



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 5, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-29306 - APPLICANT: TOWER REALITY AND DEVELOPMENT LLC - OWNER: CLARK COUNTY CREDIT UNION

**** CONDITIONS ****

The Planning Commission (3/sd/ds/bg-3/rt/se/vq-1/gt tie vote on a motion for approval) therefore,
NO RECOMMENDATION

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-15045), Variance (VAR-29730) and Site Development Review Plan (SDR-29051) 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 City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit for a 52,498 square-foot, five-story Mixed-Use project on 0.64 acres at the southwest corner of 7th Street and Chef Andre Rochat Place. A Variance (VAR-29730) for reduced setbacks and 1005 lot coverage, as well as a Site Development Review Plan (SDR-29051) 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 and thus no perimeter landscaping and nearly 100% lot coverage make this project incompatible with the surrounding neighborhood. Therefore, staff recommends denial of this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&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.

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.
09/25/08	The Planning Commission had no recommendation of companion items VAR-29730 and SDR-29051 concurrently with this application. The Planning Commission vote ended in a tie 3/sd/ds/bg-3/rt/se/vq-1/gt (PC Agenda Item #36/yk).
<i>Related Building Permits/Business Licenses</i>	
07/15/85	A Business License (Q13-00736) was issued for a Real Estate Business at 408 S. 7th Street. The license expired on 07/15/08.
01/09/04	A Business License (Q01-00508) was issued for a Real Estate Business at 408 S. 7th Street. The license expired on 07/15/08.
<i>Pre-Application Meeting</i>	
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.
<i>Neighborhood Meeting</i>	
N/A	No neighborhood meeting was required nor held for this application.
<i>Field Check</i>	
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.

Details of Application Request	
Site Area	
Net Acres	0.64

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
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)

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

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.

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 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office	38,242 SF	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			Y
Residential	7-two bedroom units	1.75 spaces/2 bedroom unit + one guest space per 6 units	16	0	16	0	Y
SubTotal			186		190	6	Y

Waiver		
Request	Requirement	Staff Recommendation
Perimeter Landscaping buffer of zero feet.	15-foot width and 8-foot width	Denial
Exception		
Request	Requirement	Staff Recommendation
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 Chef Andre Rochat Place and access to seven, two-story units off of 7th Street. The building is designed around a central parking garage with residential units on the 2nd and 3rd floors on the east side with office space on the entire 4th and 5th floors. The central lobby for all of the office spaces will be on the north side of the project.

- **General Plan/Zoning**

The subject parcel is located in the SC (Service Commercial) designation of the General Plan and within the Southwest Sector Plan area. This district allows for low to medium intensity retail, office, or other commercial uses that are intended to serve residents of the immediate area. The current zoning of C-1 (Limited Commercial) complies with the General Plan and allows uses such as the one proposed contingent upon approval of a Special Use Permit.

- **Use**

Mixed-Use projects are defined as a combination of certain residential and nonresidential uses on a single parcel, or a mix of certain residential and nonresidential uses within an area that is zoned for either residential or nonresidential use. The proposed project meets this standard.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

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.**

As proposed, this Mixed-Use project is not appropriate nor harmonious with the surrounding land uses due to the size that overwhelms the site.

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

As proposed, the site is too intensive. The applicant is requesting a Variance (VAR-29730) to allow for zero-foot setbacks on all sides of the property and to allow 100% lot coverage where the maximum allowed is only 50%.

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.

The two Local Streets are capable to handle the additional traffic this project would generate.

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.

This project will be inspected by all appropriate City departments and will have to adhere to all applicable codes and permits.

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

The projects seven residential units are located on the 2nd and 3rd floors with retail/office use on the ground level.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 126 by City Clerk

APPROVALS 1

PROTESTS 2