



## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: SEPTEMBER 25, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SDR-29051 - APPLICANT: TOWER REALITY AND DEVELOPMENT LLC - OWNER: CLARK COUNTY CREDIT UNION**

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

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

***Planning and Development***

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-15045), Special Use Permit (SUP-29306) and Variance (VAR-29730) shall be required, 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 08/15/08, except as amended by conditions herein.
4. A Waiver from Title 19.12.040.A is hereby approved, to allow a minimum zero-foot landscape buffer where an eight-foot buffer is required along the west and south property lines and to allow a minimum zero-foot landscape buffer where a 15-foot buffer is required along the east and north property lines.
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.

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.

6. 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).

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7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
9. 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.
10. 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.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

12. Submit a Reversionary Map for this site or coordinate with the City Surveyor to determine an acceptable mapping method; comply with the recommendations of the City Surveyor.
13. Dedicate a 10 foot radius on the southwest corner of Chef Andre Rochat Place and 7th Street.
14. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Downtown City Standards.
15. The driveway to the alley shall be an exit only and signed as such.
16. The driveway on 7th Street shall meet the intent of Standard Drawing #222a. Alternatively, submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for the driveway accessing this site from 7th Street.
17. 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.

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

**PROJECT DESCRIPTION**

The applicant is requesting a 52,498 square-foot, five-story Mixed-Use project with a Waiver of perimeter landscape buffers on 0.64 acres at the southwest corner of 7th Street and Chef Andre Rochat Place. A Special Use Permit (SUP-29306) for a Mixed-Use project and a Variance (VAR-29730) for reduced setbacks are companion cases. The project includes seven, two-story condominium units and 45,422 square-feet of retail/office space. The two existing historic single-family residences will be destroyed. The Variance requesting zero-foot setbacks coupled with no perimeter landscaping, as well as nearly 100% lot coverage make this project incompatible with the surrounding neighborhood. Therefore, staff recommends denial.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
08/17/81	The Board of Zoning Adjustment voted to Strike a request for a Variance (V-0048-81) to allow parking area in conjunction with a professional office building and voted to approve a Variance (V-0054-81) to allow a parking area in an R-3 (Medium Density Residential) zone at 416 South 7th Street.
05/18/83	The Board of City Commissioners voted to approve a Variance (V-0016-83) to allow, as part of a larger request, a satellite patron parking lot on the subject site for a nearby restaurant where such use is not permitted in the R-3 (Medium Density Residential) district at 408 South 7th Street. The Board of Zoning Adjustment recommended approval.
08/25/83	The Board of Zoning Adjustment voted to approve a Variance (V-0076-83) that reiterated the Variance previously approved through V-0016-83, and added that parking for the adjacent restaurant be approved for 46 spaces where 55 spaces are required, at 408 South 7th Street.
11/15/84	The Board of Zoning Adjustment voted to approve a Variance (V-0123-84) which reiterated the Variance previously approved through V-0016-83. The previous Variance had expired, since it had not been exercised by that date
06/04/03	The City Council approved a Rezoning (ZON-2124) from R-3 (Medium Density Residential) to P-R (Professional Office and Parking), a Variance (VAR-2447) to permit 15 parking spaces where 26 spaces are the minimum required and a Site Development Plan Review (SDR-2125) and Waivers of the perimeter landscape requirement, parking standards, and loading zone requirement for a 7,804 square-foot office conversion and addition on 0.32 acres on property located at 410 and 416 South 7th Street. The Planning Commission and staff recommended approval. The Resolution of Intent on these properties expired 06/04/05.

