

**AGENDA MEMO**

**MOCK PLANNING COMMISSION MEETING DATE: APRIL 29, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - RENOTIFICATION - VAR-10773 - APPLICANT:  
JMA ARCHITECTURE STUDIOS - OWNER: GREAT WASH PARK LLC**

---

**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-10770).
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.
3. All requirements for Valet Parking Plan shall be met subject to Subsection 19.04.040 of the Zoning Ordinance, subject to administrative review and approval by the Planning and Development Department.

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

**ACTION REQUESTED**

This is a request for a Variance to allow 3,955 parking spaces where 4,961 parking spaces is the minimum number of parking spaces required for the proposed mixed use development located at 8750 Alta Drive. *Note: The requested Variance has been renoticed to reflect the above referenced parking spaces.*

**EXECUTIVE SUMMARY**

The applicant has made changes to an originally approved Site Development Plan that substantially increased the restaurant use square footage requiring a Variance to allow less than required number of parking spaces. The applicant justification is based on a Parking Study prepared by a Registered Traffic Engineer which provides the applicants justification to reduce the parking requirement based on a shared parking plan for the mixed-use development project.

Staff is unable to make positive findings for the request and is therefore recommending denial of the requested Variance. A copy of the applicants Shared Parking Study has been provided for the Planning Commission to review.

**BACKGROUND INFORMATION**

***A) Related Actions***

- 01/26/98      The City Council approved a General Plan Amendment (GPA-0067-97) from M (Medium Density Residential) and SC (Service Commercial) to GC (General Commercial) on the subject property. An associated Rezoning (Z-0127-97) to allow a 40,000 square-foot three-story non-gaming resort with 576 guest rooms was also approved at that time. The Planning Commission recommended approval of the requests on 12/18/97.
- 04/04/01      The City Council approved a Rezoning (Z-0003-01) from U (Undeveloped) [GC (General Commercial) General Plan Designation] to C-1 (Limited Commercial). An associated request for a Special Use Permit (U-0017-01) for a restaurant service bar in conjunction with a proposed athletic club and tennis club was also approved. The Planning Commission recommended approval of both requests on 02/22/01.

**VAR-10773 - Staff Report Page Two**  
**April 29, 2008 - Mock Planning Commission Meeting**

- 11/30/04 The applicant filed a General Plan Amendment (GPA-5652) and a second Rezoning application (ZON-5655) in order to permit the mixed-use development as currently proposed. With the adoption of the amendment to the City's Mixed-Use Ordinance (Ordinance #5738, adopted 12/15/04) the applicant withdrew the General Plan Amendment and Rezone applications, as they were no longer necessary.
- 03/02/05 The City Council approved a Rezoning (ZON-5653) application from U (Undeveloped) to C-2 (General Commercial). Staff and Planning Commission recommended approval.
- 03/02/05 The City Council approved a Site Development Plan Review (SDR-5657) to allow a mixed use development consisting of 700,000 square feet of commercial space and 375 residential condominium units in (1) 10-story and (2) 5-story residential condominium buildings. Staff and Planning Commission recommended approval.
- 03/02/05 The City Council approved a Special Use Permit (SUP-5853) to allow a mixed use commercial and residential development. Staff and Planning Commission recommended approval.
- 01/26/06 The Planning Commission voted to abey this item and companion Site Development Review (SDR-10770) with this application in order to re-notify the Variance (VAR-10773) with correct number of parking spaces proposed to be provided.
- 02/23/06 The Planning Commission voted to abey this item and companion Variance (VAR-140773) in order to clarify and renotice if necessary Variance (VAR-10773) with the correct number of parking spaces required.
- 3/23/06 The Planning Commission will be considering companion item Variance (VAR-10773) concurrently with this application.

***B) Pre-Application Meeting***

- 11/15/05 The applicant presented new site development plan that included additional buildings and relocation of 40 residential units over proposed commercial. Staff went over the issues with parking and possible variance requirement if parking could not be met. Discussion ensued related to providing a parking analysis by a registered Traffic Engineer to justify parking requirement. However, staff may not be able to support project as findings for approval may be difficult to justify. Review of application requirements was provided.

