

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

REZONING RELATED TO GPA-14325

ZON-14338 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: FIRST STREET PROPERTIES, LLC - Request for a Rezoning FROM: P-R (PROFESSIONAL OFFICE AND PARKING) AND R-4 (HIGH DENSITY RESIDENTIAL) TO: C-1 (LIMITED COMMERCIAL) on 0.52 acres at 700, 708 and 712 South 10th Street (APNs 139-34-810-101 through 103), Ward 5 (Weekly). NOTE: As Of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Backup referenced from the 09-07-06 Planning Commission Meeting Item 18

Motion made by GARY REESE to Approve subject to conditions and amending Condition 2 as read for the record as follows:

2. A Resolution of Intent with a one-year time limit is hereby granted.

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

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

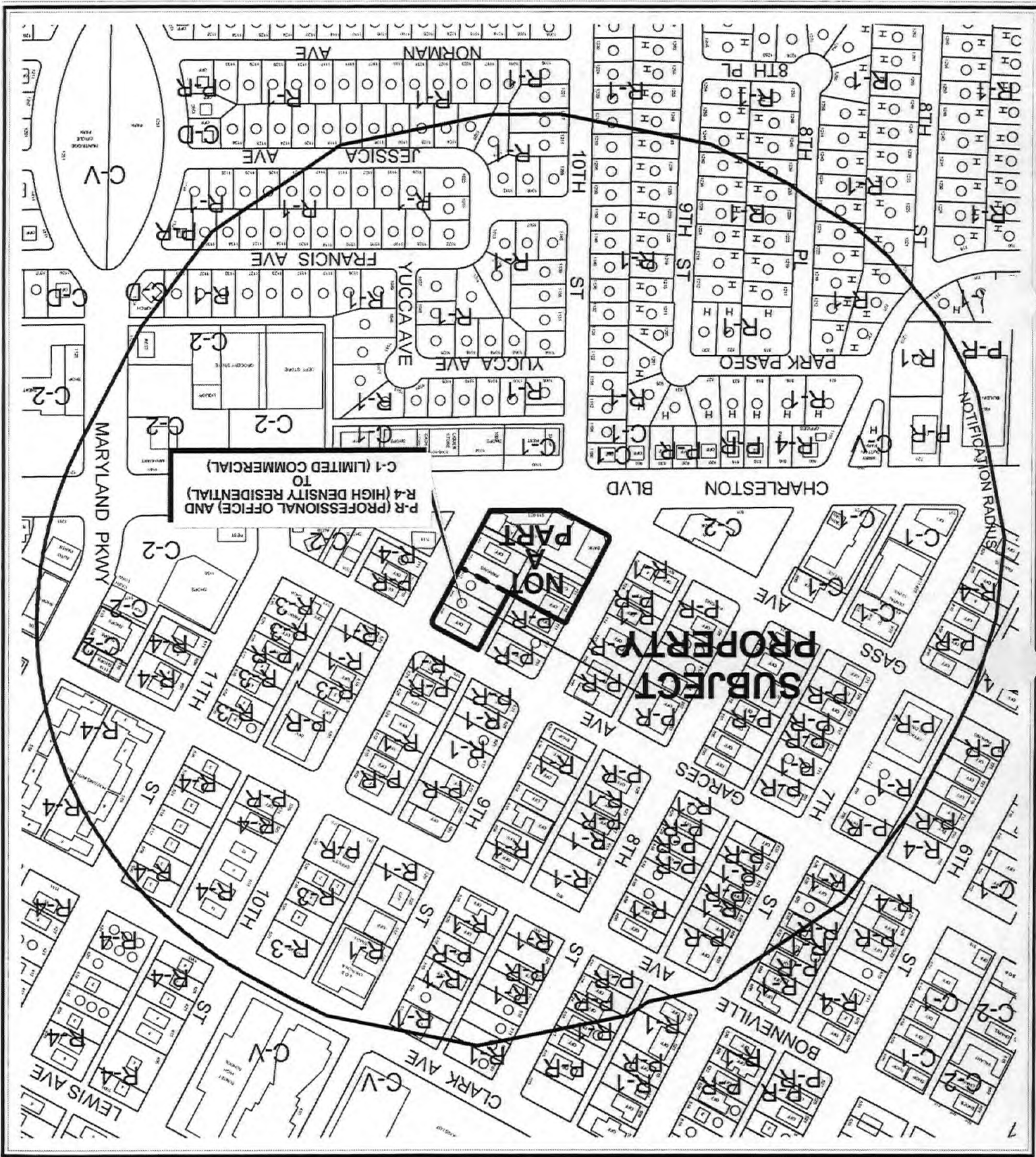
Minutes:

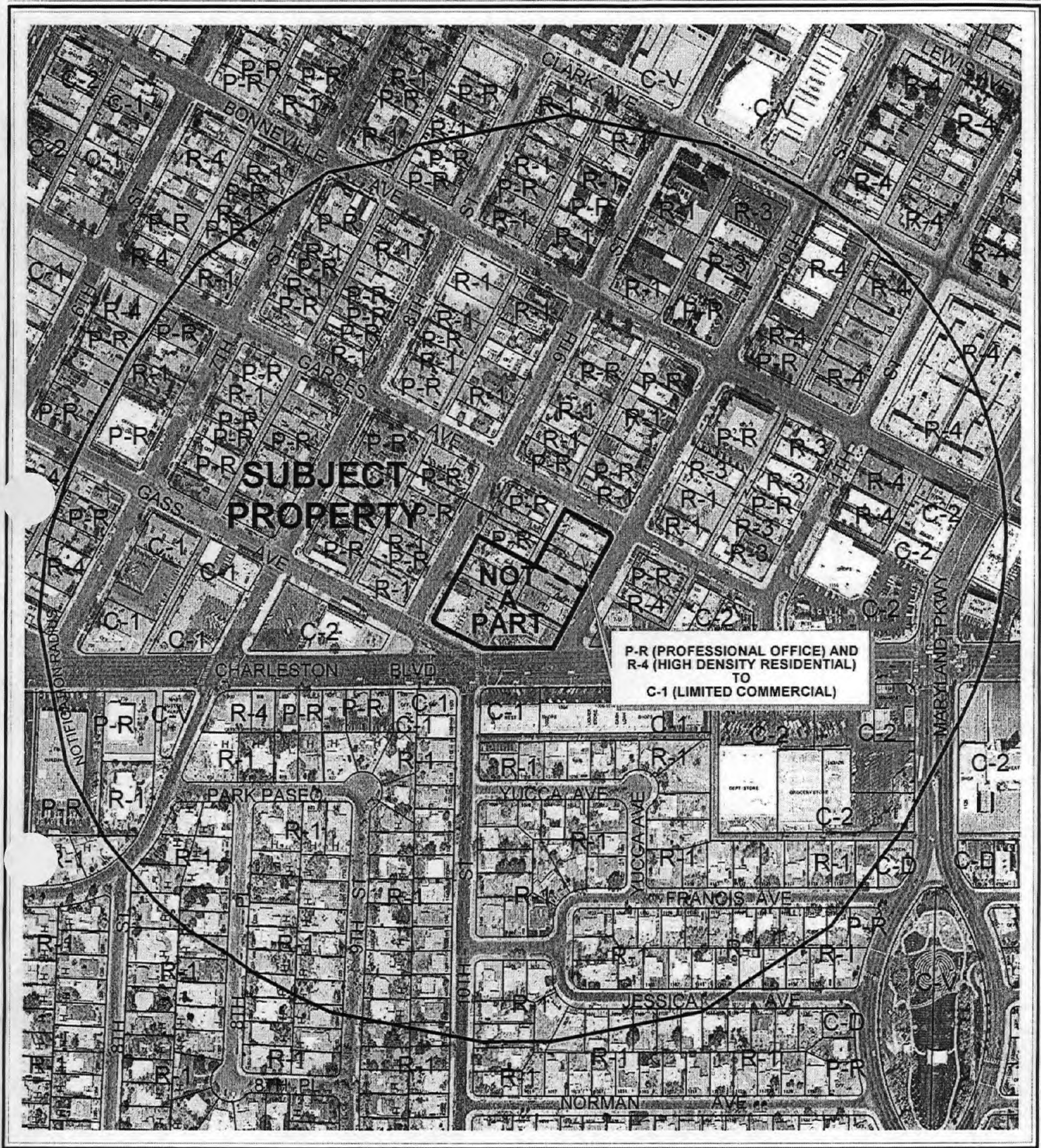
See Item 69 for a combined Verbatim Transcript of Items 69 - 76 and related backup.



