



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JUNE 15, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: ARISTOTLE HOLDING, LP

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SDR-41038	Staff recommends DENIAL, if approved subject to conditions:	

** CONDITIONS **

SDR-41038 CONDITIONS

Planning

1. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 04/11/11, and with the Downtown Centennial Plan as amended, except as amended by conditions herein.
- 3 A Waiver from Downtown Centennial Plan Subsection VII.C.5 is hereby approved, to allow no cornice or roof articulation where such is required at the top of all new buildings, continuous on all sides; to allow no arcades, awnings or canopies on the ground floor where such are required; and to allow architectural features on the east elevation to differ from the other three sides, where these features are to be carried on all sides of the building.
4. Light fixtures, trash receptacles, benches and tree wells shall be included within the amenity zone along Las Vegas Boulevard adjacent to the site in conformance with the Downtown Centennial Plan.
5. All proposed signage shall be reviewed and approved by the Downtown Design Review Committee prior to issuance of any sign permit.

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6. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 04/11/11. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.
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 Department of Building and Safety.
8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
9. The applicant shall coordinate with the City Surveyor and other 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. 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. Installed landscaping shall not impede visibility of any traffic control device. The technical landscape plan shall be revised from the submitted landscape plan to indicate 25-foot date palms within the streetscape area of Las Vegas Boulevard in conformance with Downtown Centennial Plan requirements.
11. 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).
12. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
13. All utilities shall comply with the provisions of the Downtown Centennial Plan.
14. 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.

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15. 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.
16. A Comprehensive Construction Staging Plan shall be submitted to the Department of Planning 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.
17. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

18. Dedicate appropriate right-of-way for a total half-street width of 60 feet on Las Vegas Boulevard South adjacent to this site prior to the issuance of any permits. This dedication shall not be enforced over the area on the northern portion of this site where the existing buildings are proposed to remain.
19. Remove all substandard improvements adjacent to this site and replace with new improvements meeting current Downtown Centennial Standards concurrent with on-site development activities as shown on the approved Site Plan. The driveways accessing this site from Las Vegas Boulevard South are approved as shown on the approved Site Plan. Any deviation to width, ingress/egress radii, or throat depth will require separate approval from the City Engineer.
20. Grant an additional 10 foot public sewer easement adjacent to the existing 10 foot public sewer easement (20071226:00395) for a total width of 20 feet. The additional easement area may be located all on one side of the existing easement or split on either side as long as the total width is at least 20 feet for the entire length of the easement. No trees or structures shall be allowed within the easement area.
21. 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 fire truck access route shown on the submitted site plan shall not be obstructed by overhead utility lines.
22. Landscape and maintain all unimproved right-of-way on Las Vegas Boulevard South 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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23. Submit an Encroachment Agreement for all landscaping located in the Las Vegas Boulevard South public right of way adjacent to this site prior to occupancy of this site. The installation and maintenance of all landscaping in the public right of way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement.
24. 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 or the submittal of any construction drawings for 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.
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 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

An existing two-story, 31,679 square-foot nonconforming Sexually Oriented Business is currently located on the subject site, and an existing restaurant is in operation in another building situated at the north end of the onsite parking lot. The applicant proposes to demolish the existing Sexually Oriented Business and build a 69,680 square-foot, three-story Sexually Oriented Business with a roof deck and partial fourth level that will include a General Personal Service (spa). Parking will be accommodated onsite and will be improved to include landscape planter islands. The roof deck, though outdoor, will be screened at the edges with a glass façade and guard rail. The deck will contain a pool with cabanas and a bar. The site also contains a nonconforming Liquor Establishment (Tavern) use that has been expanded throughout the building up to the maximum area allowed pursuant to Title 19.16. The proposed design of the building deviates from the intent of the Downtown Centennial Plan architectural design standards and waivers are necessary. As staff cannot support these design waivers, and the open construction of the pool deck creates the potential for nuisance to adjacent residential properties, staff recommends denial. If denied, the site would remain as it is and the extent of the existing uses would remain limited to the current building area.