**C) *Neighborhood Meetings***

01/12/06      A neighborhood meeting is not required for the proposed project. Several have been held by the Developer and one neighborhood meeting was held for the 1/26/06 Planning Commission meeting.

Approximately 45 persons were in attendance.  
522 properties were notified for the Neighborhood Meeting.

- Circulation at the Alta/Rampart intersection was discussed. The applicant explained the improvements that will be made and discussed the results of the traffic study, which showed that with all area improvements, traffic will be reduced and at buildout of the area traffic will be at 90% of capacity.
- Residents in attendance were curious to know if parking was sufficient. The applicant explained the parking plan.
- The applicant explained that the site plan was slightly modified to include more restaurants, less office which changed the parking needs.
- There was a question about how long it would take to complete the project, the response was about 30 months.
- There was a question about work hours. The applicant responded that they will be working six days per week, during whatever hours are allowed per city ordinance.
- The attendees were in favor of the project.

**DETAILS OF APPLICATION REQUEST**

**A) *Site Area***

Gross Acres:      28.78 Acres

**B) *Existing Land Use***

Subject Property: Undeveloped  
North:      Golf Course  
South:      Undeveloped  
                Shopping Center Use  
East:      Single-Family Residential Use  
West:      Gaming Use  
                Hotel Use

**C) *Planned Land Use***

Subject Property: GC (General Commercial)  
North:      PR (Parks/Recreation/Open Space)  
South:      SC (Service Commercial)  
East:      L (Low Density Residential)  
West:      SC (Service Commercial)

**VAR-10773 - Staff Report Page Four**  
**April 29, 2008 - Mock Planning Commission Meeting**

**D) Existing Zoning**

Subject Property: Undeveloped (General Commercial) under ROI to C-2 (General Commercial)

- North: C-V (Civic)
- South: PD (Planned Development)
- East: R-1 (Single-Family Residential)
- West: C-1 (Service Commercial)

**E) General Plan Compliance**

The subject site is currently designated GC (General Commercial) on the Southwest Sector Plan of the General Plan. The existing zoning Under Resolution of Intent to C-2 (General Commercial) zoning is consistent with the GC (General Commercial) General Plan designation. Mixed-Use development is permitted in the C-2 (General Commercial) zoning district upon approval of a Special Use Permit.

| <b><i>SPECIAL DISTRICTS/ZONES</i></b>             | <b>Yes</b> | <b>No</b> |
|---|------------|-----------|
| <b>Special Area Plan</b>                          |            | <b>X</b>  |
| <b>Special Overlay District</b>                   |            | <b>X</b>  |
| <b>Trails: Multi-Use Transportation Trail</b>     | <b>X</b>   |           |
| <b>Rural Preservation Neighborhood</b>            |            | <b>X</b>  |
| <b>Development Impact Notification Assessment</b> | <b>X</b>   |           |
| <b>Project of Regional Significance</b>           | <b>X</b>   |           |

**Multi-Use Transportation Trail**

A transportation trail intended to be used and shared by bicyclists and persons on other non-motorized vehicles and for pedestrians. The proposed Multi-Use Transportation Trail is located along the northern boundary of the property is part of the golf course property and will not need to be installed as part of the proposed mixed use development project. The proposed trail along Rampart Boulevard is being considered to be removed by staff. A condition of approval is recommended indicating that the applicant shall incorporate the Multi-Use Transportation Trail, as required by the 1/20/05 General Plan Master Plan Transportation Trails Element, located along the western boundary of the property unless eliminated by a General Plan Amendment, subject to review and approval of the Planning and Development Department. This has been conditioned as part of the companion Site Development Plan Review (SDR-10770).

**INTERAGENCY ISSUES**

On 03/02/05, the City Council approved the original Site Development Plan Review (SDR-5657) to allow a mixed use development consisting of 700,000 square feet of commercial space and 375 residential condominium units in (1) 10-story and (2) 5-story residential condominium buildings and Special Use Permit for Mixed Use Project.

