



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 15, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-33013 - 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. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-33014), Variance (VAR-33016) and Variance (VAR-33018) 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 development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 01/26/09 and color and material elevations date stamped 02/06/09, except as amended by conditions herein: The site plan shall be revised to provide minimum 22-foot wide driveway aisles within the parking structure.
4. A Waiver from Title 19.12.040(A) is hereby approved, to allow a zero-foot landscape buffer along the north and east perimeters where 15 feet is required.
5. A Waiver from Title 19.12.040(A) is hereby approved, to allow a zero-foot landscape buffer along the south perimeter where eight feet is required.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: Provide minimum 15-foot tall palm trees along both street frontages pursuant to Title 19.12.040(G).
7. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
15. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

17. Coordinate with the City Surveyor to determine if a Reversionary Map or other acceptable mapping method is required; comply with the recommendations of the City Surveyor.
18. Dedicate a 25-foot radius on the southeast corner of Stewart Avenue and 11th Street prior to the issuance of any permits unless otherwise allowed by the City Engineer.
19. Construct all incomplete half-street improvements on Stewart Avenue and 11th Street adjacent to this site concurrent with development of this site.
20. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
21. This site shall connect to the public sewer line located in Stewart Avenue at a location acceptable to the Collection System Planning Section of the Department of Public Works.
22. If the entry gates proposed are to be electrically opened and closed, the gates may be placed immediately behind the alley right-of-way line (i.e., on the private property side of where the sidewalk is located). If the entry gate is to be manually opened and closed, the gates shall be set back a sufficient distance (a minimum of 18 feet) to allow a vehicle to pull completely out of the public alley right-of-way before parking to manually operate the gate; alternatively the gates shall remain open during regular business hours. The installation of either swing gates or rolling gates are acceptable as long as no part of the gates, either in the opened or closed position, intrude into the public right of way.
23. Landscape and maintain all unimproved rights-of-way, if any, on Stewart Avenue and 11th Street adjacent to this site.
24. Submit an Encroachment Agreement for all landscaping, if any, located in the Stewart Avenue and 11th Street public rights-of-way adjacent to this site prior to occupancy of this site.
25. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for 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 on 0.48 acres 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 Special Use Permit (SUP-33014) for a proposed 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 SUP-33014 concurrently with this application. The Planning Commission voted 6-0-1/mb to recommend APPROVAL (PC Agenda Item #33/dc).

<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 un-landscaped 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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	21,049 SF	N/A
Min. Lot Width	100 Feet	140 Feet	Y
Min. Setbacks			
• Front	20 Feet	7 Feet	N*
• Side	10 Feet	6.25 Feet	N*
• Corner	15 Feet	Zero Feet	N*
• Rear	20 Feet	Zero Feet	N*
Max. Lot Coverage	50 %	77.5 %	N*
Max. Building Height	N/A	48.5 Feet	N/A
Trash Enclosure	Screened, Enclosed	Screened, Enclosed	Y
Mech. Equipment	Screened	Screened	Y

* The applicant has submitted a Variance (VAR-33018) to allow a lot coverage of 78% where 50% is the maximum allowed; to allow no stepback where a 1:1 stepback 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 as a companion item to this application.

Pursuant to Title 19.12.040, the following landscape standards apply:

<i>Landscaping and Open Space Standards</i>				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/6 Spaces	Zero Trees	Zero Trees	Y*
Buffer:				
Min. Trees				
(North)	1 Tree/20 Linear Feet	7 Trees	7 Trees	Y
(South)	1 Tree/20 Linear Feet	5 Trees	Zero Trees	N**
(West)	1 Tree/30 Linear Feet	8 Trees	8 Trees	Y
TOTAL		20 Trees	15 Trees	Y**
Min. Zone Width				
(North)	15 Feet		Zero Feet	N***
(South)	8 Feet		Zero Feet	N**
(West)	15 Feet		Zero Feet	N***
Wall Height	6-8 Feet		No Wall	Y

* Parking is provided for 38 vehicles; however, there are no uncovered surface parking spaces.

