



AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 5, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-34306 - APPLICANT: GEORGE RAINHART - OWNER: ASPEN HIGHLANDS HOLDINGS, LLC

**** CONDITIONS ****

The Planning Commission (4-0-2/rt/mb vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Approval of, and conformance to the conditions for Waiver (WVR-34311), Variance (VAR-34308), and Special Use Permit (SUP-34309), 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 development shall be in conformance with the site plan and landscape plan, date stamped 04/24/09, and building elevations, date stamped 06/19/09, except as amended by conditions herein.
4. A Waiver from the Downtown Centennial Streetscape Standards is hereby approved, to allow a seven-foot sidewalk and no landscaping along Cincinnati Street.
5. A revised site plan and landscape plan shall be submitted to and approved by the Planning and Development Department, prior to or at the time application is made for a building permit, depicting the Sahara Avenue streetscape in conformance to the Downtown Centennial Plan, including shade trees of at least 36-inch box size spaced at 15 to 20-foot intervals. Trees of a minimum 24" box size shall be planted at 30-foot intervals along the north side of the existing parking garage, and one tree within the existing planter on the east side of the garage, with four, five-gallon shrubs for every required tree. In addition, the interior surface parking area shall be redesigned so that all parking spaces are accessible without the need to enter or exit spaces via the proposed drive-through.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
8. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040, and the Downtown Centennial Plan.
11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. Coordinate with the City Surveyor to determine whether a Merger and Re-Subdivision Map or other mapping is necessary; comply with the recommendations of the City Surveyor.

15. Dedicate a 54 foot radius at the northeast corner of Sahara Avenue and Las Vegas Boulevard. Alternatively, the 54 feet may be granted as a roadway and pedestrian access easement. Also, dedicate an additional 20 feet of right-of-way and grant an appropriate 10 foot roadway and pedestrian access easement along Sahara Avenue adjacent to this site. In addition, dedicate an additional 10 feet of right-of-way and grant an appropriate 15 foot roadway and pedestrian access easement along Las Vegas Boulevard adjacent to this site. Dedications and construction shall be in accordance with Standard Drawings #201.1 and #245.1 for dedicated right turn lanes and dual left turn lanes, and Standard Drawings #234.1, #234.2, and #234.3 for bus turnouts, unless otherwise allowed by the City Engineer.
16. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Downtown Centennial Plan Standards concurrent with development of this site.
17. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a and shall intersect the adjacent streets at a 90 degree angle, unless otherwise allowed by the City Traffic Engineer. The driveway along Sahara Avenue, shall also receive approval from the Nevada Department of Transportation.
18. This site shall be designed to accommodate future pedestrian access bridges. All submitted drawings shall show connection points and annotate this feature as "FUTURE PEDESTRIAN ACCESS BRIDGE".
19. Coordinate the connection to public sewer line, in Sahara Avenue, with the Collection Systems Planning Section of the Department of Public Works. All required public sewer easements, if any, necessary to connect this site to the existing public sewer system shall be provided to the City prior to City approval of sewer construction plans, or the issuance of any off-site permits. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits or the recordation of a Final Map for this site.
20. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
21. Landscape and maintain all unimproved right-of-way, if any, adjacent to this site concurrent with development. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
22. Obtain an Encroachment Agreement for all landscaping and private improvements in the public right-of-way, if any, adjacent to this site prior to the issuance of any permits.