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12/15/04	The City Council approved a Rezoning (ZON-5385) from R-3 (Medium Density Residential) to P-R (Professional Office and Parking; a Variance (VAR-5388) to permit 5 parking spaces where 9 spaces are required; a Variance (VAR-5389) to reduce the lot width to 50 feet where 60 feet in the minimum width required for a P-R (Professional Office and Parking) zoned property and a Site Development Plan Review (SDR-5387) and a Waiver of the perimeter landscaping requirements for a proposed 2,342 square-foot house conversion to an office at 408 South 7th Street. The Planning Commission and staff recommended approval.
06/01/05	The City Council approved a Review of Condition (ROC-6541) Number 16 of an approved Site Development Plan Review (SDR-5387) to eliminate the requirement for a joint access agreement with the abutting property for an approved 2,432 square-foot conversion of a house to an office on 0.18 acres at 408 South 7th Street. Staff recommended approval.
09/20/06	The City Council approved a Rezoning (ZON-15045) from R-3 (Medium Residential) to C-1 (Limited Commercial); a Variance (VAR-15048) to allow 55 percent lot coverage where 50 percent is the maximum lot coverage allowed; a Variance (VAR-15596) to reduce the front yard setback of 10 feet where 20 feet is the minimum setback required; and a Variance (VAR-15049) to allow 58 parking spaces where 79 spaces is the minimum required on 0.64 acres at the subject site.
<b><i>Related Building Permits/Business Licenses</i></b>	
07/15/85	A Business License (Q13-00736) was issued for a Real Estate Business at 408 S. 7 <sup>th</sup> Street.
01/09/04	A Business License (Q01-00508) was issued for a Real Estate Business at 408 S. 7 <sup>th</sup> Street. The license expired on 07/15/08.
<b><i>Pre-Application Meeting</i></b>	
07/11/08	The applicant was informed of the requirements for a Site Development Review, Special Use Permit and Variance applications. It was noted that the applicant would also need to file an Extension of Time for the Rezoning (ZON-15045) application that is set to expire on 09/20/08.
<b><i>Neighborhood Meeting</i></b>	
N/A	No neighborhood meeting was required nor held for this application.
<b><i>Field Check</i></b>	
08/28/08	A field check showed that two vacant, boarded up single-family homes and a vacant lot were currently on the proposed site. This site is located directly across the street from the historic Las Vegas Academy High School grounds.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.64

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Vacant, Single-Family Residential	C (Commercial)	R-3 (Medium Density Residential) R-3 (Medium Density Residential under Resolution of Intent to P-R (Professional Office and Parking))
North	Multi-Family Residential (Apartments)	C (Commercial)	R-5 (Apartment)
South	Parking lot	C (Commercial)	C-1 (Limited Commercial)
East	Las Vegas Academy High School Playing Fields & Tennis Courts	PF (Public Facilities)	C-V (Civic)
West	Restaurant/Offices	C (Commercial)	C-1 (Limited Commercial) P-R (Professional Office and Parking) R-4 (High Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
H (Historic Designation)		X	N
Live/Work Overlay District	X		Y
<b>Trails</b>	X		N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

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**Las Vegas High School Neighborhood Historic District.** The subject property is located within the Las Vegas High School Historic District, which seeks to preserve and protect one of Las Vegas oldest neighborhoods. The District is not on the local City of Las Vegas historic property register. Most of the single-family homes in the district have been converted to professional office space over the past decade. The proposed new development will not contribute to the historic quality of the neighborhood.

**Live/Work Overlay District.** This site is within the Live/Work Overlay district. The proposed development will offer seven residential condominium units, separate from the retail/office spaces and thus is not impacted by the Live/Work standards as outlined in Title 19.06.130.

**Trails.** An off-street Multiuse Transportation Trail is shown along the 7th Street right-of-way. This trail will be installed along the east side of the street and thus does not apply to this project.

**DEVELOPMENT STANDARDS**

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

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	0.64	N/A
Min. Lot Width	100 Feet	140 Feet	Y
Min. Setbacks			
• Front	20 Feet	Zero Feet	N*
• Side	10 Feet	Zero Feet	N*
• Corner	15 Feet	Zero Feet	N*
• Rear	20 Feet	Zero Feet	N*
Min. Distance Between Buildings	N/A	N/A	N/A
Max. Lot Coverage	50%	100%	N*
Max. Building Height	N/A	71-9	N/A
Trash Enclosure	Gated, walled, roofed, 50 feet from residential	Within the parking garage	Y
Mech. Equipment	Screened	Screened	Y

\* The applicant is requesting a Variance (VAR-29730) to allow zero-foot setbacks and 100% lot coverage for this project.

*Pursuant to Title 19.08.06, the following Residential Adjacency Standards apply:*

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	N/A *	None	N/A *
Adjacent development matching setback	N/A *	None	N/A *
Trash Enclosure	N/A *	N/A*	N/A *

\* This project is not located adjacent to a protected property and thus the Residential Adjacency requirements of Title 19.08.060 do not apply.