ISSUES

- Waivers of Downtown Centennial Plan Architectural Design Standards are required for approval of the site development plan as proposed. Staff does not support these waivers.
- The Sexually Oriented Business use on this site is nonconforming with respect to zoning, as this use is no longer allowed in a C-2 (General Commercial) District.
- City Ordinance #6123 allows for the expansion, enlargement or alteration of this nonconforming Sexually Oriented Business.
- The Liquor Establishment (Tavern) use on this site is nonconforming because a Special Use Permit with distance separation requirements for a Tavern was established by Code after a license to operate the use at this location was already issued.
- The Liquor Establishment (Tavern) use may only be expanded up to 50 percent of the original tavern area pursuant to Title 19.16.
- All or part of 11 previously platted lots underlies the westernmost parcel on the site. A condition of approval will require appropriate remapping to consolidate the lots.

The site is part of the John S. Park Neighborhood Plan area. The plan recommends that commercially zoned properties along Las Vegas Boulevard, including this site, be limited to five stories or 60 feet. Although the proposal will meet this requirement, it will negatively impact adjacent residential properties to the east of the subject site due to noise from the open pool deck and mechanical equipment located on the east façade.

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- A Development Notice and Impact Assessment is required, based on the expected number of vehicle trips occurring at the site.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/26/62	The City Council adopted Ordinance #1014, thereby adopting a revised Zoning Map that shows the subject parcels zoned C-2 (General Commercial).
04/05/78	The City Council adopted Ordinance #1918, thereby restricting the location of Sexually Oriented Businesses and establishing distance separation requirements from certain protected uses.
09/16/92	The City Council adopted Ordinance #3674, thereby deleting the C-2 (General Commercial) Zoning District from the districts in which Sexually Oriented Businesses are permitted by right and restricting them to C-M (Commercial/Industrial) and M (Industrial) Districts only.
10/20/93	The City Council approved a Variance (V-0099-93) to allow a proposed 15,221 square-foot expansion of an existing 9,152 square-foot nonconforming Sexually Oriented Business and to allow a reduction in the number of onsite parking spaces to 267 spaces where 355 were required at 1531 Las Vegas Boulevard South. The Board of Zoning Adjustment recommended approval; staff recommended denial.
05/15/96	The City Council approved a Review of Condition [V-0099-93(2)] of a previously approved Variance (V-0099-93) restricting the use of upstairs space to employees only in order to allow patron viewing of shows on the second level at 1531 Las Vegas Boulevard South. Staff recommended denial.
01/05/99	The Board of Zoning Adjustment approved a Variance (V-0098-98) to allow a 960 square-foot expansion (storage room) of an existing 25,485 square-foot nonconforming Sexually Oriented Business at 1531 Las Vegas Boulevard South. Staff recommended approval.
04/06/99	The Board of Zoning Adjustment approved a Variance (V-0018-99) to allow a proposed 987 square-foot employee lounge and an 807 square-foot sushi bar expansion of a nonconforming building and use on 1.75 acres at 1531 Las Vegas Boulevard South. Staff recommended denial.
02/05/03	The City Council approved a Variance (VAR-1276) to allow a four-foot side yard setback where 10 feet is required at 1531 Las Vegas Boulevard South. The Planning Commission and staff recommended approval. This approval expired 02/05/05.
	The City Council approved a Variance (VAR-1277) to allow the expansion of a nonconforming Sexually Oriented Business at 1531 Las Vegas Boulevard South. The Planning Commission and staff recommended approval. This approval expired 02/05/05.

