



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JUNE 11, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: 208 LAS VEGAS BOULEVARD, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
WVR-48970	Staff recommends DENIAL, if approved subject to conditions:	

** CONDITIONS **

WVR-48970 CONDITIONS

Planning

1. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All development shall be in conformance with the site plan and landscape plans, date stamped 05/22/13, except as amended by conditions herein.
3. A Waiver from the Downtown Centennial Plan Streetscape Standards is hereby approved, to allow a sidewalk to be adjacent to the back of curb.
4. The three proposed palm trees on the site/landscape plan shall be 25' tall Date Palms as required by the Downtown Centennial Plan.
5. 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 Department of Building and Safety.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. 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

The applicant is requesting to widen an existing five-foot wide sidewalk by five feet adjacent to 228 North Las Vegas Boulevard. This proposal doesn't meet the Downtown Centennial Plan streetscape design standards. These standards call for a five-foot amenity zone between the back-of-curb and the sidewalk. The proposal would keep the sidewalk adjacent to the back-of-curb. There is ample space to provide the Downtown Centennial Plan Streetscape Standards at this location without the need for a Waiver; therefore, staff recommends denial.

ISSUES

- This project requires a Waiver of the Downtown Centennial Plan Streetscape Standards to allow the amenity zone to be located behind the sidewalk. Staff does not support this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/26/62	The City Council approved Rezoning (Z-0100-64), which designated the subject property as C-2 (General Commercial) zone as part of a larger request. The Planning Commission recommended approval.
03/05/86	The City Council adopted the Redevelopment Plan for the Downtown Las Vegas Redevelopment Area (Ordinance No.3218), which the subject site was included.
11/20/90	The Board of Zoning Adjustment approved Special Use Permit (U-0234-90) to allow a full service car wash at 228 North Las Vegas Boulevard.
04/25/91	The Board of Zoning Adjustment approved a Plot Plan Review of an approved Special Use Permit [U-0234-90)(1)] to allow a full service car wash at 228 North Las Vegas Boulevard.
10/16/91	The City Council approved a request for a Special Use Permit (U-0208-91) to allow Restricted Gaming at 228 North Las Vegas Boulevard. The Planning Commission and staff recommended approval.
12/04/02	The City Council approved a request for a Special Use Permit (U-0106-02) to allow a Liquor Establishment Off-Premise use at 228 North Las Vegas Boulevard. The Planning Commission and staff recommended denial.
10/02/03	The City Council approved a General Plan Amendment (GPA-2497) for a revision to the Downtown Redevelopment Plan. The Planning Commission and staff recommended approval.

YK

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07/07/04	The City Council approved a Required Six-Month Review (RQR-3930) of Special Use Permit (U-0106-02) that allowed a Liquor Establishment Off-Premise use at 228 North Las Vegas Boulevard subject to another Six-Month Review. The Planning Commission and staff recommended approval.
01/05/05	The City Council approved a Required Six-Month Review (RQR-5630) of Special Use Permit (U-0106-02) that allowed a Liquor Establishment Off-Premise use at 228 North Las Vegas Boulevard subject to another Six-Month Review. The Planning Commission and staff recommended approval.
07/05/00	The City Council adopted the Downtown Centennial Plan via Ordinance #5238. The Planning Commission and staff recommended approval.
06/21/11	The Downtown Design Review Committee approved (ARC-41552) for a signage review on an existing Service Station at 228 Las Vegas Boulevard North. Staff recommended approval.
03/16/11	The City Council approved Special Use Permit (SUP-40520) for a request for a special use permit for a 100 square-foot accessory package liquor, off-sale establishment in conjunction with an existing 3,553 square-foot convenience store at 228 North Las Vegas Boulevard. The Planning Commission recommended denial and staff recommended denial.