**VAR-10773 - Staff Report Page Five**  
**April 29, 2008 - Mock Planning Commission Meeting**

The approval included the review of Project of Regional Significance forms because the project generated more than 6,270 ADT (Average Daily Trips). The additional area allocated for restaurant purposes to require an increase in parking spaces for the project. However, the requested changes are less than 50% increase to the original Average Daily Trips to require a new PRS form to be completed and routed. Therefore, the proposed changes are considered to be less than significant. The proposed traffic trip rates have increased about 20% from the original Daily Primary External Trips. The original PRS form has been updated clarifying any changes to the project and are on file with the Planning Department. New mitigation measures have been included as a condition of approval. The following comments were provided for the original SDR5657 that included the circulation of an Environmental Impact Assessment questionnaire to affected agencies and entities:

- 1) The Regional Transportation Commission (RTC) has determined that the projects proximity to major arterial streets and transit services obviates any potentially negative regional impacts.
- 2) The Las Vegas Metropolitan Police Department has noted that existing staffing levels are currently below national averages, and that additional residential units in the area will further burden the department in providing adequate police services and protection. No mitigation measures are proposed.
- 3) The Clark County School District has determined that the project will not have any impact to School District facilities.
- 4) The Las Vegas Valley Water District has reviewed the project and determined that it will not have a significant impact on the capacity of the Districts water supply system.

**ANALYSIS**

**A) Zoning Code Compliance**

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

| <b>Standards</b>   | <b>Required</b> | <b>Provided</b> | <b>Compliance</b> |
|--------------------|-----------------|-----------------|-------------------|
| Min. Lot Size      | N/A             | 28.78 Acres     | N/A               |
| Min. Lot Width     | 100 Feet        | 720 Feet        | Y                 |
| Min. Setbacks      |                 |                 |                   |
| • Front (Alta)     | 20 Feet         | 20 Feet         | Y                 |
| • Side             | 10 Feet         | 114.67 Feet     | Y                 |
| • Corner (Rampart) | 15 Feet         | 20-44 Feet      | Y                 |
| • Rear             | 20 Feet         | 38 Feet         | Y                 |

**VAR-10773 - Staff Report Page Six**  
**April 29, 2008 - Mock Planning Commission Meeting**

|                           |                 |                 |             |
|---------------------------|-----------------|-----------------|-------------|
| Max. Lot Coverage         | 50%             | 47%             | Y/N         |
| Max. Building Height      | N/A             | 117 Feet        | N/A         |
| Floor Area Ratio (F.A.R.) | N/A             | 0.86            | N/A         |
| Trash Enclosure           | Walled & roofed | Walled & roofed | Y           |
| Loading Spaces            | 10              | Not Indicated   | Conditioned |
| Mech. Equipment           | Screened        | Screened        | Y           |

The overall project includes 18 retail/restaurant/office/residential buildings. However, the overall lot coverage remains the same as previously approved Site Development Plan Review (SDR-5657).

The proposed project building heights are within substantial conformance of the originally approved plans as the maximum height of the project remains 117 feet as originally submitted with SDR5657. The specific locations of the loading spaces have not been clearly marked on plan to calculate compliance. Staff has included a condition for the applicant to comply with the minimum loading space requirement.

**A2) Residential Adjacency Standards**

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

- a) Proximity slope. The proposed five-story residential structures will be up to fifty seven (57) feet tall and will be located approximately 114.67 feet from building #2 and approximately 142.25 feet from the residential building #3 to the nearest single-family residential property located to the east of the project site. A section drawing provided by the applicant shows that the buildings will conform to the 3:1 proximity slope specified in Title 19.08. The five-story residential buildings will be 57 feet tall, and the ten-story residential building will be 117 feet tall; all of the residential buildings will also conform to the 3:1 proximity slope, as shown in the provided drawing.
- b) Building setback. All structures are required to be a minimum of 15 feet from the protected property; the proposed development will comply with this requirement.

