



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 19, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: ARNOLD STALK - OWNER: MARY BARTSAS 22, LLC, ET AL

** STAFF RECOMMENDATION(S) **

GPA-37467 & ZON-37469

The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

SDR-37470

The Planning Commission (4-1 vote/rt) and Staff recommend APPROVAL, subject to conditions:

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
GPA-37467	Staff recommends APPROVAL.	
ZON-37469	Staff recommends APPROVAL.	GPA-37467
SDR-37470	Staff recommends APPROVAL, subject to conditions.	GPA-37467 ZON-37469

** CONDITIONS **

ZON-37469 CONDITIONS

1. The approval is for C-1 (Limited Commercial).

SDR-37470 CONDITIONS

Planning and Development

1. Approval of General Plan Amendment (GPA-37467) and Rezoning (ZON-37469) shall be required, if approved.

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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 03/31/10, and building elevations date stamped 02/22/10, except as amended by conditions herein.
4. A Waiver from the Downtown Centennial Plan Section VII.H.1 is hereby approved, to allow zero percent of the first story facade of all buildings on Site "A" and Buildings A, B and C on Site "B" to be aligned with the front and corner side property lines.
5. A Waiver from Title 19.08.050 is hereby approved, to allow Buildings D and E on Site "B" to be located behind the minimum setback lines where these buildings are required to be placed at the minimum setback line.
6. An Exception from Title 19.10.010(J) is hereby approved, to allow 31 trees in the parking lot on APN 139-35-804-002 where 52 trees are required.
7. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
8. These Conditions of Approval shall be affixed to the cover sheet of the plan set submitted for building permit.
9. The applicant shall work with city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.
10. All existing off-premise signage shall be removed prior to vertical construction on Site "B".
11. All power lines shall be located underground from the nearest street access to the project site. Utility vaults shall be located underground in conformance with Downtown Centennial Plan requirements.
12. New street light fixtures, benches, and trash receptacles shall be installed in public rights-of-way abutting the site in accordance with specifications provided by the Public Works Department, and shall conform to the design of the light fixtures and street furniture in the Downtown Centennial Plan area.
13. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to indicate at least one loading space on Site "B".

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14. 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. The technical landscape plan shall include the following changes from the conceptual landscape plan:
 - (a) Provide at least one additional 24" box tree in the perimeter buffer north of the Retail C pad on Site "B";
 - (b) East-west streets (Fremont Street and Charleston Boulevard) shall contain Southern Live Oak, Shoestring Acacia, African Sumac, Ash, Pistache or a combination of these species as the primary landscape element.
15. 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.
16. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
17. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. 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.
18. 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.
19. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers. Construction standards shall conform to those of the Downtown Centennial Plan for the East Village District and Title 19, wherever these standards may apply.
20. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

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21. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

22. Coordinate with the Building and Safety Department to determine if existing lot lines are in conflict with existing or the new proposed structures. If it is determined that a mapping or other lot consolidation is required, coordinate with the City Surveyor to determine the most appropriate lot consolidation method. Record a Joint Access Agreement between parcels that depend on other parcels for access to the public rights-of-way.
23. Remove all substandard public street improvements and unused driveway cuts for all street frontages on this site south of the northern most driveway on Eastern Avenue and replace with new improvements meeting Downtown Centennial Plan Standards concurrent with development of this site. Remove and replace all substandard public street improvements and unused driveway cuts, if any, north of the northern most driveway on Eastern Avenue and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with the development of this site.
24. Unless otherwise allowed by the City Engineer, construct sidewalk, where such does not exist, on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the onsite roadway network and shall be terminated on-site with a handicap ramp.
25. Meet with the Traffic Engineering Representative for assistance in the possible redesign of the proposed driveway access, on site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Driveways shall be designed, located and constructed to meet the intent of Standard Drawing #222a. Driveways on Charleston Boulevard and Fremont Street shall also meet Nevada Department of Transportation approval (NDOT).
26. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
27. Landscape and maintain all unimproved rights-of-way, if any, on Charleston Boulevard, Fremont Street and Eastern Avenue adjacent to this site. All landscaping and private improvements 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.

