



## AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 19, 2007  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: SUP-23096 - APPLICANT/OWNER: T-WHR, LLC

---

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

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

#### Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a mixed-use use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-23097) shall be required.
3. 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.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a proposed mixed-use development at 902 and 916 East Fremont Street

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/04/1989	The City Council approved a Special Use Permit (U-30-89) to allow a gaming establishment in conjunction with an existing motel on property located at 916 East Fremont Street.
08/23/07	The Planning Commission recommended approval of companion item SDR-23097 concurrently with this application.  The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #54/jm).
<b><i>Related Building Permits/Business Licenses</i></b>	
01/01/1951	A business license (M08-00147) was issued for a Motel at 902 Fremont Street. The license was marked out of business.
01/01/1951	A business license (B04-00032) was issued for a Barber Shop at 902 Fremont Street. The license was marked out of business.
01/01/1951	A business license (C05-01172) was issued for a Retail Tobacco at 916 Fremont. The license was marked out of business.
01/01/1951	A business license (L16-00006) was issued for a Tavern at 916 Fremont. The license was marked out of business.
12/10/1991	A business license (M06-01617) was issued for Miscellaneous Sales at 916 Fremont. The license was marked out of business.
05/08/1992	A business license (C08-01431) was issued for Amusement Machines at 916 Fremont. The license was marked out of business.
<b><i>Pre-Application Meeting</i></b>	
06/25/07	Submittal requirements for a Special Use Permit and Site Development Plan Review applications were discussed. Several of the Downtown Centennial Plan Development Standards require waivers, including the build-to-line and loading standards.
<b><i>Field Check</i></b>	
07/23/07	A field check was on the site. There are two vacant motels on both parcels of land.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	2.75

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Vacant	C (Commercial)	C-2 (General Commercial)
North	Church, Shops	MXU (Mixed Use)	C-2 (General Commercial)
South	Parking lot, Bar	MXU (Mixed Use)	C-2 (General Commercial)
East	RV Park, Auto Repair	C (Commercial)	C-2 (General Commercial)
West	Motel, Shop, Church	C (Commercial)	C-2 (General Commercial)

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

**DEVELOPMENT STANDARDS**

***Pursuant to Las Vegas Downtown Centennial Plan Development Standards East Fremont***

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Setbacks	70% of the first story façade shall align along the front property line.	N	N*
Corner Side	70% of the first story façade shall align along the front property line.	N	N*
Service Areas	Service areas and loading docks shall not be located at frontage lines. All auto-related facilities (working bays, storage, etc.) shall orient away and be screened.	N	N*
Utilities	All power lines shall be located underground from the nearest street access to the project site.	Y	Y
Encroachments	No aerial encroachments are permitted. No vacations of the street right-of-way shall be permitted for expanding the building footprint.	Y	Y

Fences/Walls	Fences/walls may be up to eight feet. Walls must be decorative in nature with a minimum of 20 percent contrasting materials.	N/A	N/A
Parking Screening	When parking lots face public streets, ornamental screen landscaping shall be incorporated	N/A	N/A
Parking Structures	Parking structures shall have ground level retail, office or restaurant space incorporated into the design of the structure. Such structures shall have no front or corner side setback. A 10 foot setback shall be required where no retail occurs.	Y	Y
Architectural Design Standards	Extended, blank, expressionless walls at the street level shall be prohibited. The use of expression lines and expression zones utilizing materials, colors, and/or relief shall be required in the pedestrian zone to create visually interesting facades (Graphic 14).	Y	Y
	The use of arcades, awnings and canopies on the ground floor of a building is required unless waived by City Council as part of a site development plan review. An encroachment agreement with Public Works is required.	Y	Y
	The main entry of the building from the street shall be appropriately articulated in the architectural design of the building. This shall be accomplished through change in materials, colors, and/or the amount of detailing around the entry; having the entry slightly recessed or protruding from the primary building line; and/or through the use of canopies or awnings, etc. (Graphic 14).	Y	Y
	Reflective or tinted glass shall not exceed 60 percent of the overall exterior enclosure of any building. Reflectivity of any glass shall not exceed 22 percent reflectivity index. Only non-reflective clear glass or non-reflective tinted glass with a visible light transmittance of about 60 percent shall be used on ground floors in all pedestrian-oriented areas.	Y	Y

*\*A Waiver of Downtown Centennial Plan (Fremont East) Design Standards has been requested by the applicant.*

<b>Streetscape Standards</b>	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
Right-of-Way Improvements	All streets shall have a five foot amenity zone and a 10 foot wide, unobstructed sidewalk.	Y	Y
North-South Streets	Major north-south streets (Main Street) shall be designed thematically with Deglet-Noor Date Palms or similar type palms as the primary landscape element; 25 feet tall and spaced 30 feet apart. Southern Live Oak, Shoestring Acacia or African Sumac shade trees may be provided between the palm trees with a minimum height of 15 feet.	Y	Y
Bus Turnouts	Charter bus drop areas shall be provided in close proximity to the entrances of newly constructed hotels.	N/A	N/A

