AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: MAY 27, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐Consent ☒ Discussion

SUBJECT:
SDR-37946 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: RESORT GAMING GROUP, LLC - OWNER: 220 NORTH 4TH STREET LV, LLC, ET AL - Request for a Site Development Plan Review FOR PROPOSED FACADE MODIFICATIONS AND THE ADDITION OF A SERVICE YARD, A PORTE COCHERE, A SURFACE PARKING LOT AND A 25-FOOT ADDITION ON THE ROOF OF AN EXISTING HOTEL/CASINO WITH WAIVERS OF DOWNTOWN CENTENNIAL PLAN STREETSCAPE, UTILITY AND PARKING LOT LANDSCAPING AND SCREENING REQUIREMENTS on 3.94 acres at 220 North 4th Street (APNs 139-34-501-009; 139-34-510-019 and 139-34-511-007 through 009), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends DENIAL.

C.C.: 07/7/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**2**	**Planning Commission Mtg.**	**1**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Submitted after Final Agenda - Protest/Support Postcards

Motion made by BYRON GOYNES to Hold in abeyance to 6/24/2010

Passed For: 5; Against: 2; Abstain: 0; Did Not Vote: 0; Excused: 0
GLENN TROWBRIDGE, VICKI QUINN, BYRON GOYNES, STEVEN EVANS, GUS FLANGAS; (Against-RICHARD TRUESDELL, KEEN ELLSWORTH); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:
CHAIR TRUESDELL declared the Public Hearing open.

STEVE GEBEKE, Planning and Development, outlined the proposed modifications to an existing hotel and casino, including facade improvements to the existing buildings, new surface parking area with a new porte-cochere and building entrance, new central plant that will contain the majority of the hotel's mechanical equipment, and a new pool and deck proposed to be added to the roof of the existing eastern building, as well as a 25-foot tall building extension for meeting rooms. The casino will not be expanded. The existing loading dock is proposed to be rebuilt and reconfigured, and the existing pedestrian bridge across Third Street is to be modified to reduce the mass of the structure and to replace the existing glass with transparent glass. Staff recommended denial as the requested waivers regarding screen fencing along 4th Street and the reduction of required parking lot trees and trees along Ogden Avenue is solely economical in nature. Furthermore, street trees have been provided in conjunction with recent development along Ogden Avenue to the east, and will be provided by the City along Stewart Avenue in conjunction with street improvements. If denied, the site will remain as is, pending approval of a subsequent Site Development Plan Review. If approved, MR. GEBEKE outlined an added condition and amendments to Conditions 3 and 32.

TODD KESSLER, 206 North 3rd Street, appeared on behalf of the applicant and commended staff for its help. He has been involved with this project [illegible], and the renovation will further enhance the revitalization of Downtown, create construction jobs and generate tax revenue. He indicated that staff's denial recommendation is based on the strict compliance of the Downtown Centennial Plan, but sometimes it can be impractical.

The casino was built in 1973 and was expanded with two towers in 1986, and tried to fit it into a box back then and still has that same issue. The service yard is an issue. Some of staff's recommendation does not make sense given the current conditions.

Downtown has its drainage issues and MR. KESSLER believes that a technical drainage study is not required, but he will work with Public Works requirements to ensure that flood arrangements are being met. He referred to the service yard and indicated that the new service yard would have access off of Stewart Avenue with a decorative wall. The existing 10-foot sidewalk is being requested to be 15 feet but it would encroach into the service yard, and it is not feasible. These are examples of the Downtown Centennial Plans existing conditions not allowing what they need to do.

Staff requested a four-foot ornamental iron work wall; however, they propose to put up an eight-foot decorative CMU wall. The CMU wall will be block-split face. They have created a porte-cochere along the west side of the property to control traffic.

COMMISSIONER EVANS asked what MR. KESSLER disputes. MARGO WHEELER, Director of Planning and Development, stated the issues are trees required on 3rd Street as per Condition 3 of the previous Site Development Plan parking lot trees, the fence issue along Fourth Street, and most importantly trees along Odgen Avenue. The trees along Stewart Avenue are not relevant, as the City will be doing that project. With regard to the overhead utilities, staff believes that based on the work of the Office of Business Development there are opportunities to resolve that problem.

CHAIR TRUESDELL stated that everyone wants downtown to be a better place. All other developments downtown and property upgrades have provided the necessary trees. He asked what is different about this project.

MR. KESSLER stated that the driveway entrance off of Stewart Avenue is being requested to be 24 feet; however, 36 feet is needed to accommodate larger limousines. He has no issue with providing two more trees.

COMMISSIONER TROWBRIDGE asked MR. KESSLER to point out where the ten feet versus five feet is hampering him in proceeding. MS. WHEELER explained that the conditions are written as if the Planning Commission considers an approval. Condition 3 is a requirement and if the applicant is willing to accept the previous condition; otherwise the applicant would need a review of conditions. Condition 6 could be eliminated as the applicant agrees to the parking lot trees. It is Condition 8, with regard to Ogden Avenue, where staff has a concern and she does not know where the 24-foot driveway is. LUCIEN PAET, Public Works, stated that Condition 31 allows the applicant to work with the engineer to figure out how wide the driveway needs to be.

