



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JANUARY 14, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: SHARET HOLDINGS II, LLC

**** STAFF RECOMMENDATIONS ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-52105	Staff recommends APPROVAL, subject to conditions:	SDR-52106
SDR-52106	Staff recommends APPROVAL, subject to conditions:	-

**** CONDITIONS ****

SUP-52105 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Tavern-Limited use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-52106) shall be required.
3. 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.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
6. Minors shall only be permitted in such areas wherein spirituous, malt or fermented liquors or wines are served only in conjunction with regular meals and where dining tables or booths are provided separate from the bar in conformance with Title 6.50.

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7. Approval of this Special Use Permit does not constitute approval of a liquor license.
8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-52106 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, floor plans and building elevations date stamped 12/12/13, except as amended by conditions herein.
3. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
7. 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.

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8. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

9. Dedicate a 10-foot radius on the southwest corner of Gass Avenue and 3rd Street prior to the issuance of any permits.

10. In accordance with code requirements of Title 13.56, remove all substandard improvements on 3rd Street and Gass Avenue and replace with new improvements meeting Downtown Centennial Standards concurrent with development of this site. A geotechnical soils report, to evaluate the adjacent pavement sections, shall be submitted concurrent with the submittal of off-site construction drawings for the site and shall be approved prior to the issuance of any offsite permits. All existing paving damaged or removed by this development shall be replaced to Current City Standards concurrent with development of this site.
11. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
12. Submit an Encroachment Agreement for landscaping and private improvements in the Gass Avenue and 3rd Street public rights-of-way prior to issuance of a certificate of occupancy for this site. The applicant must carry an insurance policy for the term of the Encroachment Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right of way at the applicant's expense pursuant to the terms of the City's Encroachment Agreement. The installation and maintenance of all private improvements in the public right of way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement. Coordinate all requirements for the Encroachment Agreement with the Land Development Section of the Department of Building and Safety (229-4836).
13. Exterior doorways shall be designed and constructed such that the door does not swing into public right-of-way. Doors that open outward shall be set back from the right-of-way a sufficient distance to ensure that no obstruction of the right-of-way can occur.
14. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
15. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the "Downtown pedestrian & bicycle improvements - 3rd Street" project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

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16. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
17. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This commercial development proposal consists of a three-story, 53,855 square-foot Commercial Recreational/Amusement Facility (Indoor) with Tavern-Limited Establishment Use. The applicant proposes to construct a walk-in movie theater that will provide food and alcoholic beverage service to select screening rooms. There will also be restaurant and beverage service provided to customers within the designated dining areas and within a private outdoor seating area located along 3rd Street. The applicant has provided a grade-level tuck-under parking garage design that will provide 48 onsite parking spaces, three of which are handicap accessible, that is accessed from the rear alley and screened from the public right-of-way. The building elevations along 3rd Street and Gass Avenue feature both canopies and metal awnings that will add to the pedestrian comfort, along with the other urban amenities such as bicycle racks, and benches. The proposed development is oriented to the street, with a strong focus on utilizing the street corner as the main entrance. The proposed use and design of this proposal will make a positive contribution to the urban design for the residents in the immediate area and of the community at large. Staff recommends approval of the requested Special Use Permit to allow a Tavern-Limited Establishment use and the Site Development Plan Review for the proposed three-story commercial development.

ISSUES

- The Tavern-Limited Establishment use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit. The Tavern-Limited Establishment use will allow the theater operator to serve drinks within select screening rooms.
- The commercial development includes a restaurant, a second floor bar and lounge area, and a third floor VIP lounge area for special events. The floor plans show adequate barriers for minors to access the eight screening rooms without gaining entry to the lounge and bar areas.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/16/64	The City Council approved a Rezoning (Z-0100-64) to reclassify property, including the subject parcel, in the area generally bounded by Main Street, Bonanza Road, Las Vegas Boulevard and Charleston Boulevard from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial) and C-V (Civic) to C-2 (General Commercial).

