



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: DECEMBER 16, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: THE SMITH CENTER - OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SDR-40146	Staff recommends DENIAL, if approved subject to conditions:	

** CONDITIONS **

SDR-40146 CONDITIONS

Planning and Development

1. Conformance to the Conditions of Approval for Site Development Plan Reviews (SDR-26709 and SDR-38854) shall be required, except as amended herein.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the proposed structure. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan and building elevations, date stamped 11/19/10, and landscape plan, date stamped 11/19/10, except as amended by conditions herein.
4. The following Waivers from the Symphony Park Design Standards are hereby approved as follows:
 - a. A Waiver from Subsections 1.5.1 and 1.5.3 is hereby approved to allow no active frontages on Promenade Place and Clark Avenue where active frontages are required.
 - b. A Waiver from Subsection 1.5.5 is hereby approved to allow no retail or restaurant frontage on Promenade Place where such frontage is required.

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- c. A Waiver from Subsection 1.6.4 is hereby approved to allow exposed parking on Promenade Place and Clark Avenue where exposed parking is to be avoided along Promenade Place and minimized along Clark Avenue, and to allow garage elevations to be architecturally inconsistent with the adjacent museum building where consistency is required.
 - d. A Waiver from Subsection 1.9.1 is hereby approved to allow the garage building to be set back along Clark Avenue where a building wall enclosure at the build-to line is required.
 - e. A Waiver from Subsection 1.12.1 is hereby approved to allow no public art installations on the building where four are required.
 - f. A Waiver from Subsection 3.4 is hereby approved to allow no canopies along Clark Avenue where canopies are required.
 - g. A Waiver from Subsection 3.7.1 is hereby approved to allow 10-foot high false storefronts along Promenade Place and no storefronts along Clark Avenue where minimum 16-foot storefronts are required at street level.
 - h. A Waiver from Subsection 3.9.1 is hereby approved to allow the garage elevations to be inconsistent with each other and to allow the Clark Avenue garage elevation to appear unimproved where such are not allowed.
 - i. A Waiver from Subsection 3.11.1 is hereby approved to allow the Clark Avenue garage elevation to expose sloping floors to exterior public view where such is not allowed.
 - j. A Waiver from Subsection 3.11.3 is hereby approved to allow no fenestration on any exposed façade where such is required.
 - k. A Waiver from Subsection 3.11.4 is hereby approved to allow no retail or other uses at street level where required for parking structures.
 - l. A Waiver from Subsection 3.12.4 is hereby approved to allow cut-off type lighting fixtures on the perimeter only where cut-off lighting is required for all garage lighting.
 - m. A Waiver from Subsection 3.13.1 is hereby approved to allow no variation in street wall placement where at least two variations are required per 100 feet of frontage.
 - n. A Waiver from Subsection 3.14.2 is hereby approved to allow no awnings or arcades on the north side of Clark Avenue where such are required along 75 percent of the sidewalk length.
 - o. A Waiver from Subsection 3.16.6 (5.G) is hereby approved to allow multiple wall signs per building face that are located at the top of the parapet where one sign per building face, using no more than two percent of the building wall area and located no closer than two feet from the top of parapet is allowed.
5. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 11/19/10. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.

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6. Prior to occupancy, 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 Building and Safety Department.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. Revised plans and elevations shall be submitted to and approved by the SP-DRC as indicated on the SP-DRC action letter dated 11/30/10 prior to the time application is made for a building permit. Approved plans shall be submitted to the Planning and Development Department.
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. A Master Sign Plan shall be submitted for review and approval by the SP-DRC prior to the issuance of any sign permits.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Unless already constructed or guaranteed by the Master Developer, construct all incomplete half street improvements adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with the development of this site.

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16. A Drainage Plan and Technical Drainage Study or other information acceptable to the Flood Control Section must be submitted to and approved by the Department of Public Works prior to issuance of any building or grading permits. Provide and improve all drainageways recommended in the approved drainage plan/study.
17. Site development to comply with all applicable conditions of approval for SDR-26709, SDR 38854 and all other site-related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

A performing arts center is currently under construction and a Museum (Private) has been approved on the subject site. The applicant is seeking to amend the approved Site Development Plan Review for the museum to add a proposed 335-space, five-level parking garage for use by museum and performing arts center patrons, located at the northeast corner of Clark Avenue and Promenade Place. The Symphony Park Design Review Committee (SP-DRC) has recommended denial based on nonconformance to the Symphony Park Design Standards. As the project does not fulfill the Symphony Park vision for a mixed-use, active street front along Promenade Place that minimizes the visual impact of a parking structure, it is incompatible with the approved development on the site and staff recommends denial. If denied, a new Site Development Plan Review would be required prior to further development of the site.