23. Aerial encroachment into the public right-of-way shall not be permitted.
24. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Sahara Avenue public right-of-way, if any, adjacent to this site prior to the issuance of any permits.
25. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings, or the recordation of a Final Map for this site, whichever may occur first, as required by the Department of Public Works. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the approved Drainage Plan/Study concurrent with development of this site.
26. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
27. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed Non-Restricted Gaming (Casino) and Retail Establishment with a Waiver of the Downtown Centennial Plan streetscape standards at the northeast corner of Sahara Avenue and Las Vegas Boulevard. The proposed establishment will replace the existing vacant commercial building on the site and consist of two stories with a floor area of approximately 37,100 square feet. A large roof sign is also proposed that would extend the height of the structure to 138 feet; however, the sign will be considered under an associated request for a Variance (VAR-34308), and is therefore not a part of this review. Parking will be provided within an existing garage structure at the northeast corner of the site, with some additional surface parking between the structures. Staff is recommending approval of this request as the proposal complies with all requirements of the Downtown Centennial Plan with the exception of the Waiver request, which can be supported as the affected street dead-ends approximately 100 feet east of Las Vegas Boulevard and provides vehicular access to the subject site, but not pedestrian access. Furthermore, the proposal meets the intent of the Downtown Centennial Plan to provide a variety of uses and a pedestrian-friendly streetscape along both Sahara Avenue and Las Vegas Boulevard, and it will enhance the overall image of the downtown area by improving the southern gateway to the city.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/21/96	The City Council approved a Special Use Permit (U-0151-95) for the off-premise sale of beer and wine in conjunction with a convenience store.
04/20/94	The City Council approved a Special Use Permit (U-0026-94) to allow the sale of beer and wine in conjunction with a proposed restaurant.
11/03/04	The City Council approved requests for a Special Use Permit (SUP-5028) for a proposed 73-story mixed-use development, and a Site Development Review (SDR-5027) with Waivers of the Downtown Centennial Plan Standards for streetscape, building setbacks, and reflective glazing for a 73-story, 1,300,000 square-foot mixed-use development consisting of 960 condominium units and 25,000 square feet of commercial uses on 2.17 acres at 2423 and 2417 Las Vegas Boulevard. The Planning Commission recommended approval.
03/02/05	The City Council approved a Petition to Vacate (VAC-5030) a 20-foot wide public alley generally located north of Sahara Avenue, west of Paradise Road. The Planning Commission recommended approval.
06/15/05	The City Council approved a request for a Review of Conditions (ROC-6691) for an approved Site Development Plan Review (SDR-5027) to remove Condition numbers 18, 27 and 30 for an approved 73-story, 863-foot tall, 1,300,000 square-foot mixed-use development consisting of 951 condominium units and 41,000 square feet of commercial uses on 2.17 acres at 2417 and 2423 South Las Vegas Boulevard.

11/03/05	The Planning Commission approved a Tentative Map (TMP-9117) for a 944-unit mixed-use condominium development on 2.17 acres adjacent to the northeast corner of Sahara Avenue and Las Vegas Boulevard.
12/06/06	The City Council approved a request for an Extension of Time (EOT-16956) of an approved Special Use Permit (SUP-5028) that allowed a 73-story mixed-use development at 2423 and 2417 Las Vegas Boulevard.
07/09/09	The Planning Commission recommended approval of companion item VAR-34308, WVR-34311 and SUP-34309 concurrently with this application. The Planning Commission voted 4-0-2/rt/mb to recommend APPROVAL (PC Agenda Item #15/sg).

<i>Related Building Permits/Business Licenses</i>	
07/20/90	A building permit (#90075858) was issued for a retail center at 2401 S. Las Vegas Blvd. The permit was finalized on 12/10/91.
09/26/90	A building permit (#90083891) was issued for a retail center at 2401 S. Las Vegas Blvd. The permit was finalized on 12/05/91.
08/16/91	A building permit (#91116828) was issued for on-site improvements at 2401 S. Las Vegas Blvd. The permit was finalized on 12/10/91.
08/16/91	A building permit (#91116829) was issued for a three-level garage structure at 2401 S. Las Vegas Blvd. The permit was finalized on 12/10/91.

<i>Pre-Application Meeting</i>	
04/16/09	A pre-application meeting was held to discuss the necessary applications for the proposed project, including a Site Development Plan Review, a Variance for signage, Special Use Permits for excessive height within the Airport Overlay District and for a Liquor Establishment, Tavern, and a Waiver to Title 18 street standards. Also discussed were the following issues: • Remapping of the subject parcels into a single parcel is required. • The project is deemed to be a Project of Regional Significance (PRS) as it pertains to the Special Use Permits because it is located within 500 feet of the boundary with Clark County. Traffic analysis, when available, may also affect this designation for the Site Development Plan Review. • Minor changes required to bring the streetscapes into compliance with the Downtown Centennial Plan. • Approval of the required Waiver of distance separation for the Liquor Establishment, Tavern, is dependent upon the passage of Text Amendment (TXT-32865). • Parking to be calculated as a Shopping Center only for those portions of the site meeting the definition. The casino portion is to be calculated separately. • Pursuant to Title 19.06.140, no Off-Premise Signs are permitted within the Las Vegas Scenic Byway.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was neither required nor held for this request.	

