



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 17, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-29010 - APPLICANT: EXCEED PROPERTIES, INC. -
OWNER: EXCEED PROPERTIES, INC. AND FAITH COMMUNICATIONS

**** CONDITIONS ****

The Planning Commission (3-2/bg/gt vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Mixed-Use use.
2. Approval of and conformance to the Conditions of Approval Site Development Plan Review (SDR-29002) shall be required, if approved.
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. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
5. 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 Mixed-Use use for a 10-story Mixed-Use development that includes 4,000 square feet of commercial area and 296 residential units on 3.8 acres located on the east side of Sixth Street 360 feet north of Sahara Avenue. This request would allow the residential use in the proposed C-1 (Limited Commercial) zoning district.

The subject proposal meets all Title 19.04 conditions for the Mixed-Use use. While the applicant has worked with the neighborhood to reduce some of the impacts associated with this proposal, the size and massing of this project remains incompatible with the surrounding area and is not in keeping with the goals and strategies as outlined in the Beverly Green/Southridge Neighborhood Plan; therefore, denial of this request 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 ZON-29009 and SDR-29002 concurrently with this application.

	The Planning Commission voted 3-2/bg/gt to recommend DENIAL (PC Agenda Item #36/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>	
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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.
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<i>Neighborhood Meeting</i>	
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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.
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<i>Field Check</i>	
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12/06/07	The Department of Planning and Development conducted a site visit that found a long 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.
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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		Y ***

* 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.
- *** Pursuant to Ordinance No. 5477, the proposed project is deemed to be a Project of Regional Significance, as there is a request for a Special Use Permits within 500 feet of the City's boundary with unincorporated Clark County. 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.

ANALYSIS

The subject site is located on the Southeast Sector Map of the General Plan. The site is designated as SC (Service Commercial). This 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. 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. The proposed use is in conformance with the land use designation.

An additional request for a Rezoning (ZON-29009) to change the zoning of the project site from R-1 (Single Family Residential) and R-PD25 (Residential Planned Development 25 Units per Acre) zoning districts to a C-1 (Limited Commercial) zoning district has been submitted. The existing radio broadcasting use is permissible in a C-1 (Limited Commercial) zoning district and the proposed Mixed-Use development is permissible with the approval of this request 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 feet 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. There is a request for a Waiver of the Residential Adjacency Standards as a part of the Site Development Plan Review (SDR-29002) that exemplifies how the proposed development does not meet the intent of the neighborhood plan with regard to the buildings proposed height in relation to the neighboring single-family residential homes.

The site encompasses multiple parcels with a proposed building built across the lot lines. As it is the stated intention of the applicant to create a Mixed-Use subdivision, there will need to be a Tentative Map and Final Map Technical Review for a merger and resubdivision prior to any building permits being issued.

Minimum Requirements of Approval for a Mixed-Use Development use in the proposed/existing C-1 (Limited Commercial) zoning district are:

1. Residential uses permitted as of right in the R3 and R4 Zoning Districts may be permitted by means of Special Use Permit within a PR, NS, O, C1, C2, or CPB Zoning District.
2. Nonresidential uses permitted as of right in the PR, NS, O, and C1 Zoning Districts may be permitted by means of Special Use Permit within an R3 or R4 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 rightofway, and the primary entryway to that use shall be directly from and oriented to a street; and
 - 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 proposed Mixed-Use use meets the Minimum Special Use Permit Requirements, per Title 19.04. However, due to scope and scale of the proposed development the project is incompatible with the surrounding present and future area development and the buildings height is in conflict with the neighborhood plan for the area; therefore, staff is recommending denial of this Special Use Permit.

FINDINGS

The following findings must be made for a Special Use Permit:

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 design of the development adequately separates the commercial and residential components on-site; however, the scale of the proposed development may have significant impact on the adjacent single-family land uses. The scale and scope of the proposed residential use can not be conducted in a manner that is harmonious and compatible with the existing surrounding land uses, and those future uses as projected by the General Plan.

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

Provided that the subsurface conditions are able to accommodate the two levels of below ground parking and tower support structure, the subject site is physically suitable for the intensity of use proposed by the applicant.

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.

6th Street, a 60-foot Local street, will be the principal vehicular access point for guests and retail customers with additional access via a private access drive off of Sahara Avenue, a 150-foot Primary Arterial street, for building residents and commercial tenants. The scope of this project and the added traffic on 6th Street will likely result in a negative impact on adjacent roadways and neighborhood traffic. Mitigation measures suggested by the required Traffic Impact Analysis may reduce these negative impacts.

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 should not compromise public health, safety, or welfare. However, the scope and scale of the proposed development is not consistent with Goal 2 of the General Plan as it relates to mature neighborhoods being sustained and improved through appropriate and selective high quality redevelopment and preservation.

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

The proposed Mixed-Use development meets all Minimum Special Use Permit Requirements of Title 19.04.010 with approval of this action.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 426 by City Clerk

APPROVALS 14

PROTESTS 10