



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: APRIL 9, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: CHARLESTON TOWERS, LLC

** STAFF RECOMMENDATIONS **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-48460	Staff recommends APPROVAL, subject to conditions:	N/A
SUP-48462	Staff recommends APPROVAL, subject to conditions:	VAR-48460
VAC-48465	Staff recommends APPROVAL, subject to conditions:	VAR-48460 SUP-48462
SDR-48464	Staff recommends APPROVAL, subject to conditions:	VAR-48460 SUP-48462 VAC-48465

** CONDITIONS **

VAR-48460 CONDITIONS

Planning

1. Variance (VAR-14345) shall be expunged upon final approval of this request.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-48462), Vacation (VAC-48465), and Site Development Plan Review (SDR-48464) shall be required, if approved.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

Conditions Page Two
April 9, 2013 - Planning Commission Meeting

- 6.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-48462 CONDITIONS

Planning

- 1.Special Use Permit (SUP-14339) shall be expunged upon final approval of this request.
- 2.Conformance to all Minimum Requirements under LVMC Title 19.12 for a Mixed-Use development.
- 3.Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-48464) shall be required.
- 4.This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
- 5.All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
- 6.These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
- 7.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

VAC-48465 CONDITIONS

- 1.The limits of this Vacation shall be the portions of the public alleys south of Assessor's Parcel #139-34-810-076, north of Charleston Boulevard, between 9th Street and 10th Street.

Conditions Page Three

April 9, 2013 - Planning Commission Meeting

2. Provide a plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties so that an unmaintained “no-man’s land” area is not produced by this action. The required plan shall identify exactly who is responsible to reclaim each portion of right-of-way and exactly how the right-of-way will be reclaimed, and shall provide a schedule of when such reclamation will occur. Such plan shall be approved by the City Engineer prior to the recordation of the Order of Vacation or the submittal of any construction drawings adjacent to or overlying the area requested for vacation, whichever may occur first.
3. A sanitary sewer relocation/abandonment plan must be approved by the Department of Public Works. If relocation is proposed, the relocated sewer lines must be constructed and active prior to the recordation of the Order of Vacation. Alternatively, public sewer easements shall be retained through this Petition of Vacation.
4. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by SDR-48464 may be used to satisfy this requirement provided that it addresses the area to be vacated. Alternatively, a public drainage easement, acceptable to the Flood Control Section shall be reserved in the Order of Vacation.
5. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
6. All development shall be in conformance with code requirements and design standards of all City Departments.
7. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
8. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

Conditions Page Four

April 9, 2013 - Planning Commission Meeting

- 9.If the Order of Vacation is not recorded within two (2) years after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

SDR-48464 CONDITIONS

Planning

- 1.Site Development Plan Review (SDR-14349) shall be expunged upon final approval of this request.
- 2.Approval of and conformance to the Conditions of Approval for Variance (VAR-48460), (Special Use Permit (SUP-48462), and Vacation (VAC-48465) shall be required, if approved.
- 3.This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
- 4.All development shall be in conformance with the site plan, landscape plan, floor plans, and building elevations, date stamped 02/21/13, except as amended by conditions herein.
- 5.A Waiver from Title 19.08.040(H) is hereby approved, exempting the height of the proposed development from compliance with the Residential Adjacency Proximity Slope requirements.
- 6.A Waiver from Title 19.08.070 is hereby approved, to allow no landscape buffer adjacent to the rear alley way where an eight-foot wide landscape buffer is required.
- 7.An Exception from Title 19.08.040(F)(8)(b) is hereby approved, to allow no shrubs per 24-inch box tree where four 5-gallon shrubs per tree are required.
- 8.All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
- 9.These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
10. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.