CASE: ZON-14338
RADIUS: 1000 FT
ZONING OF SUBJECT PROPERTY:
R-4 (HIGH DENSITY RESIDENTIAL) AND P-R (PROFESSIONAL OFFICE AND PARKING)
PROPOSED ZONING OF SUBJECT PROPERTY:
C-1 (LIMITED COMMERCIAL)

0 200 400 Feet





CASE: **ZON-14338**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-4 (HIGH DENSITY RESIDENTIAL) AND P-R (PROFESSIONAL OFFICE AND PARKING)

PROPOSED ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - ZON-14338 - APPLICANT: CASINO CENTER PROPERTIES - OWNER: FIRST STREET PROPERTIES, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 4, 2006 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-2/se/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. A General Plan Amendment (GPA-14325) to a C (Commercial) land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit is hereby granted.
3. A Site Development Plan Review (SDR-14349) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

4. A Petition of Vacation, such as VAC-12884, to eliminate the existing alley rights-of-way in conflict with this site plan shall record prior to the recordation of a Final Map for this site. Dedicate a 20-foot wide alley along the northern side of Assessor's Parcel No. 139-34-812-075 to connect to Ninth Street (including a radius) acceptable to the City Engineer immediately after recordation of the Order of Vacation.
5. Coordinate with the City Surveyor to determine whether a Reversionary Map or other Map is necessary; comply with the recommendations of the City Surveyor.
6. Dedicate a 25-foot radius on the northwest corner of 10th Street and Charleston Boulevard and on the corner of Charleston Boulevard and Gass Avenue. Dedicate an additional 10 feet of right-of-way for a total 25-foot radius corner on the northeast corner of Gass Avenue and Ninth Street.
7. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

8. Construct all incomplete half-street improvements adjacent to this site 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.
9. A sanitary sewer relocation plan must be submitted to and approved by the Collection Systems Planning Section of the Department of Public Works prior to the issuance of any permits. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
10. 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. 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. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. 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.
11. 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, submittal of any construction drawings or the submittal of a Map subdividing this site, 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. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Rezoning from P-R (Professional Office and Parking and R-4 (High Density Residential) to C-1 (Limited Commercial) on 0.52 acres at 700, 708 and 712 South 10th Street. The following associated cases will be considered concurrently with this request: GPA-14325, VAR-14342, VAR-14345, VAR-14347, SUP-14339, VAC-12884 and SDR-14349.

EXECUTIVE SUMMARY

The proposed Rezoning is consistent with the existing and proposed land use designations, and meets the minimum standards for the C-1 (Limited Commercial) zoning district. While the uses allowed under the proposed zoning are generally acceptable for the area, the intensity of the proposed development is in appropriate for its context.

