



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JANUARY 10, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: 3250 SPRING MOUNTAIN TRUST

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SDR-67942	Staff recommends DENIAL, if approved subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 30

NOTICES MAILED 341

APPROVALS 1

PROTESTS 0

**** CONDITIONS ****

SDR-67942 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 plan date stamped 12/15/16, and building elevations, date stamped 11/28/16, except as amended by conditions herein.
3. A Waiver from the Downtown Centennial Plan is hereby approved, to allow a five-foot wide sidewalk along Park Paseo with no amenity zone or additional streetscape materials where a 10-foot sidewalk and five-foot amenity zone with eight 36-inch box shade trees are required.
4. A Waiver from the Downtown Centennial Plan is hereby approved, to allow zero percent of the proposed building to front along the west property line where 70 percent of the first story façade shall align along the front property line.
5. All new signage shall meet Downtown Centennial Plan and Las Vegas Boulevard Scenic Byway requirements or be approved by the Downtown Design Review Committee prior to installation of such signage.
6. 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.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. 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. The technical landscape plan shall include the following change from the conceptual landscape plan:
 - a. The five foot amenity zone along Las Vegas Boulevard shall contain 25-foot brown trunk height date palms at 30-foot increments.

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9. 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.
10. Prior to the submittal of a building permit application, the applicant shall meet with Department of Planning staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. Where buildings do not currently exist, dedicate an additional 10 feet of right-of-way on Las Vegas Boulevard and a 25-foot radius at the northeast corner of Las Vegas Boulevard and Park Paseo prior to the issuance of any permits as required by the Department of Public Works.
13. Correct all Americans with Disabilities Act (ADA) deficiencies and substandard improvements on the sidewalks adjacent to this site in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with development of this site. The driveway on Las Vegas Boulevard South shall comply with Standard Drawing #222.
14. Landscape and maintain all unimproved right-of-way adjacent to this site. All landscaping and private improvements 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.
15. Contact the City Engineer's Office at 702-229-6272 to coordinate the development of this project with the "Las Vegas Boulevard Beautification, Stewart to Sahara" project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
16. 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 or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to add a new 8,660 square-foot in-line retail building on a parcel that contains an existing 9,471 square-foot building. A portion of the existing building would be demolished to provide space for this new building, for a total combined floor area of 14,177 square feet.

ISSUES

- The existing building contains a nonconforming Sexually Oriented Business that cannot be altered, expanded or enlarged under the current Unified Development Code. The portion of the building containing this use will remain unchanged by the proposal.
- A Waiver of the Downtown Centennial Plan is required to allow a five-foot sidewalk along Park Paseo with no amenity zone or additional streetscape materials where a 10-foot sidewalk and five-foot amenity zone with 36-inch box shade trees is required. Staff recommends denial of the Waiver.
- A Waiver of the Downtown Centennial Plan is required to allow the proposed building to be set back from the property line along Las Vegas Boulevard where 70 percent of the front façade is required to be located along the property line. Staff recommends approval of the Waiver.
- If approved, 10 feet along Las Vegas Boulevard shall be dedicated for public right-of-way and a 25-foot radius shall be dedicated at the northeast corner of Las Vegas Boulevard and Park Paseo prior to the issuance of any permits.

ANALYSIS

All development is subject to the standards of LVMC Title 19 and the Downtown Centennial Plan (Downtown South District Standards). Downtown Design Review Committee review is required for all newly proposed signage on this site, unless such signage meets Title 19.08 and Las Vegas Boulevard Scenic Byway (75% neon illumination) standards, in which case it can be reviewed administratively, separately from other entitlements. A condition of approval addresses this requirement.

Access from Las Vegas Boulevard is proposed to be moved from the north side of the site to a central location. The existing eastern driveway from Park Paseo would remain, while the western driveway would be removed. The eastern driveway provides for left

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turns both in and out of the site. Circulation is logical; however, with the western driveway removal on Park Paseo, access to the existing parking will be impeded by proposed curbing. Overhead power lines crossing the site at a diagonal would be buried if approved. The proposed trash enclosure would be screened by interior landscaping.