** The applicant has requested a Waiver to allow a zero-foot landscape buffer along the south perimeter where eight feet is required.

*** The applicant has requested a Waiver to allow a zero-foot landscape buffer along the north and west perimeter where 15 feet is required.

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
Studio/One Bedroom Apartments	60 Units	1.25 Spaces/ Unit	75				
Guest Parking for Studio/ One Bedroom Apartments	60 Units	1 Space/ 6 Units	10				
General Retail Store, Other than Listed (Less than 3,500 SF)	1,924 SF	1 Space/ 175 SF	10	1			
SubTotal			95	1	36	2	
TOTAL			96		38		N*
Loading Spaces			1		0		N*
Percent Deviation					60.4%		

* The applicant has submitted a Variance (VAR-33016) to allow 38 parking spaces and no loading zone where 96 parking spaces and one loading zone is required as a companion item to this application.

Waivers		
Request	Requirement	Staff Recommendation
To allow a zero-foot landscape buffer along the west and north perimeter	15-foot landscape buffer	Denial
		Denial

To allow a zero-foot landscape buffer along the south perimeter	Eight-foot landscape buffer	
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Exception		
Request	Requirement	Staff Recommendation
To allow zero, 24-inch box trees along the south perimeter	Five, 24-inch box trees	Denial

ANALYSIS

- **Land Use and Zoning**

The subject site is located within the Southeast Sector Plan of the General Plan with a land use designation of MXU (Mixed Use). The MXU (Mixed 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 subject site is zoned C-2 (General Commercial). The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. The category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as Mixed-Use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors. The proposed C-2 (General Commercial) district is consistent with the existing MXU (Mixed Use) General Plan land use designation.

- **Site Plan**

The proposed development is located on a 0.48 acre site at the southeast corner of Stewart Avenue, an 80-foot Secondary Collector, as indicated on the Master Plan of Streets and Highways, and 11th Street, an 80-foot Local Street. Vehicular access is provided via an alley way on the east side of the subject site, which provides ingress and egress to the first floor parking and retail level of the building. Pedestrian access to the site is located on the northwest corner of the site, adjacent to a proposed lobby and small plaza area. The proposed building includes 60, one-bedroom residential units and 1,924 square feet of retail space, which is located along 11th Street.

Additionally, the applicant provides 38 parking spaces and a centralized bicycle rack/storage area within a single-level parking garage located on the ground floor of the structure. The applicant is deficient by a total of 58 parking spaces pursuant to Title 19.10 requirements. The applicant has submitted a Variance (VAR-33016) to allow 38 parking spaces and no loading zone where 96 parking spaces and one loading zone is required as a companion item to this application. The parking garage layout contains 90-degree parking accessed by a one-way U-shaped drive aisle measuring 18 to 22 feet wide. Pursuant to Title 19.10.010(J)(2)(e), the minimum access aisle for one-way traffic with 90-degree parking is 24 feet. Title 19.10.010(J)(2)(c) allows parking structures to be subject to dimensional adjustments based on utilization. Reductions in design standards for parking structures shall be subject to approval by the Director. The Planning and Development Department has established that 18-foot wide drive aisles are not functional for appropriate internal site circulation, and that the site would function more efficiently with a uniform 22-foot wide drive aisle. A condition has been added requiring the applicant to revise the site plan to provide minimum 22-foot wide driveway aisles within the parking structure.

- **Landscape Plan**

The applicant is requesting a Waiver 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. This is a result of the applicant attempting to provide an urban streetscape environment by providing a 14-foot wide sidewalk along 11th street and a 17-foot wide sidewalk along Stewart Avenue, while requesting a Variance (VAR-33018) for reduced building setbacks. Title 19.12.040 requires a sidewalk with a minimum width of five feet. A reduction in the width of the proposed sidewalk would allow the applicant to provide a six-foot landscape buffer along 11th Street and a nine-foot buffer along Stewart Avenue. As there is ample room to provide a landscape buffer within these areas, staff recommends denial of this Waiver request.

