consistent with the policies of the High Density Residential category of the General Plan.

- **The Downtown Redevelopment Area (RDA)**

The proposed 300-unit apartment complex is located within the Downtown Redevelopment Plan. The subject properties are designated as MXU (Mixed Use), which allows a range of residential, office, service and general commercial uses. The proposed R-5 (Apartment) district is in compliance with this existing designation.

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 Downtown Redevelopment Plan designates the area along Seventh Street as MXU (Mixed Use Urban), which allows a range of residential, office, service and general commercial uses. The proposed R-5 (Apartment) district conforms to this existing designation.

- 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.**

The surrounding area consists of a mixture of R-4 (High Density Residential), C-2 (General Commercial), and C-V (Civic) zoning districts. Several residential structures remain on the same block as the proposed rezoning. The properties in the vicinity are developed with uses that would normally be compatible with the proposed R-5 (Apartment) district. In this instance, however, the five-story, 55-foot building height that the R-5 district would allow is not desirable in this area, as buildings taller than two stories would be out of character with most homes and businesses in the area.

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

The project as designed is more intense than other existing or proposed developments in the area, and requires numerous Variances and Waivers. As such, the project is not appropriate to its context.

- 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.**

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.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 136 by Planning Department

APPROVALS 0

PROTESTS 0