



City of Las Vegas

Agenda Item No.: 54.

AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2016

DEPARTMENT: PLANNING
DIRECTOR: TOM PERRIGO

☐ Consent ☒ Discussion

SUBJECT: ZON-6602 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: JOSE PICHARDO - for possible action on a request for a change FROM: R-3 (MEDIUM DENSITY RESIDENTIAL) TO: R-4 (HIGH DENSITY RESIDENTIAL) on 0.24 acres on the east side of 10th Street, approximately 30 feet north of Garces Avenue (APN 139-34-801-012), Ward 3 (Coffin) [PRJ-65925]. Staff recommends APPROVAL.

C.C.: 12/19/2016

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

3

Planning Commission Mtg.

2

City Council Meeting

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report - ZON-66029, VAR-65380, SUP-65379 and SDR-65382 [PRJ-65925]
3. Supporting Documentation
4. Photo(s) - ZON-66029, VAR-65380, SUP-65379 and SDR-65382 [PRJ-65925]
5. Justification Letter - ZON-66029, VAR-65380, SUP-65379 and SDR-65382 [PRJ-65925]
6. Protest Postcards
7. Submitted after Final Agenda - Support Postcards for ZON-66029 [PRJ-65925]

Motion made by SAM CHERRY to Approve

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

CEDRIC CREAMER, GLENN TROWBRIDGE, VICKI QUINN, TODD L. MOODY, TRINITY HAVEN SCHLOTTMAN, SAM CHERRY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-GUS FLANGAS)

Minutes:

CHAIR MOODY declared the Public Hearing open for Items 54-57.

STEVE SWANTON, Senior Planner, reported that building upon the original approval for 10 units granted in August 2015, the applicant was now proposing an additional eight units on upper levels and a small commercial space at the corner. As the density would increase above 50 units

PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2016

per acre, the applicant was requesting a zone change from R-3 (Medium Density Residential) to R-4 (High Density Residential). Staff found that both the R-4 district and the commercial area conformed to the Mixed Use General Plan designation and the Downtown Master Plan and would not negatively impact the surrounding properties due to the small size of the project. Staff, therefore, recommended approval of the rezoning. However, because the additional units triggered the need for a parking variance that was self-created by the applicant, the development was not compatible with the adjacent offices, many of which were already tight on parking and depend on public parking along 10th Street. Staff, therefore, recommended denial of the variance, Special Use Permit and Site Review.

MR. SWANTON further reported that the Las Vegas Valley Water District (LVVWD) noted that this parcel was currently served from the alley on the east side of the parcel. The proposed development would require at least one large above-ground backflow prevention assembly that could not be placed in the alley, below ground or inside of a room. The applicant was advised to revise the site plan to provide a setback adjacent to the water main to allow for the above-ground water facilities outside of the public right-of-way.

GREG BORGEL, 300 South 4th Street, appeared on behalf of the developer of the property. He commented that this area desperately needed residential, as it was flooded with offices and commercial. In the downtown area, residential makes it a living community; in the absence of residential, a pure office commercial development becomes an abandoned neighborhood at night. The applicant believed the mixed-used concept was appropriate, and this project was a mixed use in two senses. A mixed-use component was added to the property itself, but more importantly, by putting in residential, the neighborhood would become a mixed-use community instead of a row of offices that become deserted at night. Those individuals that work in the offices would be able to live near their offices if they so choose. The applicant believes the project to be entirely consistent with the City's vision for this area; it was in the newly identified vision area for future downtown expansion and adjacent to areas where consideration has been given to reduce parking requirements because of the urban character and desired urban character of downtown. MR. BORGEL referenced staff's comments relating to the parking variance and how that tied in with the mixed use. The requirement was for 20 parking spaces for 18 units, the majority of which would be efficiency units. These efficiency units would have a stipulation in their lease agreement that would limit them to single occupancy, so the likelihood of that individual having more than one car was minimal. In his experience, efficiency apartments, although treated the same as a one bedroom for parking, actually did not create that demand. He would argue that the demand in a true efficiency unit in an urban environment where public transportation was available was much below the 1.25 requirement; closer to three-quarters or one-half. This information was based on prior projects built at a higher standard where parking studies revealed that one-half of the spaces remained empty in this type of environment. The parking spaces would be in a secured area and restricted for use by residents. A portion of the variance was for guest parking, but guest parking would end up on the street. With regard to street parking in the area, the area was full of offices which one would think would cause a parking stringency in the area. He indicated he had driven the area at various times throughout the day, and he found no parking problem on 10th Street, even with no meters or signs limiting the hours of parking.

PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2016

MR. BORGEL commented that the commercial component needed some interior tweaking to meet all of the standards. He challenged, as a matter of practicality, that this project with mostly efficiency units generated a higher parking demand than 10 two-bedroom apartments which the Commission had previously approved. Additionally, the location was at the intersection of where one would put a property for people that wished to utilize public transportation, as it was only a few hundred feet from several Regional Transportation Commission (RTC) lines that run throughout the valley.

He summarized by stating that these were places where someone did not need to have a car. He acknowledged agreement to staff's conditions and pointed out that a market analysis revealed a huge demand for efficiency apartments and not a lot of demand for two-bedroom apartments in this area. The developer has a financial commitment to move forward, which would not have been available for the previously-approved project with two bedroom units due to that market analysis.

COMMISSIONER SCHLOTTMAN asked if the reason for the zero-foot landscape buffer waiver on the west property line was due to the stairs coming down to the sidewalk. MR. BORGEL confirmed that the stairs did come down to the sidewalk, but the reason for the waiver was that the access point to the proposed commercial component had to be a pedestrian area, so the landscaping area on the original plan with 10 two-bedroom units would be lost and become a concrete pad for entry to the commercial area. COMMISSIONER SCHLOTTMAN asked staff if a requirement could be added to ensure this area reverted back to landscaping versus the hardscape if this item was approved but there was no mixed-use component. He pointed this out because of the restroom that was not in compliance with the Americans with Disabilities Act (ADA). PETER LOWENSTEIN, Planning Section Manager, confirmed a condition could be added. MR. BORGEL agreed to this, stating it was understood that the restroom had to be brought up to ADA standards. As far as the LVVWDs comments regarding placing the RPDA (Reduced Pressure Detector Assembly) inside the building, COMMISSIONER SCHLOTTMAN asked if it was the applicants intention to place it in the back alley. MR. BORGEL responded that that would be the applicants first choice, but they would do whatever was required. Because many individuals renting smaller efficiency units or micro units do not have vehicles, COMMISSIONER SCHLOTTMAN was comfortable with this project.

COMMISSIONER CHERRY asked if the placement of a grease trap in the 140 square-foot restaurant had been taken into consideration. MR. BORGEL stated that the applicant intended to comply with all requirements, but their understanding was that a grease trap was not required for just a deli, as this was not a cooking facility. COMMISSIONER CHERRY wanted a condition added requiring that the RPDA be placed onsite not offsite; otherwise he thought it was a great project and could support it 100 percent.

CHAIR MOODY declared the Public Hearing closed for Items 54-57.