



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 16, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-25776 - APPLICANT: EXCEED PROPERTIES, INC. -
OWNER: EXCEED PROPERTIES, INC., ET AL

**** CONDITIONS ****

The Planning Commission (5-2/rt/bg vote) recommends DENIAL. Staff recommends APPROVAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning from R-1 (Single Family Residential) and R-PD25 (Residential Planned Development 25 Units per Acre) to C-1 (Limited Commercial) on 3.75 acres adjacent to the east side of 6th Street, approximately 360 feet north of Sahara Avenue. The site consists of an undeveloped master condominium parcel, an undeveloped residential parcel, and two developed parcels which contain a radio broadcast facility and parking lot.

The proposed rezoning to the C-1 (Limited Commercial) zoning district is consistent with the SC (Service Commercial) General Plan designation. It is also consistent with the existing office and service commercial uses in the vicinity. Approval is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/04/92	The City Council approved the appeal of the Planning Commission denial of a request for a Rezoning (Z-0107-91) from R-1 (Single Family Residential) and C-1 (Limited Commercial) to R-PD40 (Residential Planned Development 40 Units per Acre) on 3.3 acres located on the east side of 6th Street north of Sahara Avenue. The request included a deviation from the five-acre minimum site area for an R-PD project (this now requires a variance). The City Council placed a condition on the approval restricting the rezoning to R-PD25 (Residential Planned Development 25 Units per Acre) with a maximum of 84 units. A General Plan Amendment was not required. The Rezoning was subject to a 12-month Resolution of Intent. Staff recommended approval of the Rezoning on condition that it be restricted to R-PD36 (Residential Planned Development 36 Units per Acre).
07/15/92	The City Council approved a Plot Plan Review [Z-0107-91(1)] for a proposed two-story, 84-unit condominium development on 3.3 acres on the east side of 6th Street north of Sahara Avenue. Staff recommended approval. (There was no Planning Commission hearing.)
07/23/92	The Planning Commission approved a Tentative Map (TM-0045-92) for an 84-unit condominium subdivision (Sixth Street Condominiums) on 3.3 acres located on the east side of 6th Street north of Sahara Avenue. Staff recommended approval.
10/22/92	The Planning Commission approved a name change [TM-0045-92(1)] of an approved Tentative Map (TM-0045-92) from Sixth Street Condominiums to Sahara Courtyards Condominiums. Staff recommended approval. The Planning Commission subsequently approved the Final Map (FM-0085-92) of Sahara Courtyards Condominiums. This map recorded on 05/21/93.

04/21/93	The City Council approved a Special Use Permit (U-0031-93) to allow the sale of beer and wine within an existing restaurant at 600 East Sahara Avenue. The Board of Zoning Adjustment and staff recommended approval.
04/14/94	The Planning Commission approved a Plot Plan Review [Z-0107-91(2)] for a proposed two-story, 84-unit condominium development (12 buildings) on 3.3 acres on the east side of 6th Street north of Sahara Avenue. Staff recommended approval.
07/14/94	The Planning Commission approved an Amended Final Map [FM-0085-92(1)] for Sahara Courtyards Condominiums on 3.1 acres on the east side of 6th Street north of Sahara Avenue. The purpose of amending the map was to change the configuration of condominium units. The map was never recorded.
08/06/03	The City Council passed R-108-2003 adopting the Beverly Green/Southridge Neighborhood Plan.
08/04/04	The City Council tabled a request for a General Plan Amendment (GPA-4332) to amend a portion of the Southeast Sector Plan of the General Plan from SC (Service Commercial) to M (Medium Density Residential) on 3.16 acres on the east side of 6th Street, approximately 360 feet north of Sahara Avenue. The Planning Commission and staff recommended approval.
01/13/05	The Planning Commission voted to Withdraw Without Prejudice a request for a General Plan Amendment (GPA-5661) to amend a portion of the Southeast Sector Plan of the General Plan from SC (Service Commercial) to H (High Density Residential) on 3.2 acres on the east side of 6th Street, approximately 360 feet north of Sahara Avenue. Staff recommended denial.
03/13/08	The Planning Commission recommended denial of companion items VAR-25778, SUP-25775, SUP-25779 and SDR-25773 concurrently with this application. The Planning Commission voted 5-2/rt/bg to recommend DENIAL (PC Agenda Item #21/rts).
<i>Related Building Permits/Business Licenses</i>	
Prior to 01/01/51	A business license, L11-00001, for a Beer Wine Cooler On-Off Sale category license for 610 East Sahara Avenue, Suite 2 was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 01/24/02 due to a reclassification of the license type.
Prior to 01/01/51	A business license, C15-00281, for a Convenience Store category license for 610 East Sahara Avenue, Suite 2 was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 01/29/02 due to a reclassification of the license type.
Prior to 01/01/51	A business license, L16-00042, for a Tavern category license for 620 East Sahara Avenue was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 11/18/02 due to a change of manager. *