**VAR-10773 - Staff Report Page Seven**  
**April 29, 2008 - Mock Planning Commission Meeting**

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

| Uses                 | GFA/<br>Units         | Ratio     | Required |          | Provided        |               |
|----------------------|-----------------------|-----------|----------|----------|-----------------|---------------|
|                      |                       |           | Parking  |          | Parking         |               |
|                      |                       |           | Regular  | Handicap | Regular         | Handicap      |
| Office               | 272,507 SF            | 1/300 GFA | 884.51   |          |                 |               |
| Retail               | 358,067 SF            | 1/250 GFA | 1,432.27 |          |                 |               |
| Marketing Building   | 2,700                 | 1/250 GFA | 10.8     |          |                 |               |
| Health Club          | 36,000 SF             | 1/200 GFA | 180      |          |                 |               |
| Restaurant           |                       |           |          |          |                 |               |
| • Dining             | 68,000 SF             | 1/50 GFA  | 1360     |          |                 |               |
| • Service            | 32,000 SF             | 1/200 GFA | 161.74   |          |                 |               |
| • Outdoor Dining     | 7,500 SF              | 1/50 GFA  | 150      |          |                 |               |
| Delicatessen         |                       |           |          |          |                 |               |
| • Dining             | 12,000 SF             | 1/100 GFA | 120      |          |                 |               |
| • Service            | 5,708 SF              | 1/200 GFA | 28.54    |          |                 |               |
| Subtotal Commercial  | 787,329 SF            |           | 4,328    | 50       | 3,175           | Not Specified |
| Residential          |                       |           |          |          |                 |               |
| • 1 Bedrm.           | 97 Units              | 1.25/Unit | 122      |          | 300 units = 700 |               |
| • 2 Bedrms.          | 128 Units             | 1.75/Unit | 224      |          |                 |               |
| • 3 Bedrms.          | 115 Units             | 2/Unit    | 230      |          | 40 units = 80   |               |
| • Guest              |                       | 1/6 Units | 57       |          |                 |               |
| Subtotal Residential | 340 residential units |           | 633      |          | 780             | Not Specified |
| Total                |                       |           | 4,961    |          | 3,955           | Not Specified |

The proposed mixed-use development project is deficient in meeting the minimum parking requirement for the commercial uses of the proposed project. The overall project is approximately 1,006 parking spaces short of the required (4961-3955=1006). Overall this equates to approximately 20% deficiency in parking (1006÷4961 = 20.28%). The handicapped accessible requirements have not been specifically specified for the project. The required number of handicapped spaces for the commercial use is 50, which is based on the total required number of parking spaces for the commercial use.

**VAR-10773 - Staff Report Page Eight**  
**April 29, 2008 - Mock Planning Commission Meeting**

The handicapped accessible requirements have not been specifically specified for the project. The required number of handicapped spaces for the commercial use is 50, which is based on the total required number of parking spaces for the commercial use. The total at the bottom of the table is a combination of regular and handicapped parking spaces.

Handicapped parking for residential uses shall be provided at the rate of one space for each dwelling unit that is designed for occupancy by the handicapped. The required number of handicapped parking spaces has been conditioned (Condition #6) for compliance within the companion Site Development Plan Review (SDR-10770). The applicants residential uses have been provided with a surplus of 147 parking spaces as approximately two (2) spaces per unit have been provided for the project.

The applicant has provided a Shared Parking Study for the Planning Commission to consider in reviewing the Variance proposal. The results are discussed further within the analysis section of this staff report.

The Public Works Department supports the present code requirements. Therefore, the proposed variance cannot be supported by the Public Works Department.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

| Standards            | Required              |          | Provided |
|----------------------|-----------------------|----------|----------|
|                      | Ratio                 | Trees    |          |
| Parking Area         | 1 Tree/6 Spaces       | 60 Trees | 79 Trees |
| Buffer:              |                       |          |          |
| • Min. Trees (North) | 1 Tree/30 Linear Feet | 52 Trees | 41 Trees |
| • Min. Trees (West)  | 1 Tree/30 Linear Feet | 43 Trees | 27 Trees |
| • Min. Trees (South) | 1 Tree/30 Linear Feet | 30 Trees | 33 Trees |
| • Min. Trees (East)  | 1 Tree/20 Linear Feet | 91 Trees | 98 Trees |
| • Min. Zone Width    | 8 Feet                |          | 10 Feet  |
| • Wall height        | 8 Feet                |          | 8 Feet   |

Additional trees will need to be added to the north and west perimeter buffer areas in order to comply with the maximum tree spacing requirement. The perimeter buffer at the front of the property will need to be increased, and the tree spacing should not exceed the 30-foot on-center spacing requirement.