The current retail building on the site requires 55 parking spaces under current Unified Development Code requirements. Presently, 15 spaces are being provided in the rear of the existing building. The proposed retail building would require 50 new parking spaces and the proposed truncated existing building would require 32 spaces for a total of 82 spaces under the UDC. Although projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements, the 45 proposed spaces would represent a 45 percent deviation if the UDC requirements were applied, which indicates that not enough parking is provided or the site is being overbuilt. The applicant states that these spaces will be sufficient, as the project will be located along a major thoroughfare with adequate public transit and high pedestrian traffic. However, parking requirements would increase if more intense uses such as restaurants are introduced in the future.

The existing building contains a nonconforming adult emporium (bookstore) that cannot be "increased, enlarged, extended or altered" without losing its nonconforming status. The portion of the building where this use is located would remain in its current location as part of this development.

The existing building is set back approximately 10 feet from the west property line. The proposed building would match this setback, requiring a waiver from the 70 percent build-to line requirement of the Downtown Centennial Plan. In addition, if approved, the Department of Public Works will require the dedication of 10 feet for the Las Vegas Boulevard right-of-way. Staff recommends approval of this request, as it is appropriate to keep the proposed building in line with the existing building as well as to allow space to provide the required streetscape along Las Vegas Boulevard. An encroachment agreement and permit would be needed as appropriate for any improvements within the public right-of-way.

There is currently only a curb and sidewalk adjacent to the existing building. New Downtown Centennial Plan streetscaping is required adjacent to the new building and along Park Paseo not adjacent to the existing building. The applicant proposes to close off one of the existing curb cuts along Park Paseo in anticipation of a future pad site on and adjacent to the site of the existing building. However, plans for the precise location of the pad site are not known at this time and the site plan only reflects the existing parking behind the building. The applicant states this as the reason for requesting a waiver of the sidewalk and amenity zone along Park Paseo. Staff recommends denial of the waiver, as the required streetscape could be installed with or without an additional

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pad on the property. A wide landscape buffer with 36-inch box Chilean Mesquite trees would be provided at the rear of the property.

The proposed building would be a 28-foot tall single story in-line retail structure facing the interior of the property. The front façade of this building features a canopy and varied rooflines with neon outline for visual interest. A reveal with metallic inlay is a feature that is carried around all sides of the building, although the north elevation will only be partially visible from Las Vegas Boulevard.

The lack of adequate parking and required Downtown Centennial Plan streetscape combined with compromised access to the existing parking spaces and a driveway design along Park Paseo that encourages turns into the adjacent residential neighborhood contribute to a recommendation for denial. If denied, the proposed 8,660 square-foot building could not be constructed, although any portion of the existing building not containing the Sexually Oriented Business could be removed.

FINDINGS (SDR-67942)

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 retail development would be located within an established commercial area away from residential dwellings. Although located within the Downtown Centennial Plan Overlay District, the lack of adequate parking and streetscaping combined with a driveway design that encourages neighborhood traffic make this project incompatible with this area of the city.

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 requires waivers of Downtown Centennial Plan streetscape and setback requirements.

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

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Access from Las Vegas Boulevard is proposed to be moved from the north side of the site to a central location. The existing eastern driveway from Park Paseo would remain, while the western driveway would be removed. Circulation is logical; however, with the driveway removal on Park Paseo, access to the existing parking will be impeded by proposed curbing.

According to the Department of Public Works, this project will add approximately 370 trips per day on Las Vegas Boulevard and Park Paseo. Las Vegas Boulevard is currently at about 79 percent of capacity and Park Paseo is at about 12 percent of capacity. After this project, Las Vegas Boulevard is expected to be at about 81 percent of capacity and Park Paseo to be at about 32 percent of capacity. Based on Peak Hour use, this development will add into the area roughly 32 additional cars, or about one every two minutes.

