



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: DECEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: 2800 FREMONT, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-74656	Staff recommends DENIAL, if approved subject to conditions:	
SUP-74781	Staff recommends DENIAL, if approved subject to conditions:	
SDR-74657	Staff recommends DENIAL, if approved subject to conditions:	SUP-74656 SUP-74781

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 29

NOTICES MAILED 504 - SUP-74656 and SUP-74781
504 - SDR-74657

PROTESTS 2 - SUP-74656 and SUP-74781
2 - SDR-74657

APPROVALS 2 - SUP-74656 and SUP-74781
2 - SDR-74657

**** CONDITIONS ****

SUP-74656 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-74781) and Site Development Plan Review (SDR-74657) shall be required.
2. 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.
3. 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.
4. 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.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-74781 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Package Liquor Off-Sale Establishment use.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-74656) and Site Development Plan Review (SDR-74657) 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.

Conditions Page Two

December 11, 2018 - Planning Commission Meeting

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

SDR-74657 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-74656) shall be required, if approved.
2. 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.
3. All development shall be in conformance with the overall site plan date stamped 10/18/18, individual site plans date stamped 10/11/18 and 10/17/18, landscape plan date stamped 10/18/18, and building elevations date stamped 09/25/18 and 10/18/18, except as amended by conditions herein.
4. A future Site Development Plan Review(s) shall be required to review building elevations and floor plans for the proposed restaurant, drive-through and medical office on this site.
5. A Waiver from Title 19.08.040(B) is hereby approved, to allow buildings along Fremont Street to be set back from the minimum setback line where required to be placed at the minimum setback line to provide a street edge.

Conditions Page Three

December 11, 2018 - Planning Commission Meeting

6. A Waiver from Title 19.08.080 is hereby approved, to allow a seven-foot perimeter landscape buffer along portions of the south and west property lines where 15 feet is required.
7. Pursuant to Title 19.08.040(E) a minimum of 447 square feet of common plaza open space shall be integrated into the commercial portion of the site.
8. Provide one additional loading space within the commercial portion of the site meeting the requirements of Title 19.
9. Barbed wire shall be removed from all existing perimeter walls. In no case shall a screen wall be constructed in the front yard along Fremont Street.
10. 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.
11. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
12. The minimum distance between multi-family residential buildings shall be 10 feet.
13. 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 indicate 24-inch box or 15-foot tall palm trees every 20 feet on center within the landscape buffer along Fremont Street and every 30 feet along the north property line, with four accompanying five-gallon shrubs for every required tree within the perimeter buffers.
14. A Master Sign Plan shall be submitted for approval by the City of Las Vegas prior to the issuance of a Certificate of Occupancy for any building on the site and prior to the issuance of any sign permits.
15. 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.

Conditions Page Four

December 11, 2018 - Planning Commission Meeting

16. 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.
17. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

18. Grant or obtain, as appropriate, Traffic Signal Easements on the south side of Fremont Street for the proposed signalized private driveway adjacent to this site prior to the issuance of permits for this site.
19. Correct all Americans with Disabilities Act (ADA) deficiencies and remove all unused driveway cuts, if any, on the sidewalk along Fremont Street 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. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
20. Landscape and maintain all unimproved rights-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.
21. Submit a License Agreement for landscaping and private improvements in the City of Las Vegas portion of the Fremont Street public right of way, if any, prior to this issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the License 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 License Agreement. The installation and maintenance of all private improvements in the public right of way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the License Agreement. Coordinate all requirements for the License Agreement with the Land Development Section of the Department of Building and Safety (702-229-4836).
22. Concurrent with on-site development activities, reconstruct the traffic signal adjacent to this site to accommodate a southern leg for the private drive proposed for this site. Additionally, the driveways connecting this site to the private signalized driveway shall be a minimum of 24 feet in width.