Most Recent Change of Ownership

05/10/12	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

06/28/11	A Business License (C02-00438) for a Car Wash was issued for 228 North Las Vegas Boulevard. The license remains active.
06/28/11	A Business License (C05-02747) for a Tobacco Dealer was issued for 228 North Las Vegas Boulevard. The license remains active.
06/28/11	A Business License (C15-00397) for a Convenience Store was issued for 228 North Las Vegas Boulevard. The license remains active.
06/28/11	A Business License (L10-00325) for a Beer/Wine/Cooler Off-Sale use was issued for 228 North Las Vegas Boulevard. The license remains active.
09/07/11	A Business License (C20-02431) for Convention Hall Gaming Tax was issued for 228 North Las Vegas Boulevard. The license remains active.
09/07/11	A Business License (G01-02427) for Restricted Gaming was issued for 228 North Las Vegas Boulevard. The license remains active.

Pre-Application Meeting

03/25/13	Staff met with the applicant and reviewed the requirements for a Site Development Plan Review and/or Waiver of the Downtown Centennial Plan Streetscape Standards in order to widen the sidewalk along Las Vegas Boulevard at 228 S. LVB.
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<i>Neighborhood Meeting</i>
A neighborhood meeting was not required, nor was one held.

Field Check	
04/03/13	Staff visited the site and found a car wash and convenience store well maintained and free of trash and debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.54

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Convenience Store and Car Wash	C (Commercial)	C-2 (General Commercial)
North	Office, Other Than Listed	MXU (Mixed Use)	C-2 (General Commercial)
South	Undeveloped	C (Commercial)	C-2 (General Commercial)
East	Auto Repair Garage, Major	C (Commercial)	C-2 (General Commercial)
West	Parking Facility	C (Commercial)	C-2 (General Commercial)
	Financial Institution, General (Without Drive-Through)		
	TV Broadcasting & Other Communication Service		

<i>Master Plan Areas</i>	<i>Compliance</i>
Downtown Centennial Plan	N
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Downtown Centennial Plan Overlay District	N
A-O (Airport Overlay) District 200 Feet	Y
Live/Work Overlay District	N/A
Las Vegas Boulevard Scenic Byway Overlay District	N/A

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<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Las Vegas Boulevard	Primary Arterial	Master Plan of Streets and Highways	100	Y
Stewart Avenue	Secondary Collector	Master Plan of Streets and Highways	80	Y

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Sidewalks	10' wide sidewalk adjacent to an amenity zone adjacent to the back of curb.	10' wide sidewalk between the back of curb and an amenity zone.	N
Landscape	Five-foot wide amenity zone between the back of curb and the sidewalk.	To provide a 10' wide amenity zone between back of sidewalk and an existing building.	N

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
To install a 10-foot wide sidewalk adjacent a five-foot amenity zone that is adjacent to the back of curb.	To install a 10-foot wide sidewalk between the back-of-curb and a 10-foot wide amenity zone.	Denial
To install a 5-foot wide amenity zone between the back-of-curb and the sidewalk.	To install a 10-foot wide amenity zone between a 10-foot wide sidewalk and an existing building.	Denial

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ANALYSIS

The applicant is requesting to widen an existing sidewalk adjacent to Las Vegas Boulevard. The Downtown Centennial Plan Streetscape Requirements call for a five-foot wide amenity zone and then a ten-foot wide sidewalk. The applicant would like to install a ten-foot sidewalk adjacent to the back of the curb and then the amenity zone, similar to how it now exists. The applicant is proposing to install the required 25-foot tall Date Palm Tree every 30 feet on center. The applicant's justification for not meeting the requirements is that they just want to widen the existing sidewalk which is already adjacent to the back of curb. The City policy is to require an applicant to bring a property up to the current code standards when proposing improvements to a property. For this reason, staff recommends denial.

FINDINGS (WVR-48970)

The Downtown Centennial Plan requires a standard streetscape that the applicant could install without the need for Waivers. This project does not meet the streetscape required; therefore, staff recommends denial.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 32

NOTICES MAILED 102

APPROVALS 12

PROTESTS 0