

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: APRIL 23, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - ROC-33625 - APPLICANT: THE SIEGEL GROUP
- OWNER: PLUG IT INN II, LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Condition Number 19 of Approved Site Development Plan Review (SDR-29662) shall be removed.
2. The original Condition Number 19 shall be replaced with the following condition: The City reserves the right to close the Southern driveway on Las Vegas Boulevard South and require the owner to redesign the parking and onsite circulation at their own expense upon receipt of written notice from the City Traffic Engineer that such closure is needed for purposes of public safety.
3. Conformance to all other conditions of approval of Site Development Plan Review (SDR-29662) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Review of Condition of Number 19 from the approved Site Development Plan Review (SDR29662), which required a revised site plan that demonstrates the removal of the southernmost driveway along Las Vegas Boulevard and the northernmost driveway to be reconstructed per Downtown Centennial Modified Plan Design.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/16/94	The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south. The Planning Commission and staff recommended approval on 12/10/94.
10/29/07	Final Maps (FMP-25324), (FMP-25325) and (FMP-25326) were processed for technical review for reversion to acreage of approximately 0.32 acres located at the northwest corner of Ogden Avenue and Las Vegas Boulevard. The mylars were released for recordation on 01/17/08 but have yet to be recorded.
12/05/07	The City Council approved a Site Development Plan Review (SDR-24794) for a single-story Hotel and Hotel Lounge Bar with Waivers of Downtown Centennial Plan Streetscape and build-to-line standards; and a Special Use Permit (SUP-24798) for a Hotel Lounge Bar on 0.64 acres at the northwest corner of Ogden Avenue and Las Vegas Boulevard. The Planning Commission and staff recommended approval on 11/08/07.
05/09/08	A Temporary Sign Permit (TSP-28104) was approved to allow five banners on the Gold Spike Hotel and Casino at 400 E. Ogden from 05/09/08 to 07/07/08.
06/26/08	The Planning Commission approved a Tentative Parcel Map (TMP-28099) for a one-lot commercial subdivision on 1.55 acres at 400 E. Ogden Avenue.
10/02/08	The Design Review Committee (DRC) approved a request for a Master Sign Plan (ARC-29660) for an existing Hotel Casino at 400 East Ogden and 217 North Las Vegas.

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10/09/08	The Planning Commission approved a request for a Site Development Plan Review (SDR-29662) for the exterior modifications, proposed pool/cabana addition and parking reduction to an existing Hotel/Casino with a Waiver of the downtown centennial plan streetscape standards and parking lot screening standards on 1.44 acres at the northwest corner of Ogden Avenue and Las Vegas Boulevard. This request was approved as final action by the Planning Commission.
04/09/09	The Planning Commission voted to hold this item in abeyance to the April 23, 2009 Planning Commission meeting.

<i>Related Building Permits/Business Licenses</i>	
12/07/83	A Business License (#L16-00051) was issued for a tavern at 400 E. Ogden Avenue. The license was marked out on 06/27/08. A change of ownership was issued on 08/14/06.
12/07/83	A Business License (#G08-00061) was issued for gaming non-restricted at 400 E. Ogden Avenue. The license was marked out on 06/27/08. A change of ownership was issued on 08/14/06.
04/16/06	A Business License (#C30-01006) was issued for convention hall gaming tax at 400 E. Ogden Avenue. The license was marked out on 06/27/08.
04/04/07	A Business License (#L27-00078) was issued for a special event general at 400 E. Ogden Avenue. The license was marked out on 04/17/07.
06/27/08	A Business License (#C05-00134) was issued for a tobacco dealer at 400 E. Ogden Avenue.
06/27/08	A Business License (#C30-01022) was issued for convention hall gaming tax at 400 E. Ogden Avenue.
06/27/08	A Business License (#G08-00061) was issued for gaming non-restricted at 400 E. Ogden Avenue.
06/27/08	A Business License (#H05-01003) was issued for a hotel - 199 rooms or less at 400 E. Ogden Avenue.
06/27/08	A Business License (#R09-00137) was issued for a restaurant seating 45 or more at 400 E. Ogden Avenue.
06/27/08	A Temporary Business License (#L16-91779) was issued for the second time for two taverns (separate bars within the casino) at 400 E. Ogden Avenue.

