



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: DECEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: 3250 SPRING MOUNTAIN TRUST

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SDR-74296	Staff recommends DENIAL, if approved subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 30

NOTICES MAILED 336

PROTESTS 2

APPROVALS 0

**** CONDITIONS ****

SDR-74296 CONDITIONS

Planning

1. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-67942) and Site Development Plan Review (SDR-71783) shall be required, except as amended herein.
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 site plan, date stamped 11/26/18 and the landscape plan and building elevations, date stamped 09/26/18, except as amended by conditions herein.
4. A Waiver from the Downtown Las Vegas Overlay Setback Standards is hereby approved, to allow zero percent of the proposed building to front along the south property line where 70 percent of the first story façade shall align along the front property line.
5. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. All utility or mechanical equipment shall comply with the provisions of the Downtown Las Vegas Overlay Development Standards, unless approved by a separate Waiver.
8. A trash enclosure shall be provided in accordance with Title 19.08.040.
9. 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.

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10. 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. Provide four drought-tolerant shrubs per tree in the landscape buffer area along Paseo Park.
11. 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.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. Concurrent with development of this site, abandon any unused sewer laterals to this site in Park Paseo per city standards.
14. Contact the City Engineer's Office at 702-229-6272 to coordinate the development of this project with the "Las Vegas Boulevard Stewart to Sahara" project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
15. 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.
16. The final geometric design of the driveway on Las Vegas Boulevard shall meet the approval of the City Traffic Engineer. The ingress only driveway on Park Paseo shall be modified to match the approved site plan date stamped 11/26/2018.
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 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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18. 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.
19. Site development to comply with all applicable conditions of approval for SDR-67942 and all other applicable site-related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed Restaurant with Drive Through use at 1141 South Las Vegas Boulevard.

ISSUES

- A Waiver of the Interim Downtown Las Vegas setback standards is requested to allow a zero percent alignment along the south property line where 70 percent is required. Staff does not support the request.

ANALYSIS

The subject site currently consists of two buildings utilized for a General Retail use and a non-conforming Sexually Oriented Business (Adult Emporium) use. The subject site is located within the Downtown Las Vegas Overlay – Gateway District and is subject to Appendix F Interim Downtown Las Vegas Development Standards. Per Site Development Plan Review (SDR-67942) and Site Development Plan Review (SDR-71783), the building currently located along Las Vegas Boulevard, which houses the Sexually Oriented Business (Adult Emporium) use, will be demolished. The applicant proposes to construct a Restaurant with Drive Through use on the southern portion of the subject parcel.

Per Title 19.12, a Restaurant use is defined as “an establishment providing for the preparation and retail sale of food and beverages, including without limitation cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e. pizza) and similar uses.” It is listed as a permitted use in the C-2 (General Commercial) zoning district. A Drive Through use is defined as, “the use of a dedicated drive lane that, incidental to a principal use, provides access to a station, such as a window, door or mechanical device, from which occupants of a motor vehicle receive or obtain a product or service.” The Drive Through use is listed as a Conditional Use in the C-2 (General Commercial) zoning district. The proposed development meets the definition of a Restaurant with Drive Through and meets the Conditional Use Regulations for a Drive Through as shown below.

The Conditional Use Regulations are listed as follow:

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1. A single-station drive-through shall have a stacking lane that will accommodate a minimum of six vehicles, including the vehicle at the station. A multiple-station drive-through shall have stacking lanes that will accommodate a minimum of three vehicles per station, including the vehicle at that station.

The proposed Restaurant with Drive Through provides stacking for eleven vehicles.

2. The drive-through shall be screened in accordance with LVMC 19.08.040(F).

The proposed Drive Through is screened by landscaping in accordance with LVMC 19.08.040(F).

3. In the O (Office) and C-D (Designed Commercial) Districts, a drive-through shall be separated from any residentially zoned property by an intervening building and shall not have access to local residential streets.

This condition is not applicable as the subject site is zoned C-2 (General Commercial).