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28. As appropriate, submit an Encroachment Agreement to the City of Las Vegas or obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Charleston Boulevard, Fremont Street and Eastern Avenue public rights-of-way adjacent to this site.
29. 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. If additional rights of way are not required and Traffic Control devices are or may be proposed at this site outside of the public right of way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. 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.
30. 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 submittal of a Map subdividing this site, whichever may occur first. 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 City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a 90,595 square-foot Shopping Center on 9.61 acres located at the southwest and northwest corners of Fremont Street and Eastern Avenue. The development is divided into two distinct sites. The area south of Fremont Street (labeled on the plans as Site “A”) currently contains two motels, a non-operational Tavern, a Transit Passenger Facility and a take-out restaurant. Additionally, an existing 75-foot Wireless Communications Facility, Non-Stealth is located in the interior of the site along the west property line. Three retail pads and two fast food restaurant pads with drive-throughs totaling 22,220 square feet are proposed for redevelopment of this site. The existing 6,500 square-foot tavern will remain but will be remodeled with a new interior and exterior. The site is adjacent to existing commercial development.

The area north of Fremont Street (labeled on the plans as Site “B”) currently contains a motel, a smog check facility, an office and general personal services. In addition, two off-premise signs are located at the northwest corner of Fremont Street and Eastern Avenue. Five retail pad sites totaling 61,875 square feet are proposed for redevelopment of this portion of the overall site. This site is adjacent to an existing motel and to multi-family residential uses.

Staff recommends approval of this project, as it is in substantial conformance with the Downtown Centennial Plan and Title 19. Additionally, it supports the goals of the Downtown Redevelopment Area Plan. If the General Plan Amendment and/or Rezoning are denied, the development cannot proceed as proposed and a new Site Development Plan Review would be required in conformance to the current land use designations and zoning districts. If the General Plan Amendment and Rezoning are approved but the Site Development Plan Review is denied, then a new Site Development Plan Review encompassing all or part of the site would be required.

ISSUES

- Most of the site is located within the East Village District of the Downtown Centennial Plan and is subject to the standards contained within that document; the northernmost parcel (APN 139-35-804-002) is located outside of the Plan boundaries. Only Title 19 standards can be applied to this parcel.
- A Waiver of Downtown Centennial Plan Standards is required for placement of buildings away from the front and corner side property lines. Staff is in support of this waiver.
- A similar Waiver of Title 19 Commercial Development Standards is required for placement of buildings behind front yard setback lines. Staff supports this waiver.

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- An Exception of Title 19.10 parking lot landscape standards is requested to allow 31 trees in the parking lot subject to Title 19 standards (APN 139-35-804-002) where 52 trees are required.
- The two existing off-premise signs located at the northwest corner of Fremont Street and Eastern Avenue are not entitled by existing Special Use Permits. They do not meet distance separation requirements between off-premise signs and there is no building permit on record for the two signs. A condition of approval will require removal of these nonconforming off-premise signs prior to redevelopment of the site.
- A General Plan Amendment to change the existing General Plan land use designation from MXU (Mixed Use) to C (Commercial) on one parcel has been requested to make the land use consistent across the entire development.
- A Rezoning of the northernmost parcel (APN 139-35-804-002) from R-4 (High Density Residential) to C-2 (General Commercial) is required both for conformance to the General Plan and to ensure that commercial uses will be permitted across the entire development.
- The General Plan Amendment and Rezoning must be approved prior to approval of a Site Development Plan Review for the proposed development.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/28/82	The Board of Zoning Adjustment approved a request for a Special Use Permit (U-0002-82) for proposed Used Car Sales at 2217 Fremont Street. Staff recommended denial. The request covered current APNs 139-35-804-008 and 009.
11/16/83	The City Council denied a request for a Special Use Permit (U-0078-83) for Open Air Vending at 2217 Fremont Street. The Board of Zoning Adjustment and staff recommended denial.
04/09/87	The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a request for a Rezoning (Z-0028-87) from R-4 (High Density Residential) and C-2 (General Commercial) to C-1 (Limited Commercial) on 4.26 acres on the west side of Eastern Avenue between Fremont Street and Sunrise Avenue. The request covered current APNs 139-35-804-002 and 010.
05/16/90	The City Council approved an appeal of a denial by the Board of Zoning Adjustment of a request for a Special Use Permit (U-0042-90) for a proposed used car lot at 2217 and 2219 Fremont Street, subject to a one-year review. Staff recommended denial.
08/21/91	The City Council approved a Required One-Year Review [U-0042-90(1)] of a previously approved Special Use Permit (U-0042-90), which allowed a used car lot at 2217 and 2219 Fremont Street, subject to a one-year review. Staff recommended denial.