*Pursuant to the Downtown Centennial Plan, the following streetscape standards apply:*

<b>Streetscape Standards</b>	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
East/West Street (Fremont Street)	1 Shade Tree @ 15-20 O.C. Maximum (min. 24 box) 8 Shade Trees	6 Palm Trees, 4 Shade Trees (36 box)	N*
East/West Street (Ogden Avenue)	1 Shade Tree @ 15-20 O.C. Maximum (min. 24 box) 14 Shade Trees	5 Shade Trees (36 box), 8 Palm @ 20 O.C. Trees	N*
North/South Street (9 <sup>th</sup> Street)	1 Palm Tree @ 30 O.C. Maximum (min. 25 height) 13 Palm Trees	5 Palm Trees, 8 Shade Trees (36 box; no height listed)	Y
North/South Street (10 <sup>th</sup> Street)	1 Palm Tree @ 30 O.C. Maximum (min. 25 height) 13 Palm Trees	2 Palm Trees, 11 Shade Trees (36 box; no height listed)	Y
Right-of-Way Improvements:	Sidewalk and Amenity Zones (Per Graphics 11 & 12, Downtown Centennial Plan)	Sidewalk and Amenity Zones (Per Graphics 11 & 12, Downtown Centennial Plan)	Y

*\*The Landscape Plan has been conditioned to replace Palm Trees with Shade Trees along the Ogden Avenue and Fremont Street (East/West Streets) and to add one Shade Tree to Ogden Avenue.*

<b>Parking Requirement Downtown</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Base Parking Requirement</b>			<b>Provided</b>		<b>Compliance</b>
		<b>Parking Ratio</b>	<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Hotel	537 Units	1:Guestroom	537				
	Guest Parking	1:6	90				
Retail	28,791	1:250	115				
<b>SubTotal</b>			727	15	694	15	
<b>TOTAL</b>			742*		709		

*\*Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City. The analysis should take a number of factors into consideration when discussing parking availability, including pedestrian access, nearby parking structures, on-street parking, etc.*

**ANALYSIS**

The proposed project described in Site Development Plan Review is for a new 32-story, 350foot residential tower that will contain 537 apartment units and 28,791 square feet of community based retail. The retail space is positioned on the corner of 9<sup>th</sup> Street and Ogden Avenue, which applicant notes is designed for a specialty grocer. In addition to the high rise apartment complex, there are four apartment units on the ground floor flanking 9<sup>th</sup> Street and seven on 10<sup>th</sup> Street which provide a neighborhood appeal. The existing motels which are vacant will be demolished.

The minimum standards listed in Title 19.04 for the approval of a Mixed-Use Development are as follows:

1. Residential uses permitted as of right in the R-3 and R-4 Zoning Districts may be permitted by means of a Special Use Permit within the P-R, N-S, O, C-1, C-2 or C-PB Zoning District.
2. Nonresidential uses permitted as of right in the P-R, N-S, O and C-1 Zoning Districts may be permitted by means of a Special Use Permit within an R-3 or R-4 Zoning District.
3. When residential and nonresidential uses are approved for a single parcel:
  - a. The nonresidential use shall be located at ground level fronting the primary public right-of-way, and the primary entryway to that use shall be directly from and oriented to a street;

- b. The overall architecture of the front elevation shall highlight the difference in uses through variations in volume and proportion, and shall be treated as a cohesive whole through finishes and colors.

The residential units proposed for the development would be allowed in a C-2 (General Commercial) zoning district in accordance with the minimum standards listed above. In accordance with the standards, the project is designed so that the commercial uses are on the ground level of the project, and the residential units are located in the tower structures above. Portions of the commercial uses front directly on the public rights-of-way, and have entrances oriented to the street.

## **FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The Centennial Plan admonishes a broad diversity of uses in the downtown area, and states that integrating a successful residential community into the urban core is vital to the success of the area.

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

The proposed development will result in a residential density of 195 units per acre, which is appropriate for an urban area. The site has frontage on four public rights-of-way, which provides excellent access to the site and adequate separation from adjacent properties.

- 3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

The principal vehicular access points into the parking garage will be off of 9<sup>th</sup> and 10<sup>th</sup> Street. Both 9<sup>th</sup> and 10<sup>th</sup> Street flow perpendicular to Fremont Street and Ogden Avenue which are major downtown east/west streets.

- 4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

Approval of this Special Use Permit is consistent with the General Plan and the Downtown Centennial Plan, and will not compromise public health, safety, or welfare.

**5. The use meets all of the applicable conditions per Title 19.04.**

The proposed use conforms to all minimum conditions listed in Title 19.04.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 13

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 171 by City Clerk

**APPROVALS** 4

**PROTESTS** 0