Conditions Page Five

December 11, 2018 - Planning Commission Meeting

23. Obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for all driveways or other private improvements in the Fremont Street public right-of-way adjacent to this site prior to constructing any improvements within NDOT jurisdiction. If NDOT does not approve of the proposed driveway location, the site shall be redesigned to accommodate NDOT requirements.
24. 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.
25. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to develop a vacant 25.55-acre site with a 344-unit multi-family residential complex and a 132,664 square-foot commercial development containing multiple uses at the northeast corner of Oakey Boulevard and Atlantic Street, with commercial frontage along Fremont Street.

ISSUES

- Conditional Use Regulation #1 permitting the Multi-Family Residential use in a C-2 (General Commercial) zoning district only in conjunction with a mixed-use development will not be met by the applicant's proposal. Approval of a Special Use Permit for the Multi-Family Residential use is therefore required. Staff recommends denial.
- The Director of Planning, pursuant to Title 19.19.020, has determined Fremont Street to be the primary street frontage for this development to maintain compatibility with the existing surrounding land uses.
- A Waiver of Title 19.08.040(B) is requested to allow buildings along Fremont Street to be set back from the minimum setback line where required to be placed at the minimum setback line to provide a street edge. Staff recommends denial.
- A Waiver of Title 19.08.080 is requested to allow a seven-foot wide perimeter landscape buffer along portions of the south and west property lines where 15 feet is required. Staff recommends approval.
- An Exception to Title 19.08.040(E) is requested to allow no common plaza open space where a minimum of 447 square feet of plaza space is required (50 square feet per gross acre of commercial site area). Staff denies the Exception; installation of the open space is therefore required per Title 19 commercial design standards. A condition of approval has been added to provide the plaza space.
- Additional perimeter buffer trees are required along Fremont Street and the north property line. A condition of approval addresses this deficiency.
- An Exception to Title 19.08.110 is requested to allow 111 parking lot trees where 142 trees are required. Staff approves the Exception.
- An additional loading space is required in the commercial portion of the site. A condition of approval addresses this deficiency.
- Approval of a Master Sign Plan for the project site is required prior to issuance of a certificate of occupancy for any building and any sign permit. If approved, a condition of approval addresses this issue.

Staff Report Page Two

December 11, 2018 - Planning Commission Meeting

ANALYSIS

Site Location, General Plan and Zoning Designations

The site currently consists of two assessor parcels (APNs 162-01-201-006 and 007) on a mapped triangular shaped lot. Prior to December 2014, APN 162-01-201-006 consisted of two smaller parcels within Clark County jurisdiction zoned H-1 (Limited Resort and Apartment). In December 2014, those H-1 parcels were annexed into the City and designated a city-equivalent zoning of C-2 (General Commercial). APN 162-01-201-007 was already located within city limits and had been part of property containing a hotel and casino development, which was demolished in 2005.

In 2006, the City of Las Vegas Redevelopment Area 1 (RDA) was amended to include certain parcels along Fremont Street, including 162-01-201-007. When APN 162-01-201-006 was annexed in 2014, it did not become part of the RDA. As a result, the current General Plan designations of APNs 162-01-201-006 and 007 differ; the RDA parcel is designated C (Commercial) and the non-RDA parcel is designated GC (General Commercial), and both are in separate tax districts. Both the C and GC designations allow for similar uses and zoning districts, and both parcels are already zoned C-2; therefore, there is no need for a General Plan Amendment on APN 162-01-201-006 to make the designations consistent with each other and no need to include this parcel in the RDA.

Proposed Development and Uses

The applicant is proposing commercial uses along Fremont Street and multi-family residential uses on the remainder of the site. The uses are not vertically integrated and parking is not shared; therefore the uses do not conform to the Title 19.18 definition of "Mixed-Use."

The following Title 19.12 commercial uses are proposed with access from Fremont Street:

- Single-story, 13,651 square-foot General Retail Store [Grocery Store] with accessory gas pumps and canopy
- 26,085 square-foot Office, Medical or Dental
- Single-story, 2,000 square-foot Restaurant (including Drive Through use)
- Two-story, 90,928 square-foot Mini-Storage Facility with accessory truck rental and recreational vehicle storage

Staff Report Page Three

December 11, 2018 - Planning Commission Meeting

The medical office and restaurant buildings are not planned to be built in the initial phase of the project, and floor plans and elevations for these buildings are subject to change. If approved, a condition of approval will require a separate Site Development Plan Review for review of those specific developments prior to the issuance of permits for those buildings.