CHAIR TRUESDELL felt that MR. KESSLER did not present the project well and asked him to state the concerns. MR. KESSLER replied it is the screening as it relates to the service yard. He is concerned about making certain sidewalks 15 feet. He has a problem with the request on the northeast corner of Fourth Street and Stewart Avenue. Staff requests for a five-foot amenity zone and he has a problem because trucks will have trouble turning. He has no problem with the two additional trees along Stewart Avenue. He referred to a landscaping plan showing 11 trees along Stewart Avenue compared to the SDR, which had only five trees. MS. WHEELER indicated that the plan MR. KESSLER showed might not be the plan that staff has.

RICHARD GALLEGOS, Architect, 3005 West Horizon Ridge Parkway, stated that the plans were revised and were submitted to staff approximately two weeks ago. The only difference is the landscaping as described by MR. KESSLER. MR. RANKIN indicated that a revised plan was submitted on May 5, 2010 but it is not the same as the one shown.

MR. KESSLER indicated that they will also provide trees on the pool deck. CHAIR TRUESDELL pointed out that the street level trees are the ones that make it a pedestrian environment.

COMMISSIONER GOYNES asked the applicant for a plan with trees so that he can see what is being approved. COMMISSIONER QUINN expressed the same concern and suggested the applicant come back more prepared.

MR. KESSLER accepted staff's conditions as it relates to the trees along Ogden Avenue and additional trees inside the buffer zone, as well as the trees on Third Street. The only issue is the

CMU wall versus the decorative screening.

STEPHEN GLADE, 7201 West Lake Mead, #108, appeared representing BF Trust, the owner of the lot at 215 North Third Street, west of the Lady Luck. He has had no discussions with MR. KESSLER and has not had an opportunity to understand the project. BF Trust owns the ground on which the parking stalls rest, which is the lifeblood of Ace Loan Company, the business that BF Trust owns. Losing those parking spaces will be its death. The property is being developed without their permission. BF Trust wants to see the subject property developed, but has had experience with past construction, where Third Street became a construction yard. When that happened, it almost sank the business. If approved, he would like an added condition stating that the development go forward without impairing the use or occupation or access to the private property at 215 North Third Street.

COMMISSIONER GOYNES verified with MR. KESSLER that Third Street is now being used as valet parking for Triple George, Hogs, etc.

CHAIR TRUESDELL stated that many commitments were made that this property owner would benefit from the improvement of the street, but should he be excluded from his access and his business rights.

CHAIR TRUESDELL verified that some work will be performed on Third Street that may impact those businesses. MR. KESSLER noted that a schedule was created should the street be shut down on the weekend. The [illegible] will be minimized and visual impairment will be reduced so that people along Third Street looking down will have a view corridor. Parking will be provided by the existing parking garage 450 stalls. There is a lease with the City for 450 spaces. He indicated that the project will have glass structures fitting into the new boutique style hotel, such as Red Rock. Retail will be along Third Street with individual facades.

CHAIR TRUESDELL discussed deliveries and asked if it would be easier for delivery trucks to enter behind the central plant. MR. KESSLER responded backing onto Stewart Avenue was alleviated, as that was a huge concern in the past. This allows free-flow into the property.

COMMISSIONER ELLSWORTH complimented the applicant for making the project fit. He wanted to make sure he is not building upon the other gentleman's property. MR. KESSLER stated there was a Vacation. Special consideration will be given to those businesses affected. ASSISTANT CITY ATTORNEY BRYAN SCOTT commented that the Vacation would need to be looked at, because the Vacation provides for giving back part of the street to the adjacent owner. He is not certain whether the Lady Luck owns that property.

MS. WHEELER added that the subject property does not include the other gentleman's site, is not part of this application and the project does not supersede any of the conditions of the previous SDR or the conditions of the Vacation.
MR. GLADE stated BF Trust has three angled parking spaces in front of its property. The Lady Luck ran a raised pedestrian hump right up to the front door without consent, without

knowledge, and the previous SDR stated that it was going to be down the street. Thereafter, MR. KESSLER kindly agreed to give them an additional space outside the property line. Most of the pawnshops clientele is not interested in valet parking. He would not speak on what he was presented, and he would prefer to study it and come back with his opinion.

CHAIR TRUESDELL remarked that the applicant should have been straightforward with the affected property owner about its intentions before the item was heard, especially when the adjacent owner's property would be directly affected.

CHAIR TRUESDELL stated that consideration could be given to the Planning Commission holding the item for 30 days or if the applicant agrees to all staff's conditions, the item could be approved. If the item is approved, he asked the applicant to do everything possible to meet with the adjacent property owner.

COMMISSIONER GOYNES asked what the rush is, especially when the amount of trees issue was not resolved, as well as the adjacent property owners concerns. MR. KESSLER apologized for the inaccurate landscaping plan, but the elevation plan was accurate.

COMMISSIONER QUINN concurred with COMMISSIONER GOYNES because she did not feel confident in voting and would prefer holding the item for 30 days.

MR. KESSLER indicated the project is on a timeline, and felt he addressed all the concerns raised. He asked that the item move forward.

CHAIR TRUESDELL declared the Public Hearing closed.