

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: AUGUST 28, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ABEYANCE - SDR-29021 - APPLICANT/OWNER:**  
**CORESTONE, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION:**      **APPROVAL**, subject to:

**Planning and Development**

1. Conformance to the Conditions of approval for Site Development Plan Review (SDR-15035), Special Use Permit (SUP-15038 and SUP-15039), Vacation (VAC-26443), and Waiver (WVR-26441), if approved.
2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 07/15/08, except as amended by conditions herein.
3. The applicant shall submit a revised streetscape plan to reflect the following: An 11-foot side walk with tree wells placed 20 feet on-center within five feet of the property line on Charleston Boulevard. A five-foot sidewalk from back of curb and a three foot adjacent amenity zone with trees 20 feet on-center with tree grates on Casino Center Boulevard. The tree grates may encroach into the sidewalk. The five foot sidewalk is hereby waived on Boulder Avenue.
4. 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.

**Public Works**

5. Site development to comply with all applicable conditions of approval for Site Development Plan Review (SDR15035) and all other subsequent site-related actions.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Major Amendment to an approved Site Development Plan Review (SDR-15035) to modify building elevations and building placement of a proposed Urban Lounge on 0.13 acres at 123 East Charleston Boulevard.

The proposed building was relocated due to an existing 20-foot wide utility easement along the west property line. The building was also relocated, due to an encroachment agreement that was approved by the City Council on 05/21/08. The agreement allows the proposed building to encroach into the existing right-of-way by 23.5 feet. The square-footage of the building has also decreased, from 4,929 square feet to 4,274 square feet, which is a difference of 655 feet or approximately 13%. The total building height has also increased from 37.8 feet to 51.75 feet.

The proposed Major Amendment to the approved Site Development Plan Review (SDR-15035) is in keeping with the revitalization and continued enhancement of the Downtown Centennial Plan 18b Las Vegas Arts District and the on-going development in the area; therefore, staff is recommending approval of the request.

**BACKGROUND INFORMATION**

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
01/08/03	The City Council approved a request for a Special Use Permit (SUP-1146) for a Restaurant Service Bar located at 103 E. Charleston Boulevard. The Planning Commission and staff recommended approval on 12/05/02.
09/20/06	The City Council approved a request for a Site Development Plan Review (SDR-15035) for a proposed 4,930 square-foot Urban Lounge and Waivers of Downtown Centennial Streetscape and Build-To-Line Standards; Special Use Permit (SUP-15038) for a proposed General Business-Related Gaming Establishment and Special Use Permit (SUP-15039) for a proposed Urban Lounge on 0.13 acres at 103-123 East Charleston Boulevard. The Planning Commission and staff recommended approval on 08/24/06.
05/21/08	The City Council approved a request for an Encroachment Agreement (ENCR-26070) for portions of a building to be constructed into the Boulder Avenue public right-of way for approximately 23.5 feet. The encroachment will include (but not be limited to): stairs, handicap ramp, light gauge steel stud wall, planter wall, and a patio. If this portion of Boulder Avenue is vacated by the City of Las Vegas this encroachment will become null and void upon recordation of the vacation with the Clark County Recorders office.