All proposed uses are permitted in the existing C-2 (General Commercial) zoning district. Multi-Family Residential and Mini-Storage Facility are conditional uses. Pursuant to Title 19.12.040, if any of the conditional use regulations cannot be met, a Special Use Permit is required. As the proposed development is not a mixed use development by Title 19 definition, Conditional Use Regulation #1 for the Multi-Family residential use cannot be met; therefore, a Special Use Permit has been requested for the Multi-Family use pursuant to Title 19.12.040(B) (see analysis below). All conditional use regulations for the Mini-Storage Facility use can be met by the proposal.

Greater than 10 percent (approximately 13.6%) of the display/sales area of the proposed grocery store is intended for the display and sales of alcohol; as such, the definition of a Grocery Store with Alcohol cannot be met. Title 19.12 instead allows for this use as a Package Liquor Off-Sale Establishment, which requires a Special Use Permit in the C-2 (General Commercial) zoning district (see analysis below).

According to the Title 19.18 definition of "Lot Frontage" the front of the property is Atlantic Street. The Director of Planning, pursuant to Title 19.18.020, has determined Fremont Street to be the front of the site, as the site functions as though Fremont Street is the primary frontage and as such is most compatible with the surrounding commercial land uses. A Waiver of Title 19.08.040 building orientation and placement requirements is requested to place commercial buildings along Fremont Street away from the setback line and place parking in front of the buildings. Staff recommends denial of the Waiver request, as parking should be located to the side and rear of the proposed buildings to allow for a uniform and aesthetically pleasing street edge.

Access to the commercial uses is from three driveways along Fremont Street. The northernmost driveway is already signalized and would occur on the north side of the north property line as required through a recorded private access agreement provided with the applicant's submittal materials. An additional leg of the traffic signal will need to be installed to control traffic at the intersection of the private drive with Fremont Street.

The commercial portion of the site is in conformance with all C-2 commercial development standards; no variances are requested. Parking requirements are met overall and for each component of the development, except that one additional loading space is required for the site; a condition of approval addresses this deficiency. Vehicular access is shared between parking areas, and sidewalks will connect buildings along Fremont Street.

Staff Report Page Four

December 11, 2018 - Planning Commission Meeting

Adequate landscape buffers are provided along the site perimeter, except for four portions of the south and west perimeter, for which a Waiver must be approved. Staff supports this Waiver, as the reductions are minor and occur near the emergency access and parking lot turnarounds for the multi-family residential development. Additional landscaping in the amenity zone along Fremont Street is provided. A License Agreement for maintenance of improvements within the City of Las Vegas portion of the public right-of-way will be required, as well as an Occupancy Permit from the Nevada Department of Transportation (NDOT) for private improvements within NDOT jurisdiction. Buffers along the east (Fremont Street) and north property lines are deficient in trees, although a note on the plans states conformance with Title 19 requirements. A condition of approval will ensure the minimum number of trees are provided. An Exception is requested to allow fewer trees in the parking areas than required. Staff approves the Exception, as the deficiency is negligible and a large percentage of the multi-family parking area is covered by parking canopies.

Commercial developments of five acres in size or greater shall provide a minimum of 50 square feet of plaza space for each acre of gross land area. Such plaza spaces shall be in addition to any such spaces provided by individual tenants or businesses for the use of their customers. The applicant has requested an Exception to this requirement without adequate justification. Each commercial building is planned as a standalone development with its own architecture and parking, and except for shared driveway access, there is no site integration. Staff denies the Exception request and will require a minimum of 447 square feet of plaza space per Title 19.08.040(E). The Planning Commission has the authority to act upon the Exception as part of the Site Development Plan Review.

