

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-20519 - APPLICANT/OWNER: LIVEWORK, LLC

** CONDITIONS **

The Planning Commission (6-0-1/rt vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-20507), Vacation (VAC-20522) and Site Development Plan Review (SDR-20502) shall be required.
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

This is a request for a Special Use Permit for a Mixed-Use use for a 12-story mixed-use development that includes 58,000 square foot of commercial space and 1,100 residential condominium units on 2.67 acres at southwest corner of West Charleston Boulevard and South 4th Street. This site is part of a larger project that includes a 120-foot high, 1,500 space automated parking structure with 12,000 square feet of ground level commercial space located at the northeast corner of South Casino Center Boulevard and Coolidge Avenue.

The subject proposal meets all Title 19.04 conditions for the Mixed-Use use. This use is compatible with the surrounding area and the proposed development is in keeping with the objectives and goals of the Downtown Centennial Plan; approval of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/18/95	The City Council Approved a Rezoning (Z-0037-94) from R-1 (Single Family Residence) to C-1 (Limited Commercial) on a portion of the subject site. The Planning Commission recommended approval.
12/20/95	The City Council Approved a Rezoning (Z-0093-95) from R-4 (Apartment Residence) to C-1 (Limited Commercial) on a portion of the subject site. The Planning Commission recommended approval.
04/03/96	The City Council granted the appeal of a Board of Zoning Adjustment denial thereby approving a Special Use Permit (U-0008-96) for a 14 foot by 24 foot OffPremise Advertising (Billboard) Sign on the subject property.
10/01/03	The City Council Approved a Site Development Plan Review (SDR-2784) 12,103 square foot office building on a portion of 2.18 acres adjacent to the southwest corner of Charleston Boulevard and Fourth Street. The Planning Commission and staff recommended approval.
04/26/07	The Planning Commission recommended approval of companion items ZON-20507, SDR-20492, VAC-20522 and SDR-20502 concurrently with this application. The Planning Commission voted 6-0-1/rt to recommend APPROVAL (PC Agenda Item #55/rts).

<i>Related Building Permits/Business Licenses</i>	
06/01/86	A business license for a Q13 (Law Firm or Law Office Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00709) was re-issued due to a change of location on 06/25/98 with no apparent Planning and Development review.
10/02/91	A business license for an I04 (Insurance Agent Any individual, firm, or corporation appointed by an insurer to solicit applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer) category license was processed in by the Department of Finance and Business Services. This license (I04-03034) was issued by Business Services on 11/08/91 and was re-issued due to a license re-classification on 02/27/04 with no apparent Planning and Development review.
02/11/94	A business license for a Q13 (Law Firm or Law Office Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00719) was issued by Business Services on 02/28/94 and was re-issued due to a change of location on 02/22/96 with no apparent Planning and Development review.
03/23/95	A business license for an I04 (Insurance Agent Any individual, firm, or corporation appointed by an insurer to solicit applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer) category license was processed in by the Department of Finance and Business Services. This license (I04-03035) was issued by Business Services on 04/21/95 with no apparent Planning and Development review.
05/25/95	A business license for an I04 (Insurance Agent Any individual, firm, or corporation appointed by an insurer to solicit applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer) category license was processed in by the Department of Finance and Business Services. This license (I04-02273) was issued by Business Services on 06/02/95 with no apparent Planning and Development review.
08/12/96	A business license for a M01 (Maintenance Services: Janitorial Janitorial, cleaning, or maintenance services. Includes carpet cleaning and swimming pool/spa maintenance, but does not include contracting, lawn and landscape maintenance, construction cleanup, or tree trimming) category license was processed in by the Department of Finance and Business Services. This license (M01-05281) was issued by Business Services on 08/16/96 with no apparent Planning and Development review.