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10/19/05	The City Council approved a request for a Special Use Permit (SUP-8578) for a proposed mixed-use development at 814 South 3rd Street. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Site Development Plan Review (SDR-8577) for a 65-story mixed-use development consisting of 22,000 square feet of commercial space and 425 residential units and a waiver of the Centennial Plan Building Stepback requirement on 0.80 acres at 814 South 3rd Street. The Planning Commission and staff recommended approval.
	The City Council approved a request for Special Use Permit (SUP-8579) for a proposed 760-foot tall building where 200 feet is the maximum building height allowed in the airport overlay district at 814 South 3rd Street. The Planning Commission and staff recommended approval.
12/05/07	The City Council approved a request for an Extension of Time (EOT-25160) of an approved Special Use Permit (SUP-8578) for a proposed Mixed-Use Development at 814 South 3rd Street.
	The City Council approved a request for an Extension of Time (EOT-25161) of an approved Site Development Plan Review (SDR-8577) for a 65-story mixed-use development consisting of 22,000 square feet of commercial space and 425 residential units; and a waiver of the Centennial Plan Building Stepback requirement on 0.80 acres at 814 South 3rd Street
	The City Council approved a request for an Extension of Time (EOT-25163) of an approved Special Use Permit (SUP-8579) for a proposed 760-foot tall building where 200 feet is the maximum building height allowed in the airport overlay district at 814 South 3rd Street.
01/27/09	A technical review of a submitted Parcel Map (PMP-33178) was completed. This map has not recorded.

<i>Most Recent Change of Ownership</i>	
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03/07/11	A deed was recorded for a change in ownership.
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<i>Related Building Permits/Business Licenses</i>
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There are no building permits or business licenses related to this request.

<i>Pre-Application Meeting</i>

11/19/13	A pre-application conference was held with the applicant's representatives to discuss the submittal requirements for a Site Development Plan Review related to a proposed three-story movie theater and a Special Use Permit for a related Tavern-Limited Establishment use for alcohol service within select areas of the proposed floor plan.
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<i>Neighborhood Meeting</i>
A neighborhood meeting is not required, nor was one held.

Field Check	
12/05/13	During a routine field check, staff noted that the existing site is an undeveloped, graded, single-lot that is secured with a temporary fence. There are existing detached sidewalks along Gass Avenue and 3 rd Street, there is no existing landscaping.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.80

<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	Undeveloped	MXU (Mixed Use)	C-2 (General Commercial)
North	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential) with a Resolution of Intent to C-2 (General Commercial)
South	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)
East	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential) with a Resolution of Intent to C-2 (General Commercial)
West	Undeveloped Office, Other Than Listed	MXU (Mixed Use)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Compliance</i>
Downtown Centennial Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Downtown Centennial Plan Overlay - Downtown South District	Y
A-O (Airport Overlay) District – 200 Feet	Y
Live Work Overlay District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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DEVELOPMENT STANDARDS

Pursuant to the Downtown Centennial Plan, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Build-To-Line Setbacks • Front: 70%, First Story Façade • Side • Corner: 70%, First Story Façade • Rear	0 Feet N/A 0 Feet N/A	0 Feet N/A 0 Feet N/A	Y N/A Y N/A
Trash Enclosure	Screened	Located in trash enclosure in parking garage	Y
Max. Building Height	N/A	60 Feet	N/A
Mech. Equipment	Screened from street level and surrounding building views	Located in mechanical room in parking garage	Y

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
3 rd Street	Local Street	N/A	80	Y
Gass Avenue	Secondary Collector	Planned Streets and Highways Map	80	Y

Streetscape Standards	Required	Provided	Compliance
3 rd Street	10-foot wide sidewalk with a five-foot wide amenity zone to include 36-inch box shade trees at 15 to 20-foot intervals.	10-foot wide sidewalk with a five-foot wide amenity zone to include 36-inch box shade trees spaces at 20-foot intervals.	Y
Gass Avenue	10-foot wide sidewalk with a five-foot wide amenity zone to include 36-inch box shade trees at 15 to 20-foot intervals.	10-foot wide sidewalk with a five-foot wide amenity zone to include 36-inch box shade trees spaced at 20-foot intervals.	Y

