City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 7, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-18821 - APPLICANT/OWNER: CRAIG TENAYA, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE FEBRUARY 21, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BROWN.

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-2/se, sd vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-18819) and Site Development Plan Review (SDR-18822) shall be required if approved.

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 to allow a proposed mixed-use development adjacent to the east side of Tenaya Way, approximately 970 feet south of Craig Road.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
09/05/90	The City Council denied a request for a reclassification of property (Z-0080-90) from N-U (Non-Urban) to C-1 (Limited Commercial) that included a shopping center, convenience store with gasoline sales, a four to six story office building, three off-premise billboard signs, an automobile service facility, restaurant with a beer/wine/cooler on-sale use, and retail stores with beer/wine/cooler off-sale uses. The Planning Commission recommended denial. Staff recommended approval.
11/06/96	The applicant withdrew without prejudice a request for a reclassification of property (Z-0094-96) from N-U (Non-Urban) to C-2 (General Commercial) for a 105,744 square-foot retail warehouse. The Planning Commission and staff recommended approval.
01/08/98	The applicant withdrew without prejudice a request for a Rezoning (Z-0081-97) from U (Undeveloped) [SC (Service Commercial) land use designation] to C-1 (Limited Commercial) for a 130,858 square-foot retail store. Staff recommended that the item be held in abeyance.
01/19/00	The City Council approved a Rezoning (Z-0071-99) of this site to O (Office), as part of a larger overall request which included the rezoning of the property to the north to C-1 (Limited Commercial). Staff recommended approval, and the Planning Commission believed the request to be premature and recommended denial.
01/25/07	The Planning Commission recommended approval of companion items GPA-18818, ZON-18819, VAR-18820 and SDR-18822 concurrently with this application. The Planning Commission voted 5-2/se, sd to recommend APPROVAL (PC Agenda Item #42/ar).
Related Building Permits/Business Licenses	
There are no permits or licenses related to this application.	
Pre-Application Meeting	
12/14/06	A pre-application meeting was held and the requirements for a Special Use Permit were explained.

Neighborhood Meeting	
01/03/07	A neighborhood meeting was held at Timbers Bar & Grill, 7081 West Craig Road at 6:15 P.M. Six members of the public attended and had the following concerns and comments: Five story condos too dense for area Concerns about impact to schools Support for two story office or commercial at site Concerns about fire Concerns about size and scope of project so close to single family homes Concerns that the applicant did not properly notify the neighborhood meeting.

Details of Application Request	
Site Area	
Net Acres	7.49

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Undeveloped	O (Office)	O (Office)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Singe-Family Residential Multi-Family Residential	ML (Medium-Low Density Residential) M (Medium Density Residential)	R-CL (Single-Family Compact-Lot) R-3 (Medium Density Residential)
East	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residential	ML (Medium-Low Density Residential)	R-PD8 (Residential Planned Development – 8 Units Per Acre)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175-Foot)	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

DEVELOPMENT STANDARDS

Per Title 19.08, the following standards apply:

Standard	***Required/Allowed***	***Provided***	***Compliance***
Min. Lot Size	6,500 SF	326,054 SF	Y
Min. Setbacks • Front • Side • Rear	10 Feet 5 Feet 5 Feet 20 Feet	15 Feet 15 Feet 10 Feet 26 Feet	Y Y Y Y
Max. Building Height	2 Stories/35 Feet	5 Stories/72 Feet	N
Trash Enclosure	Yes	Yes	Y
Mech. Equipment	Screened	Screened	Y

The height issue will be addressed within the related Variance (VAR-18820).