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

Building materials are appropriate for the Downtown area. Landscape materials where provided are not in conformance with Downtown Centennial Plan requirements, and a condition of approval addresses this.

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 building elevations and aesthetic features are designed to a pedestrian scale, will create a pleasing environment and will be compatible with other commercial development in the area.

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

The proposed development will be subject to permit review and inspection, thereby protecting the public health, safety and general welfare.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/22/95	The Board of Zoning Adjustment denied a request for a Special Use Permit (U-0094-95) for the off-premise sale of beer and wine in conjunction with a proposed food market at 1155 South Las Vegas Boulevard. Staff recommended approval.
07/26/99	The City Council denied an appeal of the Zoning Board of Adjustment's decision to deny a request for a Variance (V-0043-99) to allow a zero-foot side yard setback where 10 feet is required, a 12-foot rear yard setback where 20 feet is required, a 10-foot corner side yard setback where 15 feet is required; to allow 52 parking spaces where 67 are required; and to allow the continuation of a nonconforming use of a nonconforming building in conjunction with a proposed 16,780 square-foot commercial center at 1141 South Las Vegas Boulevard. Staff recommended denial.
02/23/06	At the applicant's request, the Planning Commission voted to table a request for a Special Use Permit (SUP-9896) for a proposed Mixed Use Development at 1147 South Las Vegas Boulevard. Staff recommended approval.
	At the applicant's request, the Planning Commission voted to table a request for a Site Development Plan Review (SDR-9897) for a proposed 324-foot tall, 26-story Mixed-Use Development with 178 residential units, 10,980 square feet of retail space and 42,500 square feet of office space, with Waivers of the Downtown Centennial Plan build-to line, upper floor stepback and streetscape standards on 1.09 acres at 1147 South Las Vegas Boulevard. Staff recommended denial.
05/10/16	The Planning Commission recommended denial of a request for a Text Amendment (TXT-62199) to amend LVMC 19.12.070 Conditional Use Regulations related to Sexually Oriented Businesses to allow for limited expansion, enlargement or alteration of nonconforming adult emporiums located within the Downtown Centennial Plan area. The request was forwarded to the City Council for consideration of a possible ordinance; however, no hearing has been scheduled to discuss the possible amendment.

<i>Most Recent Change of Ownership</i>	
08/29/12	A deed was recorded for a change in ownership.

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<i>Related Relevant Building Permits/Business Licenses.</i>	
1954	The existing building on this site was constructed.
05/21/91	A building permit (#91107091) was issued for an interior remodel of an existing adult book store at 1147 and 1149 South Las Vegas Boulevard. A final inspection was approved 06/18/91.
06/11/91	A business license (A32-00007) was issued for adult book and video sales at 1147 South Las Vegas Boulevard. The license remains active.
	A business license (V06-00008) was issued for an adult video center at 1147 South Las Vegas Boulevard. The license remains active.
	A business license (C08-01394) was issued for coin operated amusement machines at 1147 South Las Vegas Boulevard. The license remains active.
02/26/13	A building permit (226909) was issued for a tenant improvement at 1155 South Las Vegas Boulevard to provide interior access into the adjoining suite. A final inspection was approved 06/26/13.
09/06/16	A building permit (325559) was issued for a demolition permit for a portion of an existing building and foundation at 1141 South Las Vegas Boulevard. A final inspection has not been completed.

<i>Pre-Application Meeting</i>	
11/07/16	A pre-application meeting was held with the applicant, where submittal requirements for a Site Development Plan Review were discussed. The applicant explained that the current Sexually Oriented Business would remain and not be altered in any way. The applicant also indicated that sewer from the neighboring property to the east encroaches onto the property and that it would grant an easement for maintenance. Staff recommended a right-turn only design along Park Paseo to discourage neighborhood traffic.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
12/05/16	The site contains a retail building at the front of the property along Las Vegas Boulevard. Many of the retail stores in the building are out of business, but the adult emporium remains in operation. The sidewalk slopes down toward the street, but there are no trees or other vegetation along Las Vegas Boulevard. There is a sidewalk and no trees adjacent to the building along Park Paseo, but no trees or groundcover. An above ground power line bisects the paved area behind the building.