The building design is required to meet the minimum requirements of the Downtown Las Vegas Overlay Architectural Design Standards. The submitted elevation plans depict an 18-foot tall building with a mixture of façade materials including an earth-toned stucco, tempered storefront glazing and boral stone along the bottom portion of the building. The top of the building is accented by a roofline parapet. The architectural details are carried on all sides of the building. In addition, a shade feature consisting of an approximate four-foot horizontal projection extends from the west side of the building. A Waiver of the Interim Downtown Las Vegas setback standards has been requested to allow a zero percent alignment along the south property line where 70 percent of the first story façade shall align along the front property line. The applicant proposes to have a ten-foot setback from the south property line, adjacent to Park Paseo. A Waiver of the 70 percent build-to line requirement along Las Vegas Boulevard was approved through Site Development Plan Review (SDR-67942).

The subject site is located within the Las Vegas Boulevard Scenic Byway Overlay District. Any proposed signage within this area is subject to a Downtown Design Review Committee review, 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 has been added to address this issue. The applicant did not submit any signage for review in conjunction with this project, nor is signage part of this review.

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Site access will be provided from Las Vegas Boulevard and Park Paseo. The Department of Public Works - Transportation Engineering Division commented that this project will add approximately 1,439 trips per day on Park Paseo and Las Vegas Boulevard. Currently, Park Paseo is at about 5 percent of capacity and Las Vegas Boulevard is at about 80 percent of capacity. With this project, Park Paseo is expected to be at about 14 percent of capacity and Las Vegas Boulevard to be at about 84 percent of capacity. Based on Peak Hour use, this development will add into the area roughly 132 additional cars, or about two every minute.

The subject site is located within the Gateway District (Area 1) of the Downtown Master Plan Area. The objective of this district is to provide higher density, transit-oriented development along the Las Vegas Boulevard corridor in order to strengthen it as a high activity spine. Upper story office, residential, institutional uses, with ground floor retail and civic spaces are encouraged. The proposed Restaurant with Drive Through use is not aligned with the objectives of the Gateway District.

While projects located within the Downtown Las Vegas Overlay - Area 1 are not subject to the automatic application of parking requirements, the applicant proposes to provide a deviation to the amount that would typically be required. Per the submitted site plan and parking analysis, the subject site will provide 37 parking spaces where 91 would be required for a similar project in a different area of the city. The applicant also proposes to provide zero loading zone spaces where two would be typically required.

The subject site is also located within the John S. Park Neighborhood Plan Area. The purpose of this neighborhood plan was to document the resident's future goals as it pertains to any new development. Protecting the area from any further commercial encroachment is listed as a goal. While this is an existing commercial site, the proposed Restaurant with Drive Through use addition will intensify its commercial impact on the area residents and does not reflect the goals of the John S. Park Neighborhood Plan. Due to the requested Waiver setback, anticipated increase in residential neighborhood traffic and deficient parking, staff recommends denial of the proposed Site Development Plan Review. If approved, it will be subject to conditions.

FINDINGS (SDR-74296)

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 Restaurant with Drive Through use is not compatible with the adjacent development in the area as it will encourage additional neighborhood traffic.

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

The proposed development will require a waiver of Appendix F Interim Downtown Las Vegas setback standards. It also fails to meet the objectives of the Downtown Las Vegas Overlay – Gateway District. Staff does not support the request.

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

Site access will be provided from Las Vegas Boulevard and Park Paseo. The Department of Public Works - Transportation Engineering Division commented that this project will add approximately 1,439 trips per day on Park Paseo and Las Vegas Boulevard. Currently, Park Paseo is at about 5 percent of capacity and Las Vegas Boulevard is at about 80 percent of capacity. With this project, Park Paseo is expected to be at about 14 percent of capacity and Las Vegas Boulevard to be at about 84 percent of capacity. Based on Peak Hour use, this development will add into the area roughly 132 additional cars, or about two every minute. It is anticipated this development will also encourage additional residential neighborhood traffic.

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

Building materials are appropriate for the Downtown area. A condition of approval has been added to ensure appropriate drought-tolerant landscaping is provided along Park Paseo.

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 with a vehicular focus and pedestrian elements. It will be compatible with other commercial development in the immediate vicinity.

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

If approved, the proposed development will be subject to building permit review, thereby protecting the public health, safety and general welfare.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, 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 setback and streetscape standards on 1.09 acres at 1147 South Las Vegas Boulevard. Staff recommended denial.
02/15/17	The City Council approved a request for a Site Development Plan Review (SDR-67942) for a proposed single-story, 8,660 square-foot building with a Waiver of Downtown Centennial Plan setback and streetscape standards on 1.09 acres at the northeast corner of Park Paseo and Las Vegas Boulevard. The Planning Commission recommended approval; staff recommended denial.
08/16/17	The City Council adopted Ordinance #6593 as the first amendment to Bill #2017-28, which amended the Unified Development Code to authorize the limited expansion, enlargement or alteration of nonconforming adult emporiums located within the Downtown Centennial Plan area and make conforming changes to Las Vegas Municipal Code (LVMC) Title 6 regarding the licensing of adult emporiums.

