



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 15, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-33014 - APPLICANT/OWNER: 11TH STREET HOLDINGS, INC.

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 1, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0-1/mb vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Mixed- Use.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-33016), Variance (VAR-33018) and Site Development Plan Review (SDR-33013) 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. 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 proposed Mixed-Use development consisting of 60, one-bedroom residential units and 1,924 square feet of commercial space located at the southeast corner of Stewart Avenue and 11th Street. In addition to this application, the applicant has submitted a request for a Variance (VAR-33016) to allow 38 parking spaces and no loading zone where 96 parking spaces and one loading zone is required, a Variance (VAR-33018) to allow a lot coverage of 78% where 50% is the maximum allowed; to allow no setback where a 1:1 setback to height ratio is required along a street classified as collector or larger; to allow a seven-foot front yard setback where 20 feet is required; to allow a six-foot side yard setback where 10 feet is required; to allow a zero-foot rear yard setback where 20 feet is required; and to allow a zero-foot corner side yard setback where 15 feet is required and a Site Development Plan Review (SDR-33013) for a proposed four-story 48.5-foot tall Mixed-Use development consisting of 60 residential units and 1,924 square feet of commercial space with Waivers to allow a zero-foot landscape buffer along the north and west perimeters where 15 feet is required and to allow a zero-foot buffer along the south perimeter where eight feet is required. While the subject application meets all Title 19.04 conditions for the Mixed-Use development, the proposed development will result in a site that is overbuilt and not compatible with surrounding adjacent uses, as evidenced by the numerous Waiver and Variance requests from Title 19.08, 19.10 and 19.12; therefore, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/09/04	A Code Enforcement complaint (#16346) was processed for general code violations. The case was resolved 01/02/07.
09/20/05	A Code Enforcement complaint (#34717) was processed for an evaporative cooler not working within a rental unit. The case was resolved 09/23/05.
09/29/05	A Code Enforcement complaint (#35020) was processed for electrical and plumbing not working within rental units. The case was resolved 09/30/05.
01/09/06	A Code Enforcement complaint (#37444) was processed for raw sewage leaks. The case was resolved 02/06/06.
11/05/07	A Code Enforcement complaint (#59514) was processed for a loose stairway, plumbing and gas leaks. The case was resolved 11/08/07.
11/14/07	A Code Enforcement complaint (#59835) was processed for outdoor auto parts storage and operating an auto repair business without a license. The case was resolved 11/16/07.
02/26/09	The Planning Commission recommended approval of companion items VAR-33016, VAR-33018 and SDR-33013 concurrently with this application.

	The Planning Commission voted 6-0-1/mb to recommend APPROVAL (PC Agenda Item #32/dc).
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<i>Related Building Permits/Business Licenses</i>	
03/22/00	A demolition permit (#00005169) was issued at 231 North 11 th Street. The permit received final approval on 04/13/00.
12/23/05	A business license (#T04-00024) was issued for a seven-unit trailer park at 231 North 11 th Street.
03/09/06	A business license (#A07-00262) was issued for apartments at 231 North 11 th Street. The license expired 01/15/09.
<i>Pre-Application Meeting</i>	
12/31/08	A pre-application meeting was held with the applicant where the submittal requirements for a Site Development Plan Review, setback and lot coverage Variance, parking Variance and a Special Use Permit for a Mixed-Use development were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	

<i>Field Check</i>	
01/21/08	A field check was conducted by staff at the subject site. The site is currently unpaved without a sidewalk, occupied by several mobile homes and a small apartment building.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.48

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)
North	Multi-Family Residential, Retail	MXU (Mixed Use)	C-2 (General Commercial)
South	Undeveloped	MXU (Mixed Use)	C-2 (General Commercial)
East	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)
West	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
Live/Work Overlay District	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

Live/Work Overlay District The subject site is located within the boundaries of the Live/Work Overlay District. The proposed Mixed-Use development does not contain any associated Live/Work units as a part of the proposed project.

ANALYSIS

The proposed Mixed-Use use meets the Minimum Special Use Permit Requirements per Title 19.04.010; however, the proposed development as designed requires numerous Waiver and Variance requests from Title 19.08, 19.10 and 19.12. While the subject application meets all Title 19.04 conditions for the Mixed-Use development, the proposed development will result in a site that is overbuilt and not compatible with surrounding adjacent uses, as evidenced by the numerous Waiver and Variance requests from Title 19.08, 19.10 and 19.12; therefore, staff recommends denial of this request.

- **Zoning**

The proposed Mixed-Use development is allowed within the existing C-2 (General Commercial) zoning district with the approval of a Special Use Permit. The subject site has a MXU (Mixed Use) General Plan designation and is within the Southeast Sector Plan area. The MXU (Mixed Use) land use category 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) General Plan land use categories. The C-2 (General Commercial) zoning district complies with the existing MXU (Mixed Use) General Plan designation.

- **Use**

A Mixed-Use land use 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.

- **Minimum Special Use Permit Requirements Pursuant to Title 19.04.010**

1. Residential uses permitted as of right in the R-3 (Medium Density Residential) and R-4 (High Density Residential) zoning district 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).
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 color.

The proposed Mixed-Use development meets the Minimum Special Use Permit Requirements; however, the associated Site Development Plan Review (SDR-33013) and Variances (VAR-33016 and VAR-33018) both require numerous deviations from Title 19.08, 19.10 and 19.12. The multiple deviations from Title 19 are indications that the development as proposed is not suitable for the subject property; therefore, staff recommends denial of this request.

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 design of the development adequately separates the commercial and residential components; however, the numerous Waiver and Variance requests will negatively impact surrounding land uses. The Variance (VAR-33018) request to allow a zero-foot building setback from the south perimeter will negatively impact adjacent property while the proposed Variance (VAR-33016) to allow 38 parking spaces and no loading zone where 96 are required will negatively impact parking availability within the neighborhood.

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

The subject site is appropriate for a Mixed-Use development project; however this proposal, as designed, is not ideal for the physical site. The numerous Waiver and Variance requests indicate that this proposal will overbuild the subject site.

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.

Adequate site access is provided from both Stewart Avenue and 11th Street. Stewart Avenue is designated as an 80-foot Secondary Collector by the Master Plan of Streets and Highways, while 11th Street is designated as an 80-foot Local Street 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 meets all the required minimum Special Use Permit Requirements pursuant to Title 19.04.010.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 130 by City Clerk

APPROVALS 0

PROTESTS 0