The elevations of the proposed commercial buildings vary in architectural style and character, resulting in a disintegrated aesthetic to the development. Although this collection of uses cannot be defined as a Shopping Center per Title 19.18, the development should have a unified theme. All buildings will minimally conform to commercial design standards, containing variation in materials, wall planes and rooflines.

The existing six-foot perimeter walls along Oakey Boulevard and Atlantic Street are proposed to remain with minor improvements, which include re-stuccoing and removal of existing barbed wire. The wall will be modified with perforated steel view fences where emergency access is provided. Per Title 19.08.040(G) perimeter walls must be decorative and contain contrasting materials, unless the applicant can provide proof of a building permit for the existing walls. Wrought iron fencing is proposed along Fremont Street behind the required landscape buffer. Solid walls separate the commercial area (and in particular the Mini-Storage Facility) from the residential area. In no case shall a screen wall be erected along the frontage.

Multi-Family Residential Complex

The Multi-Family Residential use is defined by Title 19 as “a structure used or designed as a residence for three or more families or households living independently of each other.” The proposed use meets this definition, as the applicant has proposed multiple structures designed to accommodate 344 separate tenants, which may include families or single persons.

This use is conditional in the C-2 (General Commercial) zoning district. The Conditional Use Regulations include the following:

1. This use is permitted only in conjunction with an approved Mixed-Use development.

The proposed use does not meet this requirement. Per Title 19.18, “Mixed-Use” is “the vertical integration of residential uses and commercial or civic uses within a single building or a single development”; the proposed commercial and residential uses are side by side, or “horizontal.” Therefore, a Special Use Permit is required. There are no minimum Special Use Permit requirements for this use.

The Multi-Family Residential use consists of 344 for-rent units within 22 two-story buildings. Five unique building types include different configurations of studio, one-bedroom, two-bedroom and three-bedroom units. Access to the complex is proposed from Fremont Street through the proposed commercial area. A visitor parking area and leasing office is provided outside the gates leading to the apartment buildings. Twenty-four foot private drives provide access to surface parking facilities and to each building. Amenities for residents only that are accessory to this use include a soccer field, outdoor gym, outdoor basketball court, swimming pool with cabanas, two picnic shelters and two activity pavilions. Trash enclosures are provided at the approximate rate of one per three buildings within the complex. Staff notes that an accessory clubhouse [termed a “Community Center, Private (Accessory)”] by Title 19 is not a permitted use in the C-2 zoning district. The leasing office and resident amenities are permitted accessory uses.

The net density of the proposed development is 13.46 dwelling units per acre. There is no maximum density cap in the C-2 zoning district. Staff notes, however, that if the multi-family residential portion of the site is remapped in the future and rezoned for strictly residential uses that the density would increase to approximately 21 dwelling units per acre.

The proposed development is adjacent to R-1 (Single Family Residential) zoned lots to the south and west. The R-1 front yard setback requirement is 20 feet along Atlantic Street and Oakey Boulevard. Per Title 19.08 residential adjacency requirements, the proposed buildings on this site facing those streets must also be at least 20 feet from

the residential property line, regardless of the allowed C-2 setbacks. The proposed buildings on the perimeter have been designed to meet the required 3:1 proximity slope from the property line of the single family residential lots and to match the adjacent residential setback.

Package Liquor Off-Sale Establishment

The Package Liquor Off-Sale Establishment use is defined as:

“An establishment, other than a grocery store with alcohol or a retail establishment with package liquor off-sale, whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold. This use includes an establishment that provides on-premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license for that location. This land use entitlement shall only permit the consideration of LVMC Title 6 package alcoholic beverage licenses for the following types of establishments:

1. Liquor store, as described in LVMC 6.50.170(B)(2).
2. Establishment for instructional winemaking, as described in LVMC 6.50.170(B)(3).
3. Ancillary craft distillery, as described in LVMC 6.50.090.”

The proposed use meets the definition, as the proposed retail store is an establishment that intends to sell alcoholic beverages in the original, sealed containers for off-premise consumption. The retail display and sales space for alcoholic beverages exceeds 10 percent of the total retail display and sales area and therefore the use cannot be classified as a grocery store for purposes of obtaining a package liquor license under LVMC Title 6.