**SDR-29021 - Staff Report Page Two**  
**August 28, 2008 - Planning Commission Meeting**

06/04/08	The City Council approved a request for a Waiver (WVR-26441) 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. A Vacation (VAC-26443) was also approved to Vacate Boulder Avenue between First Street and Casino Center Boulevard, the alley generally located at the northwest corner of Boulder Avenue and Casino Center Boulevard, and a portion of the west side of Casino Center Boulevard located between Coolidge Avenue and Boulder Avenue. The Planning Commission recommended denial, but staff recommended approval on 03/27/08.
08/14/08	The Planning Commission held in abeyance, due to lack of a quorum, a request (SDR-29021) for a Major Amendment to an approved Site Development Plan Review (SDR-15035) to modify the building elevations and placement of a proposed Urban Lounge on 0.13 acres at 123 East Charleston Boulevard. This item is scheduled to be heard at the 08/28/08 Planning Commission Meeting.
<b>Related Building Permits/Business Licenses</b>	
07/01/03	A Business License (#R09-01203) was issued for a restaurant. A business license (#L09-00200) was also issued for beer/wine/cooler on-sale at 103 E. Charleston Boulevard, Suite #107.
03/19/04	A Certificate of Occupancy (#3005612) was issued for a tenant improvement at 103 E. Charleston Boulevard, Suite #107.
03/02/05	A Business License (#L26-00064) was issued for a special event, beer/wine at 103 E. Charleston Boulevard, Suite #107.
<b>Pre-Application Meeting</b>	
07/14/08	The elements of a pre-application meeting were discussed on the indicated date.
<b>Neighborhood Meeting</b>	
A neighborhood meeting is not required for this application, nor was one held.	
<b>Field Check</b>	
07/14/08	A field check was completed on the subject site on the indicated date. The site revealed the existing paved lot and Tinocos restaurant, which is west of the subject site. The paved lot was in good condition and free of debris and graffiti.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	0.13

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Paved lot	C (Commercial)	C-2 (General Commercial)

**SDR-29021 - Staff Report Page Three**  
**August 28, 2008 - Planning Commission Meeting**

North	Paved lot	MXU (Mixed Use)	R-4 (High Density Residential) under Resolution of Intent to C-2 (General Commercial)
South	Retail	C (Commercial)	C-2 (General Commercial)
East	Undeveloped, proposed to be a mixed use development; Site Development Plan Review (SDR-9888) and Extension of Time (EOT-25786)	C (Commercial)	C-2 (General Commercial)
West	Restaurant	C (Commercial)	C-2 (General Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan	X		
Downtown Centennial Plan	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
Downtown Overlay District	X		Y
Live/Work Overlay District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment		X	n/a
Project of Regional Significance		X	n/a

Downtown Centennial Plan - The parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the 18b The Las Vegas Arts District. This area is as a classic urban mix of residential, commercial and cultural uses that will continue to grow as the hub of the arts scene in Las Vegas. The proposed project is consistent with the goals and objectives of the Downtown Centennial Plan.

Redevelopment Plan The subject site is located within the boundaries of the Las Vegas Redevelopment District. The proposed uses are in conformance with Redevelopment Plan goals and policies that encourage innovative, mixed use projects in this area of the City.

**SDR-29021 - Staff Report Page Four**  
**August 28, 2008 - Planning Commission Meeting**

Live/Work Overlay District - This site is within the Live/Work Overlay district. The proposed development will not offer any housing options and therefore the project is not impacted by the Live/Work standards as outlined in Title 19.06.130.

## DEVELOPMENT STANDARDS

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The Centennial Plan addresses certain site development standards, which are detailed below:

Pursuant to the Downtown Centennial Plan, the following development standards apply to the subject proposal:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	0.13 acres	N/A
Min. Lot Width	100 feet	60 feet	Y*
Min. Setbacks			
• Front (Boulder Avenue)	0 Feet	0 Feet	N**
• Side (west property line)	0 Feet	0 Feet	N**
• Corner (Casino Center Boulevard)	0 Feet	2.9 Feet	N**
• Rear (Charleston Boulevard)	0 Feet	1.5 Feet	N**
Build-to Line			
• Front (Bonneville Avenue)	70% of frontage line	Varies*	N**
• Side (west property line)	70% of frontage line	Varies*	N**
• Corner (Casino Center Boulevard)	70% of frontage line	Varies*	N**
• Rear (Charleston Boulevard)	70% of frontage line	Varies*	N**
Max. Lot Coverage	Up to 100%	44%	Y
Max. Building Height	N/A	51.75 Feet	Y
Trash Enclosure	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

\*The subject site has a lot width of 60 feet. The minimum lot width in a C-2 (General Commercial) zoning designation is 100 feet. The subject lot is legal non-conforming with respect to this requirement.