Conditions Page Five

April 9, 2013 - Planning Commission Meeting

11. Prior to the submittal of a building permit application, the applicant shall meet with Department of Planning 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.
12. A Comprehensive Construction Staging Plan shall be submitted to the Department of Planning 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.
13. 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. Installed landscaping shall not impede visibility of any traffic control device.
14. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
15. 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.
16. Reflective glass at the pedestrian level is prohibited. Glass on the second floor and above shall not be greater than 22% reflectivity.
17. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

18. A Petition of Vacation, such as VAC-48465, to eliminate the existing alley rights-of-way in conflict with this site plan shall record prior to the recordation of a Final Map for this site. Dedicate a 20-foot wide alley along the northern side of Assessor's Parcel No. 139-34-810-075 to connect to Ninth Street (including a radius) acceptable to the City Engineer immediately after recordation of the Order of Vacation. Alternatively, grant appropriate Public Roadway, Sewer, and Drainage Easements over the same area required for dedication.

Conditions Page Six

April 9, 2013 - Planning Commission Meeting

19. Dedicate a 25-foot radius on the northwest corner of 10th Street and Charleston Boulevard and on the corner of Charleston Boulevard and Gass Avenue. Dedicate an additional 10 feet of right-of-way for a total 25-foot radius corner on the northeast corner of Gass Avenue and Ninth Street.
20. Remove all substandard public street improvements and unused driveway cuts adjacent to this site and replace with new improvements meeting current City Standards concurrent with development of this site. A geotechnical soils report, to determine the condition of the adjacent pavement, shall be submitted concurrent with the submittal of off-site construction drawings for the site and shall be approved prior to the issuance of any offsite permits.
21. Construct all incomplete half-street improvements to meet current City Standards adjacent to this site 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.
22. A sanitary sewer relocation plan must be submitted to and approved by the Collection Systems Planning Section of the Department of Public Works prior to the issuance of any permits. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
23. Landscape and maintain all unimproved rights-of-way adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
24. Submit an Encroachment Agreement for landscaping and private improvements, if any, in the Ninth Street, Garces Avenue, and Tenth Street public rights-of-way prior to this issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the Encroachment Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's Encroachment Agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement. Coordinate all requirements for the Encroachment Agreement with the Land Development Section of the Department of Building and Safety (229-4836).

Conditions Page Seven**April 9, 2013 - Planning Commission Meeting**

25. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
26. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed six-story mixed-use development consisting of 166 residential units and 47,100 square feet of commercial floor area on 2.09 acres at the northwest corner of Charleston Boulevard and 10th Street. The requested Site Development Plan review requires waivers. The following associated cases will be considered concurrently with this request: Variance (VAR-48460) to allow 56% lot coverage where 50% lot coverage is the maximum allowed, Special Use Permit (SUP-48462) to allow the parking structure of the proposed Mixed-Use development to be visible from the public right-of-way, and a petition to Vacate (VAC-48464) portions of the public alleys. The applicant has requested waivers to allow a 50-foot setback where the Residential Adjacency Standard requires a 279-foot setback from the single-family, detached use to the west and to allow a zero-foot landscape buffer along the rear property lines where an eight-foot wide buffer is required. The scale of the project has been reduced from the previously entitled 14-story, 355-unit development to a more suitable scale with the nearby office and limited commercial development in the immediate vicinity, and will assist in redevelopment for the area.

Staff recommends approval of the requested Site Development Plan Review with waivers, in association with the requested Special Use Permit for a Mixed-Use development, the Variance for increased lot coverage, and the petition to vacate portions of the adjacent alleys. If denied, the applicant will not be allowed to construct the proposed development at this location.

ISSUES

- The existing approved entitlements for a larger mixed-use development on this site will be expunged upon final approval of the requested entitlements. The requested Extensions of Time scheduled for the 04/17/13 City Council meeting will expire, if denied.
- A Variance is required to allow 56% building lot coverage where 50% is the maximum allowed in the C-1 (Limited Commercial) zoning district. Due to the unique shape of the lot creating an undue hardship, staff recommends approval of this request.
- A Special Use Permit is required for not meeting the conditional use requirement to screen the parking structure from the public right-of-way. Staff recommends approval of this request, as the applicant has mitigated the visual impact with key design features.
- A waiver to allow a 50-foot Residential Adjacency Setback where a 279-foot setback is required has been requested with the Site Development Plan Review. Staff supports this waiver.