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Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center [Commercial Recreation/Amusement (Indoor), Tavern-Limited Establishment, Restaurant, Office, and Retail]	53,885 SF	1: 250 SF	216				
TOTAL SPACES REQUIRED			216		48		
Regular and Handicap Spaces Required			211	7	45	3	Y*
Loading Spaces	53,885 SF		3		1		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.*

ANALYSIS

This development proposal features three distinct and interrelated uses: a Commercial Recreation/Amusement (Indoor) (Movie Theater) use, a Restaurant use and a Tavern-Limited Establishment use. The movie theater meets the description of a Commercial Recreation/Amusement (Indoor) use, which is permitted in the C-2 (General Commercial) district and is not explicitly prohibited in the Downtown South District, along with the Restaurant use. The Tavern-Limited Establishment use is described in Title 19.12 as: "An establishment that is licensed with a tavern-limited license in accordance with LVMC Chapter 6.50." This use is allowed in the C-2 (General Commercial) zoning district by approval of a Special Use Permit. There are no Minimum Special Use Permit Requirements for the Tavern-Limited Establishment use. The stated goal of the Downtown South District is, "To continue to redevelop and contain an eclectic urban mix of businesses and residences including mixed-use developments within existing buildings and new development." Staff recommends approval of the Special Use Permit for the proposed Tavern-Limited Establishment use, as it may be conducted in a manner that is harmonious and compatible with the area and the Downtown South District.

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The applicant proposes to construct a 53,855 square-foot, three-story facility on 0.80 acres at the southwest corner of Gass Avenue and 3rd Street. The proposed commercial development consists of a three-story, eight-screen movie theater [Commercial Recreation/Amusement (Indoor) Facility (Walk-In Theater)] and restaurant with a Tavern-Limited Establishment use with a ground level tuck-under parking structure. The proposal features an outdoor dining area located within private property located along 3rd Street that is in conformance with the Downtown Centennial Plan, Section B. "Outdoor Dining and Entertainment Standards: Private Property." There are no encroachments required for the submitted site plan. 70% of the first story front and corner setbacks align along the front property line. No encroachments are shown on the provided site plan. The submitted site plan shows the building properly oriented to the street corner of 3rd Street and Gass Avenue with a single-level parking structure accessed from the rear alley and screened from view of the public rights-of-way. The front corner entrance is setback from the street corner with the metal canopies and building faces aligned to the property lines in conformance with the Downtown Centennial Plan.

Parking for the site is provided via ground-level structured parking for 48 spaces, three of which meet the handicap design standard. The recommended parking per Title 19.12 for the combination of uses is best represented with the Shopping center use listed in Title 19.12, as the applicant is proposing a single structure greater than 25,000 square feet with various commercial uses to include movie theaters, a tavern-limited establishment and restaurant, and retail and office uses. With the application of the Shopping Center use, the required parking is approximately 216 parking spaces; however, parking requirements are not automatically applied. Per Downtown Centennial Plan (DCP), parking structures without ground floor retail, office, or other uses shall have a minimum 10-foot landscaped setback. The provided plans show an four-foot wide landscape planter on the north side of the building and a eight-foot wide landscape area at the southeast corner of the site. The provided renderings show what appear to be adequate screening, thus a planter would not be required.

3rd Street and Gass Avenue are shown with the required five-foot amenity zone and 10-foot wide unobstructed sidewalk, with stamped concrete street corners ramped down for handicap access. Both streets (3rd Street and Gass Avenue) are shown with the required 36-inch box shade trees spaced 20 feet apart within a five-foot landscape amenity zone adjacent to the curb. The submitted site plans and elevations show the required metal canopies on the ground floor of a building is and the along the north and east sides of the building.