The applicant is proposing to provide Deglet-Noor Date Palms, spaced at 20 feet on center, along both Stewart Avenue and 11th Street, pursuant to Title 19.12.040 requirements. Four, five-gallon Texas Ranger shrubs will be provided for each tree, which will be located in flat, square planters placed at back of curb along both Stewart Avenue and 11th Street. The applicant has not indicated the height of the proposed palm trees to be utilized; a condition has been added requiring the height to be a minimum of 15 feet pursuant to Title 19.12.040(G).

The remainder of the proposed development will not be landscaped, with the exception of planters containing potted palms and shrubs within the second-level common area courtyard. This courtyard will be open-air, visible from the second, third and fourth floors, and utilize concrete pavers as a finish material. The west perimeter of the subject property is located adjacent to an existing alleyway, which is not required to be landscaped pursuant to Title 19.

- **Elevations/Floor Plans**

The elevations depict a four-story, 48.5-foot tall Mixed-Use development. The first floor is indicated at 18 feet. The second and third floors are indicated at a height of 10 feet, while the fourth floor is indicated at 10.5 feet. Vehicular access to the ground floor is accessed via an alleyway off of Stewart Avenue. The ground floor contains 1,924 square feet of retail space and 38 parking spaces, which includes two handicapped parking spaces. A small plaza located adjacent to the northwest corner of the site accesses the elevator lobby for the residential units and provides an entry for the retail space. The top three floors contain 60, one-bedroom residential units, which will be accessed via open grate breezeways which access the elevator and stairwells provided at the northeast and southeast corners of the building. The second floor also has access to a common courtyard, which is accented by landscaping. Additionally, each floor will contain an enclosed laundry room. The typical one-bedroom floor plan indicates that all of the rental units will be an identical 450 square feet in size, containing an open kitchen, living and dining area, semi-private bedroom area, private bathroom and storage closets.

The building has been designed utilizing modern design elements which emphasize both the horizontal and vertical planes of the building. The applicant is proposing to utilize corrugated metals painted three colors, including blue, orange, and green, offset by low-emission glass window openings. The storefront area fronting 11th Street will contain large storefront windows, while the parking garage fronting Stewart Avenue will be screened with metal siding.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with adjacent development and development in the area as it seeks to reduce the required building setbacks. The request for a zero-foot setback for the south perimeter of the proposed development will negatively impact the adjacent property owner. Any future development within the surrounding area will be subject to Title 19 standards, and require landscape buffers, setbacks and parking in accordance with the requirements of the respective zoning districts, and if approved, this project would not be consistent with the development requirements of surrounding parcels.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is not consistent with Title 19 as the applicant has requested numerous Waivers and Variance requests from Title 19.08, 19.10 and 19.12. A redesign of the site would allow for conformance with duly-adopted city plans, policies and standards.

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

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. The request for a Variance (VAR-33016) to allow 38 parking spaces where 96 are required will negative impact available on street parking within the surrounding neighborhood. Additionally, the internal parking areas have been designed with non-functional driveway aisles. A condition has been added requiring the applicant to provide minimum 22-foot wide drive aisles within the parking structure.

4. Building and landscape materials are appropriate for the area and for the City;

The building and landscape materials are appropriate for this area of the City. The building materials are also appropriate for the area of the City, which is represented in the use of various colors of painted corrugated metal. The proposed landscaping material is adequate; however the request to allow a Waiver of perimeter landscape buffer requirements is not appropriate for the area as the applicant has ample room to place a landscape buffer between the building and the proposed sidewalk area.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The building elevations indicate an aesthetically pleasing and harmonious modern mid-rise development. The use of building colors, mass and scale, and the overall building design will blend well with the surrounding neighborhood.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed plan will not impact public health, safety or welfare since the development will be subject to the International Building Code and City inspections during construction.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 130 by City Clerk

APPROVALS 0

PROTESTS 0