Prior to 01/01/51	A business license, R09-00027, for a Restaurant - Seating 45 or More category license for 620 East Sahara Avenue was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 12/13/02. *
Prior to 01/01/51	A business license, R23-00009, for a Recreational Instruction or Lessons category license for 610 East Sahara Avenue, Suite 11 was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 02/12/03 due to a reclassification of the license type. *
Prior to 01/01/51	A business license, C05-00904, for a Tobacco Dealer - Retail category license for 610 East Sahara Avenue, Suite 2 was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 02/12/03 due to a reclassification of the license type.
Prior to 01/01/51	A business license, R09-00070, for a Restaurant - Seating 45 or More category license for 600 East Sahara Avenue was issued by the Department of Finance and Business Services. This license was reissued on 10/01/03 due to a misplaced original. *
02/02/89	A building permit application, plan check M-0162-89, was submitted for the site. This was for a plan check review for an interior remodel of an existing restaurant at 600 East Sahara Avenue. This permit (89018670) was reviewed and approved by the Planning and Development Department on 02/02/98 and issued by the Building and Safety Department 03/22/89. This permit received a final inspection on 04/06/89.
05/17/89	A business license, B08-00846, for a Beauty/Cosmetics Sales category license for 610 East Sahara Avenue, Suite 6 was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 12/04/02 due to a reclassification of the license type.
02/01/90	A business license, B04-01032, for a Barber Shop category license for 610 East Sahara Avenue, Suite 5 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 02/02/90 and reissued on 04/15/98 due to a change of suite numbering.
09/11/91	A business license, C11-04092, for a Masonry Contractor category license for 604 East Sahara Avenue was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 09/13/91 and reissued on 02/27/97. A Cease and Desist notice was issued 03/15/06. *
04/21/93	A business license, L09-00087, for a Beer Wine Cooler On Sale category license for 600 East Sahara Avenue was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 06/01/93 and reissued on 10/02/03 due to a misplaced original. *
07/21/97	A business license, B05-02665, for a Cosmetological Establishment category license for 610 East Sahara Avenue, Suite 6 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 07/29/97 and reissued on 04/15/98 due to a change of suite numbering.