Residential Adjacency Standards	***Required/Allowed***	***Provided***	***Compliance***
3:1 proximity slope	216 Feet	216 Feet	Y
Adjacent development matching setback	10 Feet	216 Feet	Y
Trash Enclosure	50 Feet	220 Feet	Y

Existing Zoning	***Permitted Density***	***Units Allowed***
O (Office)	N/A	N/A
Proposed Zoning	***Permitted Density***	***Units Allowed***
R-4 (High Density Residential)	26-50 Units Per Acre	374 Units
General Plan	***Permitted Density***	***Units Allowed***
H (High Density Residential)	> 25.49 Units Per Acre	374 Units (Unlimited with an R-5 District)

Per Title 19.12:

Landscaping and Open Space Standards				
Standards	***Required***		***Provided***	***Compliance***
	Ratio	***Trees***		
Parking Area	1 Tree/6 Spaces	28 Trees	36 Trees	Y
Buffer: Min. Trees	1 Tree/20 Linear Feet	122 Trees	114 Trees	N
Min. Zone Width	15 Feet (R.O.W.) 6 Feet (Interior)		15 Feet (R.O.W.) 6 Feet (Interior)	Y

Staff notes that eight additional 24 inch box trees could be added to the buffer zone along the north property line and has addressed this issue within the related Site Development Plan Review (SDR-18822).

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Office	29,717 SF	1:300 SF	99				
One-Bedroom	24 Units	1.25/Unit	30				
Two-Bedroom	148 Units	1.75/Unit	259				
Three-Bedroom	41 Units	2/Unit	82				
Guest Spaces	213 Units	1 Space/6 Units	36				
TOTAL			506	11	594	7	N
Loading Spaces			2		3		

The site plan is deficient four handicap parking spaces. Staff has addressed this issue this issue within the related Site Development Plan Review (SDR-18822).

ANALYSIS

This site is currently undeveloped and is located within a FEMA "AE" Flood Zone. The FEMA website www.floodsmart.gov defines an "AE" Flood Zone as areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. The applicant proposes to develop a mixed use project consisting of 213 condominium units and 29,717 square feet of office space. The offices and condominiums will be located in buildings that range in height from two to five stories, with the higher parts of the buildings (72 feet in height) located in the north and east portions of the site in order to comply with the residential adjacency standards. The site is located in a portion of the A-O (Airport Overlay) District where building height is limited to 175 feet. The proposed buildings comply with this limitation.

Parking is provided on a surface lot in the west portion of the site and on the lower level of a two level structure in the east portion of the site. City standards require 11 handicap parking spaces for a development of this size. Because the site plan depicts only seven handicap parking spaces, staff has included a condition of approval (number 4) which requires the provision of four additional handicap spaces. A common area which includes gazebos, potted plants and a pool will be located on the second level of the structure.

Access to the site will be provided by a driveway to Tenaya Way and two driveways to the existing commercial center immediately to the north. The applicant proposes to place landscape buffers with sufficient width to comply with city standards along all property lines. The buffers along the south, east and west property lines contain 24 inch box trees in quantities that comply with city standards. The amount of trees within the north buffer is not sufficient, and staff has included a condition of approval (number 5) which requires eight additional 24 inch box trees to be placed in the buffer zone along the north property line.

The elevations depict stucco exteriors with concrete tile roofs and decorative copper domes along the roof lines. The building heights vary from two to five stories (with a maximum height of 72 feet). The Zoning Code limits heights in the R-4 (High Density Residential) zoning district to two stories (not exceeding 35 feet in height). The applicant has requested a Variance (VAR-18820) from this standard which will be considered currently with this application. Because this variance request does not meet the criteria for approval, as the hardship is self-created and the applicant could revise the development to comply with the setback standards, staff's recommendation is for denial of the variance.

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 proposed development will exceed the scale and massing of any existing development in this area. Staff finds the height and intensity of the project is greater than adjacent development and is not compatible with residential development immediately to the south of this site.

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

   The project as designed is more intense than other existing or proposed developments in the area, and requires an associated height variance (VAR-18820) which would allow a 72-foot high building where 35 feet is the maximum height allowed. As such, the project is not appropriate to its context, and staff recommends denial.

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."**

Adequate access to this site will be provided from Tenaya Way, a Secondary Street as designated by the Master Plan of Streets and Highways. This project will not adversely impact adjacent streets.

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."**

The proposed development will be subject to regular inspections for permitting and licensing and will; therefore, not compromise the public health, safety, and welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7

ASSEMBLY DISTRICT 34

SENATE DISTRICT 4

NOTICES MAILED 662 by City Clerk

APPROVALS 1

PROTESTS 3