



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: AUGUST 3, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: NEVADA STATE BANK

***THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 20, 2011
CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT***

** STAFF RECOMMENDATION **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SDR-41271	Staff recommends DENIAL, if approved subject to conditions:	

** CONDITIONS **

SDR-41271 CONDITIONS

Planning

1. The landscape shall be 36-inch box Ash Trees along Carson Avenue and Date Palms along Las Vegas Boulevard as required by the Downtown Centennial Plan.
2. Conformance to conditions of approval of Z-0100-64.
3. All development shall be in conformance with the site plan and landscape plan, date stamped 05/31/11 except as amended by conditions herein.
4. A Waiver from all Downtown Centennial Plan Streetscape and Parking Lot Landscape Requirements is hereby approved.
5. Prior to use, 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.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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7. A revised site plan shall be submitted to and approved by the Department of Planning, prior to or at the time application is made for any permits, depicting conformance to the minimum dimensional standards of Title 19.10. for drive aisles and parking spaces.
8. 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.
9. 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.
10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

11. Dedicate an additional 5 feet of right-of-way for a total half-street width of 45 feet on Las Vegas Boulevard South, a 10 foot radius on the southeast corner of Fourth Street and Carson Avenue, and a 10 foot radius on the southwest corner of Carson Avenue and Las Vegas Boulevard South adjacent to this site prior to the issuance of any permits.
12. Remove all substandard sidewalk improvements and unused driveways adjacent to this site and replace with new improvements meeting current City Standards as amended herein concurrent with development of this site. The existing driveways shown on Fourth Street and Carson Avenue may remain as constructed. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
13. All landscaping and private improvements, if any, 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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14. Submit an Encroachment Agreement for all landscaping and private improvements located in the Carson Avenue and Las Vegas Boulevard South public rights-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.
15. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a proposal for commercial parking on two lots located in the center of downtown Las Vegas. The applicant is requesting Waivers of the Downtown Centennial Plan Streetscape and Parking Lot Landscape standards. The applicant intends to utilize the property until it is sold and therefore does not want to install the minimum improvements required. The Downtown Centennial Plan does permit temporary parking lots for up to 36 months; however, all streetscape amenities are required. If approved as proposed without the required streetscape improvements, the development would have a long-term negative effect on the National Downtown Las Vegas Boulevard Scenic Byway and the Central Casino Core District; therefore, staff recommends denial. If denied, the site could not be utilized until another Site Development Plan Review was submitted and approved.

ISSUES

- This project requires a Waiver of the Downtown Centennial Plan Streetscape and Parking Lot Landscape Standards.
- This property is located on the National Downtown Las Vegas Boulevard Scenic Byway.
- The applicant installed the paved parking lot without an approved Site Development Plan Review or required permits after being informed of the requirements of the Downtown Centennial Plan and Title 19.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
08/23/60	The City Council approved Rezoning (Z-0037-60) from C-1 (Limited Commercial) to C-2 (General Commercial) for 201 South Fourth Street (139-34-610-031).
03/03/65	The City Council approved Rezoning (Z-0100-64) from R-4 (High Density Residential) to C-2 (General Commercial) for 200 Las Vegas Boulevard South (139-34-610-023). The Planning Commission and Staff recommended approval.
06/18/08	Code Enforcement issued a Citation (#66843) for a vacant building and graffiti at 200 South Las Vegas Boulevard. It was closed as resolved on 08/11/08.

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08/19/08	Code Enforcement issued a Citation (#93778) for illegal banners on a vacant building at 200 South Las Vegas Boulevard. It was closed as resolved on 09/03/10.
11/10/10	Code Enforcement issued a Citation (#96149) for an illegal parking lot at 200 South Las Vegas Boulevard. The case was closed in error on 01/13/11.
02/10/11	Code Enforcement issued a Citation (#97958) for an illegal parking lot at 200 South Las Vegas Boulevard. Case is open pending outcome of Site Development Plan Review (SDR-41271).
05/10/11	The Planning Commission voted to hold this item in abeyance to the June 14, 2011 Planning Commission meeting.
06/14/11	The Planning Commission voted (7-0) to recommend APPROVAL (PC Agenda Item 28/yk).