Staff Report Page Two

April 9, 2013 - Planning Commission Meeting

- The applicant has requested a waiver to deviate from the standard Title 19.08.070 landscape requirements in order to meet the urban context of this particular area. The proposed landscape plan shows the appropriate amount of trees with substantial hardscaping that creates a functional streetscape that integrates with the existing conditions along Charleston Boulevard. Staff supports this waiver.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/06/91	The City Council approved a Rezoning (Z-0150-90) from R-1 (Single Family Residential), R-3 (Medium Density Residential), R-4 (High Density Residential), P-R (Professional Office and Parking) and C-1 (Limited Commercial) to C-1 (Limited Commercial) for five of the parcels that comprise the subject development. The Planning Commission recommended approval.
11/01/06	The City Council approved a request to amend the Downtown Redevelopment Area Land Use Plan (GPA-14325) from MXU (Mixed-Use) to C (Commercial) on 1.33 acres at 700, 708, 712, 714, and 716 South 10th Street and 715 and 717 South 9th Street. The Planning Commission recommended denial with staff recommending approval.
	The City Council approved a related request for Rezoning (ZON-14338) from P-R (Professional Office and Parking) and R-4 (High Density Residential) to C-1 (Limited Commercial) on 0.52 acres at 700, 708, and 712 South 10 th Street. The Planning Commission recommended and staff recommended denial.
	The City Council approved a related request for a Variance (VAR-14342) to allow no setback beyond the building setback line where a 1:1 setback to height ratio is required along a street classified as collector or larger in conjunction with a proposed mixed-use development. The Planning Commission and staff recommended denial.
	The City Council approved a related request for a Variance (VAR-14345) to allow lot coverage of 56 percent where 50 percent is the maximum allowed.
	The City Council struck a related request for a Variance (VAR-14347) to allow 624 parking spaces where 635 is the minimum number of parking spaces required.
	The City Council approved a related request for a Special Use Permit (SUP-14339) for a proposed mixed-use development. The Planning Commission recommended and staff recommended denial. The Planning Commission recommended approval and staff recommended denial.
	The City Council approved a related request for a Petition to Vacate (VAC-12884) public alley ways generally located south of Garces Avenue between 9th Street and 10th Street. The Planning Commission and staff recommended approval.

Staff Report Page Two

April 9, 2013 - Planning Commission Meeting

MH

11/01/06	The City Council approved a related request for a Site Development Plan Review (SDR-14349) for a proposed mixed-use development consisting of 350 residential condominium units and 18,000 square feet of commercial floor area within one 14-story and one 17-story building, and a waiver of the residential adjacency requirements on 2.05 acres at the northwest corner of Charleston Boulevard and 10 th Street. The Planning Commission and staff recommended denial.
12/19/07	The City Council approved a request for an Extension of Time (EOT-25372) of a previously approved Rezoning (ZON-14338) from P-R (Professional Office and Parking) and R-4 (High Density Residential) to C-1 (Limited Commercial) on 0.52 acres at 700, 708, and 712 South 10th Street.
	The City Council approved a related request for an Extension of Time (EOT-25370) of a previously approved Site Development Plan Review (SDR-14349) for a proposed mixed-use development consisting of 350 residential condominium units and 18,000 square feet of commercial floor area within one 14-story and one 17-story building, and a waiver of the residential adjacency requirements on 2.05 acres at the northwest corner of Charleston Boulevard and 10 th Street..
12/20/07	The Planning and Development Department approved a request for an Administrative Extension of Time (EOT-25371) of a previously approved Petition to Vacate (VAC-12884) public alley ways generally located south of Garces Avenue between 9th Street and 10th Street.
12/15/08	The Planning and Development Department approved a request for an Administrative Extension of Time (EOT-31555) of a previously approved Petition to Vacate (VAC-12884) public alley ways generally located south of Garces Avenue between 9th Street and 10th Street.
12/17/08	The City Council approved a request for an Extension of Time (EOT-31557) of a previously approved Rezoning (ZON-14338) from P-R (Professional Office and Parking) and R-4 (High Density Residential) to C-1 (Limited Commercial) on 0.52 acres at 700, 708, and 712 South 10th Street.
	The City Council approved a related request for an Extension of Time (EOT-31559) of a previously approved Variance (VAR-14342) to allow no setback beyond the building setback line where a 1:1 setback to height ratio is required along a street classified as collector or larger in conjunction with a proposed mixed-use development.
	The City Council approved a related request for an Extension of Time (EOT-31563) of a previously approved Variance (VAR-14345) to allow lot coverage of 56 percent where 50 percent is the maximum allowed.
	The City Council approved a related request for an Extension of Time (EOT-31560) of a previously approved Special Use Permit (SUP-4339) for a proposed mixed-use development.