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09/02/92	The City Council approved a second Required One-Year Review [U-0042-90(2)] of a previously approved Special Use Permit (U-0042-90), which allowed a used car lot at 2217 and 2219 Fremont Street, subject to a one-year review. Staff recommended approval.
09/01/93	The City Council approved a third Required One-Year Review [U-0042-90(3)] of a previously approved Special Use Permit (U-0042-90), which allowed a used car lot at 2217 and 2219 Fremont Street, subject to a one-year review. Staff recommended approval.
07/19/95	The City Council denied a fourth Required One-Year Review [U-0042-90(4)] of a previously approved Special Use Permit (U-0042-90), which allowed a used car lot at 2217 and 2219 Fremont Street. Staff recommended denial. The existing use had ceased on the property prior to the hearing.
07/13/98	The City Council denied a request for a Special Use Permit (U-0056-98) for a proposed Used Car Lot at 2219 Fremont Street. Staff recommended denial.
03/02/99	The Board of Zoning Adjustment approved a Variance (V-0005-99) to allow a proposed wireless communication tower five feet from the side property line where 10 feet is required at 2110 Fremont Street. Staff recommended denial.
04/12/99	The City Council approved a Special Use Permit (U-0008-99) for a proposed 75-foot tall Wireless Communications Monopole and equipment pad at 2110 Fremont Street, subject to a one-year review. The Planning Commission recommended approval. Staff recommended denial.
06/07/00	The City Council approved a Required One Year Review [U-0008-99(1)] of a previously approved Special Use Permit (U-0008-99), which allowed a proposed 75-foot tall Wireless Communications Monopole and equipment pad at 2110 Fremont Street. The Planning Commission and staff recommended approval.
12/05/01	The City Council approved a Special Use Permit (U-0133-01) for a proposed Supper Club at 2100 Fremont Street, subject to a one-year review. The Planning Commission and staff recommended approval. The Special Use Permit expired 08/26/03.
03/02/05	The City Council approved a Special Use Permit (SUP-5802) for a proposed Supper Club at 2100 Fremont Street, subject to a one-year review. The Planning Commission and staff recommended approval.
06/22/06	The Planning Commission accepted the applicant's request to strike a Required One Year Review (RQR-13440) of a previously approved Special Use Permit (SUP-5802), which allowed a proposed Supper Club at 2100 Fremont Street. The existing Supper Club had closed prior to the hearing.
04/22/10	The Planning Commission (5-0 vote) recommended APPROVAL of companion items GPA-37467 and ZON-37469 concurrently. The Planning Commission (4-1 vote/rt) recommended APPROVAL (PC Agenda Item #18-20/ss).

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<i>Most Recent Change of Ownership</i>	
10/10/02	A deed was recorded for a change in ownership on a portion of the subject site (APNs 139-35-803-016 and 017; and 139-35-804-008 and 009).
12/09/03	A deed was recorded for a change in ownership on a portion of the subject site (APNs 139-35-804-002 and 010).
10/31/05	A deed was recorded for a change in ownership on a portion of the subject site (APN 139-35-803-015).