<i>Field Check</i>	
05/07/09	A field check was conducted by staff. The site has existing vacant commercial buildings that are in relatively good shape, with the exception of a roof sign is disrepair. Landscaping is in poor shape, with weeds in most planter areas.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.17 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant Commercial Building and Parking Structure	C (Commercial)	C-2 (General Commercial)
North	Shops and Motel	C (Commercial)	C-2 (General Commercial)
South	Resort / Casino	CT (Commercial Tourist) Clark County	H-1 (Limited Resort and Apartment District) Clark County
East	Retail Center	C (Commercial)	C-2 (General Commercial)
West	Retail Center	C (Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan (Las Vegas Boulevard)			
Beverly Green / Southridge Neighborhood Plan			
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Overlay District (Las Vegas Boulevard, John S. Park Adjacent Area)			
G-O Gaming Enterprise Overlay District			
A-O Airport Overlay District (175 Feet)			
Las Vegas Boulevard Scenic Byway Overlay District			
Trails			
Rural Preservation Overlay District			
Development Impact Notification Assessment			
Project of Regional Significance			

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.060, properties within the Downtown Overlay District are exempt from the automatic application of the mandatory maximum building height, required building setback, maximum lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The following standards are provided for comparison with the requirements of Title 19:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	89,500 SF	
Min. Lot Width	100	260 Feet	
Min. Setbacks • Front • Side • Corner • Rear	20 Feet 10 Feet 15 Feet 20 Feet	17 Feet 8 Feet Zero Feet 17 Feet	
Max. Lot Coverage	50%	42%	
Max. Building Height	N/A	40 Feet	
Trash Enclosure	Screened, Gated, with Roof or Trellis	Not Indicated	
Mech. Equipment	Screened	Not Indicated	

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree / 6 Spaces	6 Trees	Zero Trees	
Buffer:				
• North	1 Tree / Linear Feet	7 Trees	Zero Trees	
• East	1 Tree / Linear Feet	2 Trees	1 Trees	
TOTAL		9 Trees	1 Trees	
Min. Zone Width				
• North	Feet		8 Feet	
• East	Feet		4 Feet	
Wall Height	None Required		Not Indicated	

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

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Sahara Avenue	A 5-foot amenity zone and 10-foot unobstructed sidewalk are required. Southern Live Oak, Shoestring Acacia, African Sumac, Ash or Pistache shade trees of at least 36-inch box size are required at 15 to 20-foot intervals.	A 5-foot amenity zone and 10-foot unobstructed sidewalk are indicated. Within the amenity zone, Southern Live Oak of 15 feet in height and spaced at 30 feet on-center are indicated.	
Las Vegas Boulevard	A 5-foot amenity zone and 10-foot unobstructed sidewalk are required. Within the amenity zone, Deglet-Noor Date Palms, at least 25 feet in height or greater, are required at 30 feet on-center; shade trees at least 15 feet in height may be provided between the palms.	A 5-foot amenity zone and 10-foot unobstructed sidewalk are indicated. Within the amenity zone, Deglet-Noor Date Palms at 25 feet in height and spaced at 30 feet on-center are indicated.	
Cincinnati Street	A 5-foot amenity zone and 10-foot unobstructed sidewalk are required. Southern Live Oak, Shoestring Acacia, African Sumac, Ash or Pistache shade trees of at least 36-inch box size are required at 15 to 20-foot intervals.	A 7-foot sidewalk and no landscaping are indicated.	

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	
Shopping Center	28,100 SF	1:250	113				
Gaming, Non-Restricted	9,000 SF	1:90	100				
SubTotal			206	7	155	7	
TOTAL			213		162		

Wall Signs:		
Standards	Allowed	Provided
Maximum Area	Maximum 20% of the building elevation	• North: 1,781 SF or 15% • South: 3,064 SF or 28% • East: 1,640 SF or 23% • West: 3,415 SF or 39%
Maximum Projection	4 Feet	Zero Feet
Illumination	Internal/External	LED Full Motion Video Display

Roof Sign:		
Standards	Allowed	Provided
Maximum Number	1 / Building Elevation 4 total	1 / Building Elevation 1 total