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02/05/03	The City Council approved a Site Development Plan Review (SDR-1278) for a proposed 1,912 SF restroom and employee dressing room expansion of an existing 31,679 SF nonconforming Sexually Oriented Business on 1.63 acres at 1531 Las Vegas Boulevard South. The Planning Commission and staff recommended approval. This approval expired 02/05/05.
10/05/05	The City Council approved a Petition to Vacate (VAC-8256) a portion of a 10-foot wide right-of-way located north of Oakey Boulevard and east of Las Vegas Boulevard South. The Planning Commission and staff recommended approval.
10/18/07	The Planning and Development Department administratively approved an Extension of Time (EOT-24808) of an approved Petition to Vacate (VAC-8256) a portion of 10-foot right of way located north of Oakey Boulevard and east of Las Vegas Boulevard South. The Order of Vacation was recorded on 12/26/07.
06/18/08	A Code Enforcement Case (66819) was processed to check for illegal banners, window signs, debris, trash, junk vehicles, graffiti and zoning code violations at 1531 Las Vegas Boulevard South. The case was resolved by Code Enforcement on 06/19/08.
02/04/09	The City Council approved an amendment to the Master Plan of Streets and Highways (MSH-29429) to widen Las Vegas Boulevard between Fourth Street and Sahara Avenue from a 100-foot right-of-way to a 120-foot right-of-way. The Planning Commission and staff recommended approval.
12/15/10	The City Council adopted Ordinance #6123, which allows the expansion, enlargement or alteration of certain nonconforming Sexually Oriented Businesses located within the Downtown Centennial Plan area under limited circumstances.
05/10/11	The Planning Commission voted (5-1-1/tm/gf) to recommend APPROVAL (PC Agenda Item 45/ss).

<i>Most Recent Change of Ownership</i>	
09/19/05	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
c. 1974	The larger building on the subject property was constructed.
Pre-1989	A business license (R09-00103) was issued for a Restaurant (30+ seating) at 1507 Las Vegas Boulevard South. A new license was issued 07/16/08 after a change in ownership. This license is still active.
	A business license (C08-01044) was issued for five slot machines at 1507 Las Vegas Boulevard South. The license was marked out of business on 05/12/08.
	A business license (L09-00010) was issued for on-premise sale of beer/wine/coolers at 1507 Las Vegas Boulevard South. The license was marked out of business on 07/16/08.

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05/18/89	A business license (L16-00200) was issued for a tavern at 1531 Las Vegas Boulevard South. This license is still active.
	A business license (T29-00005) was issued for a topless club with alcohol at 1531 Las Vegas Boulevard South. This license is still active.
10/25/90	A building permit (#90086991) was issued for a pylon sign at 1531 Las Vegas Boulevard South. A final inspection was approved on 04/24/91.
12/20/93	A building permit was signed for a parking addition at 1531 Las Vegas Boulevard South.
03/11/94	A building permit was signed for a building addition at 1531 Las Vegas Boulevard South.
04/26/94	A building permit (#94329104) was issued for a building foundation for an addition at 1531 Las Vegas Boulevard South. A final inspection was approved on 07/27/94.
07/20/94	A building permit (#94340920) was issued for on-site improvements at 1531 Las Vegas Boulevard South. A final inspection was approved on 12/23/94.
	A building permit was issued for an addition at 1531 Las Vegas Boulevard South.
07/23/97	A business license (C11-06368) was issued for a construction contractor at 1531 Las Vegas Boulevard South. This license was marked out of business on 10/07/09.
03/28/00	A building permit (#00005784) was issued for a Tenant Improvement at 1531 Las Vegas Boulevard South. A final inspection was approved on 09/21/00.
04/14/00	A business license (C07-02547) was issued for clothing at 1531 Las Vegas Boulevard South. This license is still active.
03/22/01	A business license (C08-01578) was issued for one coin operated amusement machine at 1531 Las Vegas Boulevard South. This license is still active.
07/03/02	A building permit (#02012090) was issued for a wall-mounted wireless communications antenna at 1531 Las Vegas Boulevard South. A final electrical inspection was approved 04/02/03.
11/04/04	A building permit (#04021057) was issued for an addition to and remodel of the existing building at 1531 Las Vegas Boulevard South. The permit was voided 04/07/05.
11/19/04	A business license (G01-02187) was issued for restricted gaming at 1531 Las Vegas Boulevard South. The license replaced an earlier license (G01-01258) that was marked out of business. This license is still active.
07/16/08	A business license (L09-00262) was issued for the on-premise sale of beer/wine/coolers at 1507 Las Vegas Boulevard South. The license is still active.
05/12/09	A business license for Child Care (N14) at 1800 Weldon Place was marked out of business.

