



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 22, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-32543 - APPLICANT/OWNER: MARQUIS NAVE

**** CONDITIONS ****

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

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Mixed-Use.
2. Conformance to the conditions for Site Development Plan Review (SDR-32540) and Variance (VAR-32541), 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. 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 proposed Mixed-Use project adjacent to the southeast corner of C Street and Jackson Avenue. An associated Waiver has also been requested by the applicant, which seeks to allow no architectural differentiation of uses. Specifically, the applicant fails to comply with minimum Special Use Permit Regulations number 3 (b), which states 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 color. The overall design of the building is residential in nature, thereby not complying with this requirement. Therefore, as the overall development and building design cannot be conducted in a harmonious manner, nor can it comply with Title 19 requirements, staff is recommending denial of the subject application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/14/04	A Citation (#12814) was issued by Code Enforcement for trash, debris, high weeds, outside storage, and inoperable vehicles. The issue was resolved on 08/05/04.
11/18/05	A Citation (#36424) was issued by Code Enforcement for raw sewage located in the side yard. The issue was resolved on 12/02/05.
06/25/07	A Citation (#54694) was issued by Code Enforcement for raw sewage located in the side yard. The issue was resolved on 06/28/07.
08/14/07	A Citation (#56714) was issued by Code Enforcement for fire damage. The issue was resolved on 10/12/07.
09/25/08	A Citation (#70076) was issued by Code Enforcement for rubble and concrete on a vacant lot. The issue was resolved on 10/20/08.
01/22/09	The Planning Commission will hear a related Site Development Plan Review (SDR-32540) for a proposed 2,212 square-foot Mixed-Use development with Waivers to allow a Residential Adjacency setback of five feet where 81 feet is required, to allow a Waiver of Building Placement and Orientation Standards and Waivers of the Perimeter Landscape Buffer Requirements to allow a portion of the north and west property buffer to be zero feet where 15 feet is required, to allow a portion of the east property buffer to be three feet where 15 feet is required and to allow a portion of the south perimeter to be 10 feet where 15 feet is required; and a Variance (VAR-32541) to allow a five-foot side yard setback where 10 feet is required, to allow a 11-foot corner side yard setback where 15 feet is required and to allow a 10-foot rear yard setback where 20 feet is required adjacent to the southeast corner of C Street and Jackson Avenue.

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Related Building Permits/Business Licenses	
12/24/07	A Building Permit (#104678) was issued for a demolition permit for an existing residence. The building was demolished, but never received a final inspection. The building permits indicate that the house burned to the ground on 08/04/07.
Pre-Application Meeting	
11/25/08	A meeting was held to discuss the requirements of the subject Site Development Plan Review and the related Special Use Permit and Variance applications.
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
12/22/08	A field check was completed on the indicated date. The site is currently vacant. A single-family dwelling was once on the subject site, but has since been demolished.

Details of Application Request	
Site Area	
Net Acres	0.08

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	MXU (Mixed Use)	C-2 (General Commercial)
North	Single-Family Dwelling	MXU (Mixed Use)	R-3 (Medium Density Residential)
South	Duplex	MXU (Mixed Use)	C-2 (General Commercial)
East	Single-Family Dwelling	MXU (Mixed Use)	C-2 (General Commercial)
West	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
West Las Vegas Plan	X		Y

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
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

Redevelopment Plan Area The subject site is located within the boundaries of the Las Vegas Redevelopment Plan Area. The proposed uses are in conformance with Redevelopment Plan goals and policies that encourage innovative, mixed use projects in this area of the City.

Airport Overlay District The site is within the 175-foot height limitation contour of the North Las Vegas Airport Overlay Map portion of the A-O (Airport Overlay) District. The proposed building is indicated at a height of 27 feet. The proposed building will not impact the 175-foot Airport Overlay height restriction.