***B) General Analysis and Discussion***

- **Minimum Code Requirements**

The applicants mixed use project is broken into two major components. The first is related to the required commercial parking requirement which is established by Subsection 19.10 (Parking, Loading and Traffic Standards) of the Zoning Ordinance. The total square footage for the commercial area is approximately, 787,329 gross square feet or 699,000 net square feet. The parking requirement is calculated based on a gross square feet area for the project as required by Chapter 19-10 (Parking, Loading and Traffic Standards) and 19-20 (Definitions) of the Zoning Ordinance.

The applicant is planning to utilize a valet parking plan for the commercial area which will assist in accommodating as many parking spaces possible for the project. Subsection 19.04.040 indicates the following:

- (1) A maximum of twenty percent of the number of the parking spaces required by Section 19.10.010 may be used for valet parking.
- (2) The applicant must submit to the department, for administrative review and approval, a site development plan showing where valet spaces will be located and demonstrating that the area and methodology for valet parking will be physically designed to prevent queuing in the right-of-way.
- (3) The applicant must provide written assurance that the valet parking will be operated to conform with the hours of operation that are proposed and approved for the use

The current plan reflects the potential use of the valet parking plan, which is subject to final approval by the Planning and Development. A condition of approval has been included for the Planning Commission to consider, if the Variance is approved.

The residential uses of the project include 300 residential units that are included in three high rise towers located on the north portion of the site and 40 residential units that have been designed within the commercial area. The 40 units are located in building 17 of the proposed site plan, which is located within the southwest portion of the site. The applicant is required to provide 633 parking spaces for the residential use. The applicant has provided 780 total parking spaces, which includes an adequate number of guest parking spaces as required by the code.

- **Shared Parking Study Prepared by Applicants Traffic Engineer**

It provides justification for the Variance by utilizing a shared parking and valet parking plans for the project. The Traffic Engineer concludes that the high rise residential component is separate and adequately parked. However, the Traffic Engineer did focus on the required parking for the commercial and residential parking for buildings 4 through 18, which includes 787,329 gross square feet of commercial space and 40 one-bedroom units.

**VAR-10773 - Staff Report Page Ten**  
**April 29, 2008 - Mock Planning Commission Meeting**

The applicants Traffic Engineer concludes that a grand total of 3,955 parking spaces are provided within the current site plan. In addition, the Traffic Engineer did review peak weekday and weekend traffic scenarios. The conclusion was that proposed mixed use project is under parked by 14%. This equates to a shortage of 528 spaces for the weekday and a surplus of 177 parking spaces for the weekend demands. No further mitigation measures are proposed by the Traffic Engineer.

Under the current findings for approval of a Variance, staff has considered the Traffic Engineers conclusions in the recommendation. However, findings for approval cannot be made for the proposed project. Therefore, staff is recommending denial of the proposed Variance to allow 3,955 parking spaces instead of the minimum 4,961 parking spaces as required by code.

**•Protests Received**

As of 03/09/06, staff received a total of four protests related to the proposed Variance request. The protests relate to the density of the project being too much for the area, traffic issues within the area and are against the parking space Variance request for the project.

**FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.

Additionally, Title 19.18.070L states:

Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

**VAR-10773 - Staff Report Page Eleven**  
**April 29, 2008 - Mock Planning Commission Meeting**

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship for the proposed parking Variance to allow 3,955 parking spaces instead of the minimum 4,961 parking spaces as required by code.

The applicant may reduce the square footage of the restaurant or office or retail area to accommodate an adequate number of parking spaces for the project that would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 7

**ASSEMBLY DISTRICT** 34

**SENATE DISTRICT** 8

**NOTICES MAILED** 275

**APPROVALS** 0

**PROTESTS** 4