Maximum Area	Maximum 20% of the building elevation to which the sign is most nearly parallel to, up to a maximum of 150 square feet. The total combined area of all wall, window, roof, awning and marquee signs shall not exceed twenty percent of the building elevation to which they are attached.	• North: 1,781 SF or 15% • South: 8,802 SF or 79% • East: 1,640 SF or 23% • West: 8,887 SF or 101%
Maximum Height	A roof sign shall not extend more than eight feet above the top of wall, marquee or parapet to which it is attached. The total height of the building, including the sign, shall not exceed permitted height of the building in the zoning district in which it is located.	98 Feet
Illumination	Direct/Internal	LED Full Motion Video Display

Waivers		
Requirement	Request	Staff Recommendation
A 5-foot amenity zone and 10-foot unobstructed sidewalk are required. Southern Live Oak, Shoestring Acacia, African Sumac, Ash or Pistache shade trees of at least 36-inch box size are required at 15 to 20-foot intervals (Cincinnati Street).	7-Foot Sidewalk and No Landscaping	.

ANALYSIS

- **Site Plan**

The site plan meets the requirements of the Downtown Centennial Plan and Title 19 with the exception of the surface parking lot configuration. As proposed, there are several parking spaces located along the southern edge of the parking area that do not have adequate access for vehicles to maneuver into and out of the spaces, and that will force vehicles to exit the spaces via the drive-through. A condition has been added to require a redesign of the parking area to better facilitate vehicular circulation within the site.

Although the parking provided on-site does not meet the minimum requirements of Title 19.10, properties located within the Downtown Centennial Plan are exempt from the automatic application of some development standards, including parking requirements. The parking provided at the subject site is adequate for the uses proposed, and is similar to other developments within the Downtown Centennial Plan area.

- **Landscape Plan**

The proposed landscape does not meet the requirements of the Downtown Centennial Plan and Title 19. Southern Live Oak trees, 15 feet in height, are shown along Sahara Avenue, spaced approximately 30 feet apart. The Downtown Centennial Streetscape standards require that trees be a minimum 36" box size, spaced 15 feet to 20 feet apart. In addition, planters along the north edge and at the east side of the site do not have trees depicted. A condition has been added to require compliance with the Downtown Centennial Plan streetscape standards along Sahara Avenue, and to provide additional plant material in the existing planters. The Waiver request for the Downtown Centennial Plan streetscape requirements along Cincinnati Street can be supported as the street dead-ends 100 feet east of Las Vegas Boulevard, providing vehicular access to the site, but not pedestrian access. The required improvements are intended to provide a pedestrian-friendly streetscape.

- **Elevations**

Elevations depict a two-story, 40-foot tall building with glass storefront windows, a perforated metal panel façade and a line of LED displays along the Sahara Avenue and Las Vegas Boulevard frontages. A stucco exterior is shown for the north and east facades. A large roof sign is also depicted, but is the subject of review in an associated application for a Variance (VAR-34308), and is therefore not a part of this review.

- **Floor Plan**

The floor plans depict a 37,100 square-foot commercial building with retail and casino space on the first floor, and additional casino space, retail and restaurant space on the second floor. The proposed uses are encouraged within the Downtown Centennial Plan, and

Staff is recommending approval of this request for a Site Development Plan Review as the proposed development meets the intent of the Downtown Centennial Plan and will provide a variety of uses with a pedestrian-friendly streetscape at a prominent gateway to the downtown area.

FINDINGS

The following findings must be made for an SDR:

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

The proposed development is compatible with the adjacent development and development in the area. The proposed uses for the site are not only allowed within the C-2 (General Commercial) zoning district, but are encouraged within the Downtown Centennial Plan area.

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 proposed development is consistent with the General Plan, Title 19 and the Downtown Centennial Plan, with the exception of the requested Waiver, which can be supported as the request is minor in nature.

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

Adequate access to the site is provided by existing driveways from Sahara Avenue and Cincinnati Street, which has direct access to Las Vegas Boulevard. Both Sahara Avenue and Las Vegas Boulevard are designated as 100-foot Primary Arterials. Site access and circulation will not negatively impact adjacent roadways or neighborhood traffic.

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

As conditioned, the building and landscape materials are appropriate for the area and for the city.

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;

The building elevations and architectural features are not unsightly, and are compatible with development in the area. The wall signage depicted in the elevations complies with the requirements of the Las Vegas Boulevard Scenic Byway Overlay District.

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

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 736 by City Clerk

APPROVALS 10

PROTESTS 8