Staff Report Page Three

April 9, 2013 - Planning Commission Meeting

12/17/08	The City Council approved a related request for an Extension of Time (EOT-39849) of a previously approved Site Development Plan Review (SDR-14349) for a proposed mixed-use development consisting of 350 residential condominium units and 18,000 square feet of commercial floor area within one 14-story and one 17-story building, and a waiver of the residential adjacency requirements on 2.05 acres at the northwest corner of Charleston Boulevard and 10 th Street.
10/20/10	The City Council approved a request for a Special Use Permit (SUP-38864) for a 1,000 square-foot Bailbond Service at 714 and 716 South 10th Street. The Planning Commission and staff recommended approval.
11/17/10	The City Council approved a related request for an Extension of Time (EOT-31559) of an approved Variance (VAR-14342) to allow no setback beyond the building setback line where a 1:1 setback to height ratio is required along a street classified as collector or larger in conjunction with a proposed mixed-use development.
	The City Council approved a related request for an Extension of Time (EOT-31563) of an approved Variance (VAR-14345) to allow lot coverage of 56 percent where 50 percent is the maximum allowed.
	The City Council approved a related request for an Extension of Time (EOT-31560) of an approved Special Use Permit (SUP-4339) for a proposed mixed-use development.
	The City Council approved a related request for an Extension of Time (EOT-39849) of an approved Site Development Plan Review (SDR-14349) for a proposed mixed-use development consisting of 350 residential condominium units and 18,000 square feet of commercial floor area within one 14-story and one 17-story building, and a waiver of the residential adjacency requirements on 2.05 acres at the northwest corner of Charleston Boulevard and 10 th Street..
11/07/12	The requested Extensions of Time associated with the current series of related entitlements, EOT-46998 (VAR-14345), EOT-47000 (SUP-14339), EOT-47001 (SDR-14349), EOT-47002 (VAR-14342), have all been abeyed to the 04/17/13 City Council Meeting. Staff recommends denial of these requests.

Most Recent Change of Ownership

05/28/10	A deed was recorded for a change in ownership.
----------	--

Related Business Licenses

10/25/12	A business license was issued for an event promoter (M18-05614) at 717 South 9 th Street. This license is active.
09/019/02	A business license was issued for a wedding chapel (W01-00093) and retail wedding accessories (G50-05439) at 727 South 9 th Street. These licenses are active.

Staff Report Page Four

April 9, 2013 - Planning Commission Meeting

04/07/03	A business license was issued for a wedding chapel (W01-00067) and miscellaneous wedding accessories (G50-05320) at 727 South 9 th Street. These licenses are active.
02/06/04	A business license was issued for a body piercing studio (B21-00005), for jewelry and gifts (G50-04905) and a Tattoo Shop (T08-00047) at 911 East Charleston Boulevard. These licenses remain active and the Tattoo Parlor/Body Piercing Studio is a legally nonconforming use.
01/07/13	A business license was issued for a contractor (C25-03882) at 923 East Charleston Boulevard. This license remains active.
10/06/11	A business license was issued for a contractor (C25-01156), a mobile car wash (A45-00870), landscape maintenance services (L33-01173), and a contractor (C25-00972) at 716 South 10 th Street. These licenses remain active.