<i>Related Building Permits/Business Licenses</i>	
c. 1952	A building was completed at 2212 Fremont Street.
c. 1956	A building was completed at 2217 and 2219 Fremont Street.
c. 1956	A motel building complex was completed at 2110 Fremont Street
c. 1963	A building was completed at 2216 Fremont Street.
05/08/86	A business license was reinstated for an 83-unit motel at 2110 Fremont Street. The license is still active.
02/10/97	A building permit (#97002826) was issued for fire repair at 2217 Fremont Street. A final inspection was completed 02/27/97.
06/08/99	A building permit (#99011107) was issued for a wireless communications monopole at 2110 Fremont Street. A third party inspection report is not on file in the Department of Building and Safety.
06/22/99	A building permit (#99012272) was issued for a tenant improvement to add two walls, a door and electrical equipment at 2025 East Charleston Boulevard. A final inspection was completed 08/13/99.
12/06/00	A building permit (#00021998) was issued for the installation of antennas on an existing wireless communications monopole at 2110 Fremont Street. A final inspection was completed on 01/16/01.
2001	A business license for a Supper Club was issued at 2100 Fremont Street. This license was placed in non-operational status on 02/26/03.
01/11/01	A building permit (#01000648) was issued for a non-work Certificate of Occupancy at 2219 Fremont Street. A final inspection was completed on 01/12/01.
05/08/01	A business license (M08-00189) was issued for an 82-unit motel at 2216 Fremont Street. The license is still active.
05/08/01	A business license (M08-00190) was issued for a 55-unit motel at 2217 Fremont Street. The license was marked out of business on 10/28/09.
12/03/04	Business licenses were issued for a tavern (L16-00110) and restricted gaming (G01-02190) at 2025 East Charleston Boulevard. The licenses were marked out of business on 06/19/07.
05/04/05	A business license (P27-00312) was issued for personal services (Department of Motor Vehicle services) at 2219 Fremont Street. The license was marked out of business on 08/05/08.

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05/25/05	A business license (L21-00048) was issued for a supper club at 2100 Fremont Street. The license was placed in non-operational status on 12/01/05 and marked out of business on 04/19/07.
12/15/05	A business license (P27-00320) was issued for personal services (Department of Motor Vehicle services) at 2219 Fremont Street. The license was marked out of business on 04/29/09.
02/16/06	A business license (M06-02896) was issued for debit card sales at 2219 Fremont Street. The license was marked out of business on 08/05/08.
05/03/06	A business license (R09-94739) was issued for a restaurant with 281 seats at 2100 Fremont Street. The license was marked out of business on 02/14/08.
05/15/06	A business license (T07-00827) was issued for ticket sales (at a Transit Passenger Facility) at 2222 Fremont Street. The license is still active.
03/09/07	Business licenses were issued for tobacco sales (C05-02514) and coin amusement machines (C08-01739) at 2025 East Charleston Boulevard. The licenses were marked out of business on 06/19/07.
04/29/08	A business license (L16-00302) was issued for a tavern at 2100 Fremont Street, Suite #110. The license has been in non-operational status since 11/04/09. If this nonconforming use remains discontinued, the use will expire 11/04/10.
04/29/08	Business licenses were issued for tobacco sales (C05-02623), coin amusement machines (C08-01806) and miscellaneous sales (M06-03015) at 2100 Fremont Street, Suite #110. The licenses were marked out of business on 11/04/09.
05/14/08	A building permit (B-TI-110545) was issued for a tenant improvement remodel for a tavern at 2100 Fremont Street, Suite #110. A final inspection has not been completed.
07/18/08	Business licenses were issued for Department of Motor Vehicle services (P27-00531) and legal services (M18-04447) at 2219 Fremont Street. The licenses are still active.
11/14/08	A business license (K10-00336) was issued for an insurance agency at 2219 Fremont Street. The license is still active.
11/18/08	A business license (S08-00035) was issued for an insurance agent at 2219 Fremont Street. The license is still active.
02/17/09	A business license (G02-00849) was issued for a smog check facility at 2219 Fremont Street. The license is still active.
03/18/09	A business license (M18-04664) was issued for a promoter at 2222 Fremont Street. The license is still active.
08/11/09	Business licenses were issued for a 54-unit motel (M08-00204) and miscellaneous sales and service (M06-03077) at 2217 Fremont Street. The licenses are still active.
03/10/10	A business license (R05-00671) was issued for a take-out restaurant at 2222 Fremont Street. The license is still active.