Most Recent Change of Ownership

09/28/59	A deed was recorded for a change in ownership for 139-34-610-031.
12/10/79	A deed was recorded for a change in ownership for 139-34-610-023.

Related Building Permits/Business Licenses (139-34-610-031)

09/02/10	The Building Department issued a permit (#171339) to demolish a vacant bank building at 201 South Fourth Street. The permit was finalized 11/01/10.
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Related Building Permits/Business Licenses (139-34-610-023)

09/02/10	The Building Department issued a permit (#171338) to demolish a vacant bank building at 200 South Las Vegas Boulevard. The permit was finalized 11/01/10.
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Pre-Application Meeting

03/02/11	Staff reviewed the requirements for a Site Development Plan Review application and the need for Waivers of the Downtown Centennial Plan Streetscape and Parking Lot Landscape Standards.
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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.	
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Field Check

03/31/11	Staff conducted a site visit to both lots and found them to be paved and stripped for parking. No landscape was present.
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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres for 139-34-610-031	0.41
Net Acres 139-34-610-023	0.43

<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>
13934610031	Undeveloped	C (Commercial)	C-2 (General Commercial)
North	Parking Garage	C (Commercial)	C-2 (General Commercial)
South	Parking lot	C (Commercial)	C-2 (General Commercial)
East	Undeveloped	C (Commercial)	C-2 (General Commercial)
West	Retail	C (Commercial)	C-2 (General Commercial)
	Office		

<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>
13934610023	Undeveloped	C (Commercial)	C-2 (General Commercial)
North	Parking Garage	C (Commercial)	C-2 (General Commercial)
South	Pawn Shop	C (Commercial)	C-2 (General Commercial)
East	Office	C (Commercial)	C-2 (General Commercial)
	Post Office		
West	Undeveloped	C (Commercial)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Downtown Centennial Plan	X		N
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
A-O (Airport Overlay) District 200 Feet	X		Y
Central Casino Core District	X		Y
Live/Work Overlay District	X		N/A
Las Vegas Boulevard Scenic Byway Overlay District (139-34-610-023) only.	X		N/A

YK

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Trails (139-34-610-023) only.	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		N
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Downtown Centennial Plan Central Casino Core District, the following standards apply:

<i>Streetscape and Parking Lot Landscaping Standards</i>				
<i>Standards</i> <i>(139-34-610-031)</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Streetscape Trees:				
• North	1 Tree / 20 Linear Feet	7 Trees	1 Trees	N
• South	1 Tree / 0 Linear Feet	0 Trees	0 Trees	Y
• East	1 Tree / 0 Linear Feet	0 Trees	0 Trees	Y
• West	1 Tree / 30 Linear Feet	5 Trees	6 Trees	Y
TOTAL STREETSCAPE TREES		12 Trees	7 Trees	N
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	20 Trees	0 Trees	N

Pursuant to Downtown Centennial Plan Central Casino Core District, the following standards apply:

<i>Streetscape and Parking Lot Landscaping Standards</i>				
<i>Standards</i> <i>(139-34-610-023)</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Streetscape Trees:				
• North	1 Tree / 20 Linear Feet	7 Trees	0 Trees	N
• South	1 Tree / 0 Linear Feet	0 Trees	0 Trees	Y
• East	1 Tree / 30 Linear Feet	5 Trees	0 Trees	N
• West	1 Tree / 0 Linear Feet	0 Trees	0 Trees	Y
TOTAL STREETSCAPE TREES		12 Trees	0 Trees	N
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	19 Trees	0 Trees	N

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<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>
Carson Avenue	Secondary Collector	Master Plan of Streets and Highways	80	Y
Fourth Street	Secondary Collector	Master Plan of Streets and Highways	80	Y
Las Vegas Boulevard	Primary Arterial	Master Plan of Streets and Highways	85	N