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<i>Pre-Application Meeting</i>	
02/15/11	A pre-application meeting was held, where requirements for submittal of an application for a Site Development Plan Review were discussed. Key issues discussed included the following: • A Site Development Plan Review is needed for a proposed three-story, nonconforming Sexually Oriented Business with a fourth level spa and roof deck and site modifications (parking). • A Special Use Permit to allow a Tavern use on the full site is not possible, as there is an existing Liquor Establishment (Tavern) within 1,500 feet of the site that is not separated from the site by an intervening 100-foot right-of-way. • The Sexually Oriented Business (SOB) is a legally nonconforming use, as this use is no longer allowed in a C-2 Zoning District. SOBs are not currently allowed within 1,000 feet of another SOB, church, public or private school, day care, teen dance center, park or playground. Some protected uses within the SOB separation radius are no longer active; there are no impediments to reconstruction of the building containing the SOB use. • The existing Liquor Establishment (Tavern) is a legally nonconforming use, as it was licensed prior to the requirement for a Special Use Permit and distance separations from other taverns, schools, churches, synagogues or city parks. This use may be expanded per Title 19.16 limitations. • A complete demolition and rebuild are proposed. • The Department of Public Works requires that the existing 20-foot sewer easement across the property be preserved. The Master Plan of Streets and Highways designates Las Vegas Boulevard as a Parkway Arterial (120 feet wide); 20 feet of property will be required to be dedicated for right-of-way; the proposed building will need to be set back enough to accommodate the dedication. Any area between curb and property line not used for streetscape shall be landscaped. • The proposed fire lane on the submitted plans cannot be used if overhead lines are above. • The project shall comply with all Downtown Centennial Plan and Scenic Byway Overlay standards, including streetscape and undergrounding of above-ground utilities. Signage is subject to Downtown Design Review Committee approval. • The existing legal lots underlying the site shall be remapped as one lot prior to issuance of building permits. • The current site where the use is located (APNs 162-03-210-090 and 162-03-202-005) may be used for parking to satisfy Ordinance #6123. A separate Site Development Plan Review may be filed for development of the northern parcels for parking at a future date.

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02/15/11	• Open construction shown on roof deck elevations are not recommended, as it faces residential uses and creates a potential nuisance. The John S. Park Neighborhood Plan contains additional restrictions on building design. • The external stairwell shown on the submitted plans is recommended to be incorporated into the overall design of building. • A neighborhood meeting was encouraged for this project.
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Neighborhood Meeting

A neighborhood meeting is not required, nor was one held.

Field Check

03/31/11	A field check was conducted on the site, with the following observations noted: • A two-story Sexually Oriented Business and a restaurant are currently located on the site • A wrought-iron fence, landscaping and pylon sign are located along Las Vegas Boulevard and are in good condition. • A six-foot block wall and overhead utility lines are located along the east property line.
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Details of Application Request

Site Area

Net Acres	2.57
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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	Sexually Oriented Business	C (Commercial)	C-2 (General Commercial)
	Restaurant	C (Commercial)	C-2 (General Commercial)
North	Wedding Chapel	C (Commercial)	C-2 (General Commercial)
South	Restaurant	C (Commercial)	C-2 (General Commercial)
	Bakery, Retail	C (Commercial)	C-2 (General Commercial)

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East	Multi-Family Residential (Apartments and Two Family Dwellings)	M (Medium Density Residential)	R-2 (Medium-Low Density Residential)
West	Tattoo Parlor	C (Commercial)	C-2 (General Commercial)
	General Retail Store	C (Commercial)	C-2 (General Commercial)
	Liquor Establishment (Tavern)	C (Commercial)	C-2 (General Commercial)
	Restaurant	C (Commercial)	C-2 (General Commercial)
	Hotel, Motel	C (Commercial)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Downtown Centennial Plan	X		Y
John S. Park Historic Neighborhood	X		Y
<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 (Downtown South)	X		N
A-O (Airport Overlay) District (200 Feet)	X		Y
Live/Work Overlay District	X		N/A
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails (Scenic Byway)	X		Y
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

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DEVELOPMENT STANDARDS

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

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size (proposed)	N/A	0.82 acres	N/A
Min. Lot Width (proposed)	N/A	454 Feet	N/A
Min. Setbacks:			
• Front (Las Vegas Blvd.)	70% of the first story façade shall align along the front property line	100% aligns along the proposed property line	Y
• Side	Not required	0 Feet	Y
• Rear	Not required	25 Feet	Y
Min. Distance Between Buildings	N/A	197 Feet	N/A
Max. Lot Coverage	N/A	24 %	N/A
Max. Building Height	N/A	60 Feet	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, gated	By condition
Mech. Equipment	Screened	Screened	Y