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<i>Pre-Application Meeting</i>	
10/01/09	A pre-application meeting was held with the applicant. The following issues were discussed: • Requirements for a General Plan Amendment from MXU to C on a portion of the site; • Requirements for a Rezoning from R-4 to C-2 on a portion of the site; • Requirements for a Site Development Plan Review for a commercial development; • Downtown Centennial Plan Standards will apply to the entire site; • Remapping will be necessary to combine the parcels that make up the site; • Downtown Centennial Plan Streetscape Standards.
01/14/10	A follow-up pre-application meeting was held with the applicant. The following topics were points of discussion: • Parking requirements for the shopping center; • The site plan should indicate all adjacent land uses; • Separate site and landscape plans should be submitted; • Concurrent submittal of applications for uses requiring Special Use Permits was recommended; • Plans should indicate any existing and proposed walls and should show elevations indicating height, materials and color; • Traffic Engineering will require right-only ingress from Eastern Avenue on the “A” site; • The Department of Public Works will condition driveway widths as part of the Site Development Plan Review recommendation; • Per Public Works, the Fast Food ‘A’ egress will be acceptable as shown on the plans at this meeting.
<i>Neighborhood Meeting</i>	
03/16/10	A neighborhood meeting was held at the East Las Vegas Community Senior Center Conference Room, located at 250 North Eastern Avenue, Las Vegas. There were four members of the public and one staff member in attendance. The following concerns were raised by the public: • Concern was expressed as to whether the applicant would be able to lease the proposed retail space based on the amount of commercial vacancies valley-wide. The applicant explained that he had several letters of intent, but cannot sign leases until he has entitlement of the project. • Another primary concern with the project was the traffic that would be generated by the project, the capacity of the abutting streets, and the configuration of the driveways into the project. The applicant explained that a traffic study would be required as part of the permitting process, which would probably eliminate or reconfigure some of the driveways in question.

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03/16/10	• Another issue that was raised was whether the city of Las Vegas was going to finance the project. The applicant explained that the project was a private sector development and would be financed by a bank. • A question was raised as to whether the project would be developed all at once; there was a concern that part of the project would be built, and the remainder would sit unfinished. • An issue was raised regarding the condition of the apartments located immediately north of the subject site; the applicant explained that the apartments were not part of the project and that they did not have control of the apartment properties.
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Field Check	
03/15/10	A visit to the subject site was conducted, in which the following items were noted: • Most of the northern portion of the site (north of Fremont Street) is undeveloped; the developed portion contains a motel, smog check facility and two off-premise signs; • The southern portion of the site (south of Fremont Street) is all developed, and contains primarily two motels, a transit passenger facility, and a vacant tavern and supper club; • A wireless communication facility is located in the interior of the site, along the west boundary; • Several above-ground utility lines run across both portions of the site. • There was minimal trash and debris on the vacant portion of the site.

Details of Application Request	
Site Area	
Net Acres	9.61

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Undeveloped	C (Commercial)	R-4 (High Density Residential)
	Undeveloped	C (Commercial)	C-2 (General Commercial)
	Motel (2)	C (Commercial)	C-2 (General Commercial)
	Off-Premise Sign (2)		
	Auto Smog Check		
	Office		
	General Personal Service		
	Restaurant		
	Transit Passenger Facility		
	Motel	MXU (Mixed Use)	C-2 (General Commercial)
	Tavern (non-operational)		
North	Multi-Family Residential (Apartments)	MXU (Mixed Use)	R-4 (High Density Residential)
South	Grocery Store	C (Commercial)	C-2 (General Commercial)
	Restaurant (with Drive Through)		
	General Retail	C (Commercial)	C-1 (General Commercial)
East	Convenience Store and Car Wash, Full Service	C (Commercial)	C-2 (General Commercial)
	Undeveloped	MXU (Mixed Use)	R-PD13 (Residential Planned Development – 13 Units per Acre)
West	Truck Rental	MXU (Mixed Use)	C-2 (General Commercial)
	Restaurant		
	Retail		