\*\* The proposed structure varies with respect to the minimum build-to-line requirement as the building is not situated directly on any adjacent property lines as required by the Downtown Centennial Plan 18b Las Vegas Arts District Standards. A Waiver of this requirement was approved as a part of the previously approved Site Development Plan Review (SDR-15035). The Architectural Design Standards within the Arts District encourage the design of the façade to provide visual interest, which is achieved in the proposed design. Therefore, staff is supporting the proposed modifications to the overall site plan and elevations.



**SDR-29021 - Staff Report Page Five**  
**August 28, 2008 - Planning Commission Meeting**

Pursuant to the Downtown Centennial Plan, the following landscape and buffer standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/6 Spaces	0 Trees	0 Trees	N/A*
Buffer:				
Min. Trees				
(Front: Boulder Avenue)	1 Tree/ 20 Linear Feet	3 Trees	2 Trees	N/A*
(Side: west property line)	1 Tree/ 20 Linear Feet	4 Trees	0 Trees	N/A*
(Corner: Casino Center Boulevard)	1 Tree/ 20 Linear Feet	3 Trees	2 Trees	N/A*
(Rear: Charleston Boulevard)	1 Tree/ 20 Linear Feet	3 Trees	2 Trees	N/A*
TOTAL		13 Trees	6 Trees	Y*
Min. Zone Width	N/A		1-Foot	Y
Wall Height	8 Feet		8 Feet	Y

\* Title 19.06.060 exempts properties within the Downtown Centennial Plan from standard landscaping requirements.

Pursuant to the Downtown Centennial Plan, the following streetscape standards apply:

Streetscape Standards	Required	Provided	Compliance
East/West Street (Boulder Avenue)	1 Shade Tree @ 20 O.C. Maximum (min. 36 box) 3 Shade Trees	1 Shade Tree @ 20 O.C. Maximum (min. 36 box) 2 Shade Trees	N*
East/West Street (Charleston Boulevard)	1 Shade Tree @ 20 O.C. Maximum (min. 36 box) 3 Shade Trees	1 Shade Tree @ 20 O.C. Maximum (min. 36 box) 2 Shade Trees	N*
North/South Street (Casino Center Boulevard)	1 Palm Tree @ 30 O.C. Maximum (min. 25 height) 2 Palm Trees	1 Palm Tree @ 30 O.C. Maximum (min. 25 height) 0 Palm Trees	N*
Right-Of-Way Improvements	Sidewalk and Amenity Zones (Per Graphics 5, 11 & 12 of the Downtown Centennial Plan)	5 sidewalk along Casino Center Boulevard and Boulder Avenue and a 10 wide sidewalk along Charleston Boulevard. 1 amenity zone along Charleston Boulevard, 3 along Casino Center Boulevard and 0 along Boulder Avenue	N*

\* A Waiver of the Downtown Centennial Plan Streetscape Standards was approved as a part of Site Development Plan Review (SDR-15035).

**SDR-29021 - Staff Report Page Six**  
**August 28, 2008 - Planning Commission Meeting**

Pursuant to Title 19.04 and 19.10\*, the following parking standards apply:

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Urban Lounge	4,274 SF	1 Space /50 SF of GFA	86	4	0	0	Y*
TOTAL (including handicap)	4,274 SF		90		0		Y*

\* Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of standard parking requirements. The site is within close proximity to the planned Bus Rapid Transit Route. A future (BRT) route will be located at Casino Center Boulevard and Coolidge Avenue. Additionally, there is a primary Citizen Area Transit (CAT) bus route located along Charleston Boulevard. The City is currently working with business owners in the area, to develop a parking plan that will meet the needs of the developing Arts District. Although this project is currently under-parked, it has operated effectively for several years without the recommended amount of parking spaces. Therefore, the reduction of required parking spaces can be supported for the proposed uses.

