



City of Las Vegas

Agenda Item No.: 31.

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: NOVEMBER 13, 2018**

DEPARTMENT: PLANNING

DIRECTOR: ROBERT SUMMERFIELD

☐ Consent ☒ Discussion

SUBJECT:

SDR-7429 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING -
APPLICANT/OWNER: 3250 SPRING MOUNTAIN TRUST - For possible action on a request
for a Major Amendment to previously approved Site Development Plan Review (SDR-71783)
FOR A PROPOSED 1900 SQUARE-FOOT RESTAURANT WITH DRIVE THROUGH
WITH A WAIVER OF THE INTERIM DOWNTOWN LAS VEGAS SETBACK STANDARDS
on 1.44 acres at 1141 South Las Vegas Boulevard (APN 162-03-112-021), C-2 (General
Commercial) Zone, Ward 3 (Coffin) [PRJ-74200]. Staff recommends DENIAL.

MAY GO TO CITY COUNCIL ON 12/19/2018

OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL, if approved, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photo(s)
5. Justification Letter
6. Traffic Notes Submitted by the City of Las Vegas Department of Public Works Traffic Engineering Division
7. Submitted after Final Agenda - Protest Postcard and Protest/Support Documentation Not Vetted - Protest (5)/Support (1) Comment Forms

Motion made by TRINITY HAVEN SCHLOTTMAN to Hold in abeyance to 12/11/2018

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

CHRISTINA ROUSH, DONNA TOUSSAINT, TRINITY HAVEN SCHLOTTMAN, SAM CHERRY, VICKI QUINN, LOUIS DE SALVIO, BRENDA J. WILLIAMS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

NOTE: CHAIR CHERRY disclosed he lives within the notification area but believed that would not affect his vote one way or the other.

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Minutes:

CHAIR CHERRY declared the Public Hearing open.

STEVE GEBEKE, Planning Supervisor, stated the applicant is proposing to add a restaurant with a drive-through to a previously approved commercial center. The site is located in the Las Vegas Boulevard Scenic Byway and the Gateway District of Area 1 of the Downtown Master Plan. The applicant is requesting Waivers of the Plan for the build-to requirement to allow the building to be set back for the drive-through and for parking to allow 37 spaces where 91 would normally be required.

Staff recommended denial as the Waivers are self-imposed and do not further the Master Plan goals of creating a strong, pedestrian friendly street frontage. In addition, the intensification of the use and the limited parking proposed to accommodate it would negatively impact the adjacent residential development to the east. He noted an additional letter of protest was received since publication.

ALAN JESKEY, AJB General Contractors, and PIERE BURTON, representing the architect, were present.

MR. JESKEY stated this project has been in the works for several years. They are on the end of a 9,000 square-foot retail center that drastically improved the corner, and they have an interest in putting in a drive-through on the northeast corner of the intersection. After meeting with staff, they adjusted the drive-through and drive-up window to address cars stacking.

MIKE GANSON stated he lives just east of the subject site. He pointed out there were meetings in the community where limiting the amount of traffic in the neighborhood was discussed but that the site plan did not depict such. He also spoke of the need for traffic control in residential areas. He thought the development was needed and that it will look nice, but he thought an adjustment needed to be made so that traffic would be forced to turn right out of the facility so as not to cut through the neighborhood. He also requested a lockable trash enclosure to keep the homeless from looking for food in the trash and making a mess in his neighborhood.

MR. JESKEY understood MR. GANSONS concern regarding turning left out of the parking lot onto Park Paseo but recalled that issue being discussed during the initial design approval, and there were several individuals that did not want that because Park Paseo was not wide enough to support it. As far as the restaurant, he explained a Special Use Permit is being requested for a drive-through, but without it, they could probably build a larger building at the corner.

DAYVID FIGLER stated he is the President of the John S. Park Neighborhood Association, which is the neighborhood association where the subject property is located. The Association concurs with staff's assessment that it is incompatible to have a 24-hour or late-hour drive-through approximately 40 feet from the first house that starts the John S. Park Neighborhood. According to the Traffic Study in the Staff Report, the proposal will triple traffic on Park Paseo alone, which is a small side street, and cars will end up either having to go down 5th Street or 6th

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Street which are not built for that. The traffic component of the Staff Report states it is unknown what the impact will be on those streets.