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Downtown Centennial Plan	X		N

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<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District	X		N
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
C-2	N/A	N/A
R-4	Up to 50 du/ac	187 (3.75 ac)
<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
C-2	N/A	N/A
<i>Existing General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
C	N/A	N/A
MXU	Unlimited	Limited by development area
<i>Proposed General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
C	N/A	N/A

DEVELOPMENT STANDARDS – DOWNTOWN CENTENNIAL PLAN AREA

Pursuant to Title 19.06.060 and the Las Vegas Downtown Centennial Plan (East Village District), the following standards apply. Title 19 setback, lot coverage, residential adjacency, landscaping and parking standards are exempt from automatic application.

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	0.45 ac	N/A
Min. Lot Width	N/A	112 Feet	N/A
Min. Setbacks			
• Front	70% of the first story façade shall align along the front property line	0% aligns with front property line	N
• Side	Not required	6 feet	Y
• Corner	70% of the first story façade shall align along the corner side property line	0% aligns with corner side property line	N
• Rear	Not required	20 feet	Y

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Min. Distance Between Buildings	10 Feet	10 Feet	Y
Max. Lot Coverage	N/A	17%	N/A
Max. Building Height	N/A	31 Feet	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, gated, with trellis	Y
Mech. Equipment	Screened	Screened	By Condition
Parking Screening	Ornamental Screen and landscaping	Ornamental Screen and landscaping	Y

Pursuant to the Downtown Centennial Plan (East Village District), the following Streetscape Standards apply:

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Sidewalk width	10 feet	10 feet	Y
Amenity Zone (Eastern Ave., Fremont St., Charleston Blvd.)	5 feet	5 feet	Y
Right-of-Way improvements	Light fixtures, streetlights, benches, trash receptacles, grates	Tree grates	By condition
East-West Streets (Fremont St., Charleston Blvd.)	36" box shade trees at 15' to 20' intervals (Min. 30 trees)	36" box Blue Palo Verde, palm and mesquite trees @ 20' intervals (33 trees)	By condition

Pursuant to the Downtown Centennial Plan (East Village District), the following landscaping standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees/Area</i>		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	41 Trees	40 Trees	By Condition
• South	N/A	N/A	N/A	N/A
• East	1 Tree / 20 Linear Feet	22 Trees	25 Trees	Y
• West	1 Tree / 20 Linear Feet	34 Trees	34 Trees	Y
TOTAL PERIMETER TREES		99 Trees	99 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces	40 Trees	46 Trees	Y
Min. Landscaped Surface Area	10 SF/parking space provided	2,440 SF	6,541 SF	Y
Turf Limitations	Max. 25% of total landscaped area		None indicated	Y

DEVELOPMENT STANDARDS – TITLE 19 AREA

Pursuant to Title 19.08.050, the following development standards apply. Note that this area only encompasses that portion of Site “B” north of the driveway on Eastern Avenue (APN 139-35-804-002):

Standard	Required/Allowed (C-2)	Provided	Compliance
Min. Lot Size	N/A	3.75 ac	N/A
Min. Lot Width	100 Feet	550 Feet	Y
Min. Setbacks			
• Front	20 Feet	80 Feet	Y
• Side	10 Feet	33 feet	Y
• Rear	20 Feet	70 feet	Y
Min. Distance Between Buildings	10 Feet	72 Feet	Y
Max. Lot Coverage	50%	29%	Y
Max. Building Height	N/A	37 Feet	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, gated, with trellis	Y
Mech. Equipment	Screened	Screened	By Condition

Pursuant to Title 19.12, the following landscaping standards apply only to that portion of Site “B” north of the driveway on Eastern Avenue (APN 139-35-804-002):

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	29 Trees	29 Trees	Y
• South	N/A	N/A	N/A	N/A
• East	1 Tree / 20 Linear Feet	25 Trees	26 Trees	Y
• West	1 Tree / 20 Linear Feet	16 Trees	16 Trees	Y
TOTAL PERIMETER TREES		70 Trees	71 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	27 Trees + 25 at ends of rows	31 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		8 Feet	Y
• South	N/A		N/A	N/A
• East	15 Feet		15 Feet	Y
• West	8 Feet		9 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		6 Feet	Y

