

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JULY 9, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - WVR-34311 - APPLICANT: GEORGE RAINHART
- OWNER: ASPEN HIGHLANDS HOLDINGS, LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL**, subject to:**Planning and Development**

1. Approval of and conformance to the conditions for Rezoning Variance (VAR-34308), Special Use Permit (SUP-34309) and Site Development Plan Review (SDR-34306), if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

Public Works

3. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of any construction plans, the issuance of any permits or the recordation of a map for this site. The termination of the public street shall meet the approval of the Department of Fire Services.
4. Submit a plan for the termination of Cincinnati Avenue acceptable to the City Engineer. Such plan shall address curb, gutter, sidewalk, and radius requirements.
5. Site development to comply with all applicable conditions of approval for Site Development Plan Review SDR34306 and all other applicable site-related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Waiver to allow Cincinnati Street to not be terminated in a cul-de-sac, as required by Title 18.12.030. The street currently exists as a dead-end street east of Las Vegas Boulevard, and provides access to the subject site and the site to the north via driveways located at the end of the street. This request will allow the street to continue to exist in its current configuration, and will not negatively impact any adjacent properties. If denied, the requirement for a cul-de-sac would greatly impact the development of the subject site, as well as any future redevelopment of the adjacent site to the north due to the additional right-of-way required to construct the cul-de-sac. Staff is recommending approval of this request as the street has, and will continue to have, limited traffic, as it serves only to provide access to the two adjacent properties.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/21/96	The City Council approved a Special Use Permit (U-0151-95) for the off-premise sale of beer and wine in conjunction with a convenience store.
04/20/94	The City Council approved a Special Use Permit (U-0026-94) to allow the sale of beer and wine in conjunction with a proposed restaurant.
11/03/04	The City Council approved requests for a Special Use Permit (SUP-5028) for a proposed 73-story mixed-use development, and a Site Development Review (SDR-5027) with Waivers of the Downtown Centennial Plan Standards for streetscape, building setbacks, and reflective glazing for a 73-story, 1,300,000 square-foot mixed-use development consisting of 960 condominium units and 25,000 square feet of commercial uses on 2.17 acres at 2423 and 2417 Las Vegas Boulevard. The Planning Commission recommended approval.
03/02/05	The City Council approved a Petition to Vacate (VAC-5030) a 20-foot wide public alley generally located north of Sahara Avenue, west of Paradise Road. The Planning Commission recommended approval.
06/15/05	The City Council approved a request for a Review of Conditions (ROC-6691) for an approved Site Development Plan Review (SDR-5027) to remove Condition numbers 18, 27 and 30 for an approved 73-story, 863-foot tall, 1,300,000 square-foot mixed-use development consisting of 951 condominium units and 41,000 square feet of commercial uses on 2.17 acres at 2417 and 2423 South Las Vegas Boulevard.
11/03/05	The Planning Commission approved a Tentative Map (TMP-9117) for a 944-unit mixed-use condominium development on 2.17 acres adjacent to the northeast corner of Sahara Avenue and Las Vegas Boulevard.

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12/06/06	The City Council approved a request for an Extension of Time (EOT-16956) of an approved Special Use Permit (SUP-5028) that allowed a 73-story mixed-use development at 2423 and 2417 Las Vegas Boulevard.
06/11/09	The Planning Commission held in abeyance requests for a Waiver (WVR-34311) to allow Cincinnati Street to not terminate in a cul-de-sac; a Variance (VAR-34308) to allow a 507-foot tall, 28,856 square-foot roof sign where a maximum of eight feet in height and 150 square feet in area is permitted, and to allow the combined area of wall and roof signage to be 56% of the south elevation where a maximum of 20% per elevation is permitted; and Special Use Permits (SUP-34309 and 34310) for a Liquor Establishment, Tavern with a Waiver to allow a 100-foot distance separation from a similar use where 1,500 feet is required, and for a proposed 547-foot high structure with roof sign within the A-O (Airport Overlay) District where the height limitation is 175 feet for a proposed structure; and a Site Development Plan Review (SDR-34306) for a proposed two-story, 37,100 square-foot non-restricted gaming (casino) and retail establishment with a Waiver of the Downtown Centennial Plan streetscape standards on Cincinnati Street at the northeast corner of Sahara Avenue and Las Vegas Boulevard.
07/09/09	The Planning Commission will consider associated requests for a Variance (VAR-34308) to allow a 507-foot tall, 28,856 square-foot roof sign where a maximum of eight feet in height and 150 square feet in area is permitted, and to allow the combined area of wall and roof signage to be 56% of the south elevation where a maximum of 20% per elevation is permitted; a Special Use Permit (SUP-34309) for a Liquor Establishment, Tavern with a Waiver to allow a 100-foot distance separation from a similar use where 1,500 feet is required; and a Site Development Plan Review (SDR-34306) for a proposed two-story, 37,100 square-foot non-restricted gaming (casino) and retail establishment with a Waiver of the Downtown Centennial Plan streetscape standards on Cincinnati Street at the northeast corner of Sahara Avenue and Las Vegas Boulevard. The applicant has requested to withdraw (without prejudice) a Special Use Permit (SUP-34310) for a proposed 547-foot high structure with roof sign within the A-O (Airport Overlay) District where the height limitation is 175 feet for a proposed structure.

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

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

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

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

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

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant Commercial Building and Parking Structure	C (Commercial)	C-2 (General Commercial)
North	Shops and Motel	C (Commercial)	C-2 (General Commercial)

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South	Resort / Casino	CT (Commercial Tourist) Clark County	H-1 (Limited Resort and Apartment District) Clark County
East	Retail Center	C (Commercial)	C-2 (General Commercial)
West	Retail Center	C (Commercial)	C-2 (General Commercial)

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

ANALYSIS

Cincinnati Street, east of Las Vegas Boulevard, currently exists as a 100-foot long dead end street that serves as an access point for driveways to the subject site and the property to the north. A cul-de-sac, as required by Title 18, cannot be constructed in its entirety due to existing structures, and dedication of the additional right-of-way necessary for a cul-de-sac would negatively impact the development of the subject site, as well as the future redevelopment of the property to the north. Emergency vehicles entering the street would still be able to enter the subject site and exit onto Sahara Avenue, without the need to turn around.

FINDINGS

Since the existing public rightofway is currently used as a driveway that only serves the adjacent commercial uses, the City of Las Vegas Public Works Department has no objection to the Request for a Waiver of Title 18.12.130 to allow an existing public street to terminate in a dead end without a circular cul-de-sac. Staff is recommending approval of this request as Cincinnati

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Street will continue to exist in its current configuration, which is adequate to provide access to the affected parcels.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 742

APPROVALS 8

PROTESTS 9