01/15/97	A business license for a T07 (Travel & Ticket Agency Any person in the business of purchasing and reserving hotel accommodations, transportation, show tickets, entertainment or other vacation incidentals for tourists or other persons) category license was processed in by the Department of Finance and Business Services. This license (T07-00541) was originally issued by Business Services on 02/04/97 and was re-issued due to a change of location on 09/25/98 with no apparent Planning and Development review.
12/19/97	A business license for a J01 (Jewelry Sales and Repairs A business which sells new jewelry or repairs jewelry) category license was processed in by the Department of Finance and Business Services. This license (J01-01000) was re-issued due to a change of location on 03/03/04, with Planning and Development Department recording approval.
03/01/00	A business license for a M18 (Management or Marketing Service Any person or firm that conducts budgeting, marketing or management counseling or consulting services for another) category license was processed in by the Department of Finance and Business Services. This license (M18-01877) was issued by Business Services on 03/15/00 with no apparent Planning and Development review. A cease and desist order was issued on this license on 04/16/07.
02/23/01	A business license for a T-12 (Answering Message Service Any person who provides services such as telephone answering, forwarding, message taking, paging or voice mail services) category license was processed in by the Department of Finance and Business Services. This license (T12-00022) was issued by Business Services on 03/13/01 with no apparent Planning and Development review.
12/19/01	A business license for a T18 (Miscellaneous Telephone Sales/Service - A business which sells telephones, cellular phones, and other miscellaneous accessories) category license was processed in by the Department of Finance and Business Services. This license (T18-00489) was issued by Business Services on 01/08/02 with no apparent Planning and Development review.
03/26/02	A business license for a F02 (Finance Company Any person other than a bank, mortgage company, savings and loan, credit union, trust company or pawnbroker, who is licensed or required to be licensed under NRS 675 in order to lend money to others for profit or to hold himself out to the public) category license was processed in by the Department of Finance and Business Services. This license (F02-00267) was issued by Business Services on 05/30/02 with no apparent Planning and Development review.
05/22/03	A business license for an A23 (Bookkeeper Any business or person, other than a certified public accountant or public accountant, engaged in providing the service of recording the accounts, transactions or preparation of tax returns on behalf of another business or person) category license was processed in by the Department of Finance and Business Services. This license (A23-01994) was issued by Business Services on 06/06/03 with no apparent Planning and Development review.

06/13/03	A business license for a M21 (Merchandise Broker Any person who acts as an agent for others in negotiating contracts, purchases, the sale of goods, wares or services and who does not take possession of the merchandise) category license was processed in by the Department of Finance and Business Services. This license (M21-00682) was issued by Business Services on 06/25/03 with no apparent Planning and Development review.
01/05/05	A business license for a F11 (Specialty Food Store For retail stores selling specialty foods such as See's Candy, Hickory Farms, and ethnic food stores such as oriental markets, etc.) category license was processed in by the Department of Finance and Business Services. This license (F11-00113) was originally issued by Business Services on 01/25/05 and was re-issued due to a change of location on 08/14/06, with Planning and Development Department recording approval on 08/09/06.
04/18/05	A business license for a B20 (Business Support Service Any business that performs for one or more other businesses a service that is performed internally to a business including billing, mailing, printing, customer service evaluations, process claims/paperwork) category license was processed in by the Department of Finance and Business Services. This license (B20-00916) was issued by Business Services on 06/10/05 with no apparent Planning and Development review. This license has been marked out of business as of 03/29/07.
08/12/05	A business license for a Q13 (Law Firm or Law Office Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00290) was issued by Business Services on 09/02/05 with no apparent Planning and Development review.
09/19/05	A business license for a P27 (Personal Services Any business that provides personal services, including without limitation a wake-up service, reminder service, errand service, vehicle registration service, personal chef, cook, shopping service or pet sitting service) category license was processed in by the Department of Finance and Business Services. This license (P27-00309) was issued by Business Services on 10/05/05, with Planning and Development Department recording approval on 09/21/05. This license has been marked expired as of 02/26/07.
08/25/06	A business license for a P27 (Personal Services Any business that provides personal services, including without limitation a wake-up service, reminder service, errand service, vehicle registration service, personal chef, cook, shopping service or pet sitting service) category license was processed in by the Department of Finance and Business Services. This license (P27-00381) was issued by Business Services on 09/15/06, with Planning and Development Department recording approval on 09/08/06.

08/25/06	A business license for a Q20 (Interpreter/Translator Interpreter/Translator Firm comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q20-00056) was issued by Business Services on 09/15/06, with Planning and Development Department recording approval on 09/08/06.
10/23/06	A business license for a Q13 (Law Firm or Law Office Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00972) was issued by Business Services on 11/15/06, with Planning and Development Department recording approval on 10/25/06.
02/10/07	A business license for a J01 (Jewelry Sales and Repairs A business which sells new jewelry or repairs jewelry) category license was processed in by the Department of Finance and Business Services. This license (J01-01968) was issued by Business Services on 03/14/07 with no apparent Planning and Development review.
<i>Pre-Application Meeting</i>	
03/01/07	A pre-application meeting was held and elements of this application were discussed. Requirements for the Arts District of the Downtown Centennial Plan were discussed, including the proposed parking alternative. Submittal requirements were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

<i>Field Check</i>	
03/22/07	The Department of Planning and Development conducted a site visit that found that this was a developed site that encompassed multiple existing buildings. It was also noted that there is an off-premise (billboard) sign on the site that would also be removed to make way for this project. It was noted that the alley that this project requests to vacate appears to be the only vehicular entrance to the residential property to the south of the alleyway.

