



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 1, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-33021 - APPLICANT: CASINO CENTER MIDRISE, LLC. -
OWNER: MYTHIC MANAGEMENT, LLC.

**** CONDITIONS ****

The Planning Commission (5-0-2/rt/mb vote) and staff recommend APPROVAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning of property from R-4 (High Density Residential) to C-2 (General Commercial) on 0.30 acres generally located at the southwest corner of Colorado Avenue and Casino Center Boulevard. In addition to this application, the applicant has submitted a request for a Special Use Permit (SUP-33020) for a proposed Mixed-Use development and a Site Development Plan Review (SDR-33019) for a proposed four-story, 48.5-foot tall Mixed-Use development consisting of 60 residential units and 1,924 square feet of commercial space with Waivers of the Downtown Centennial Plan Streetscape Requirements and to allow no undergrounding of power lines. The proposed development will take place on three parcels, one currently zoned C-2 (General Commercial), and two zoned R-4 (High Density Residential), totaling 0.48 acres. The proposed Rezoning of the two parcels from R-4 (High Density Residential) to a C-2 (General Commercial) zoning district is consistent with the existing MXU (Mixed Use) General Plan designation, will allow the proposed Mixed-Use development with the approval of the associated Special Use Permit (SUP-33020), and will result in single-district zoning for all three parcels included in the subject site for the associated Site Development Plan Review; therefore, staff is recommending approval of this request.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
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| 10/15/03 | A Code Enforcement complaint (#5582) was processed for housing code violations at 1300 South Casino Center Boulevard. The case was resolved on 10/04/04. |
| 09/14/04 | A Code Enforcement complaint (#21641) was processed for an A frame sign and free standing signs at 1300 South Casino Center Boulevard. The case was resolved on 05/04/05. |
| 07/21/05 | A Code Enforcement complaint (#32756) was processed for vagrants at 1310 South Casino Center Boulevard. The case was resolved on 08/11/06. |
| 12/08/05 | A Code Enforcement complaint (#36780) was processed for vagrants at 1310 South Casino Center Boulevard. The case was resolved on 07/11/06. |
| 08/02/06 | The City Council approved a Site Development Plan Review (SDR-12071) for a proposed 34-story Mixed-Use development containing 275 residential units and 8,294 square feet of commercial area with a Waiver of the stepback requirement and a Rezoning (ZON-12070) from: R-4 (High Density Residential) to: C-2 (General Commercial) on 0.48 acre at 1300, 1306 and 1310 South Casino Center Boulevard. The Planning Commission and staff recommended approval. The above-mentioned applications expired on 08/02/07. |
| 08/22/06 | A Code Enforcement complaint (#45683) was processed for inadequate wiring and plumbing at 1300 S. Casino Center Boulevard. The case was resolved on |

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| | 10/24/06. |
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| 05/18/07 | A Code Enforcement complaint (#53378) was processed for squatters in unit #4 at 1300 South Casino Center Boulevard. The case was resolved on 05/23/07. |
| 02/26/09 | The Planning Commission recommended approval of companion items SUP-33020 and SDR-33019 concurrently with this application. The Planning Commission voted 5-0-2/rt/mb to recommend APPROVAL (PC Agenda Item #27/dc). |
| Related Building Permits/Business Licenses | |
| 05/11/82 | A Business License (#A07-00270) was issued for an apartment house at 1306 South Casino Center Boulevard. The license was marked out on 07/01/08. |
| 12/10/03 | A Business License (#D15-00014) was issued for a draftsman at 1310 South Casino Center Boulevard. The license was marked out on 02/04/08. |
| 07/11/06 | A Business License (#S20-00496) was issued for a secondhand dealer class IV at 1310 South Casino Center Boulevard. The license was marked out on 03/01/07. |
| 12/27/07 | A Building Permit (#104822) was issued for a demolition permit at 1300 South Casino Center Boulevard. The building permit for the demolition permit was never finalized. |
| Pre-Application Meeting | |
| 12/31/08 | A pre-application meeting was held to discuss the requirements of the subject Rezoning and the related Site Development Plan Review and Special Use Permit applications. |
| Neighborhood Meeting | |
| A neighborhood meeting was not required, nor was one held. | |
| Field Check | |
| 01/15/09 | A field check was conducted by staff at the subject site. The site is currently vacant and is surrounded by a chain-link fence. An apartment building was once located on the subject site, but has since been demolished. No permits exist for the chain-link fence. Code Enforcement was notified by staff on 01/27/09. |