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
Provide one shade tree for every six spaces in landscaped islands.	To provide no trees or landscape islands	Denial
A minimum of ten square feet of landscaped surface area must be provided for each parking space.	To provide no landscape surface.	Denial
A five-foot wide amenity zone adjacent to all streets.	To provide no amenity zone	Denial
To provide a 10-foot wide sidewalk along Las Vegas Boulevard.	To provide an eight-foot wide sidewalk along Las Vegas Boulevard.	Denial
To provide a 10-foot wide sidewalk along 4 th Street.	To provide a five-foot wide sidewalk along 4 th Street.	Denial
To provide a five-foot perimeter landscape buffer.	To provide no perimeter landscape buffers.	Denial

ANALYSIS

This project is located in the Central Casino Core District of the Downtown Centennial Plan along the nationally designated Downtown Las Vegas Boulevard Scenic Byway. The project is also located within the Live/Work and Airport Overlay areas, but these are not impacted by the project. As indicated by the location, it is in a high profile area in the center of Downtown.

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In November 2010 a citation was issued for an illegal parking lot. At that time, the applicant indicated that it was not interested in fully developing the lots as the intent was to sell them. Staff informed the applicant that the lots could not be legally used until the proper applications were submitted, approved and all required permits obtained. The applicant chose not to submit the required applications and continued to utilize the lots for commercial parking. As a result, another citation was issued for continued illegal use of the property in February 2011. The applicant was again informed that a Site Development Plan Review would have to be submitted and approved before the lots could be utilized for commercial purposes.

The applicant is requesting to be able to continue to utilize the lots for commercial parking without developing them to the minimum standards called for in the Downtown Centennial Plan. Seven existing trees are located at the subject site along 4th Street and Carson Avenue. The applicant has provided revised plans depicting an additional thirteen 24-inch boxed Ash trees along Carson Avenue and four, 25-foot tall Mexican Fan Palm trees along Las Vegas Boulevard. However, the proposed trees are not placed in the amenity zone where the Downtown Centennial Plan requires them. In addition, the Mexican Fan Palm trees are not an acceptable replacement for the required Deglet-Noor Palm trees along Las Vegas Boulevard. Also, the proposed trees are not located in the amenity zone at the back of the curb as required. The sole justification provided by the applicant is the desire to maintain a source of income from the property until it is sold for future development. No reason has been provided that indicates that the applicant is not able to implement the required minimum standards other than it does not want to incur the expense.

It is very important that these lots be developed to the minimum standards, given the high profile location of the parcels. The east perimeter is adjacent to the nationally designated Scenic Byway. Unless the minimum standards are maintained, this designation could be removed by the Federal government, who oversees the National Scenic Byway program.

Although Public Works is limited in its authority to comment regarding on-site traffic circulation issues that do not affect the public right-of-way, it has noted that the submitted site plan does not meet the parking lot drive aisle standards of title 19.10. The angle shown on the submitted site plan is 30 degrees, but spaces are actually at a 60 degree angle. Per 19.10.010.J.2, drive aisles for one-way 60 degree parking spaces must be a minimum of 15 feet wide and the drive aisles provided are only 12 feet wide. Due to the narrowed width of these drive aisles and the fact that they do not meet current standards, Public Works can foresee vehicles having difficulty with backing out of these spaces. A condition of approval has been added to require conformance to the minimum dimensional standards of Title 19.10.

There has been no reasonable justification for the requested Waivers offered; therefore, staff does not support them. If these applications are approved, these parking lots could be used for an extended period of time without the minimum standards ever implemented. This would have a negative effect on the area and hinder the redevelopment efforts the City has been promoting in downtown for over a decade.

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FINDINGS (SDR-41271)

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;

Commercial parking lots are compatible with the adjacent development; however, failure to provide required minimum streetscape and parking lot landscaping negates the compatibility.

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;

Due to the many requested Waivers, this project is not consistent with the minimum design and landscape standards established by the Downtown Centennial Plan or Redevelopment Plan.

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

This project will not have a negative impact on adjacent roadways. The project has access to one primary arterial and two secondary collector streets that are all capable of handling the access and circulation of the project.

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

The absence of landscape materials is not appropriate for the downtown area of 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;

This project is not aesthetically pleasing for the area due to the lack of minimum landscape being installed. It will not be harmonious or compatible with development in the area.

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

All development will require permits and inspections that will maintain the public health, safety and welfare.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 37

NOTICES MAILED 124 (By City Clerk)

APPROVALS 1

PROTESTS 1