ISSUES

- This Site Development Plan Review is required by a condition of approval of Site Development Review SDR-38854 for the Reynolds Discovery Children's Museum.
- The proposed development requires 16 waivers of the Symphony Park Design Standards, including those pertaining to parking structure design, build-to line, and retail frontage. Staff recommends denial of these waivers.
- Additional revisions to the plans are required by the SP-DRC; this is noted as a condition of approval. The SP-DRC has recommended denial of the project as proposed and does not support the requested waivers.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/23/98	The City Council approved a Rezoning (Z-0100-97) from M (Industrial) to PD (Planned Development) on approximately 178 acres generally located along the east side of Interstate 15 between Charleston Boulevard and U.S. 95. The Planning Commission and staff recommended approval.
11/15/06	The City Council approved a request for a Site Development Plan Review (SDR-16267) for a proposed mixed use development on 61.57 acres located at the northeast corner of Grand Central Parkway and Bonneville. The Planning Commission and staff recommended approval.
01/03/07	The City Council adopted the Union Park Design Standards through Ordinance #5874.

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05/07/08	The City Council approved a request for a Site Development Plan Review (SDR-26709) for a Performing Arts Center, including a 2,100-seat auditorium and an education center with waivers of Union Park streetscape standards, lighting standards, architectural standards and access requirements on a portion of 53.6 acres generally located at the northeast corner of Bonneville Avenue and Grand Central Parkway. The Planning Commission and staff recommended approval.
05/20/09	The City Council approved the change in the name of the Union Park development to Symphony Park.
08/04/10	The City Council adopted the Symphony Park Design Standards and related design documents through Ordinance #6102.
08/26/10	The Planning Commission approved a request for a Major Amendment (SDR-38854) of a previously approved Site Development Plan Review (SDR-26709) for a proposed 60,000 square-foot Museum (Private) with waivers of Symphony Park screening and architectural design standards on 5.10 acres at the northwest corner of Clark Avenue and City Parkway. Staff recommended approval.
11/30/10	The Symphony Park Design Review Committee (SP-DRC) recommended denial of the proposed development for nonconformance with the Symphony Park Design Standards.

Most Recent Change of Ownership

05/11/09	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

05/19/09	A building permit (128880) was issued for a 2,100-seat auditorium at 361 Symphony Park Avenue. A final inspection has not been completed.
	A building permit (130976) was issued for the Performing Arts Center Large Hall and Education Center at 575 Symphony Park Avenue. A final inspection has not been completed.
09/13/10	A plan check (39574) was initiated for a museum shell building at 360 Promenade Place. Plans are still being reviewed and no permits have been issued.

Pre-Application Meeting

10/11/10	<p>A pre-application meeting was held with the applicant to discuss submittal requirements for a Site Development Plan Review application. Key issues discussed included the following:</p> <ul style="list-style-type: none"> • The proposed plan will require review by the SP-DRC prior to submittal of plans for public hearing. • Waivers of the Symphony Park Standards will be required.
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<i>Neighborhood Meeting</i>
A neighborhood meeting is not required, nor was one held.

<i>Field Check</i>	
11/09/10	<p>A field check was conducted. The following observations were noted:</p> <ul style="list-style-type: none"> • Temporary fencing is located along the perimeter of the site. • The subject site is undeveloped; the performing arts center adjacent to the site is currently under construction.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	5.10 (portion)

<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>
Subject Property	Performing Arts Center and Undeveloped	MXU (Mixed Use)	PD (Planned Development)
North	Undeveloped (used for construction staging)	MXU (Mixed Use)	PD (Planned Development)
South	Undeveloped	MXU (Mixed Use)	PD (Planned Development)
East	Parking Lot	MXU (Mixed Use)	PD (Planned Development)
West	Parking Lot	MXU (Mixed Use)	PD (Planned Development)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<i>Master Plan Area</i>			
Downtown Centennial Plan	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<i>Special Purpose and Overlay Districts</i>			
PD (Planned Development) District	X		Y
Downtown Centennial Plan Overlay District (Symphony Park)	X		N
G-O (Gaming Enterprise Overlay) District	X		N/A
A-O (Airport Overlay) District (175 Feet)	X		Y
Downtown Casino Overlay District	X		N/A
			SS

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Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to the Symphony Park Design Standards, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	5.10 acres	N/A
Min. Lot Width	N/A	406 Feet	N/A
Min. Setbacks:			
• Front	Conform to build-to line	25 Feet	N
• Side	N/A	208 Feet	N/A
• Corner	Conform to build-to line	25 Feet	Y
Max. Building Height	N/A	54 Feet	N/A
Trash Enclosure	Not visible from rights-of-way	Interior	Y
Mech. Equipment	Screened	Screened	By condition

Symphony Park Schematic Streetscape Design

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Promenade Place	60" box (4) Desert Museum Palo Verde Trees (24' on center)	60" box (4) Desert Museum Palo Verde trees in pots	Y
	(5) Medjool Date Palm Trees (24' on center)	(5) Medjool Date Palm Trees at 22' BTH	Y
Clark Avenue	60" box (8) Red Push Pistache (24' on center) in tree grates	60" box (6) Red Push Pistache trees in tree grates, (2) trees in planters	Y

<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>
<i>Promenade Place</i>	N/A	N/A	34	Y
<i>Clark Avenue</i>	N/A	N/A	56	Y

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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
Museum	57,377 SF	1 space/300 SF GFA	192				
TOTAL SPACES REQUIRED			192		335		Y
Regular and Handicap Spaces Required			186	6	327	8	Y

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City. The analysis should take a number of factors into consideration when discussing parking availability, including pedestrian access, nearby parking structures, on-street parking, etc.