<i>Pre-Application Meeting</i>	
02/11/09	A pre-application meeting was held to discuss the applicants request to remove the conditions of an approved Site Development Plan Review.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

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Field Check	
03/12/09	A field check was made by staff with the following observations: • There is one mature palm tree located along Ogden Avenue with no sign of streetscape improvements being made yet. • There is ongoing construction to the building façade visible along Ogden Avenue. • The southernmost driveway along Las Vegas Boulevard is still in use. • The temporary banners are still in place and have exceeded the time of the Temporary Sign Permit (TSP-28104).

Details of Application Request	
Site Area	
Net Acres	1.44

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Hotel and Casino with previous Motel	C (Commercial)	C-2 (General Commercial)
North	City Hall Parking Garage	PF (Public Facilities)	C-2 (General Commercial)
South	Retail/Entertainment	C (Commercial)	C-2 (General Commercial)
East	Undeveloped/ Car Wash	C (Commercial)	C-2 (General Commercial)
West	Undeveloped/ Vacant Hotel and Casino	C (Commercial)	C-2 (General Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Downtown Centennial Plan	X		N*
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
Downtown Overlay District - Las Vegas Boulevard and Central Casino Core	X		Y
A-O Airport Overlay District	X		Y
Downtown Casino Overlay District	X		Y
Live/Work Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

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*Waivers for non-compliance of Downtown Centennial Plan Standards were approved under Site Development Plan Review SDR-29662.

Redevelopment Plan Area The subject site is located within the boundaries of the Las Vegas Redevelopment Plan District.

Downtown Centennial Plan (Las Vegas Boulevard and Central Casino Core) The Las Vegas Boulevard District creates a spine for most of the districts and is the primary tourist commercial and entertainment-directed link between The Strip, Downtown and its varied Districts. The District is generally defined to include the Las Vegas Boulevard right-of-way and all those properties adjacent thereto with frontage on both the west and east sides of the right-of-way. The Central Casino Core is home to the classic and historic Las Vegas casinos of Glitter Gulch. It is bounded by the eastern side of the Union-Pacific Railroad right-of-way on the west, Interstate 515 on the north, the western property line of the properties on the west side of 8th Street to Bridge on the east and then the centerline of Bridger on the south. Properties along Las Vegas Boulevard are exempt from this district and must adhere to the Las Vegas Boulevard District standards.

Downtown Overlay District The subject site is located within the Downtown Overlay District. The intent of the Downtown Overlay District is to establish special design standards for development within the City's established urban core.

Live/Work Overlay The subject site is within the Live/Work Overlay district. The proposed development will not offer any housing options; therefore, the project is not impacted by the Live/Work standards as outlined in Title 19.06.030.

ANALYSIS

Condition Number 19 was approved as follows:

This Site Plan shall be revised to remove the southernmost driveway along Las Vegas Boulevard. The northernmost driveway shall be reconstructed per Downtown Centennial Modified Pan Design. The applicant shall meet with the Traffic Engineering Representative for assistance in the possible redesign of the proposed 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.

The applicant has requested to delete the condition in its entirety. In the event that the request to delete condition number 19 is approved, the Department of Public Works has provided a revised condition below:

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The City reserves the right to close the Southern driveway on Las Vegas Boulevard South and require the owner to redesign the parking and onsite circulation at their own expense upon receipt of written notices from the City Traffic Engineer that such closure is needed for purposes of public safety.

FINDINGS

Staff finds no substantial justification made by the applicant to support a Review of Condition to the Site Development Plan Review (SDR-29662) as approved by the City Council. The deletion of Condition 19 would allow for the existing curb cut at the southeast corner of the property near the intersection of Ogden Avenue and Las Vegas Boulevard to remain. Because of the proximity to the intersection, the driveway poses a public safety hazard as there is not adequate stacking space or visibility. Public Works has no objection to this request provided the conditions of approval are imposed. Therefore, the request for the deletion of condition 19 is not recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 127

APPROVALS 3

PROTESTS 0