The Minimum Special Use Permit Requirements for this use include the following (an asterisk signifies that the condition is nonwaivable):

- *1. Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both minimum separation between a package liquor off-sale establishment and other uses that should be protected from impacts associated with a package liquor off-sale establishment and/or possible impacts associated with the saturation of package liquor off-sale establishments in any particular area of the City. Therefore, except as otherwise provided herein, such package liquor off-sale establishment use shall be separated from other uses as indicated below:

Staff Report Page Seven

December 11, 2018 - Planning Commission Meeting

- *a. Except as otherwise provided, no package liquor off-sale establishment (hereinafter “establishment”) shall be located within 400 feet of any church/house of worship, school, individual care center licensed for more than 12 children, or City park.
- *b. Except as otherwise provided, no liquor store shall be located within 1000 feet of any other liquor store, liquor establishment (tavern), urban lounge or sexually oriented business.

The proposed use meets this requirement, as there are no protected uses within 400 feet of the subject property. In addition, there is no other liquor store, liquor establishment (tavern), urban lounge or sexually oriented business within 1,000 feet of the subject property.

- *2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:
 - a. Any leasehold parcel; or
 - b. Any parcel which lacks access to a public street or has no area for onsite parking and which has been created so as to avoid the distance limitation described in Requirement 1.

The proposed use meets this requirement, as measurement is taken with reference to the property line of the entire subject property. There are no interior property lines that can be used for measurement purposes.

- *3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
 - a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or

- b. In the case of a proposed establishment which will be located within a shopping center or other multiple tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.

This requirement does not apply, as the subject parcel area is less than 80 acres in size.

4. The minimum distance requirements in Requirement 1 do not apply to an establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

This requirement does not apply to the subject property.

5. The distance separation requirement set forth in Requirement 1 may be waived in accordance with the provisions of LVMC 19.12.050(C), but only in connection with a proposed package liquor off-sale establishment that will have an ancillary craft distillery business license and that will be operated in conjunction with a craft distillery that qualifies as such under NRS 597.235.

The proposed use does not meet this requirement and therefore the distance separation requirement in Requirement 1 cannot be waived. No distance separation waiver is required for this use, and none is requested.

- *6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

The proposed use meets this requirement, as alcoholic beverages would be sold in sealed containers as part of the operations of a liquor store. A standard condition of approval requires conformance to this section of the code.

- *7. No package liquor off-sale use shall be permitted on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

This requirement does not apply to the subject site.

- *8. This use is permitted in the C-PB Zoning District only when it is ancillary to a craft distillery that qualifies as such under NRS 597.235.

This requirement does not apply, as the subject site is zoned C-2 (General Commercial).

December 11, 2018 - Planning Commission Meeting

The applicant's floor plan indicates that alcohol displays would be located within corner spaces dedicated to a beer cave and a liquor room. Together, these displays total approximately 13.6 percent of the retail floor area of the store. A gaming area with 15 slot machines is proposed at the opposite end of the store.

A Master Sign Plan is required for this development prior to issuance of building permits or sign permits. As no application for a Master Sign Plan was submitted in conjunction with the Site Development Plan Review, a condition of approval addresses this requirement.

The proposed development is deemed to be a Project of Regional Significance as defined by Title 19.18.010. Per Title 19.16.010, a completed Development Impact Notice and Assessment (DINA) from the applicant is required for any Special Use Permit request within 500 feet of parcels within Clark County jurisdiction. No comments in response to the DINA have been received from the affected entities.

The Clark County School District projects that 86 additional primary and secondary school students will be generated by the proposed residential development on this site. Of the schools at each level in the area, Crestwood Elementary School is over program capacity, Knudson Middle School is under capacity and Valley High School is over capacity for the 2017-2018 school year.

The Traffic Engineering Division of Public Works projects that 501 additional vehicles (or about eight every minute) would be added to Fremont Street, Atlantic Street and Oakey Boulevard at peak hour use as a result of the proposed development. Each of the named streets is well under capacity. It should be noted that the site is designed such that the only primary access is from Fremont Street, which should reduce negative traffic impacts to the adjacent single family neighborhood.