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
11/01/17	The City Council struck Bill 2017-38, which proposed an amendment to the Unified Development Code to allow for the limited expansion, enlargement or alteration of nonconforming adult motion picture arcades located within the Downtown Centennial Plan area.
11/14/17	The Planning Commission approved Site Development Plan Review (SDR-71783) to allow the relocation of an existing Sexually Oriented Business into an approved single-story, 8,660 square-foot building at the northeast corner of Park Paseo and Las Vegas Boulevard. Staff recommended approval of the request.
10/08/18	The Planning Department – Code Enforcement Division opened Case (#193595) for graffiti on walls and windows at 1147 South Las Vegas Boulevard. The case remains open.
11/13/18	The Planning Commission voted (7-0) to hold in ABEYANCE SDR-74296 [PRJ-74200] to the December 11, 2018 Planning Commission meeting.

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

<i>Related 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 bookstore 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 tenant improvements 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. An extension on the permit was granted 03/06/17.
12/19/17	Building Permit (#L-70003) was issued for parking lot improvements and a building demolition at 1141 South Las Vegas Boulevard. The permit has not been finalized.

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Pre-Application Meeting	
08/16/18	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Site Development Plan Review to allow a Restaurant with Drive-Through use.
09/20/18	Staff conducted a follow-up pre-application meeting with the applicant where traffic concerns and site plan alternatives were discussed.

Neighborhood Meeting
A Neighborhood meeting was not required, nor was one held.

Field Check	
10/04/18	Staff conducted a routine field check and found a partially developed lot. There is an existing building with a Sexually Oriented Business (Adult Emporium) use positioned along Las Vegas Boulevard. Staff observed graffiti on the walls of the existing building.

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	Motel	C (Commercial)	C-2 (General Commercial)
South	Banquet Facility	C (Commercial)	C-2 (General Commercial)
	Restaurant		
	Parking Facility		
East	Motel	C (Commercial)	C-2 (General Commercial)
West	Motel	C (Commercial)	C-2 (General Commercial)
	Auto Repair Garage, Minor		

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Master and Neighborhood Plan Areas	Compliance
John S. Park Historic Neighborhood	*N
Special Area and Overlay Districts	Compliance
DTLV-O (Downtown Las Vegas Overlay) District – Area 1 (Gateway District)	**N
SB-O (Las Vegas Boulevard Scenic Byway Overlay) District	Y
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	N/A

* The proposed development will intensify the existing commercial development at the subject site.

**The applicant has requested a Waiver of the 70% build-to line requirement along Park Paseo.

DEVELOPMENT STANDARDS

Pursuant to the Downtown Las Vegas Overlay, 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	70% alignment	0% alignment	*N
• Side	0 Feet	127 Feet	Y
• Corner	70% alignment	0% alignment	**N
• Rear	0 Feet	117 Feet	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	By Condition	Y
Mech. Equipment	Screened	By Condition	Y

*A Waiver of the 70% build-to line requirement along Las Vegas Boulevard was approved through SDR-67942.

**The applicant has requested a Waiver of the 70% build-to line requirement along Park Paseo.

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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	Y
Park Paseo	Local Street	Title 13	51	Y

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

*As approved through Site Development Plan Review (SDR-67942).

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

Parking Requirement – Downtown							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail Store	8,660 SF	1 space per 175 SF GFA	50				
Sexually Oriented Business							
Restaurant	1,724 SF	1 Per 50 SF Public Seating	35				
	1,176 SF	1 Per 200 Remaining	6				
TOTAL SPACES REQUIRED			91		37		*N

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Parking Requirement – Downtown							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Regular and Handicap Spaces Required			87	4	33	4	*N
Loading Spaces	11,560 SF		2		0		*N

*Projects located within the Downtown Las Vegas Overlay - Area 1 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.

Waivers		
Requirement	Request	Staff Recommendation
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 south property line	Denial