Waivers*		
Request	Requirement	Staff Recommendation
To allow a five-foot wide sidewalk along Casino Center Boulevard, a five-foot wide sidewalk along Boulder Avenue and a 10-foot wide sidewalk along Charleston Boulevard.	To provide a five-foot amenity zone and a ten-foot wide sidewalk per Graphic 11 of the Downtown Centennial Plan	Approval*
To allow a one-foot wide landscape amenity area along Charleston Boulevard, a three-foot wide landscape amenity area along Casino Center Boulevard and no landscape amenity area along Boulder Avenue.	To provide a five-foot amenity zone and a ten-foot wide sidewalk per Graphic 11 of the Downtown Centennial Plan	Approval*
To allow variations in the 70% build-to-line requirement.	70% of the first story façade shall align along the front and corner side property lines	Approval*

\*There are no Waivers requested as a part of this application. The indicated Waivers were approved as a part of Site Development Plan Review (SDR-15035).

**SDR-29021 - Staff Report Page Seven**

**August 28, 2008 - Planning Commission Meeting**

**ANALYSIS**

The applicant is requesting a major modification to an approved Site Development Plan Review (SDR-15035). Pursuant to Title 19.18.050, any amendment which does not qualify as a Minor Amendment shall be deemed to be considered a Major Amendment and shall be processed in the same manner as a new Site Development Plan Review. The subject review was deemed to be a Major Amendment to the approved Site Development Plan Review pursuant to Title 19.18.050(H)(1)(f): A material change in the characteristics of the elevations drawings or Site Development Plan as approved.

The proposed building was relocated due to an existing 20-foot wide utility easement along the west property line. The building was also relocated due to an encroachment agreement (ENCR-26070) that was approved by the City Council on 05/21/08. The agreement allows the proposed building to encroach into the existing right-of-way by 23.5 feet. The encroachment agreement (ENCR-26070) will be effective until the approved Vacation (VAC-26443) has been recorded. The Vacation has not recorded, as the conditions of approval have not been satisfied. The overall square-footage of the building has also decreased from 4,929 square feet to 4,274 square feet, which is a difference of 655 feet. The total building height has increased from 37.8 feet to 51.75 feet.

Two Waivers were previously approved, as a part of Site Development Plan Review (SDR-15035). The approved Waivers were; the Downtown Centennial Plan Streetscape Standards and the build-to-line requirement. These Waivers have carried forward with the subject project.

The proposed development conforms to the approved Site Development Plan Review (SDR-15035) and requirements specified by the Downtown Centennial Plan and Title 19 requirements.

- **Site Plan**

The site plan for the proposed Major Amendment, to the approved Site Development Plan Review (SDR-15035); is generally in compliance with the standards of the Downtown Centennial Plans - 18b The Las Vegas Arts District. The proposed modifications to the site are indicated below as they relate to the overall site plan.

Approved	Proposed
1st Floor: 4,145 SF 2nd Floor: 784 SF Total: 4,929 SF	1st Floor: 2,482 SF 2nd Floor: 1,792 SF Total: 4,274 SF
Building attached to the existing Arts Factory building to the west	Building detached due to a 20-foot wide utility easement
Building Height: 37 feet, 10-inches	Building Height: 51 feet, 9 inches
Development contained within the existing property lines.	Development encroaches 23.5 feet outside the north property line into the right-of-way, which is due to the approved encroachment agreement.



**SDR-29021 - Staff Report Page Eight**  
**August 28, 2008 - Planning Commission Meeting**

- **Waivers**

There are no new Waivers requested as a part of the subject Site Development Plan Review. Two Waivers were approved as a part of Site Development Plan Review (SDR-15035). The approved Waivers are as follows:

- A Waiver from Downtown Centennial Plan Streetscape Standards is hereby approved, to allow for a five-foot wide sidewalk along Casino Center Boulevard, a five-foot wide sidewalk along Boulder Avenue and a ten-foot wide sidewalk along Charleston Boulevard where an eleven-foot wide sidewalk is required and for a one-foot wide landscape amenity area along Charleston Boulevard, a three-foot wide landscape amenity area along Casino Center Boulevard and no landscape amenity area along Boulder Avenue where a five-foot wide landscape amenity are required
- A Waiver from the 70% frontage requirement for building placement is hereby approved based on the unique design of the building along Charleston Boulevard, Boulder Avenue and Casino Center Boulevard.