West Las Vegas Neighborhood Plan The subject site is within the West Las Vegas Neighborhood Plan. The proposed development fails to further the goals and policies of the West Las Vegas Neighborhood Plan. Specifically, the proposed development fails to comply with Policy 2.2.1, which states: that any higher density or mixed-use redevelopment, which is adjacent to lower density residential development incorporate appropriate visual design. The applicant has clearly failed to comply with this requirement, which is evidenced by the overall building design and the need for the associated Waiver, which is a part of Special Use Permit (SUP-32543). The Waiver request is to allow no architectural differentiation of uses.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Mixed-Use	2,212 square feet	N/A	N/A	N/A	2	1	Y*
TOTAL					3		Y*

*Pursuant to Title 19.04 requirements, Mixed-Use developments parking requirements are determined on a case-by-case basis, depending on the requirements of the individual uses represented on the site. The subject site provides adequate parking for the proposed use, as conditioned. A condition of approval has been added, which requires the garage to be open during business hours in order to provide adequate customer parking.

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ANALYSIS

The proposed Mixed-Use development fails to meet the minimum Special Use Permit regulations pursuant to Title 19.04. The condition not being met is as follows:

- 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 color.

The failure to comply with Title 19.04 requirements is evidenced by the building elevations. The elevations depict a single-family dwelling, which does not differentiate the uses in volume, proportion, finish or color. The proposed Special Use Permit and Waiver cannot be supported as it fails to meet a minimum Special Use Permit Requirement and intent of a Mixed-Use Development. Therefore, staff is recommending denial of the subject application.

- **Zoning**

The proposed Mixed-Use land use category is allowed within the subject C-2 (General Commercial) zoning district with the approval of a Special Use Permit. The subject parcel is located in the MXU (Mixed Use) designation of the General Plan and is within the Southeast Sector Plan area. This district allows for a mix of uses that are normally allowed within the L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial) and GC (General Commercial) Master Plan land use categories. The current zoning of C-2 (General Commercial) complies with the General Plan and allows uses such as the one proposed contingent upon approval of a Special Use Permit.

- **Use**

A Mixed-Use land use category is defined by Title 19, as a combination of certain residential and non-residential uses on a single parcel, or a mix of certain residential and non-residential uses within an area that is zoned for either residential or non-residential use.

Special Use Permit Regulations:

1. Residential uses permitted as of right in the R-3 (Medium Density Residential) and R-4 (High Density Residential) Zoning Districts may be permitted by means of a Special Use Permit within a P-R (Professional Office and Parking), N-S (Neighborhood Service), O (Office), C-1 (Limited Commercial), C-2 (General Commercial) or C-PB (Planned Business Park).

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2. Non-residential uses permitted as of right in the P-R (Professional Office and Parking), N-S (Neighborhood Service), O (Office) and C-1 (Limited Commercial) Zoning Districts may be permitted by means of a Special Use Permit within an R-3 (Medium Density Residential) or R-4 (High Density Residential) Zoning District.
3. When residential and non-residential uses are approved for a single parcel:
 - a. The non-residential use shall be located at ground level fronting the primary public right-of-way, and the primary entry way to that use shall be directly from and oriented to a street; and
 - b. The overall architecture of the front elevations shall highlight the differences in uses through variations in volume and proportion, and shall be treated as a cohesive whole through finishes and colors.

The proposed Mixed-Use fails to comply with minimum Special Use Permit Regulations number 3 (b), which states 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 color.

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.**

The proposed use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses as the proposed use fails to meet minimum Special Use Permit Requirements. This is evidenced in the request for the Waiver to allow no architectural differentiation of uses. Architectural differentiation in uses is a minimum Special Use Permit Requirement for Mixed-Use projects.

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

The subject site is not appropriate for the proposed Mixed-Use development. The proposed building fails to comply with minimum architectural design requirements as required for a minimum Special Use Permit Requirements for Mixed-Use projects.

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.**

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Adequate site access is provided from C street and Jackson Avenue, both are (70-foot) Local Streets as defined by the Master Plan of Streets and Highways.

- 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 the Special Use Permit will not compromise the public health, safety, and welfare or the overall objectives of the General Plan.

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

The proposed Mixed-Use project fails to meet one of the required minimum Special Use Permit Requirements. Specifically, the applicant fails to comply with the requirement, which requires architectural differentiation in uses.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 158

APPROVALS 0

PROTESTS 0