



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: APRIL 1, 2009**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-33020 - APPLICANT: CASINO CENTER MIDRISE, LLC. -**  
**OWNER: MYTHIC MANAGEMENT, LLC.**

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### **\*\* CONDITIONS \*\***

The Planning Commission (50-2/rt/mb vote) and staff recommend APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Mixed- Use.
2. Approval of and conformance to the conditions for Site Development Plan Review (SDR-33019) shall be required, if approved.
3. 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.
4. 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 for a proposed Mixed-Use development consisting of 60, one-bedroom residential units and 1,924 square feet of commercial space 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 Rezoning (ZON-33021) from R-4 (High Density Residential) to C-2 (General Commercial) on a 0.30 acre portion of the subject site 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. This request would allow the residential use in the proposed and existing C-2 (General Commercial) zoning district. The subject application meets all Title 19.04 conditions for the Mixed-Use development. The subject site can be conducted in a harmonious manner and complies with Title 19 requirements; therefore staff recommends approval of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
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 setback requirement and a Rezoning (ZON-12070) from R-4 (High Density Residential) to C-2 (General Commercial) on 0.48 acres 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 10/24/06.
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 ZON-33021 and SDR-33019 concurrently with this application.  The Planning Commission voted 5-0-2/rt/mb to recommend APPROVAL (PC Agenda Item #28/dc).
<b>Related Building Permits/Business Licenses</b>	
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.
<b>Pre-Application Meeting</b>	
12/31/08	A pre-application meeting was held to discuss the requirements of the subject Special Use Permit and the related Site Development Plan Review and Rezoning applications.
<b>Neighborhood Meeting</b>	
A neighborhood meeting was not required, nor was one held.	

<b>Field Check</b>	
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.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.48

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	MXU (Mixed Use)	R-4 (High Density Residential) and C-2 (General Commercial)
North	Retail	MXU (Mixed Use)	C-1 (Limited Commercial)
South	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)
East	Retail	MXU (Mixed Use)	C-1 (Limited Commercial)
	Undeveloped	MXU (Mixed Use)	R-4 (High Density Residential)
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>
<b>Special Area Plan</b>			
Downtown Centennial Plan	X		N*
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
Downtown Overlay District (18b Las Vegas Arts District and Downtown South)	X		N**
Live/Work Overlay District	X		Y
<b>Trails (Pedestrian Path)</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		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.

\* The applicant has requested a Waiver of the Downtown Centennial Plan to allow no undergrounding of power lines and to allow a 9.5-foot sidewalk along Casino Center Boulevard where ten feet is required.

**\*\*Downtown Overlay District** - The subject site is located within boundaries of the Downtown Overlay District, consisting of three parcels. The northernmost parcel is located within the 18b Las Vegas Arts District, while the southern two parcels are located within the Downtown South District of the Downtown Centennial Plan. Pursuant to the Downtown Centennial Plan, properties on the south side of Colorado Avenue are within the 18b Las Vegas Arts District; therefore, upon the applicants remapping of the subject property into a singular parcel, as conditioned through this Site Development Plan Review, the entire project will be located within the boundaries of the 18b Las Vegas Arts District.

**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.

## ANALYSIS

The proposed Mixed-Use use meets the minimum requirements of approval per Title 19.04.010. Due to the compatibility of this use and the surrounding present and future land use designations, staff is recommending approval of this Special Use Permit.

- **Zoning**

The proposed Mixed-Use development is allowed within the existing and proposed C-2 (General Commercial) zoning district with the approval of a Special Use Permit. The subject site has a MXU (Mixed Use) General Plan designation and is within the Southeast Sector Plan area. The MXU (Mixed Use) land use category allows for a mix of 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 existing and proposed C-2 (General Commercial) zoning district complies with the existing MXU (Mixed Use) General Plan designation.

- **Use**

A Mixed-Use land use is defined by Title 19 as, a combination of certain residential and non-residential uses on a single parcel, or a mix of certain residential and non-residential uses within an area that is zoned for either residential or non-residential use.

- **Minimum Special Use Permit Requirements Pursuant to Title 19.04.010**
  1. Residential uses permitted as of right in the R-3 (Medium Density Residential) and R-4 (High Density Residential) zoning district may be permitted by means of a Special Use Permit within a P-R (Professional Office and Parking), N-S (Neighborhood Service), O (Office), C-1 (Limited Commercial), C-2 (General Commercial) or C-PB (Planned Business Park).
  2. Non-residential uses permitted as of right in the P-R (Professional Office and Parking), N-S (Neighborhood Service), O (Office) and C-1 (Limited Commercial) zoning districts may be permitted by means of a Special Use Permit within an R-3 (Medium Density Residential) or R-4 (High Density Residential) Zoning District.
  3. When residential and non-residential uses are approved for a single parcel:
    - a. The non-residential use shall be located at ground level fronting the primary public right-of-way, and the primary entry way to that use shall be directly from and oriented to a street; and
    - b. The overall architecture of the front elevations shall highlight the differences in uses through variations in volume and proportion, and shall be treated as a cohesive whole through finishes and color.

The proposed development meets the Minimum Special Use Permit Requirements. Due to the compatibility of this use and the surrounding present and future land use designations, staff is recommending approval of this Special Use Permit.

## **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 design of the development adequately separates the commercial and residential components, and will not significantly impact the adjacent land uses. The Centennial Plan seeks a broad diversity of uses in the downtown area, and states that integrating a successful residential community adjacent to the Downtown is vital to the success of the area. The proposed uses can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses, and those future uses as projected by the General Plan.

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

The subject site is appropriate for the proposed Mixed-Use development. The site is physically suitable for the uses and scale of development proposed for the site. The Downtown Centennial Plan calls for development of this type and intensity within the Arts District.

**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 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.

**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 the Special Use Permit will not compromise the public health, safety, and welfare or the overall objectives of the General Plan.

**5. The use meets all of the applicable conditions per Title 19.04.**

The proposed Mixed-Use project meets all the required minimum Special Use Permit Requirements pursuant to Title 19.04.010.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 18

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 139 by City Clerk

**APPROVALS** 0

**PROTESTS** 0