

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JUNE 11, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-34340 - APPLICANT: A.S.F. REALTY AND INVESTMENTS, INC - OWNER: ANDREW AND GUDRUN FONFA**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL**, subject to:**Planning and Development**

1. Conformance to the conditions for Special Use Permit (SUP-4534) and Site Development Plan Review (SDR-6588).
2. This approval shall be void two years from the date of final approval, unless a business license has been issued for suite #4001. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the floor plan, date stamped 04/28/09, except as amended by conditions herein.
4. The applicant shall work with City staff to determine the most appropriate mapping action necessary to eliminate APN 162-04-815-423 as a residential use. The mapping action shall be completed and recorded prior to issuance of any building permits or business license.
5. The applicant shall obtain all building permits and final inspection needed for issuance of a Certificate of Occupancy.
6. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Major Amendment to an approved Site Development Plan Review (SDR-6588) to convert one residential unit to a 2,109 square-foot office at 200 West Sahara Avenue, Suite #4001. The subject property is an existing 41-story high-rise Mixed-Use development containing 428 existing residential units and 5,136 square feet of commercial space. The applicant indicates that the conversion is being done in order to conduct onsite unit sales, off-site real estate sales, presentations, promotions, auctions, tours and private parties. The proposed conversion of a residential unit to an office use is compatible with the existing, approved Mixed-Use development; therefore, staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/04/04	The City Council approved a Site Development Plan Review (SDR-4534) for a proposed Mixed-Use development and Waivers from the Downtown Centennial Plan Section DS3.1J to allow an 8-foot landscape buffer area where 10 feet is the minimum required, from Section DS5.1A to allow no wall alignment where 70 percent of the building street wall is required to align along the edge of the sidewalk or the median setback of existing buildings within the same block or street frontage, and from Section DS5.1I to allow building setbacks on only the 4 th floor where building setbacks are required on the 4 th , 11 th , and 18 th floors and a Special Use Permit (SUP-4540) Special Use Permit for a Mixed-Use development on 3.90 acres located at the northwest corner of Sahara Avenue and Fairfield Avenue. The Planning Commission and staff recommended approval of these requests.
07/06/05	The City Council approved a Site Development Plan Review (SDR-6588) for a proposed 41-story Mixed Use development including 900 Residential Units, 10,200 square feet of Commercial space and Waiver from the Downtown Centennial Plan Section DS3.1J to allow an 8-foot landscape buffer area where 10 feet is the minimum required, from Section DS5.1A to allow no wall alignment where 70 percent of the building street wall is required to align along the edge of the sidewalk or the median setback of Existing buildings within the same block or street frontage, and from Section DS5.1I to allow building setbacks on only the 4 th floor where building setbacks are required on the 4 th 11 th , and 18 th floors on 3.90 acres located at the northwest corner of Sahara Avenue and Fairfield Avenue. The Planning Commission and staff recommended approval of this request.

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09/08/05	The Planning Commission approved a Tentative Map (TMP-8442) for a 902-unit residential Condominium development on 3.82 acres adjacent to the northwest corner of Sahara Avenue and Fairfield Avenue. Staff recommended approval of this request.
01/18/07	The Planning and Development Department approved a Final Map (FMP-17618) for a one-lot commercial subdivision on 3.86 acres located at northwest corner of Sahara Avenue and Fairfield Avenue. The map was not recorded.
08/28/07	The Planning and Development Department approved a Final Map (FMP-23087) technical review for a 428-unit residential Condominium development on 2.05 acres at the northwest corner of Sahara Avenue and Fairfield Avenue. The map was recorded on 09/18/07.
<i>Related Building Permits/Business Licenses</i>	
06/22/05	A building permit (#05004313) was issued for the removal of an Off-Premise sign at 200 West Sahara Avenue. The permit received final approval 08/18/05.
08/03/05	A building permit (#05005305) was issued for a condominium tower at 200 West Sahara Avenue. The permit received final approval 06/13/08.
09/28/07	A building permit (#07002783) was issued for a monument sign at 200 West Sahara. The permit never received final approval and expired 04/12/08.
07/23/08	A business license (#Q01-00906) was issued for a real estate sales office at 200 West Sahara Avenue Suite #401.
<i>Pre-Application Meeting</i>	
04/13/09	A pre-application meeting was held with the applicant where the following issues were discussed: • The submittal requirements for a Major Amendment to Site Development Plan Review (SDR-6588) to add 2,109 square feet of commercial and remove one residential unit. • The submittal requirements for a Major Amendment to Special Use Permit (SUP-4540) and a Waiver of requirement 3A. • Total number of existing residential units and commercial square footage. • The Final Map will need to be amended after approval of the Site Development Plan Review, but prior to the issuance of any permits.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	
<i>Field Check</i>	
05/07/09	A field check was performed by staff with the following observations: • The subject property is an existing 41-story Mixed-use development. • The existing building and surrounding grounds and landscape were noted to be in good physical condition.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.05