Pre-Application Meeting

02/12/13	A pre-application conference was held with the applicant's representative to discuss the modified proposal to the existing entitlements for the proposed mixed use development. The applicant's representative was informed of the recent changes to the zoning code that were not in effect at the time of the original approval such as the parking requirements, residential adjacency requirements and the conditional use requirements for a mixed-use proposal.
----------	---

Neighborhood Meeting

A neighborhood meeting is not required, nor was one held.

Field Check

02/28/13	Staff visited the site and found the group of properties that compose the proposed site plan to be well maintained. There are existing legally nonconforming buildings that are located at the property line and a legally nonconforming Tattoo Parlor/Body Piercing Studio located within the site. There are two single family detached uses remaining in the area, one of which is part of the subject site and the other located adjacent to the proposal to the west.
----------	--

Details of Application Request***Site Area***

Gross Acres	2.05
-------------	------

Staff Report Page Five

April 9, 2013 - Planning Commission Meeting

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Single Family, Detached	C (Commercial)	C-1 (Limited Commercial)
	Office, Other Than Listed		
	General Retail, Other Than Listed		
North	Office, Other Than Listed	MXU (Mixed Use)	R-1 (Single Family Residential)
	Single Family, Detached		P-R (Professional Office and Parking)
South	Office, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
	General Retail, Other Than Listed		
East	Undeveloped	C (Commercial)	C-1 (Limited Commercial)
	Office, Other Than Listed		R-4 (High-Density Residential)
	General Retail, Other Than Listed		C-2 (General Commercial)
West	Single-Family, Detached	MXU (Mixed Use)	R-1 (Single Family Residential)
	Office, Other Than Listed		P-R (Professional Office and Parking)

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Live/Work Overlay District	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

Staff Report Page Six
 April 9, 2013 - Planning Commission Meeting

DEVELOPMENT STANDARDS

Pursuant to 19.08.070, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	324 Feet	Y
Min. Setbacks			
• Front	10 Feet	20 Feet	Y
• Side	10 Feet	15 Feet	Y
• Corner	10 Feet	15 Feet	Y
• Rear	20 Feet	33 Feet	Y
Max. Lot Coverage	50 %	56 %	N
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Internally located within the garage structure	Y
Mech. Equipment	Screened	Internally located within the building	Y

Pursuant to Title 19.08.040, the following standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	279 Feet	50 Feet	N
Adjacent development matching setback	20 Feet	33 Feet	Y
Trash Enclosure	50 Feet	50 Feet	Y

Pursuant to Title 19.08, the following standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Buffer Trees:				
• Garces Ave	1 Tree / 20 Linear Feet	6 Trees	6 Trees	Y
• Charleston Blvd/Gass Ave	1 Tree / 20 Linear Feet	16 Trees	16 Trees	Y
• 9 th Street	1 Tree / 20 Linear Feet	10 Trees	10 Trees	Y
• 10 th Street	1 Tree / 20 Linear Feet	15 Trees	15 Trees	Y
• Interior (Alleys)	1 Tree / 20 Linear Feet	15 Trees	0 Trees	N
TOTAL PERIMETER TREES		62 Trees	47 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• Garces Ave	15 Feet		15 Feet	Y
• Charleston Blvd/Gass Ave	15 Feet		20 Feet	Y
• 9 th Street	15 Feet		15 Feet	Y
• 10 th Street	15 Feet		15 Feet	Y
• Alleys	8 Feet		0 Feet	N

Staff Report Page Seven

April 9, 2013 - Planning Commission Meeting

<i>Street Name</i>	<i>Functional Classification of Streets</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Charleston Boulevard	Primary Arterial	Planned Streets and Highways Map	100 Feet	Y
Garces Avenue	N/A	Planned Streets and Highways Map	80 Feet	N/A
Gass Avenue	N/A	Planned Streets and Highways Map	80 Feet	N/A
10 th Street	N/A	Planned Streets and Highways Map	80 Feet	N/A
9 th Street	N/A	Planned Streets and Highways Map	80 Feet	N/A