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Details of Application Request	
Site Area	
Net Acres	1.09

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Sexually Oriented Business	C (Commercial)	C-2 (General Commercial)
	General Retail Store		
North	Wedding Chapel	C (Commercial)	C-2 (General Commercial)
	Motel		
South	Banquet Facility	C (Commercial)	C-2 (General Commercial)
	Restaurant		C-1 (Limited Commercial)
	Parking Facility		
East	Motel	C (Commercial)	C-2 (General Commercial)
West	Motel	C (Commercial)	C-2 (General Commercial)
	Auto Repair Garage, Minor		

Master Plan Areas	Compliance
Downtown Centennial Plan	Y
John S. Park Historic Neighborhood	Y
Special Purpose and Overlay Districts	Compliance
Downtown Centennial Plan Overlay District (Downtown South District)	N
Las Vegas Boulevard Scenic Byway Overlay District	By Condition
Other Plans or Special Requirements	Compliance
Trails (Scenic Byway Trail)	Y
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. Lot Size	N/A	47,480 SF	N/A
Min. Lot Width	100 Feet	216 Feet	Y
Min. Setbacks • Front • Side • Corner • Rear	70% alignment 0 Feet 70% alignment 0 Feet	0% alignment 4 Feet existing building 22 Feet	N Y N/A Y
Max. Lot Coverage	N/A	29 %	N/A
Max. Building Height	N/A	28 Feet	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof	Y
Mech. Equipment	Screened	Parapet screened	Y
Wall Height	6 to 8 Feet Adjacent to Residential	New 8 Foot wall adjacent to east PL (not residential)	Y

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Las Vegas Blvd	Primary Arterial	Master Plan of Streets and Highways Map	80	N
Park Paseo	Minor Street	Title 13.12	51	N/A

Streetscape Standards	Required	Provided	Compliance
Major North-South Streets (Las Vegas Boulevard)	10' sidewalk	10-foot existing sidewalk	Y
	5' amenity zone	Proposed 5-foot amenity zone	Y
	25' BTH date palms in 30-foot increments (2 trees required)	(2) 36" box Chilean Mesquite trees	By Condition
East-West Streets (Park Paseo)	10' sidewalk	5-foot sidewalk in ROW	N
	5' amenity zone	No proposed amenity zone	N
	36" shade trees at 15-20 intervals (8 trees required)	Zero trees	N

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Pursuant to Title 19.08 and 19.12, the following parking standards apply:

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
General Retail Store	14,177 SF	1 space per 175 SF GFA	82				
Sexually Oriented Business							
TOTAL SPACES REQUIRED			82				45
Regular and Handicap Spaces Required			78	4	43	2	N
Loading Spaces	14,177 SF		2		0		N

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 current retail building on the site requires 55 spaces under the current UDC requirements. Presently, 15 spaces are being provided in the rear of the existing building. The proposed retail building would normally require 50 new parking spaces and the proposed truncated existing building would require 32 spaces for a total of 82 spaces. The 45 spaces proposed to be provided would represent a 45 percent deviation if the UDC requirements were applied. The applicant states that the 45 spaces proposed will be sufficient, as the project will be located along a major thoroughfare with adequate public transit and high pedestrian traffic.

Waivers		
Requirement	Request	Staff Recommendation
All streets shall have a 5' amenity zone and 10' sidewalk, with 25' date palms along Las Vegas Blvd every 30' and 36" shade trees at 15-20' along Park Paseo	To allow the existing 5' sidewalk along Park Paseo with no amenity zone or additional streetscape materials	Denial
70 percent of the 1 st story façade shall align along the front and corner side property lines	To allow zero percent of the proposed building to front along the west property line (Las Vegas Blvd.)	Approval