01/20/99	A business license, A01-01074, for an Administrative Office category license at 610 East Sahara Avenue, Suite 1 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 01/29/99. *
10/18/00	A business license, F14-00035, for an Auto Title Loans category license for 610 East Sahara Avenue, Suite 10 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 10/31/00 and reissued on 11/30/07 due to a change of ownership. *
09/07/01	A business license, R10-00045, for a Food Caterer category license for 600 East Sahara Avenue was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 09/27/01 and reissued on 12/17/02 due to a misplaced original. *
01/12/04	A business license, M09-00080, for a Mail Box Center category license for 610 East Sahara Avenue, Suite 7 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 01/15/04. *
12/17/04	A business license, M01-08415, for a Maintenance Services - Janitorial category license for 610 East Sahara Avenue, Suite 7 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 12/23/04 and reissued on 02/09/05. *
12/23/04	A business license, C07-03299, for a Clothing Store category license for 610 East Sahara Avenue, Suite 13 was processed in by the Department of Finance and Business Services. This license was approved by the Planning and Development Department on 05/20/05 and issued by Business Services on 06/21/05.
05/02/05	A business license, A04-00084, for an Advertising Space Leasing or Selling category license for 610 East Sahara Avenue, Suite 7 was processed in by the Department of Finance and Business Services. This license was approved by the Planning and Development Department on 05/09/05 and issued by Business Services on 05/10/05.
06/23/06	A building permit application, plan check L-0889-06, was submitted for the site. This was for a plan check review for a tenant improvement (stone entry/floor plan remodel) for a certificate of occupancy at 620 East Sahara Avenue. This permit (07000608) was reviewed and approved by the Planning and Development Department on 07/10/06 and issued by the Building and Safety Department 02/15/07. A revision of the architectural, plumbing, and electrical drawings were reviewed and approved 03/19/07. This permit received a final inspection on 05/15/07.
10/30/07	A business license, C21-00192, for a Check Cashing Service category license for 610 East Sahara Avenue, Suite 10 was processed in by the Department of Finance and Business Services. This license was approved by the Planning and Development Department on 11/16/07 and issued by Business Services on 11/30/07.

<i>Pre-Application Meeting</i>	
11/16/07	<p>A pre-application meeting was held, where submittal requirements and elements of this application were discussed. Specifically, staff listed and described several major issues with the project as follows:</p> <ul style="list-style-type: none"> • Of primary concern is the multiple General Plan designations over the site (C, SC and L) and whether the full site would be included in the Downtown Redevelopment Area when it is all reverted to one parcel. The applicant was advised to submit a General Plan Amendment for the SC (Service Commercial) and L (Low Density Residential) parcels while an answer was sought. • A Waiver of residential adjacency standards must be requested as a part of the Site Development Plan Review application. • A Merger and Resubdivision map would need to be recorded prior to issuance of permits. • NDOT approval is required for any driveway on Sahara. • Subterranean parking was an issue, due to the high water table in the area and the expense of digging through hard caliche. • The applicant was informed of the strict time limits on any future Tentative Map approvals project must be completed within two years or a new map must be submitted. • A Development Impact Notice and Assessment and Project of Regional Significance questionnaire must be completed, signed and submitted as part of the submittal package. • A neighborhood meeting is required if a General Plan Amendment application is submitted; however, a meeting was recommended even if no amendment is submitted. • The area on the site plan labeled Central Plant needed to be more detailed for the submittal.
<i>Neighborhood Meeting</i>	
01/29/08	<p>A neighborhood meeting was held at the Trinity Life Center, 1000 East St. Louis Street. Thirty-eight members of the public, two representatives of the applicant, and one member of the Planning and Development staff attended. Those in attendance had the following comments and concerns:</p> <ul style="list-style-type: none"> • Concern regarding number and location of entrances off 6th Street. • Traffic on 6th Street and St. Louis Avenue and parking intensity. • Residential adjacency waivers issue. • Property values effect of density apartments rather than condos. • Screening of activity podiums and hours of operation. • Shade and shadow study presented. • Traffic study to be done prior to Planning Commission. • Estimate new students into CCSD. • Exterior lighting and signage question.

	<ul style="list-style-type: none"> • Use of fire retardant coverings. • Apartments to be medium income target. • Small unit sizes. • Tower out of scale with neighborhood. • Not in compliance with Southridge / Beverly Green Neighborhood Plan (albeit non-binding). • Construction staging plan. <p>The majority of those in attendance had significant concerns and opposed the project. A minority were in favor.</p>
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* This business license has been issued with no indication that it was reviewed or approved by the Planning and Development Department.

