



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JULY 9, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - SUP-34309 - APPLICANT: GEORGE RAINHART
- OWNER: ASPEN HIGHLANDS HOLDINGS, LLC**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Liquor Establishment, Tavern use.
2. Approval of and conformance to the Conditions of Approval for Waiver (WVR-34311), and Site Development Plan Review (SDR-34306) shall be required.
3. 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.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Liquor Establishment, Tavern in conjunction with a proposed casino and retail development. The Special Use Permit would apply only to the portion of the development that is designated for casino and restaurant uses, and would not apply to other areas designated for retail establishments. Staff is recommending approval of this request, including the Waiver of the required distance separation from similar uses, as the proposed use is appropriate for the area and can be conducted in a manner that is compatible with the adjacent surrounding uses.

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 stepbacks, 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.
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.

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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 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 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			

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.060, properties within the Downtown Overlay District are exempt from the automatic application of the mandatory maximum building height, required building setback, maximum lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The following standards are provided for comparison with the requirements of Title 19:

Parking Requirement - Downtown							
<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	
Shopping Center	28,100 SF	1:250	113				
Gaming, Non-Restricted	9,000 SF	1:90	100				
SubTotal			206	7	155	7	
TOTAL			213		162		

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Taverns Within a 1,500-Foot Radius				
Location	License Number	Still Active?	Current Use	Separation Distance
332 W. Sahara Avenue	L16-00125	No (as of 03/16/09)	Pounders Sports Bar (Closed)	1,170 Feet
	L16-99211	Under Review (submitted 05/20/09)	Red Label Bar and Lounge (would replace Pounders)	1,170 Feet
308 W. Sahara Avenue	L16-00163	Yes	Golden Steer Steak House	1,170 Feet
2202 Paradise Road	L16-00256	No (as of 09/17/08)	Willys (Closed)	310 Feet
	L16-96280	Under Review (Submitted 01/05/09)	Docs Place (would replace Willys)	310 Feet
2000 S. Las Vegas Boulevard	L16-00147	Yes	Stratosphere Tower Casino and Hotel	720 Feet
2000 S. Las Vegas Boulevard	L16-00167	No (as of 12/01/08)	Polly Esthers (Closed)	720 Feet
2000 S. Las Vegas Boulevard	L16-00119	Yes	Fat Tuesday	720 Feet
2200 S. Las Vegas Boulevard	L16-00226	Yes	Aztec Gold Inn and Casino	510 Feet
2400 S. Las Vegas Boulevard	L16-00082	Yes	Bonanza Mall Liquor	100 Feet

ANALYSIS

This request for a Special Use Permit for a Liquor Establishment, Tavern in conjunction with a casino and retail development is an appropriate use for the location, as it is within the Downtown Centennial Plan area where a mixture of uses is encouraged to promote cultural, entertainment, culinary and other opportunities for both tourists and residents alike. A Waiver of the required distance separation from similar uses is required, and may be permitted pursuant to Ordinance 6041, which was adopted at the 06/03/09 City Council meeting. This bill allows for a Waiver of the required distance separation for those properties located with the G-O (Gaming Enterprise Overlay) District, and applies to the subject site.

FINDINGS

The following findings must be made for a Special Use Permit:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed land use can be conducted in a manner that is compatible with the existing surrounding land uses, and with future land uses.

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

The subject site is physically suitable for the type and intensity of land use proposed.

- 3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

Adequate access to the site is provided by existing driveways from Sahara Avenue and Cincinnati Street, which has direct access to Las Vegas Boulevard. Both Sahara Avenue and Las Vegas Boulevard are designated as 100-foot Primary Arterials. Site access and circulation will not negatively impact adjacent roadways or neighborhood traffic.

- 4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare. It will not be inconsistent with the overall objectives of the General Plan.

- 5. The use meets all of the applicable conditions per Title 19.04.**

The use meets all applicable conditions per Title 19.04.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 742

APPROVALS 7

PROTESTS 10