Pursuant to Title 19.12, 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	
Multi-Family 1 Br 2 Br - Guest	67 Units 99 Units 166 Units	1.25:Unit 1.75:Unit 1: 6 Units	87 170 28				
Subtotal		288					
General Retail, Other Than Listed	47,100 SF	1:250 SF	189				
Total spaces required per use			477				
Regular and Handicap Spaces Required			468	9	421	9	Y*
Loading Spaces	47,100 SF	3		3		Y	

*Please refer to the Mixed-Use Parking Table provided below.

Pursuant to Title 19.18.030(D)(4)(c), the following parking standards apply:

Parking Requirement						
<i>Land Use</i>	<i>Weekdays</i>			<i>Weekends</i>		
	<i>Mid – 7am</i>	<i>7am – 6pm</i>	<i>6pm - Mid</i>	<i>Mid – 7am</i>	<i>7am – 6pm</i>	<i>6pm - Mid</i>
Residential 288 spaces	100% (288 spaces)	55% (159 spaces)	85% (245 spaces)	100% (288 spaces)	65% (188 spaces)	75% (216 spaces)

Staff Report Page Eight

April 9, 2013 - Planning Commission Meeting

Retail & Personal Services 189 spaces	0% (0 spaces)	100% (189 spaces)	80% (152 spaces)	0% (0 spaces)	100% (189 spaces)	60% (114 spaces)
Parking Spaces Required	288 spaces	348 spaces	397 spaces	288 spaces	377 spaces	330 spaces

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
A 279-foot setback is required from the single family, detached structure to the west of the proposal.	To allow a 51-foot residential adjacency setback.	Approval
An eight-foot wide landscape buffer is required along the rear property line.	A zero-foot wide landscape buffer along the interior property lines adjacent to the alleyways.	Approval
Parking structures may not be located along the street frontage of the development site or visible from the public right-of-way.	To allow a parking structure to be located along the street frontage of the development site and visible from the right-of-way.	Approval

<i>Exceptions</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
Four 5-gallon shrubs are required for every 24-inch box tree.	To provide a tree grate in lieu of shrubs for trees located within the proposed hardscape areas.	Approval

ANALYSIS

In regards to the Special Use Permit, the Mixed Use use is a conditional use in the C-1 (Limited Commercial) zoning district and defined by Title 19.18 as:

“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.”

The proposed use meets this definition, in that 166 one and two-bedroom residential units are proposed above 47,100 square feet of commercial space with a shared private drive and parking garage.

The Conditional Use Permit Requirements for this use include:

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.

The proposed use meets this requirement, as the applicant is providing 166 units of Multi-Family Residential units in the C-1 (Limited Commercial) zoning district.

2. Commercial uses or civic uses shall be located at the ground level fronting the primary public rights-of-way, and the principal entryway for those uses shall be directly accessed from and oriented to the public sidewalk.

The proposed use meets this requirement, as the proposed commercial uses are all located on the ground level with entrances gained from public sidewalks.

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.

The proposed use meets this requirement, as the residential uses are all located on the second through sixth levels of the proposed building.

4. Surface parking lots shall be located to the side or the rear of the principle building(s) on the site, and shall be screened from the view of the adjacent rights-of-way by the principle 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 principle building(s).

The proposed use does not meet this requirement, as the upper levels of the parking garage are in view from the public rights-of-way from 9th Street and Garces Avenue. This condition requires an approved waiver and is the reason for the requested Special Use Permit.

In view of the requested waiver to Conditional Use Permit Requirement #4, the garage will remain visible from 9th Street and partially from Garces Avenue; however, the impact of the massing and location of the structure has been mitigated to notable extent. Staff recommends approval of this waiver and the Special Use Permit, as this application is an essential component to the overall proposal, and the applicant has made diligent efforts in shielding the parking structure with the commercial and residential components of the building.