The commercial and residential portions of the proposed development in themselves can be compatible with the existing adjacent commercial and residential developments; however, they are proposed to be located on the same commercially zoned lot with no physical or aesthetic integration of uses, which is required by Title 19. In keeping with the objectives of the Las Vegas 2020 Master Plan for this area, residential development in the C-2 (General Commercial) zoning district through Title 19 is intended to be vertically integrated with commercial development within the context of a mixed-use development. The proposed separation of multi-family residential uses from commercial uses on the same site therefore frustrates the intent of the Code and cannot be supported by staff. As staff recommends denial of the Special Use Permit that would allow for a non-mixed-use development in the C-2 zoning district, it also recommends denial of the related Site Development Plan Review and associated Special Use Permit for a Package Liquor Off-Sale Establishment. If denied, permits could not be issued for development of the site as proposed.

FINDINGS (SUP-74656)

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.

Residential development per Title 19 in the C-2 (General Commercial) zoning district is intended to be vertically integrated with commercial development within the context of a mixed-use development. The proposed separation of multi-family residential uses from commercial uses on the same site therefore frustrates the intent of the Code, when remapping and rezoning the multi-family residential portion of the site with adequate buffering of the proposed commercial uses would be the proper course of action in this instance.

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

The proposed site is adequate to accommodate the size and intensity of a multi-family residential use.

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.

Access to the proposed use will be provided from Fremont Street, a 165-foot wide Primary Arterial as classified by the Master Plan of Streets and Highways. Private access to the complex is proposed from Fremont Street through the proposed commercial area. These facilities will be sufficient to meet the requirements of the proposed multi-family residential use.

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.

Objective 1.1 of the Las Vegas 2020 Master Plan calls for the development of a significant residential component within the Downtown area to provide a catalyst for establishment of service commercial uses in this area. However, this is to be achieved in the context of mixed-use development on vacant sites such as the subject site. Vertical integration of ground floor commercial uses is appropriate in this area.

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

The Multi-Family Residential use does not meet Conditional Use Regulation #1, which restricts such development only to approved mixed-use projects. There are no minimum Special Use Permit requirements.

FINDINGS (SUP-74781)

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.

The proposed land use meets all distance separation requirements, would be located within a commercial area with highway frontage and is compatible with the proposed commercial uses. However, staff cannot support a development that separates commercial and residential uses on the same commercially zoned site and therefore cannot support a Special Use Permit for the proposed Package Liquor Off-Sale Establishment.

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

The site will provide sufficient parking for all proposed uses. The Package Liquor Off-Sale Establishment use is proposed within a new retail (grocery) store and does not generate additional parking.

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.

Access to the proposed use will be provided from Fremont Street, a 165-foot wide Primary Arterial as classified by the Master Plan of Streets and Highways. This roadway is adequate in size to accommodate the proposed use.

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.

The proposed use will be subject to licensing review and regular inspection, thereby protecting the public health, safety and general welfare.

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

The proposed use conforms to all applicable minimum requirements under the Package Liquor Off-Sale Establishment use.

FINDINGS (SDR-74657)

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 commercial and residential portions of the proposed development can be compatible with the existing adjacent commercial and residential developments; however, they are proposed to be located on the same commercially zoned lot with no physical or aesthetic integration of uses, which is required by Title 19.

2.The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;

The proposed development is inconsistent with Title 19.12 with regard to the placement of multi-family residential uses outside of the context of a mixed-use development, and it is also inconsistent with the intent of the C-2 (General Commercial) zoning district. In addition, insufficient landscaping is provided along the north and east property lines and within the parking lot. The applicant requests multiple waivers and exceptions from Title 19 to accommodate the development that are not related to a deficiency in the site itself and therefore cannot be supported.

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

All vehicular traffic will be directed to and from Fremont Street, a 165-foot Primary Arterial street as classified by the Master Plan of Streets and Highways and will not negatively affect neighborhood traffic west and south of the proposed development. There are no planned pedestrian gates to the adjacent single-family neighborhood.

