



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 17, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-29009 - APPLICANT: EXCEED PROPERTIES, INC. -
OWNER: EXCEED PROPERTIES, INC., AND FAITH COMMUNICATIONS

**** CONDITIONS ****

The Planning Commission (3-2/bg/gt 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 3.8 acres adjacent to the east side of 6th Street, approximately 300 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 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. The Planning Commission recommended denial; 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.

04/14/94	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 a Resolution (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.
09/14/04	A Code Enforcement citation (#21130) was issued against 2201 South 6 th Street for litter, weeds/grass and refuse and waste code violations. The case was resolved 09/21/04.
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.
04/16/08	The City Council tabled requests for a Site Development Plan Review (SDR-25773) for a proposed 43-story Mixed-Use development including 1,105 residential units and 179,860 square feet of commercial uses, with a Waiver of Residential Adjacency requirements to allow a 101-foot setback where 1,500 feet is required and Waivers of perimeter landscape buffer standards to allow a zero-foot buffer along a portion of the north property line and five feet along the east property line where eight feet is required, a Request for a Rezoning (ZON-25776) from R-PD25 (Residential Planned Development - 25 Units per Acre) and R-1 (Single Family Residential) to C-1 (Limited Commercial), a Special Use Permit (SUP-25775) for a 500-foot building in the A-O (Airport Overlay) district where the height limitation is 175 feet, a Special Use Permit (SUP-25779) for a proposed Mixed-Use development and a Variance (VAR-25778) to allow no setback where a 1:1 setback to height ratio is required along a street classified as collector or larger for a proposed Mixed-Use development on 7.02 acres adjacent to the northeast corner of Sixth Street and Sahara Avenue. The Planning Commission recommended denial of these requests, staff recommended approval of the Rezoning request and denial of the remaining requests.
08/14/08	The Planning Commission recommended denial of companion items SUP-29010 and SDR-29002 concurrently with this application.

	The Planning Commission voted 3-2/bg/gt to recommend DENIAL (PC Agenda Item #35/dc).
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<i>Related Building Permits/Business Licenses</i>	
There are no business licenses or building permits relevant to the subject property.	

<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>	
07/29/08	A neighborhood meeting was held at the Trinity Life Center, 1000 East St. Louis Street at 6:00 PM. The results of the meeting were unavailable at the time this report was written.

<i>Field Check</i>	
12/06/07	The Department of Planning and Development conducted a site visit that found along 6th Street north is a radio station, 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	3.8

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	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	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
East	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	Single-Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

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

* The proposed project does not reflect Strategy 1 as outlined under Issue 2 of the Existing Land Uses section of The Beverly Green/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.

** The proposed height of the residential tower, 112 feet, is within the height limitation of 175 feet for this area established by the McCarran International Airport Overlay Map portion of A-O (Airport Overlay) District.

ANALYSIS

The subject site that 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 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-29010) and would then be consistent with the existing SC (Service Commercial) General Plan designation.

The site is within the Beverly Green/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 Green/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 Special Use Permit (SUP-29010) to allow a Mixed Use development and a Site Development Plan Review (SDR-29002) to site a proposed 10-story mixed-use development that includes 4,000 square feet of commercial area and 296 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 retail uses to the south, southeast and southwest 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 retail 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 6th Street and a private drive which accesses Sahara Avenue, which are adequate in size to meet the requirements of the proposed C-1 (Limited Commercial) zoning district.

PLANNING COMMISSION ACTION

There were 10 speakers against this project at the Planning Commission meeting. A petition in favor of this project was submitted at the meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 426 by City Clerk

APPROVALS 13

PROTESTS 11

August 15, 2008

Mr. Charlie Miles
Exceed Properties Inc.
964 Spafford Street
Antioch, Illinois 60002

RE: ZON-29009 - REZONING

Dear Mr. Miles:

Your request for a Rezoning FROM: R-PD25 (RESIDENTIAL PLANNED DEVELOPMENT - 25 UNITS PER ACRE) AND R-1 (SINGLE FAMILY RESIDENTIAL) TO: C-1 (LIMITED COMMERCIAL) on 3.8 acres adjacent to the east side of 6th Street, approximately 360 feet north of Sahara Avenue (APNs 162-03-801-011, 013, 014, and 162-03-811-001 through 084), Ward 3 (Reese), was considered by the Planning Commission on August 14, 2008.

The Planning Commission voted to recommend **DENIAL** of your request as the proposed request was deemed not harmonious and compatible with the surrounding development and land uses.

This item will be considered by the City Council on **September 17, 2008** at 1:00 P.M. in the City Council Chambers of City hall, 400 Stewart Avenue, Las Vegas, Nevada. **The Council requires that you or your representative be present at this meeting.** If you or your representative chooses not to attend, the City Council may act in your absence without your input.

Sincerely,

Peter Lowenstein, AICP
Planning Supervisor
Case Planning Division

PL:nl:clb

cc: Mr. Chris Richardson
EV&A Architects
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Las Vegas, Nevada 89144