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| Details of Application Request | |
| Site Area | |
| Net Acres | 0.30 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|----------------------|-------------------|------------------|--------------------------------|
| Subject Property | Undeveloped | MXU (Mixed Use) | R-4 (High Density Residential) |
| North | Retail | MXU (Mixed Use) | C-1 (Limited Commercial) |
| South | Undeveloped | MXU (Mixed Use) | |

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|--|--|--|--------------------------|
| | | | C-2 (General Commercial) |
|--|--|--|--------------------------|

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|------|----------------------------|-----------------|-----------------------------|
| East | Retail | MXU (Mixed Use) | C-1 (Limited Commercial) |
| West | Motor Vehicle Sales (Used) | C (Commercial) | C-M (Commercial/Industrial) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|--|------------|-----------|-------------------|
| Special Area Plan | | | |
| Downtown Centennial Plan | X | | N* |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | | |
| Downtown Overlay District (18b Las Vegas Arts District and Downtown South) | X | | N* |
| Live/Work Overlay District | X | | Y |
| Trails (Pedestrian Path) | X | | Y |
| Rural Preservation Overlay District | | X | N/A |
| Development Impact Notification Assessment | | X | N/A |
| Project of Regional Significance | | X | N/A |

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

***Downtown Overlay District** - The subject site is located within boundaries of the Downtown Overlay District. Three parcels makeup the subject site. The northernmost parcel is located within the 18b The Las Vegas Arts District, while the southern two parcels are located within the Downtown South District. The 18b Las Vegas Arts District takes precedence in this area of the Downtown Centennial Plan, therefore the development will be treated as the entire project is located within the boundaries of the 18b Las Vegas Arts District. The proposed use meets the intent of the 18b Las Vegas Arts District, as conditioned.

Live/Work Overlay District The subject site is located within the boundaries of the Live/Work Overlay District. The proposed Mixed-Use development does not contain any associated Live/Work units as a part of the proposed project.

Trails The subject site is located adjacent to a Pedestrian Path. The Pedestrian Path was approved as General Plan Amendment (GPA-12152) by City Council on 05/17/06. The Pedestrian Path is a sidewalk, which connects Charleston Boulevard to Wyoming Avenue. Otherwise, the subject site is required to comply with Downtown Centennial Plan standards for sidewalk, amenity zones, and landscaping requirements.

Parcels affected by the subject Rezoning application

| APNs | Address | Existing Zoning | Proposed Zoning |
|----------------------------------|---------------------------------|--------------------------------|--------------------------|
| 162-03-110-135 | 1300 S. Casino Center Boulevard | R-4 (High Density Residential) | C-2 (General Commercial) |
| 162-03-110-136 | 1306 S. Casino Center Boulevard | R-4 (High Density Residential) | C-2 (General Commercial) |
| 162-03-110-061 (Not Affected) | 1310 S. Casino Center Boulevard | C-2 (General Commercial) | N/A |

ANALYSIS

This is a request for a Rezoning of property from R-4 (High Density Residential) to C-2 (General Commercial) on 0.30 acres at the southwest corner of Colorado Avenue and Casino Center Boulevard. The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. The category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as Mixed-Use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors. The C-2 (General Commercial) district is consistent with the existing MXU (Mixed Use) General Plan land use designation, which allows for commercial uses that are normally allowed within the L (Low Density Residential), ML (Medium-Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial) and GC (General Commercial) General Plan land use categories.

The proposed Rezoning of the two parcels from R-4 (High Density Residential) to a C-2 (General Commercial) zoning district is consistent with the existing MXU (Mixed Use) General Plan designation, will allow the proposed Mixed-Use development with the approval of the associated Special Use Permit (SUP-33020), and will result in single-district zoning for all three parcels included in the subject site for the associated Site Development Plan Review; therefore, staff is recommending approval of this request.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

The proposed Rezoning from R-4 (High Density Residential) district to a C-2 (General Commercial) district would be consistent with the C (Commercial) land use designation on the subject site.

2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as Mixed-Use developments. These uses are compatible with adjacent developments in the Downtown Centennial Plan area.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

The proposed Rezoning is appropriate due to the continuing redevelopment of the Downtown Centennial Plan area. Downtown Las Vegas is the regional center for finance, business, governmental services, entertainment, recreation and gaming.

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

Adequate site access is provided from both Colorado Avenue and Casino Center Boulevard. Casino Center Boulevard is designated as an 80-foot Secondary Collector by the Master Plan of Streets and Highways, while Colorado Avenue is designated as an 80-foot Local Street by the Master Plan of Streets and Highways.

PLANNING COMMISSION ACTION

There was one speaker in opposition and one in support at the Planning Commission meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 139 by City Clerk

APPROVALS 0

PROTESTS 0