Staff Report Page Ten

April 9, 2013 - Planning Commission Meeting

The proposed development is also accompanied by a request for a waiver of the proximity slope requirement of the Residential Adjacency Standards, as allowed per Title 19.08.040(H) for any mixed-use project with a significant residential element. As the residential use occupies the majority of the development, the project qualifies for the submittal of the waiver request. The proposed development has reduced the overall height from the original entitlement from 14 stories to six stories. As the long-range plan for the area is to allow the transition to office and commercial uses, the request for the waiver to the Residential Adjacency Setback requirement is justified.

The development site is located in an area that is transitioning from single-family residential uses to professional office and commercial uses. Properties surrounding the subject site have a MXU (Mixed Use) land use designation, and properties along Charleston Boulevard have a C (Commercial) land use designation.

The commercial space is divided between one 34,000 square-foot retail space suitable for a small Grocery Store, and two additional retail spaces of 6,600 and 6,500 square feet, all accessible at the street level. Onsite parking and commercial loading is adequately provided with one level of subterranean parking, some surface parking, and two additional levels of structured parking. The proposed 166 units of residential housing are made up of one and two-bedroom units varying in size from roughly 600 to 900 square feet. The proposed site design is substantially pedestrian oriented, with a pedestrian plaza featured at the front of the property where Charleston Boulevard, Garces Avenue, and 10th Street meet. The provision of streetscape landscaping, rather than the 15-foot wide landscape buffer typical of more suburban areas, provides a contextually appropriate design for the existing conditions of the surrounding neighborhood. A waiver to Title 19.08.070 landscape buffer width requirement has been requested in order to not provide an eight-foot landscape buffer for a small portion of the interior property lines adjacent to the proposed alley ways. Staff supports this request, as the applicant has provided nine-foot wide landscape buffers adjacent to the building, inside of the alleyways. The applicant has also provided additional internal landscaping throughout the site in order to offset this deficiency. Also, an exception to reduce the amount of required shrubs per tree is recommended for approval, as the applicant has provided the appropriate amount of street trees and surface treatments that are in context with the existing environment.

Staff recommends approval of the Variance (VAR-48460), Special Use Permit (SUP-48462), Vacation (VAC-48465), and Site Development Plan Review (SDR-48464) with all associated waivers. The proposed development is adequately scaled towards the growing needs of the surrounding area without creating any undue hardships on the neighboring properties and is harmonious and compatible with the land uses in the immediate vicinity.

FINDINGS (VAR-48460)

In accordance with the provisions of Title 19.16.140(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.16.140(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

There is evidence of a unique or extraordinary circumstance, in that the unique shape of the property does not lend itself to the ability to meet the onsite parking demands, the development setbacks and landscape requirements while retaining the required 50% lot coverage. The L-shaped lot has created an undue hardship. Any alternative to meet the 50% lot coverage in order to meet the Title 19 requirements may hinder the other development requirements for this mixed-use proposal. In view of the hardship imposed by the site’s physical lot shape, it is within the realm of NRS Chapter 278 for staff to recommend approval of this Variance.

FINDINGS (SUP-48462)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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 proposed Mixed-Use development is harmonious and compatible with the underlying C (Commercial) land use and adjoining MXU (Mixed Use) land use parcels. The proposal adequately separates the residential components from the street-level commercial uses and will contribute to the adjacent commercial land uses.

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

The site is physically suitable for the mixed-use development, as proposed. The six-story structure is appropriate for its surrounding context of multi-story office buildings located along Charleston Boulevard and the lower intensity office properties to the north of the project. All parking has been provided for the residential and commercial uses onsite.

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.

The site immediately abuts Charleston Boulevard, a 100-foot Primary Arterial, but is accessed via three separate driveways, two of which are served by an alley way. The adjacent rights-of-way have adequate capacity to serve the proposed development and all required parking is provided for onsite. The proposed development has a very strong pedestrian orientation along 9th and 10th Streets with a pedestrian plaza feature on Charleston Boulevard.