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

Building and landscape materials are generally appropriate for this area of the city; however, the existing perimeter walls lack contrasting materials and some areas of the perimeter are deficient in trees that provide cooling, shading and screening properties.

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;

All buildings will minimally conform to commercial design standards, containing variation in materials, wall planes and rooflines. However, there is no integration of architectural design between buildings to unify the development.

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

Site development is subject to building permit review and inspection, thereby securing the public health, safety and general welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
05/17/06	The City Council approved a General Plan Amendment (GPA-9219) to change the future land use designations on various parcels located within the Las Vegas Redevelopment Plan area and proposed Redevelopment Plan expansion area to Commercial, Mixed Use, Industrial or Public Facilities. The Planning Commission and staff recommended approval.
10/05/06	The Planning Commission approved a Tentative Map (TMP-16274) for a one-lot commercial subdivision (Castaways Station) on 26.12 acres at 2800 Fremont Street. The approval expired 10/05/08.
12/17/14	The City Council approved a Petition to Annex (ANX-56263) 4.45 acres of land on the west side of Fremont Street, approximately 220 feet north of Oakey Boulevard, into the City of Las Vegas. The annexation became effective 12/26/14.
04/16/15	A Parcel Map (PMP-58350) for a two-lot merger and resubdivision on 30.55 acres at the northeast corner of Oakey Boulevard and Atlantic Street was recorded.
06/06/18	Code Enforcement processed a Case (190172) regarding a homeless camp on this site facing Oakey Boulevard. The case has not been resolved.
11/13/18	The Planning Commission voted (7-0) to hold in ABEYANCE SUP-74656, SUP-74781 and SDR-74657 [PRJ-74513] to the December 11, 2018 Planning Commission meeting.

<i>Most Recent Change of Ownership</i>	
05/09/18	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no active business licenses or building permits on this site.	
07/06/05	A building permit (C-46254) was issued for demolition of a six-story parking structure and foundations at 2800 Fremont Street (Castaways Hotel/Casino). A final inspection has not been approved.
07/26/05	A building permit (C-47697) was issued for demolition of three, two-story motel buildings at 2800 Fremont Street (Castaways Hotel/Casino). A final inspection has not been approved.
08/12/05	A building permit (C-48881) was issued for demolition of an existing 18-story tower, three-story west casino, two-story east casino, two-story bowling alley, two-story sports book connector and three porte cocheres at 2800 Fremont Street (Castaways Hotel/Casino). A final inspection has not been approved.

Staff Report Page Fifteen

December 11, 2018 - Planning Commission Meeting

<i>Pre-Application Meeting</i>	
08/29/18	A pre-application meeting was held with the applicant to discuss submittal requirements for entitlements for a large commercial and residential development.

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

<i>Field Check</i>	
10/04/18	The site is partially asphalted with parking lot light standards; however, weeds and other vegetation have grown through the asphalt. Along Fremont Street, the site is bordered by a chain link fence and screen wall. Along Oakey Boulevard and Atlantic Street, the site is bound by an existing stucco wall that has been abated for graffiti. The southeast corner of the site contains some trash and debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	25.55

<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	GC (General Commercial) C (Commercial)	C-2 (General Commercial)
North	Undeveloped	C (Commercial)	C-2 (General Commercial)
South	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	Motel General Retail Store, Other Than Listed	CT (Commercial Tourist)	H-2 (General Highway Frontage) – Clark County

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District	Undeveloped
				Private Club, Lodge or Fraternal Organization
				C-2 (General Commercial) Clark County
				R-1 (Single Family Residential)
West		Motor Vehicle Sales, Used	CT (Commercial Tourist)	
		Single Family, Detached	L (Low Density Residential)	

Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Area and Overlay Districts	Compliance
No Applicable Special Area or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	1,112,958 SF	N/A
Min. Lot Width	100 Feet	1,330 Feet	Y

SUP-74656, SUP-74781 AND SDR-74657 [PRJ-74513]

Min. Setbacks			
• Front (Fremont St)	10 Feet	47 Feet	Y
• Side	10 Feet	20 Feet	Y
• Rear*	20 Feet	21 Feet	Y
Min. Distance Between Buildings	N/A	20 Feet	N/A
Max. Lot Coverage	50 %	32 %	Y

Standard	Required/Allowed	Provided	Compliance
Max. Building Height	N/A, except where limited by residential adjacency	2 Stories/30 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

*Pursuant to Title 19.18.020, the rear property line is a line 10' in length parallel to and at a maximum distance from the front property line.

