



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: FEBRUARY 12, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
TXT-47659	Staff recommends APPROVAL.	n/a

** PROPOSED AMENDMENTS **

1. Title 19.12.070 is hereby amended by amending the entry for “Mixed-Use” to read as follows:

Mixed-Use

Description: The vertical integration of residential uses and commercial or civic uses within a single building or a single development, where the uses share pedestrian access, vehicular access, parking functions, or any combination thereof.

Conditional Use Regulations:

1. Residential uses permitted as of right in the R-3 and R-4 Zoning Districts are permitted as conditional uses within a C-1 or C-2 Zoning District.
2. Commercial uses or civic uses shall at a minimum be located at the ground level fronting the primary public rights-of-way and may extend beyond the ground floor, and the principal entryway ~~for~~ to access those uses, whether individually or collectively, shall be directly accessed from and oriented to the public sidewalk.
3. Residential uses shall not be permitted on the ground floor fronting on primary public rights-of-way, but may be located at or above the second level of the building. Residential uses may be located on the ground floor of any building or portion thereof that is located at the interior of the development site and does not front on an arterial or collector street.

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4. Surface parking lots shall be located to the side or the rear of the principal building(s) on the site, and shall be screened from view of the adjacent rights-of-way by the principal building(s) or a landscape buffer in conformance with the requirements of LVMC Chapter 19.08. Parking structures shall not be located along the street frontages of the development site, but shall be screened from view of the adjacent rights-of-way by the principal building(s).

Minimum Special Use Permit Requirements:

1. Residential uses permitted as of right in the R-3 and R-4 Zoning Districts may be permitted by means of a Special Use Permit within a P-O or O Zoning District.
2. Nonresidential uses permitted as of right in the P-O, O and C-1 Zoning District may be permitted by means of a Special Use Permit within an R-3 or R-4 Zoning District.
3. Commercial uses or civic uses shall at a minimum be located at the ground level fronting the primary public rights-of-way and may extend beyond the ground floor, and the principal entryway for to access those uses, whether individually or collectively, shall be directly accessed from and oriented to the public sidewalk.
4. Residential uses shall not be permitted on the ground floor fronting on primary public rights-of-way, but may be located at or above the second level of the building. Residential uses may be located on the ground floor of any building or portion thereof that is located at the interior of the development site and does not front on an arterial or collector street.
5. Surface parking lots shall be located to the side or the rear of the principal building(s) on the site, and shall be screened from view of the adjacent rights-of-way by the principal building(s) or a landscape buffer in conformance with the requirements of LVMC Chapter 19.08. Parking structures shall not be located along the street frontages of the development site, but shall be screened from view of the adjacent rights-of-way by the principal building(s).

On-site Parking Requirement: To be determined in accordance with the applicable parking calculations for mixed-use developments that are set forth in LVMC 19.18.030.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to amend LVMC Chapter 19.12 regarding Mixed Use development to allow nonresidential development above the ground floor.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/05/03	The City Council adopted Ordinance #5568 which amended LVMC Title 19 (Zoning Ordinance) to make provisions for mixed-use development as a separate land use category and permitted use. The Planning Commission and staff recommended approval of the Text Amendment (TA0018-02) which was heard at the City Council as Bill Number 2003-3.
11/19/03	The City Council adopted Ordinance #5638 which amended LVMC Title 19 (Zoning Ordinance) to clarify the requirements for residential and commercial components within a Mixed-Use use when the use was expanded outside the core downtown. The Planning Commission and staff recommended disapproval of the Text Amendment (TXT-5260) which was heard at the City Council as Bill Number 2003-85.

ANALYSIS

The amendment as proposed would clarify that the nonresidential component of a Mixed-Use development may extend above the ground floor of the building. Previously, this use only specified that the residential component could start on the second floor or above but no such allowance was specified regarding the nonresidential component expanding above the ground floor. The proposed amendment also clarifies that the primary entryway to the nonresidential component may be individual entrances typical of in-line type retail or a collective entrance like the lobby of an office building.

FINDINGS

The proposed text amendment is intended to achieve the following:

- Clarify that the nonresidential components of a Mixed-Use use may extend beyond the ground level of the building; and

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- Clarify that the primary access to the nonresidential components of a Mixed-Use use may directly service each component or the access may be via a collective entry provided that in either case the entry must be directly accessed from and oriented to the public sidewalk.

The following table summarizes all proposed changes:

Code Requirements	Existing Regulations	Proposed Regulations
19.12.070 Permissible Use Descriptions and Applicable Conditions and Requirements - <i>Mixed-Use</i>	Conditional Use Regulation 2 and Minimum Special Use Permit Requirements 3 indicate that commercial and civic uses are to be located at the ground level but does not specify whether such uses can extend beyond that level of the building	Modifies the applicable regulation and requirement to clarify these conditions by indicating that the non-residential uses may: • extend beyond the ground level and • be accessed individually or collectively

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

NOTICES MAILED

NEWSPAPER ONLY

APPROVALS

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PROTESTS

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