Pursuant to the Downtown Centennial Plan and Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	N/A	N/A	0 Trees	N/A
• South	N/A	N/A	0 Trees	N/A
• East	N/A	N/A	0 Trees	N/A
• West	N/A	N/A	4 Trees	N/A
TOTAL PERIMETER TREES		N/A	4 Trees	N/A
Parking Area Trees	1 Tree/6 Uncovered Spaces	27 Trees	30 Trees	Y
Parking Lot Landscaped Area	10 SF/space (1,630 SF)	N/A	Approx. 90 SF/space	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	N/A		0 Feet	N/A
• South	N/A		0 Feet	N/A
• East	N/A		0 Feet	N/A
• West	N/A		5 Feet	N/A
Wall Height	6 to 8 Feet Adjacent to Residential		Existing 6' block wall	Y

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Projects located within the Las Vegas Downtown Centennial Plan Overlay District are not subject to the automatic application of Title 19.12 landscape requirements, and no perimeter landscaping is required for non-residential properties in the Downtown Centennial Plan. The above table shows landscaping proposed on the perimeter and in the onsite parking area.

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Las Vegas Boulevard	Parkway Arterial	Master Plan of Streets and Highways	120	N

Pursuant to the Downtown Centennial Plan (Downtown South District), the following streetscape standards apply:

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Minimum Sidewalk width	10 feet	10 feet	Y
Amenity zone	5 feet	5 feet	Y
Right-of-way improvements	Light fixtures, trash receptacles, benches, tree wells	None provided	By condition
Major North-South Street (Las Vegas Boulevard)	25' date palms or similar spaced at 30' intervals	20' date palms at 30' intervals 24" box shade trees at 30' intervals	N

<i>Parking Requirement - Downtown</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Base Parking Requirement</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Sexually Oriented Business	69,680 SF	1 space per 250 SF GFA	279				
TOTAL SPACES REQUIRED			279		163		N
Regular and Handicap Spaces Required			272	7	157	6	N
Loading Spaces	69,680 SF	3 spaces for 50,000 SF and 1 per 100,000 SF over 50,000	4		2		N

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Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City. The analysis should take a number of factors into consideration when discussing parking availability, including pedestrian access, nearby parking structures, on-street parking, etc.

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
<u>DTCP VII.C.5(b)</u> : Articulated roofline/cornice at top of all new buildings and continuous on all sides	No cornice or roof articulation. Use of guardrails and trees on roof	Denial
<u>DTCP VII.C.5(d)</u> : Arcades, awnings and canopies on the ground floor	No arcades, awnings or canopies on ground floor	Denial
<u>DTCP VII.C.5(g)</u> : Architectural features carried on all sides of building	Features on the east elevation differ from the other three sides	Denial

ANALYSIS

The proposed development is subject to Downtown Centennial Plan standards, and pursuant to Section VIII.A of the Plan, qualifies as a New Development. The site is also located within the Las Vegas Boulevard Scenic Byway Overlay District and is subject to the signage requirements of Title 19.06.140 and review by the Downtown Design Review Committee. This property is part of the John S. Park Neighborhood Plan, which designates this area for Adult Uses. The Plan contains a five-story, 60-foot height limitation for commercial construction within the neighborhood boundaries. The site is part of the Airport Overlay District. The proposed building height of 60 feet conforms to both the Neighborhood Plan and the 200-foot height restriction of the Airport Overlay.

The demolition and reconstruction of a larger Sexually Oriented Business on this site is possible following adoption of Ordinance #6123, which allows the expansion, enlargement or alteration of certain nonconforming Sexually Oriented Businesses located within the Downtown Centennial Plan area under limited circumstances. The subject site meets all criteria for expansion required by the ordinance.