Details of Application Request	
Site Area	
Net Acres	2.67

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office, Other Than Listed	C (Commercial)	C-2 (General Commercial)
	General Retail, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
			P-R (Professional Office and Parking)
North	Service Station (without Automotive Repair)	C (Commercial)	C-2 (General Commercial)
	Multi-Family Residential	C (Commercial)	C-2 (General Commercial)
	Undeveloped	C (Commercial)	C-2 (General Commercial)
South	Office, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
East	Service Station (without Automotive Repair)	C (Commercial)	C-2 (General Commercial)
	Mini-Storage Facility	C (Commercial)	C-2 (General Commercial)
	Hotel, Motel or Hotel Suites	C (Commercial)	C-1 (Limited Commercial)
West	General Retail, Other Than Listed	C (Commercial)	C-2 (General Commercial)
	Multi-Family Residential	MXU (Mixed Use)	C-1 (Limited Commercial)
			R-4 (High Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Live/Work Overlay District	X		Y
Trails		X	n/a
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment	X		Y
Project of Regional Significance		X	n/a

ANALYSIS

The subject property is located within the boundaries of the Las Vegas Redevelopment District of the Southeast Sector Plan of the General Plan, and has a C (Commercial) land use designation. The C (Commercial) designation allows uses comparable to the following land use categories: O (Office), SC (Service Commercial), and GC (General Commercial). The proposed uses are in compliance with the land use designation.

There is a Rezoning (ZON-20507) proposed to change the zoning of the subject site where one of the parcels comprising the development is zoned C-1 (Limited Commercial) and the remaining parcel is zoned P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-2 (General Commercial). The existing and proposed uses established at this location are permissible in a C-1 (Limited Commercial) zoning district which is compatible with the C (Commercial) General Plan designation.

As previously noted, the parcel is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The proposed uses are in conformance with Redevelopment Plan policies that encourage innovative, mixed use projects in this area of the City. The proposed development is in compliance with the C (Commercial) designation.

This site is within the Live/Work Overlay district. The mixed-use nature of the proposed development will offer employment and housing options on-site; however, the project does not include any live/work units as outlined in Title 19.06.130.

The project area is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the 18b The Las Vegas Arts District. This district, which is within the bounds of the Downtown South district, is intended to accommodate a wide variety of commercial and residential uses within a dense, urban environment with its own unique design standards. The proposed project is consistent with the goals and objectives of the Downtown Centennial Plan.

Pursuant to Title 19.06.060 properties within the Downtown Centennial Plan area are exempt from the automatic application of development standards for building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The proposed development conforms to the applicable setbacks and lot coverage requirements specified by the Downtown Centennial Plan; height limits and parking requirements are not automatically applied.

The site encompasses two parcels with a proposed building built across the lot lines. As it is the stated intention of the applicant to create a mixed-use subdivision there will need to be a tentative map review and final map technical review prior to any building permits being issued.

Minimum Requirements of Approval for a Mixed-Use Development use in the proposed C-1 (Limited Commercial) zoning district are:

1. Residential uses permitted as of right in the R3 and R4 Zoning Districts may be permitted by means of Special Use Permit within a PR, NS, O, C1, C2, or CPB Zoning District.
2. Nonresidential uses permitted as of right in the PR, NS, O, and C1 Zoning Districts may be permitted by means of Special Use Permit within an R3 or R4 Zoning District.
3. When residential and nonresidential uses are approved for a single parcel:
 - a. The nonresidential use shall be located at ground level fronting the primary public right-of-way, and the primary entryway to that use shall be directly from and oriented to a street; and
 - b. 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 colors.

This special use permit has been submitted in conjunction with a proposed Rezoning (ZON-20507) to consolidate the sites existing P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-2 (General Commercial) zoning designations to just C-1 (Limited Commercial); Site Development Plan Review (SDR-20502) to site a proposed 12-story mixed-use development that includes 58,000 square foot of commercial space and 1,100 residential condominium units; Vacation (VAC-20522) to vacate a public right-of-way and access easement; and Site Development Plan Review (SDR-20492) to site an off-site, 120-foot high, 1,500 space automated parking structure with 12,000 square feet of ground level commercial space.

The proposed mixed-use use meets the minimum requirements of approval per Title 19.04. Due to the compatibility of this use with the surrounding present and future land use designations, staff is recommending approval of this special use permit.

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, and will not be significantly impacted by the adjacent land uses. The Centennial Plan seeks a broad diversity of uses in the downtown area, and states that integrating a successful residential community adjacent to the Downtown is vital to the success of the area.

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

The proposed development will result in a residential density of 412 units per acre, which is appropriate for an urban area. The site has frontage on two public rights-of-way, which provides excellent access to the site and adequate separation from adjacent properties.

- 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.**

South 4th Street will be the principal vehicular access point for the development, with egress to South 3rd Street to the west. The site also abuts West Charleston Boulevard, which will most likely be used by pedestrians patronizing the ground-floor commercial businesses. The site has excellent access to public transportation, which will assist in reducing the number of vehicle trips generated by the development.

- 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 is consistent with the General Plan, and will not compromise public health, safety, or welfare.

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

The proposed mixed use development meets all minimum conditions of Title 19.04 with approval of this action.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 297 by Planning Department

APPROVALS 0

PROTESTS 0