- **Trail**

The proposed project is adjacent to two Urban Trails. These trails are the Boulder and the Monorail Trails. There are no requirements of the property owner, with respect to these trails.

- **Landscape Plan**

Waivers of the Downtown Centennial Plan Streetscape standards were approved as a part of Site Development Plan Review (SDR-15035). The revised landscape plan reflects the approved modifications to the Downtown Centennial Plan required streetscape along Charleston Boulevard, Casino Center Boulevard, and Boulder Avenue. Condition of approval number five (5) from the approved Site Development Plan Review (SDR-15035) allowed the following:

A Waiver from the Downtown Centennial Streetscape Standards is hereby approved, to allow for a five-foot wide sidewalk along Casino Center Boulevard, a five-foot wide sidewalk along Boulder Avenue and a ten-foot wide sidewalk along Charleston Boulevard where an eleven-foot sidewalk is required and for a one-foot wide landscape amenity area along Charleston Boulevard, a three-foot wide landscape amenity area along Casino Center Boulevard and no landscape amenity area along Boulder Avenue where a five-foot wide landscape amenity areas are required.

**SDR-29021 - Staff Report Page Nine**  
**August 28, 2008 - Planning Commission Meeting**

- **Elevations/Floor Plan**

The original elevations were approved at a height of 37 feet, ten-inches. The overall design featured glass panels accented by a semi-circular roof. The revised elevations indicate at a height of 51 feet, nine-inches. The building elevations continue to utilize an extensive amount of glass windows on the west elevation. The building utilizes a variety of materials, such as; steel cladding, aluminum framed bi-fold windows, stucco and a standing seam metal roof.

The floor plans have changed from an irregular arrangement to a more formal circular design. The uses indicated on the floor plans have remained the same. The overall building square footage has decreased by 655 square feet. The overall square footage and building heights have been modified as follows:

Approved	Proposed
1st Floor: 4,145 SF	1st Floor: 2,482 SF
2nd Floor: 784 SF	2nd Floor: 1,792 SF
Total: 4,929 SF	Total: 4,274 SF
Lot Coverage 73%	Lot Coverage 44%
Building Height 37.8 feet	Building Height 51.75 feet

The proposed modifications are compatible with the existing development in the area and the goals and policies of the Downtown Centennial Plan 18b Las Vegas Arts District.

**FINDINGS**

The following findings must be made for a Site Development Plan Review:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed Urban Lounge is compatible with the adjacent development and uses in the area; as it will allow for the successful revitalization and enhancement within the Downtown Centennial Plan - 18b The Las Vegas Arts District.

**SDR-29021 - Staff Report Page Ten**  
**August 28, 2008 - Planning Commission Meeting**

- 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;**

The project is consistent with the C (Commercial) designation of the General Plan, the zoning regulations of the existing C-2 (General Commercial) zoning district and the Downtown Centennial Plan 18b Arts Las Vegas Arts District design standards.

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

Pedestrian access to the site is from Boulder Avenue, an 80-foot wide Secondary Collector, which should be adequate to meet the needs of the proposed improvements and should not negatively impact the adjacent roadways. There is no vehicular access to the site as there is no on-site parking.

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

Building and landscape materials are appropriate for the area and the City, as proposed and previously approved.

- 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;**

This project will be harmonious and compatible with surrounding commercial properties, while providing site improvements that will not be unsightly, undesirable, or obnoxious in appearance.

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

The proposed plan will not impact public health, safety or welfare since the development will be subject to City inspections during construction of the building as well routine business license inspections for any commercial activities.

**SDR-29021 - Staff Report Page Eleven  
August 28, 2008 - Planning Commission Meeting**

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16**

**ASSEMBLY DISTRICT 6**

**SENATE DISTRICT 3**

**NOTICES MAILED 439**

**APPROVALS 5**

**PROTESTS 2**