MR. FIGLER also noted a scenario that would take traffic past the John S. Park Elementary School. He stressed this is a non-compatible use especially in an area that already has concerns with the gathering of homeless and drug users. They are trying to upscale this neighborhood and get neighborhood watches, and the proposal would be a draw for activity late into the evening. He reiterated the neighborhood is against allowing these entitlements to support this type of usage.

MR. JESKEY was confused about the comment relating to homelessness. He stated vacant buildings and dark corners attract the homeless while traffic, population and people being around are the things that drive the homeless away. As far as increasing traffic in the neighborhood, he stated the City is trying to get more people and new businesses downtown, and what they are proposing is what has to be done to accomplish that. He point out it is a brand new building, which he does not remember such on this stretch of Las Vegas Boulevard in a long time. He stated his client has put a lot of money into this corner, and he asked for the Commissions approval of this use.

CHAIR CHERRY referenced working through an ordinance to allow nonconforming adult uses to essentially move to become conforming buildings and how that helped in cleaning up the site, but he did not see how the drive-through worked at this location. He understood the homeless problem in this area but stated that is a bigger issue and discussion. He was concerned with dumping traffic into this neighborhood and commented there might be a fit for a smaller building, but he would be following staff's recommendation for denial. COMMISSIONER SCHLOTTMAN remembered when the text amendment came before them, and while the majority of the Commission was against it, the Council approved that ordinance, which he believed was put in place to put the adult bookstores out of business.

COMMISSIONER SCHLOTTMAN stated the adult bookstore at the subject site is being taken down, and a new building is being constructed. A site plan was approved in the past; maybe not the one currently before them, but they knew something would be coming through. This situation reminded him of the Jack in the Box drive-through at Wyoming Avenue and Main Street where drivers have to take a hard right to get into it making it a little difficult. With traffic going into the neighborhood being a concern of his as well, he asked if a traffic study was required and if staff thought something could be put on Park Paseo to direct traffic to Las Vegas Boulevard so as not to turn into the neighborhood.

LUCIEN PAET, Engineering Project Manager, confirmed a traffic study is required as part of the conditions of approval. The driveway on Park Paseo was recently constructed based on the previously-approved site plan and to channelize it to have drivers make a right on Park Paseo would require modification of the existing driveway. He stated early on in the process, they looked at putting in a forced right turn, but it is very difficult to prevent drivers from making a left onto Park Paseo. Currently, it accommodates two lanes of traffic in and out with 90-degree

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parking. He stated a condition could be added to place a No Left Turn sign and to modify the driveway to force traffic to take a right on Park Paseo.

CHAIR CHERRY pointed out the previously-approved site plan showed only a one-way going in and asked if something had changed. MR. PAET was not aware of anything that had changed from the approved site plan and what was constructed, adding it needs to conform to the previously-approved site plan.

COMMISSIONER SCHLOTTMAN asked if the applicant would be open to the idea of putting in some sort of element on Park Paseo to prohibit traffic turning left. MR. JESKEY stated they could put up a sign, but COMMISSIONER SCHLOTTMAN indicated he was not talking about a sign. MR. JESKEY was also amenable to placing a median, but he did not think everyone in the neighborhood would be happy about that.

MR. GEBEKE pointed out that a high rise project had been approved to the south at the former Thunderbird Hotel site, and he believed that included a condition for a left-turn only coming from the south side of Park Paseo to keep people out of that neighborhood, and installing a median may conflict with that condition.

COMMISSIONER ROUSH commented the Commissioners seemed torn as to what to do. She felt for the neighborhood and wanted to protect it and the school. She noted she has been a very vocal proponent of cleaning up The Strip and wants to see everything from Sahara Avenue to Fremont Street looking attractive and drawing people downtown. She was looking forward to the adult super store coming down and if that includes placing a fast food restaurant, she is leaning towards supporting it if the impact on the neighborhood can be mitigated. She thought the Planning Department and Public Works would be able to resolve it via conditions.

COMMISSIONER TOUSSAINT stated she went to John S. Park and loves this neighborhood. While she would like to see this area developed, she is not in favor of anything that puts traffic on 6th Street. She was conflicted but felt she had to support the residents and not support the project.