Waivers of the Symphony Park Design Standards		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
1.5.1/1.5.3 – Active frontages along Promenade Place and Clark Avenue	No active frontages	Denial
1.5.5 – Retail and restaurant frontage on Promenade Place	No retail or restaurant frontage (false storefronts indicated)	Denial
1.6.4 – Exposed parking on Promenade Place shall be avoided and shall be minimized on Clark Avenue. Exposed parking shall be treated architecturally consistent with adjacent buildings.	Exposed parking on both Promenade Place and Clark Avenue. Elevations inconsistent with adjacent museum	Denial
1.9.1 – Building wall enclosure at build-to-line is required along Promenade Place and Clark Avenue	Building set back along Clark Avenue	Denial
1.12.1 – Min. four (4) public art opportunities or installations are required (as listed in Sec. 1.12)	None specified for entire building	Denial
3.4.1 – 3.4.5 – Awnings or canopies are required	No canopies along Clark Avenue; one canopy along Promenade Place	Denial

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3.7.1 – Min. 16-20 foot consistent street level storefront heights	False storefronts on Promenade Place at 10 feet; first floor visually expressed at max. 16 feet; no storefronts along Clark Avenue	Denial
3.9.1 – All sides of a structure shall exhibit design continuity; there shall be no unimproved side to a structure	Clark Avenue elevation not consistent with Promenade Place elevation, appears unimproved	Denial
3.11.1 – Sloping floors of a parking structure shall not be exposed to public view from outside the structure	Clark Avenue elevation exposes sloping floors	Denial
3.11.3 – Architectural treatment expressing individual building fenestration where parking structure facades are exposed	No fenestration on either elevation. Large graphic panels used to hide the façade	Denial
3.11.4 – Parking shall be wrapped with retail or other uses to avoid large blank walls or parking next to street level sidewalk	False storefronts along Promenade Place; none along Clark Avenue	Denial
3.12.4 – Cut-off type lighting sources for all garage lighting	Cut-off type fixtures on perimeter only	Denial
3.13.1 – Street walls shall include at least two variations in wall placement per 100 linear feet of street frontage	No variation	Denial
3.14.2 – Buildings and pedestrian ways on the north sides of streets shall be protected by awnings and/or arcades along 75% of the length of the sidewalk	None on north side of Clark Avenue	Denial
3.16.6 (5.G) – One wall sign per building face, 2% of building wall area, no closer than 2 feet from top of parapet.	Wall signs proposed more than 30 times the allowable amount and located at top of parapet	Denial

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ANALYSIS

The subject site is located within a PD (Planned Development) zoning district and the Symphony Park District of the Downtown Centennial Plan Overlay District. Development within this district is subject to the Symphony Park Design Standards Manual. The proposed development has no impact on the site's location within the Gaming Enterprise Overlay District or Downtown Casino Overlay District. At a height of 54 feet, the proposed parking garage conforms to the requirements of the Airport Overlay District in this area of the city.

The Symphony Park Design Review Committee (SP-DRC) reviewed the proposed site prior to submittal to the city. It found that the structure was not designed to reflect the intent of the Symphony Park Design Standards, which is to minimize the functional, visual and noise impact of parking structures, enhance the quality and pedestrian experience of Symphony Park streets and to continue the active street front uses. The SP-DRC therefore recommended denial of the project, required revisions to the architectural and landscape plans to conform to Symphony Park Standards and did not recommend approval of the requested design waivers.

As the development as proposed is incompatible with the approved development on the site and major revisions are required, staff concurs with the recommendation of the SP-DRC and recommends denial.

FINDINGS (SDR-40146)

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;

The proposed parking garage is not architecturally consistent with the adjacent museum it is to serve, nor does it encourage a pedestrian-friendly environment as envisioned for the Symphony Park development; therefore, it is incompatible with development in this area.

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;

The proposed development is inconsistent with the Symphony Park Design Standards, for which multiple waivers are required. Plans are conditioned to be revised to meet certain other architectural and landscape standards.

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

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Site access is provided by Clark Avenue at a 35-foot wide driveway that will not negatively affect neighboring streets, as long as recommendations of the traffic study are complied with. All on-site circulation will take place inside the proposed parking structure.

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

Building and landscape materials are acceptable, based on the requirements of the Symphony Park Design Standards Manual, with the exception of some drought-intolerable plants proposed. The SP-DRC recommends the use of a desert climate plant palette.

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;

The proposed elevations are inconsistent with other proposed buildings on the site, expose sloped parking and do not enhance the pedestrian experience envisioned for the Symphony Park development.

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

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare of the public.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 88

APPROVALS 0

PROTESTS 0