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Pursuant to Title 19.04 and 19.10, the following parking standards apply to the entire site:

Parking Requirement							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	97,595 SF (including potential outdoor dining areas)	1:250 sf GFA	383		395		Y
TOTAL SPACES REQUIRED			391		408		Y
TOTAL (With Handicapped)			383	8	395	13	Y
Loading Spaces	90,595 SF		4 spaces		4 spaces		Y

Waivers		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
<u>19.08.050 Building Placement</u> (Bldgs D and E on Site “B”) – Individual pad developments associated with a larger commercial center should be located at the front of the site at the minimum setback line	To locate Buildings D and E on Site “B” behind the minimum setback lines	Approval
<u>DTCP VII.H.1 Setbacks</u> (all Site “A” bldgs and Bldgs A, B and C on Site “B”) – 70% of the first story façade shall align along the front and corner side property lines	0% alignment along property lines for all buildings on Site “A” and Buildings A, B and C on Site “B”	Approval

Exceptions		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
<u>19.10.010(J) Parking Lot Landscaping</u> – One tree per six uncovered parking spaces, plus one tree at the end of each parking row (52 trees)	31 parking lot trees	Approval

ANALYSIS

The land use on the site is uniformly commercial. One parcel on the Site “A” portion of the development is currently designated MXU (Mixed Use) by the General Plan, which allows both commercial and residential zoning districts. The remainder of the development is designated C (Commercial), which allows only commercial districts. Staff supports the request to amend the General Plan so that the entire site is designated C (Commercial). The existing C-2 (General Commercial) zoning within most of the project area is already in conformance with the C (Commercial) designation. Rezoning of the undeveloped northernmost parcel to C-2 (General Commercial) is appropriate, as it is in conformance with the existing land use designation of C (Commercial) and will allow for the same range of uses allowed in the rest of the development.

The overall site is subject to two sets of development standards. The northernmost parcel, APN 139-35-804-002, is subject only to Title 19 development standards, while the remainder of the site is subject to both the Las Vegas Downtown Centennial Plan Standards and Title 19.06.060. The line of demarcation is approximately located at the north side of the driveway into the site on Eastern Avenue (from east to west). It is anticipated that the entire site will be remapped; recordation of a final subdivision map will not change the areas in which the differing sets of standards are applied.

The project is in substantial compliance with Downtown Centennial Plan Standards, with the exception of building setbacks. Buildings in the East Village District are required to be placed at the front and corner side property lines for at least 70 percent of the façade of the first story. Due to public safety concerns, the applicant has requested that the buildings be set back on the site. The nearest building to the property line is Pad A on Site “B”, which is 15 feet from the corner side property line. The requested waiver is minor in relation to the overall plan, which meets the objectives of the Downtown Centennial Plan. Perimeter landscaping is not specifically required by the Downtown Centennial Plan, but is provided in sufficient quantities for screening the commercial center from adjacent residential properties. Conditions of approval will ensure that the intent of the Downtown Centennial Plan regarding streetscape and utilities is met. Buildings feature articulated rooflines, arcades and entry canopies in conformance to Downtown Centennial Plan architectural requirements.

The development north of the driveway on Eastern also substantially complies with Title 19 commercial development standards and landscaping standards, except for placement of buildings behind minimum setback lines. The requested waiver is minor and does not affect circulation or make the project incompatible with surrounding development. The exception for parking lot landscaping is acceptable, as additional landscaping is provided on the interior of the site. Although the site is located near existing or planned residential areas, it is not subject to residential adjacency standards, as the affected properties do not have a single-family residential use or are not classified as standard single-family zoning districts. Although the number of

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loading spaces provided overall is adequate for the size of the development, the location of the spaces does not comply with Title 19.10. A condition of approval requires one loading space to be depicted on Site “B”, as Title 19.10.020 requires that every use that receives or distributes materials or merchandise by truck shall provide an on-site loading space. Wide lanes intended for truck loading are provided, but no spaces are shown.