COMMISSIONER SCHLOTTMAN asked MR. PAET if there was a way for traffic coming out of the subject property to only take a right and not interfere with the condition of the high rise project mentioned by MR. GEBEKE. MR. PAET stated staff could look at doing something, but his thought was not to place a median on Park Paseo, but rather to modify the existing driveway to force traffic to take a right on Park Paseo. The Commissioner asked if an angled driveway would be better than an offset median. MR. PAET indicated he would have to look at the layout, but Park Paseo is a narrow street, and he thought it would be difficult to place a median to direct the traffic as was suggested. COMMISSIONER SCHLOTTMAN asked if there was anything Public Works could do to feed traffic to the right back onto Las Vegas Boulevard and discourage people from going into the residential area. MR. PAET stated staff could come up with a design to force a right turn, but people do not always follow the traffic rules. COMMISSIONER

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SCHLOTTMAN understood that but stated there are things that can be done to encourage people to make the right onto Park Paseo.

COMMISSIONER SCHLOTTMAN asked MR. JESKEY if they were open to working with Public Works on this issue. MR. JESKEY stated he was open to working with staff, but added it would have been nice if this had been resolved two to four years ago when the project was being designed.

COMMISSIONER SCHLOTTMAN asked to hear from PETER LOWENSTEIN, Deputy Planning Director. MR. LOWENSTEIN stated the previous approval in 2017 indicated a one-way drive off of Park Paseo and a two-way in and out from Las Vegas Boulevard. The proposed plan indicates a two-way drive onto Park Paseo so the discussion of traffic was prevalent in the previous entitlements. If conforming to the original site plan and conditions of approval, there should only be an ingress from Park Paseo. MR. JESKEY asked what that would consist of. MR. LOWENSTEIN responded it could say One Way to which MR. JESKEY agreed to. MR. JESKEY indicated the lot has not yet been striped and asked if it should be done so that it is a one way. MR. PAET was having technical difficulties with his computer so was unable to access the original site plan, but thought something must have changed at Council for the two-way driveway to have been constructed. MR. LOWENSTEIN indicated that approval was final action by the Planning Commission on November 14, 2017. There is not a specific condition calling out the one-way, but there is a condition requiring conformance with the date stamped plan which indicates one-way traffic into the site off of Park Paseo and then two-way traffic off of Las Vegas Boulevard.

MR. GEBEKE pulled up the approval for the Thunderbird Hotel site and read the condition that was added to that approval. It stated all egress movements from the site onto Park Paseo shall be limited to left turns only and a No Right Turn sign shall be installed for the egress movements of the driveways on Park Paseo. He provided that information so a condition was not placed on this application that contradicts that.

MR. JESKEY asked if making it a one-way only onto Park Paseo would satisfy the Commission. CHAIR CHERRY asked for comments from the Commission.

COMMISSIONER SCHLOTTMAN stated the biggest issue he has is traffic going into the residential community and asked MR. JESKEY if he would agree to the condition that all traffic comes up Las Vegas Boulevard, down Park Paseo, into the commercial subdivision and then back out onto Las Vegas Boulevard; MR. JESKEY agreed. The Commissioner asked MR. PAET to draft a condition stating such. MR. PAET clarified with the Commissioner that he was asking for an ingress only off of Park Paseo. He read a modified Condition No. 16 into the record which would include modifying the driveway that was constructed during Phase I of the project. MR. JESKEY indicated the driveway was just poured and inspected so he did not agree with modifying it, but he was amenable to striping the parking lot with angled parking and installing one-way signs.

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At this point, MR. JESKEY asked if the item could be held to allow them to sit down with staff. COMMISSIONER SCHLOTTMAN stated the item could be held or he would be making a motion for denial. COMMISSIONER QUINN stated she was taught one never redesigns a project at the podium so she would support abeying this item. COMMISSIONER SCHLOTTMAN commented he was not trying to redesign it but rather come up with a favorable outcome.

MR. JESKEY reiterated he would like to request the item be held. ASSISTANT CITY ATTORNEY BRYAN SCOTT asked the Commission to give some direction to the applicant. COMMISSIONER SCHLOTTMAN asked MR. JESKEY to talk to MR. PAET prior to next months meeting. MR. JESKEY agreed to do this.

CHAIR CHERRY declared the Public Hearing closed.