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

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Buffer: Min. Trees	1 Trees/30 Linear Feet	23 Trees	15	N *
Min. Zone Width	15 Feet (East/West/North)		Zero	N **
Min. Zone Width	8 Feet (South)		Zero	N **
Wall Height	8 Feet		None Provided	N/A

\* The applicant has requested an Exception for the number of plants, material and spacing for this standard.

\*\* The applicant has requested a Waiver from the landscape buffer requirements.

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

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Parking Ratio</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>
			<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Office	38,242SF	1 space/300 SF GFA	128	6	174	6	Y
General Retail Store, Other Than Listed (3,500 SF or more)	7,200	1 space/175 SF GFA	42	2			
Residential	7-two bedroom units	1.75 spaces/2 bedroom unit + one guest space per 6 units	16	0	16	0	Y
<b>Total</b>			186	6	190	6	Y

<b>Waiver</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
Perimeter Landscaping buffers of zero feet.	15-foot ROW width and 8-foot Perimeter width	Denial

YK

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<b>Exception</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
Reduce required landscaping materials and number of plants	1 per 30 linear feet	Denial

## **ANALYSIS**

This Mixed-Use project features office/retail space on the ground floor with access off of Chef Andre Rochat Place and access to seven, two-story units off of 7<sup>th</sup> Street. The building footprint occupies nearly 100% of the lot. The building is designed around a central parking garage with residential units on the 2<sup>nd</sup> and 3<sup>rd</sup> floors on the east side with office space on the entire 4<sup>th</sup> and 5<sup>th</sup> floors. The central lobby for all of the office spaces will be on the north side of the project.

The design of the building is very modern with a blue, grey and brown color pallet. The project is designed such that it will overwhelm the site by having 100% lot coverage. This will not permit any perimeter landscaping and thus has a negative impact on the historic neighborhood that it is located in. There are no compelling reasons for staff to support the landscape perimeter waivers as they are a self-designed condition.

A Variance (VAR-29730) is a companion item for this case. That request addresses the zero-foot setbacks and 100% lot coverage needed for this project. These conditions are a result of the over-design of the project given the lot size and are not supported by staff.

The two existing structures at 400 and 408 South 7th Street are two historic homes that are located on two of the four parcels included in this proposal. Both of these homes are considered to be contributing elements, meaning that they retain their architectural integrity and context within the historic neighborhood.

The Planning Department and the Historic Preservation Officer (HPO) strongly encourage sensitive and contextual design within the neighborhood to preserve its historic character and integrity, with the priority being to preserve the original homes in their original state. When this is proven to be infeasible, the HPO recommends that the applicant maintain as much of the existing historic building façade as possible with any necessary additions built onto the rear of the existing structure, thereby keeping the one-story streetscape intact. The proposal neither preserves these two homes in their original state nor limits additions to the rear of the existing structures as they are planned to be razed.

The building is incompatible with the scale of development allowed for the surrounding area and does not retain the appearance of residential structures in the area. The existing residential scale is single-story, whereas a five-story building is proposed. The massing of the proposed building could be reduced to conform to a more appropriate scale.

## **FINDINGS**

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

YK
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- 1. The proposed development is compatible with adjacent development and development in the area;**

This project is not compatible with the adjacent neighbors. The applicant is requesting a Variance (VAR-29730) to have zero-foot setbacks on all sides of the project, which is a major indicator that the project is over developed for the size of lot proposed.

- 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;**

This project does not meet the minimum setbacks, exceeds the lot coverage by nearly 100% and has no landscape buffers.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

This project has access off of two Local Streets that should not negatively impact the traffic flow of the area.

- 4. Building and landscape materials are appropriate for the area and for the City;**

The few trees proposed are appropriate for this mature, inner-city neighborhood. However, the reduced number proposed is not appropriate for the neighborhood.

- 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;**

The ultra-modern design of the building will appear out of place in this historic neighborhood. One of the few remaining historic art-deco structures in southern Nevada is located across the street from this proposed project.

- 6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

his project will be subject to regular City inspections for building and fire permits; Therefore; public health, safety and general welfare will be protected.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 17

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 126

**APPROVALS** 1

**PROTESTS** 3