Field Check	
12/06/07	The Department of Planning and Development conducted a site visit that found that the south side of the site is developed with a shopping center and two restaurant pads. There is a large mobile storage container in the parking lot area of the shopping center. A low wall with an approximately eight-foot wrought iron fence is located along the north property line of the shopping center. Along 6th Street to the north is a radio station, also with a mobile storage container in the parking area. The rest of the site is undeveloped, except for a private street that is an extension of the road servicing several office buildings to the east of the subject site. This street terminates in a cul-de-sac with an arm jutting out. Cut-through traffic across the site from 6th Street to this private street was observed, although there are no curb cuts on 6th Street except at the radio station.

Details of Application Request	
Site Area	
Net Acres	3.75 - Area of Rezoning (6.34 - Total Project Area)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
	Undeveloped (w/ full cul-de-sac terminus)	SC (Service Commercial)	R-PD25 (Residential Planned Development 25 Units per Acre)
	Radio Broadcasting	SC (Service Commercial)	R-1 (Single Family Residential)

North	Undeveloped	SC (Service Commercial)	R-1 (Single Family Residential)
	Undeveloped	L (Low Density Residential)	R-1 (Single Family Residential)
	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
South	Auto Repair	CT (Commercial Tourist Clark County Designation)	C-2 (General Commercial Clark County Designation)
	Multi-Family Residential	CT (Commercial Tourist Clark County Designation)	H-1 (Limited Resort and Apartment Clark County Designation)
East	Restaurant	C (Commercial)	C-1 (Limited Commercial)
	Office, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
	Undeveloped (w/ partial cul-de-sac terminus)	C (Commercial)	C-1 (Limited Commercial)
	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Auto Parts (New and Rebuilt)	SC (Service Commercial)	C-1 (Limited Commercial)
	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Beverly Green/Southridge Neighborhood Plan	X		N *
Redevelopment Plan Area	X		Y **
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (175 Feet)	X		N ***
Trails		X	n/a
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment	X		Y ****
Project of Regional Significance	X		Y ****

* The proposed project does not reflect Strategy 1 as outlined under Issue 2 of the Existing Land Uses section of The Beverly/Southridge Neighborhood Plan which requests: any development whose building foundation is within 300 of property zoned for a single-family residential home be required to adhere to Title 19.08.060 Residential Adjacency Standards.

- ** Only one of the subject sites parcels (162-03-801-099), which contains existing retail and commercial uses and is not a part of this rezoning request, is located within the Downtown Redevelopment Area.
- *** The proposed height of the residential tower, 425 feet, exceeds the height limitation of 175 feet for this area established by the McCarran International Airport Overlay Map portion of A-O (Airport Overlay) District. A companion Special Use Permit (SUP-25775) has been submitted pursuant to Title 19.06.080 and if approved would grant relief from the height limitation.
- **** Pursuant to Ordinance No. 5227, the project under review outlines a project that meets the threshold that defines a Project of Significant Impact as outlined in the ordinance for a development in excess of 500 residential units. Further, pursuant to Ordinance No. 5477, the proposed project is deemed to be a Project of Regional Significance, as there are requests for Special Use Permits within 500 feet of the City's boundary with unincorporated Clark County. Two Special Use Permits are requested in conjunction with this project. The applicant has prepared and submitted, as part of the overall project submittal, an impact report as required by the Ordinances for referral to affected agencies. As of 12/26/07, comments have only been received from the following agencies:
 - The Collection Systems Planning section of the city of Las Vegas Department of Public Works comments that in respect to wastewater, the developer of this project shall provide a sewer connection & abandonment plan of any existing sewer lines within this project to the Collection Systems Planning section of The City of Las Vegas per Section 10 of the Development Impact Notice and Assessment (DINA).
 - The City of Las Vegas Flood Control Section of the Department of Public Works will require a technical drainage study for the related Site Development Plan Review (SDR-25773) for this mixed use project.
 - The Metropolitan Police Department has determined that the proposed project has the potential to increase calls for service and increase response times in the Downtown Area Command.