FINDINGS (SUP-52105)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

- 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.**

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The proposed Tavern-Limited Establishment use will operate in conjunction with a proposed Commercial Recreation (Walk-In Theater) use and is located in the Downtown Centennial Plan – Downtown South District. The proposed Tavern-Limited Establishment will serve as a complementary use to the proposed movie theater. This proposal will contribute specifically to the goals of the Downtown South District by encouraging “an eclectic urban mix of businesses.”

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

The proposed three-story movie theater will feature a full kitchen and a flexible floor plan that can physically accommodate the special separation requirements for a Tavern-Limited Establishment use. Also, the internal building circulation has been designed to accommodate customers of all physical abilities.

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.

Site access is provided from a rear alley primarily accessed from Gass Avenue to the north, an 80-foot Major Collector as designated in the Master Plan of Streets and Highways. Secondary access is provided from 3rd Street, an 80-foot right-of-way, and the applicant has provided the required 15-foot pedestrian right-of-way, with a 10-foot sidewalk and a five-foot amenity zone. These streets are sufficient in size to accommodate the needs of the proposed use. The parking standards of Title 19 are not automatically applied for proposals within the Downtown Centennial Plan; however, the applicant has provided 48 parking spaces to offset the development parking demand. Staff finds that a sufficient amount of available parking is located within a one-block radius of this proposal.

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.

Approval of this proposed Special Use Permit will not compromise the public health, safety and general welfare of the public. The use will be subject to regular inspections and is subject to licensing restrictions.

5.The use meets all of the applicable conditions per Title 19.12.

There are no applicable conditions listed for the Tavern-Limited Establishment in Title 19.12.

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FINDINGS (SDR-52106)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) 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 uses are compatible with adjacent commercial and residential development and the development in the surrounding Downtown South District. The three-story structure is contextually appropriate with other buildings in the area and the applicant has provided the appropriate streetscape, creating an attractive pedestrian environment along Gass Avenue and 3rd Street.

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 consistent with the General Plan and Title 19, as well as the Downtown Centennial Plan – Downtown South District development standards. The development complies with the goals and objectives of the Downtown South District: “To continue to redevelop and contain an eclectic urban mix of businesses and residences including mixed-use developments within existing buildings and new development.”

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

The site will utilize the existing public alley behind the site for vehicular access to the tuck-under parking lot. The alley is primarily accessed from Gass Avenue to the north, which is designated as an 80-foot Secondary Collector on the Master Plan of Streets and Highways. The intensity of the development will add approximately 2,500 Average Daily Traffic Trips (ADT) to the existing network, which has sufficient capacity to accommodate the proposed development. The applicant has provided 48 parking spaces within a tuck-under parking structure to offset the development parking demand. Staff finds that a sufficient amount of available parking is located within a one-block radius of this proposal. In addition, the applicant is providing the required 15-foot wide streetscape, which accommodates and encourages residents within the immediate area to walk, further offsetting the parking demand.

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

The proposed building and streetscape materials are in conformance with the Downtown South District development standards and for the City. The proposed material finishes correspond with the recently completed City Hall three blocks to the north and the multi-family residential building southwest of this development. The applicant has provided the required landscape materials for the 3rd Street and Gass Avenue streetscapes, along with public space furnishings such as bicycle racks, trash receptacles, and benches.

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 building elevations are consistent with the requirements of the Downtown Centennial Plan – Downtown South District and will establish a notable landmark for the street corner. The applicant has provided the required canopy along Gass Avenue and covered outdoor seating along 3rd Street. The applicant has provided a metal screen façade and a landscape planter, which will effectively screen the portion of the tuck-under parking structure located adjacent to Gass Avenue. There are two retail spaces and outdoor dining located along 3rd Street and the main entrance has been appropriately articulated to the overall building design.

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

The project will be subject to inspections, and appropriate measures will be taken to protect public health, safety, and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 578

APPROVALS 6

PROTESTS 0