A Special Use Permit to allow expansion of the existing Liquor Establishment (Tavern) use is not required. Pursuant to Title 19.16.030, a nonconforming use may be expanded into a portion of a conforming building on the same parcel if no Variance of separation distance has previously been granted, and the expansion will not increase the extent of the use by more than 50 percent, and will not require a variance or waiver of any Title 19 requirement. No variance of the separation distance has previously been granted on this property, and the proposed expansion

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will not require any Title 19 waivers or variances. Under this standard, the Tavern use may be expanded up to 15,839 square feet independent of the new building size. The floor plans indicate that the tavern use will expand by 15,828 square feet, which would remain in conformance with Title 19.16.030 nonconforming use requirements. A portion of the expanded area is on the proposed roof deck; alcohol will not be available in the fourth level spa area.

The project is in compliance with Downtown Centennial Plan streetscape, parking, setback, lot coverage, building height and mechanical equipment requirements, with the exception of the required tree height along Las Vegas Boulevard, which is required by condition. Three waivers of architectural design standards have been requested to allow the design of the building as proposed. The applicant proposes not to provide a cornice element around the building, not to provide awnings or canopies on the ground floor, and not to carry architectural features on all sides of the building. Staff supports the design principles of the Downtown Centennial Plan in order to create a pedestrian friendly, consistent thematic urban form for the area and therefore recommends denial of the waivers of the architectural standards requiring roof articulation and ground level awnings, canopies and arcades. The east elevation has been altered from the other sides to strategically place windows so that patrons may not look down upon neighboring residential properties. Although staff encourages a design that is sensitive to the need for privacy of these neighboring residents, this design is undesirable due to the lack of articulation and the location of mechanical equipment on screening balconies, which may contribute to a noise nuisance for the adjacent residential properties.

The proposed roof deck faces Las Vegas Boulevard and is visually open to the street. A glass guardrail forms a wall around the west and south facades. Although the deck is oriented away from abutting residential properties to the east, there is a concern that noise, especially during late evening hours, will be a nuisance to the neighbors.

All or part of 11 previously platted lots underly the westernmost parcel on the site. A condition of approval will require appropriate remapping to consolidate the lots.

Adequate parking is provided onsite, as many of the current and future clientele are expected to utilize limousines, taxis and buses for transportation to and from the site. Access to the site has been improved by the addition of a second driveway from Las Vegas Boulevard. The other driveway has been altered to allow safer turning movements.

As staff cannot support the three requested design waivers, and the proposed open construction of the pool deck, as well as the location of mechanical equipment on the east façade, creates the potential for nuisance to adjacent residential properties, staff recommends denial of this Site Development Plan Review.

The Las Vegas Valley Water District has made the following comment concerning this property: Existing 2-inch meter with no backflow; ¾-inch meter with no backflow; 6-inch meter with no backflow. Backflow prevention is required for this use per NAC 445A.67195. Civil plans will need to be submitted to LVVWD.

FINDINGS (SDR-41038)

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;

Expansion of the Sexually Oriented Business and Tavern uses as proposed are not compatible with adjacent residential uses, as they, in combination with the design of a fourth level roof deck, create a potential nuisance.

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 does not meet several architectural design standards of the Downtown Centennial Plan; waivers of two of these standards are not supported by staff. The proposal, with the implementation of conditions of approval, is in conformance with all other plans and standards.

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

Site access provided by three driveways from Las Vegas Boulevard will not negatively impact traffic in this area. Circulation around the site is adequate.

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

The proposed building will use painted EIFS materials, low-energy glass and metal trim, which are durable and appropriate for the building's location on the Las Vegas Scenic Byway. Landscaping materials, as conditioned, are compliant with standards and appropriate for the area.

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 west elevation provides an unarticulated streetwall that is uninviting to pedestrians.

The building entry is from the parking area on the north side. The open construction of the roof pool deck area may not be compatible with this area, as it creates a potential nuisance to abutting neighbors. Although the east elevation employs some techniques that will help ensure privacy of these neighbors, the design is unattractive, due to the addition of unadorned balconies to screen mechanical equipment.

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

The site will be subject to building and licensing inspection by the City and therefore will not compromise the health, safety, and welfare of the public.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 26

NOTICES MAILED 259 (By City Clerk)

APPROVALS 2

PROTESTS 11