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 a Mixed-Use development for the subject site will not be inconsistent with the General Plan, nor would it compromise the public health, safety, and welfare. The proposed development will satisfy numerous redevelopment goals by providing residential and commercial space, while providing pedestrian improvements to the surrounding area.

5.The use meets all of the applicable conditions per Title 19.12.

The proposed Mixed-Use development does not meet the conditional conditions listed in Title 19.12, hence the need for a Special Use Permit. Staff recommends approval of the waiver and Special Use Permit, as the applicant has provided consideration to specific site design to minimize the impact of the parking structure's location and visibility to the public right-of-way. Although the parking structure will be visible from 9th Street and Garces Avenue, the structure has some surface treatment to the façade, with the majority of the structure located behind the residential component of the development.

FINDINGS (VAC-48465)

The Department of Public Works has provided the following information concerning the request to vacate certain portions of the public street rights-of-way (alleyways):

Staff Report Page Thirteen

April 9, 2013 - Planning Commission Meeting

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *Uniform, as it is to vacate the full width of the public alleys south of Garces Avenue between 9th Street and 10th Street.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, as the alleys only provide rear access to parcels.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *A Site Development Plan Review has not been submitted for the properties affected by this Petition of Vacation.*
- E. Does this vacation request eliminate public street access to any abutting parcel? *No.*
- F. Does this vacation request result in a conflict with any existing City requirements? *No.*
- G. Does the Department of Public Works have an objection to this vacation request? *There is not an objection; however the Department of Public Works is always concerned when vacations of public right-of-way are approved prior to the submittal and approval of a Site Development Plan Review for the proposed project. The applicant for this vacation has provided conceptual drawings for a proposed mixed-use project.*

FINDINGS (SDR-48464)

In order to approve a Site Development Plan application, per Title 19.16.100(E) 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 has been reduced in scale and massing from the initial entitlement to a level that is compatible with surrounding development. The project retains the mixture of uses and improvements to surrounding streetscape. The proposed development will provide both the needed streetfront commercial development along with 166 units of multi-family housing to meet the growing demands of the surrounding area.

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;

Staff Report Page Fourteen

April 9, 2013 - Planning Commission Meeting

The proposed Mixed-Use development is in compliance with the C (Commercial) General Plan Land Use designation and the project will advance redevelopment within the existing urban area. Although this proposal is accompanied by a waiver of the Residential Adjacency Setback requirement, only the multi-family portion of the building height encroaches within the 3:1 setback slope and at less than half the height of the previous entitlement. The requested Variance to allow 56% lot coverage where 50% is the maximum allowed is supported by staff, as the unique shape of the lot cannot attain strict adherence to the code without causing an undue hardship to the property owner.

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

The site immediately abuts Charleston Boulevard, a 100-foot Primary Arterial, but is accessed via three separate driveways, two of which are served by an alley way. The remainder of the site is bordered by 80-foot wide local streets, which helps distribute the vehicular access to the sides and rear of the property. The adjacent rights-of-way have adequate capacity to serve the proposed development and all required parking is provided for onsite.

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

The proposed materials and landscaping are appropriate for the immediate area and for the City, and are generally in compliance with the Commercial Development Standards. The overall color scheme is made up of light earth-toned colors applied to a smooth coat stucco finish.

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;

There is appropriate variation in the façade elements of the residential component, and the overall massing has been reduced from the previous approval to a level compatible with the emerging office development in the immediate area. The street-level commercial component is furnished with aluminum storefront windows and fixtures typical of urban streetfront retail development. Staff finds that the design of the proposed development creates an orderly and pleasing environment oriented towards substantial improvements to the pedestrian experience along the public rights-of-way.

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

The development will be initially subject to civil plan and building permit reviews, and followed with business licensing requirements and inspections for the commercial spaces. Ongoing measures will be adequately taken to protect public health, safety, and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 64

NOTICES MAILED 296 (VAR-48460, SUP-48462 & SDR-48464)
1 (VAC-48465)

APPROVALS 0

PROTESTS 1