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope (Atlantic St)	79 Feet	79 Feet	Y
3:1 proximity slope (Oakey Blvd)	90 Feet	90 Feet	Y
Adjacent development matching setback	20 Feet	20 Feet	Y
Trash Enclosure	50 Feet	156 Feet	Y

Pursuant to Title 19.08, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 30 Linear Feet	13 Trees	12 Trees	N
• South	1 Tree / 20 Linear Feet	50 Trees	53 Trees	Y
• South	1 Tree / 30 Linear Feet	11 Trees	16 Trees	Y
• East (Fremont)	1 Tree / 20 Linear Feet	51 Trees	28 Trees	N
• West	1 Tree / 20 Linear Feet	36 Trees	39 Trees	Y
TOTAL PERIMETER TREES		161 Trees	148 Trees	N
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	142 Trees	111 Trees	N
LANDSCAPE BUFFER WIDTHS				

Landscaping and Open Space Standards			
Standards	Required		Provided
	Ratio	Trees	
Min. Zone Width			
• North	8 Feet		8 Feet
• South	15 Feet		7 Feet
• East (Fremont)	15 Feet		15 Feet
• West	15 Feet		7 Feet
Wall Height	6 to 8 Feet Adjacent to Residential		6 Feet

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Fremont Street	Primary Arterial	Master Plan of Streets and Highways Map	165	Y
Atlantic Street	Local Street	Title 13	52	Y
Oakey Boulevard	Minor Collector	Title 13	72	Y

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

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Multi-Family Residential:							
Studio/1 BR	112 units	1.25 spaces per unit	140				
2 BR	208 units	1.75 spaces per unit	364				
3 BR	24 units	2 spaces per unit	48				
Guest	344 units	1 space per 6 units	58				
TOTAL RESIDENTIAL			610				

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Commercial:							
General Retail, Other Than Listed	13,651 SF	1 space per 175 SF GFA	79				
Restaurant	2,000 SF (1,200 SF seating/ waiting + 800 SF remaining)	1 space per 50 SF seating and waiting + 1 space per 200 SF remaining	28				
Office, Medical or Dental	26,085 SF	1 space per 200 SF up to 2,000 SF; 1 space per 175 SF remaining	148				
Mini-Storage Facility	725 units 5 rental vehicles	5 spaces + 1 space per 50 units + 1 space per rental vehicle	25				
TOTAL COMMERCIAL	132,664 SF		280				
TOTAL SPACES REQUIRED			890		944		Y
Regular and Handicap Spaces Required			870	20	915	29	Y
Loading Spaces	132,664 SF	3 spaces plus 1 per 100,000 SF over 50,000 SF	4		3		N

Waivers		
Requirement	Request	Staff Recommendation
Buildings for standalone projects or individual pad developments associated with a larger commercial center should be located at the front of the site at the minimum setback line (10')	To allow buildings along Fremont Street to be set back from the minimum setback line	Denial
Min. 15' wide perimeter landscape buffer along all rights-of-way	To allow 7' buffers along portions of the south (Oakey Blvd.) and west property lines	Approval

Exceptions		
Requirement	Request	Staff Recommendation
Developments of 5 acres in size or greater shall provide a minimum of 50 square feet of plaza space for each one acre of gross land area (8.93 acres)	To allow no common plaza open space where a minimum of 447 square feet of plaza space is required	Denial
Parking lot trees for every six uncovered spaces plus one tree at the ends of each row	To allow 111 parking lot trees where 142 are required	Approval