Two existing off-premise signs located at the northwest corner of Fremont Street and Eastern Avenue are not entitled by existing Special Use Permits. They do not meet distance separation requirements between off-premise signs, nor is there any building permit on record for the two signs. A condition of approval will require removal of these off-premise signs prior to redevelopment of the site. All proposed signage must be in full conformance with the current standards of Title 19.14.

FINDINGS (GPA-37467)

Section 19.18.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1.The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations;

The intensity of the proposed amendment from MXU (Mixed Use) to C (Commercial) will remain unchanged, as the MXU (Mixed Use) category allows a similar intensity of commercial uses as the C (Commercial) category. The adjacent designation is MXU (Mixed Use), which allows the same commercial districts as the C (Commercial) designation.

2.The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts;

The proposed amendment to the C (Commercial) designation will allow the same commercial zoning districts as the adjacent MXU (Mixed Use) designation and will therefore be compatible with surrounding land uses.

3.There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

The subject property is located within an area of the City where all utilities, fire and police services are currently in place and available. The site is served by Fremont Street, Charleston Boulevard and Eastern Avenue, all major rights-of-way. Therefore, there are adequate facilities available to accommodate the uses permitted by the proposed General Plan Amendment.

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4.The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

The proposed amendment to C (Commercial) conforms with the goals and objectives of the Downtown Centennial Plan and the Downtown Redevelopment Area.

FINDINGS (ZON-37469)

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 to C-2 (General Commercial) conforms to the existing C (Commercial) land use designation in the Las Vegas Downtown Redevelopment Area.

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 area proposed to be rezoned is located adjacent to existing multi-family uses and is located across a major thoroughfare from a vacant parcel zoned for planned residential development. Commercial development is appropriate for the subject area as long as adequate screening is implemented on the perimeter as required by the Zoning Code.

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

The parcel to be rezoned is located along a major arterial street (Eastern Avenue) that is no longer appropriate for residential uses. The proposed rezoning to C-2 (General Commercial) is therefore in context with the growth pattern of the area.

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.

Eastern Avenue, a 100-foot Arterial as designated by the city Master Plan of Streets and Highways, will provide access to the subject property and is of sufficient capacity to accommodate the proposed C-2 (General Commercial) District.

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FINDINGS (SDR-37470)

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

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

The proposed Shopping Center is compatible with the existing commercial development in the area and will provide adequate buffering from adjacent residential development along a portion of the north and west perimeters of the site.

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;

With approval of the proposed General Plan Amendment, Rezoning and conformance to the conditions of approval for the requested Site Development Plan Review, the proposed Shopping Center will be consistent with the General Plan, Title 19, the Downtown Centennial Plan and meet the goals of the Downtown Redevelopment Area. Waivers for building setback and placement are minor and their approval will not affect the objectives of these plans and codes.

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

Access to the site is from Charleston Boulevard and Eastern Avenue, both 100-foot wide Primary Arterials and Fremont Street, a 90-foot wide Primary Arterial as designated in the Master Plan of Streets and Highways. Access has been designed to minimize conflicts to the adjacent roadways, and sufficient space allowances have been given for adequate circulation on the site.

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

Building materials include stucco, metal and glass, which are appropriate for this type of project and this development area. Landscaping materials are adequate for the area. A condition of approval will require the tree species prescribed by the Downtown Centennial Plan to create a thematic streetscape along Fremont Street and Charleston Boulevard.

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;

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The proposed building elevations depict varied rooflines and articulation, and arcades and canopies are provided as required by the Downtown Centennial Plan. The appearance and color of the buildings will create an aesthetically pleasing environment for the public and will be compatible with other recent development in the area.

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

The proposed Shopping Center will be subject to permitting and inspection for compliance to codes and will thus contribute to the public health safety and welfare.

PLANNING COMMISSION ACTION

There was one speaker with concerns and two in favor at the Planning Commission meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 429 (By City Clerk)

APPROVALS 23

PROTESTS 1

CONCERNS 1