DEVELOPMENT STANDARDS

Existing Zoning	Permitted Density	Units Allowed
R-1 (Single Family Residential)	5.5 DU/AC	3 Dwelling Unit @ 0.59 Acres
R-PD25 (Residential Planned Development 25 Units per Acre)	25.49 DU/AC	84 Dwelling Units per Approved Final Map [FM-0085-92(1)]
Proposed Zoning	Permitted Density	Units Allowed
C-1 (Limited Commercial)	n/a	n/a
General Plan	Permitted Density	Units Allowed
SC (Service Commercial)	n/a	n/a

ANALYSIS

The portion on the subject site that is a part of this rezoning request is located on the Southeast Sector Map of the General Plan. The site is designated as SC (Service Commercial) which allows for low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The SC (Service Commercial) category may also allow mixed-use development with a residential component where appropriate.

This Rezoning proposes to change the zoning of the northern portion of the project site from the current R-1 (Single Family Residential) and R-PD25 (Residential Planned Development 25 Units per Acre) to a C-1 (Limited Commercial) zoning district. The existing radio broadcasting use and proposed mixed-use development are permissible in the proposed C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit (SUP-25779) and would then be consistent with the existing SC (Service Commercial) General Plan designation.

The site is within the McCarran International Airport Overlay Map portion of the A-O (Airport Overlay) District. The proposed height of the tower, 425 feet, exceeds the height limitation of 175 feet for this area. A Special Use Permit (SUP-25775) has been submitted pursuant to Title 19.06.080 and if approved would grant relief from the height limitation.

Further, the site is within the Beverly/Southridge Neighborhood Plan area at the southern edge of the plan boundaries. The neighborhood plan is intended to serve as a set of guiding principles for the area. The proposed project does not reflect Strategy 1 as outlined under Issue 2 of the Existing Land Uses section of The Beverly/Southridge Neighborhood Plan which requests any development whose building foundation is within 300 of property zoned for a single-family residential home be required to adhere to Title 19.08.060 Residential Adjacency Standards. This strategy is mainly a response to a concern regarding potential negative impacts a high rise structure may cause if built in the area with the goal being to actively oppose any negative aesthetic effects a high rise structure may pose to the neighborhood. While the proposed development does not meet the intent of the neighborhood plan with regard to the buildings proposed height, the proposed zone change does not directly conflict with any of the stated goals or strategies of the neighborhood plan.

This rezoning application has been submitted in conjunction with applications for a Variance (VAR-25778) to allow a deviation of the 1:1 stepback requirement above 35 feet where adjacent to a collector street or larger, a Special Use Permit (SUP-25775) to allow a building height of 425 feet in the A-O (Airport Overlay) District, a Special Use Permit (SUP-25779) to allow a residential use in a commercial zoning district, and a Site Development Plan Review (SDR-25773) to site a proposed 38-story mixed-use development that includes 108,500 square feet of commercial area and 676 residential units.

The proposed rezoning to the C-1 (Limited Commercial) zoning district is consistent with the existing SC (Service Commercial) General Plan designation. It would also make it consistent with surrounding land uses to the south and west, which consist of office and retail buildings to the south and southeast of the property. For these reasons staff is recommending approval of this item.

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 is consistent with the SC (Service Commercial) designation as listed under the Southeast Sector Plan of the General Plan. The SC (Service Commercial) category allows for low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. The sites proposed development will be able to accommodate a range of uses and is in compliance with 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.

Currently, there are office buildings to the southeast and retail uses to the south of the property. None of these properties should be affected by the possibility of rezoning. The proposed rezoning would be compatible with the commercial and residential uses that surround the property.

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

Growth and development factors indicate a need for low to medium intensity commercial and professional office activities to locate in this area. Given the existing General Plan designation of SC (Service Commercial) on the subject properties, the rezoning to the C-1 (Limited Commercial) zoning district is appropriate for the area.

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 site will receive access from South 6th Street and East Sahara Avenue, which are adequate in size to meet the requirements of the proposed C-1 (Service Commercial) zoning district.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 323 by Planning Department

APPROVALS 7

PROTESTS 20