



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 7, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: WVR-26441 - APPLICANT: STUDIO WEST - OWNER:
CORESTONE, LLC

**** CONDITIONS ****

The Planning Commission (3-2/ds/bg-1/se vote) recommends DENIAL. Staff recommends APPROVAL subject to:

Planning and Development

1. This approval shall be void two years from the date of final approval, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

Public Works

2. Prior to the recordation of a vacation for Boulder Avenue, such as VAC-26443, submit a plan for the termination of 1st Street acceptable to the City Engineer. Such plan shall address curb, gutter, sidewalk and radius requirements.
3. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to the recordation of a vacation for Boulder Avenue, such as VAC-26443. The termination of 1st Street shall meet the approval of the Fire Protection Division.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Waiver of Title 18.12.130 to allow First Street to terminate in a dead end street where a cul-de-sac is required at the southeast corner of First Street and Boulder Avenue.

The Department of Public Works supports the request for a Waiver of Title 18.12.130 to allow a street to terminate without a circular cul-de-sac or emergency access gate. The Department of Public Works has also requested the applicant submit a plan for the termination of 1st Street acceptable to the City Engineer. Such plan shall address curb, gutter, sidewalk and radius requirements.

The City's approved Boulder Park Plaza project converts Boulder Avenue between Main Street and 1st Street to a sculpture park that does not accommodate vehicular traffic. This application will vacate rights-of-way to the east of the sculpture park in order to accommodate development at the northwest corner of Charleston Boulevard and Casino Center Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/16/64	The City Council approved a Rezoning (Z-0100-64) to reclassify property, including the subject parcel, in the area generally bounded by Main Street, Bonanza Road, Las Vegas Boulevard and Charleston Boulevard from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial) and C-V (Civic) to C-2 (General Commercial).
02/16/05	The City Council approved a Site Development Plan Review (SDR-5660) for a 20 story mixed use development to include 98 residential units and 5,300 square feet of commercial space on a property at the northeast corner of Charleston Boulevard and Casino Center. The Planning Commission recommended approval, and staff recommended approval. 1/13/05
01/04/06	The City Council approved a request for a Special Use Permit (SUP-9886) for a Mixed-Use Development. The development is a 540-foot tall, 47 story mixed-use developments with 280 residential units and 5,540 square feet of retail with waivers of upper floor step back requirements, the building placement requirement, and the Downtown Centennial Plan streetscape standards at the northwest corner of Charleston Boulevard and Casino Center. The Planning Commission recommended approval, and staff recommended approval. 12/01/05
01/04/06	The City Council approved a request for a Special Use Permit (SUP-9886) for a 540-foot tall building in the Airport Overlay District. The Planning Commission recommended approval, and staff recommended approval. 12/01/05

01/04/06	The City Council approved a request for a Site Development Plan Review (SDR-9888) for a proposed 540-foot tall, 47-story mixed-use development with 280 residential units and 5,540 square feet of retail with waivers of upper floor step back requirements, the building placement requirement, and the Downtown Centennial Plan streetscape standards at the northwest corner of Charleston Boulevard and Casino Center Boulevard. The Planning Commission recommended approval, and staff recommended approval. 12/01/05
11/07/07	The City Council approved a request for a Site Development Plan Review (SDR-23931) for a proposed public park and parking lot within the Boulder Avenue Right-of-Way between First Street and Main Street. The Planning Commission and staff recommended approval on 09/27/07.
03/27/08	The Planning Commission recommended denial of companion item VAC-26443 concurrently with this application. The Planning Commission voted 3-2/ds/bg-1/se to recommend DENIAL (PC Agenda Item #7/leh).

Field Check	
02/01/07	There were no significant impediments to the vacation request observed during the field check related to this vacation request.

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	ROW (Right of Way)	ROW (Right of Way)	ROW (Right of Way)
North	Office, Parking	MXU (Mixed Use)	C-M (Commercial/Industrial)
South	Commercial center, shops.	C (Commercial)	C-2 (General Commercial)
East	Shops, Apartments	MXU (Mixed Use)	R-4 (High Density Residential) Under Resolution of Intent for C-1 (Limited Commercial) and C-2 (General Commercial)
West	Shops, Auto Repair and Storage.	C (Commercial)	C-M (Commercial/Industrial)

Special Districts/Zones	Yes	No	Compliance
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			
PD (Planned Development) District	X		Y
Live/Work Overlay District	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

ANALYSIS

Title 18.12.130 Cul-de-sacs

Cul-de-sacs shall be designed and installed in accordance with City standards. For public streets which terminate other than at an intersection with another public street, the termination shall be provided by means of a circular cul-de-sac of a sufficient diameter to accommodate emergency service vehicles for termination. For private streets or drives which terminate at a length over one hundred fifty feet, there shall be either a circular turn-around or emergency service vehicle access gates.

FINDINGS

In accordance with the provisions of Title 19.18.070(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 19.18.070L 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.

The Department of Public works recommends approval to the Request for a Waiver of Title 18.12.130 to allow a street to terminate without a circular cul-de-sac or emergency access gate. The Department of Public Works has requested the applicant submit a plan for the termination of 1st Street acceptable to the City Engineer.

PLANNING COMMISSION ACTION

There were two speakers opposed and two speakers in favor of this application.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 230 by Planning Department

APPROVALS 10

PROTESTS 10