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Mixed-Use	C (Commercial)	C-2 (General Commercial)
North	Undeveloped	MXU (Mixed Use)	R-4 (High Density Residential) under Resolution of Intent to C-2 (General Commercial)
	Single-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)
South	Undeveloped	CT (Commercial Tourist) Clark County	H-1 (Limited Resort and Apartment) Clark County
East	Retail	C (Commercial)	C-2 (General Commercial)
West	Undeveloped (SDR -25261 Approved Hotel/Gaming/ Residential/ Commercial development)	C (Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts	X		Y
Downtown Overlay District	X		Y
G-O Gaming Enterprise Overlay District	X		Y
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

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DEVELOPMENT STANDARDS

Pursuant to the Downtown Centennial Plan, the following Development Standards have been approved for the subject site:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	2.05	N/A
Min. Lot Width	N/A	278 Feet	N/A
Min. Setbacks • Front • Side • Corner • Rear	Zero Feet Zero Feet Zero Feet Zero Feet	21 Feet 8 Feet 12 Feet 8 Feet	Y Y Y Y
Max. Building Height	N/A	379 Feet	N/A
Trash Enclosure	Walled/Roofed	Within parking garage	Y
Mech. Equipment	Screened	Screened	Y

Commercial/Residential Uses			
Approved through Site Development Plan Review (SDR-6588)	Existing	Proposed through Site Development Plan Review (SDR-34340)	Increase / Decrease from Existing
Commercial • 5,250 SF	• 5,136 SF	• 7,245 SF	29.1%
Residential • 450 Units	• 428 Units	• 427 Units	-0.23%

Pursuant to Title 19.06.060, properties within the Downtown Centennial Plan area are exempt from the automatic application of standard parking requirements. Listed below is the off street parking provided for this subject proposal:

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Other than Listed	2,109 SF	1/300 SF	8				
General Retail, Other Than Listed	5,136 SF	1/175 SF	30				

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Residential	427 Units	1 / Unit*	427				
Guest Parking for Residential		1 / 6 Units	72				
SubTotal					554	12	
TOTAL			537		566		Y

* As approved through Site Development Plan Review (SDR-6588).

ANALYSIS

- Floor Plan**

The floor plans submitted are for suite #4001 within the existing building. The proposed conversion of 2,109 square feet is for interior office space and an existing 1,791 square-foot balcony within a single level. Entry to the suite is gained from an internal hallway which provides access to an elevator lobby and stairwell. The interior of the suite will provide a large open sales presentation area, kitchen facility, three private offices, three restrooms, two storage rooms and a coat closet. The balcony will be accessed from the sales presentation area and wraps around the south and west sides of the suite. No indications have been made on the floor plan which demonstrate that the proposed office suite will meet accessibility requirements; therefore, a condition has been added requiring the applicant to obtain all applicable building permits and final inspections needed for issuance of a certificate of occupancy. The remainder of the existing building floor plans for the remaining public areas, commercial units, and residential units will remain as approved through Site Development Plan Review (SDR-6588).

FINDINGS

The following findings must be made for an SDR:

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

The proposed conversion of one residential unit to a 2,109 square-foot office is compatible with the existing Mixed-Use development, as the subject site has been constructed and approved for residential and commercial uses. The proposed development will have a minimal impact on the surrounding uses.

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- 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 consistent with all applicable duly adopted city plans, policies and standards.

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

Access to the site is provided from Sahara Avenue, a 100-foot Primary Arterial, according to the Master Plan of Streets and Highways, which will provide adequate access to the site. The existing site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

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

The existing building and landscape materials are in compliance with the previously approved Site Development Plan Review (SDR-6588) and are appropriate for the area and for the City.

- 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 of the existing structure will not change as a part of this review and shall remain harmonious and compatible with development in the area.

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

This proposal will not impact public health, safety or welfare since the development will be subject to the International Building Code and City inspections during construction of the tenant improvement.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

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SENATE DISTRICT 10

NOTICES MAILED 294

APPROVALS 0

PROTESTS 3