BACKGROUND INFORMATION

A) *Related Actions*

- 05/03/72 The City Council approved a Rezoning (Z-0026-72) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) for the parcel at 717 S. 9th Street. The Planning Commission recommended approval of the request on 04/13/72.
- 04/26/79 The Board of Zoning Adjustment approved a Variance (V-0027-79) to allow a group care home for 16 residents on the property at 700 S. 10th Street.
- 09/27/84 The Board of Zoning Adjustment approved a Variance (V-0103-84) to allow a beauty shop where such use is not allowed on the property located at 717 S. 9th Street.
- 02/06/91 The City Council approved a Rezoning (Z-0150-90) from R-1 (Single Family Residential), R-3 (Medium-Density Residential), R-4 (High-Density Residential), P-R (Professional Office and Parking) and C-1 (Limited Commercial) to C-1 (Limited Commercial) for five of the parcels that comprise the subject development. The Planning Commission recommended approval of the request on 01/10/91.
- 09/07/06 The Planning Commission recommended approval of companion items, VAR-14347, SUP-14339, VAC-12884 and denial of GPA-14325, VAR-14342, VAR-14345 and SDR-14349 concurrently with this application.
- 09/07/06 The Planning Commission voted 5-2/se/sd to recommend APPROVAL (PC Agenda Item #18/ff).

B) Pre-Application Meeting

05/16/06 At the pre-application conference, issues were discussed relative to the General Plan designation for the site, rezoning requirements, parking requirements, residential adjacency requirements, and general development standards. In addition, issues were discussed relative to the configuration of the alley.

C) Neighborhood Meetings

07/05/06 A neighborhood meeting was held by the applicant at the Las Vegas Senior Center; 33 residents attended the meeting. The following concerns were raised at the meeting:

- Concern about the reduction in parking;
- Concern about the residential adjacency waiver and impact of building shadows on the residential neighborhood to the south;
- Concern about traffic impacts on the neighborhood to the north;
- Concern about construction noise;
- Concern about sewer capacity;
- Concern about power availability;
- Concern about the provision of recreation space for residents of the project;
- Concern about public transportation access and bus turnout facilities; and
- Concern about the impacts of reflective glazing and whether or not the building would be LEED certified.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.52

B) Existing Land Use

Subject Property:	Single-Family Residential Use
	Office Use
North:	Office Use
South:	Office Use
	General Commercial Use
East:	Single-Family Residential Use
	Office Use
	General Commercial Use
West:	Single-Family Residential Use
	Office Use

C) Planned Land Use

Subject Property: MXU (Mixed-Use) [Proposed: C (Commercial)]
North: MXU (Mixed-Use)
South: MXU (Mixed-Use)
C (Commercial)
East: C (Commercial)
West: MXU (Mixed-Use)

D) Existing Zoning

Subject Property: R-4 (High-Density Residential) and P-R (Professional Office and Parking) [Proposed: C-1 (Limited Commercial)]
North: R-1 (Single Family Residential)
P-R (Professional Office and Parking)
South: C-1 (Limited Commercial)
East: R-4 (High-Density Residential)
P-R (Professional Office and Parking)
C-2 (General Commercial)
West: R-1 (Single Family Residential)
P-R (Professional Office and Parking)

E) General Plan Compliance

The subject parcels are within the boundaries of the Las Vegas Redevelopment Plan area, and have a MXU (Mixed-Use) land use designation; the applicant has filed a General Plan Amendment (GPA-14325) to change the land use designation on the entire development parcel to C (Commercial). The C (Commercial) designation allows uses comparable to the O (Office), SC (Service Commercial) and GC (General Commercial) land use categories.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Redevelopment Plan Area

As previously noted, the development site is within the boundaries of the Las Vegas Redevelopment Plan area, and it is proposed to change the land use designation to C (Commercial). The proposed commercial uses are consistent with the proposed land use designation; the residential uses are allowed in commercial districts upon approval of a special use permit.

F) Density

EXISTING ZONING	PERMITTED DENSITY	PROPOSED ZONING	PERMITTED DENSITY	GENERAL PLAN	PERMITTED DENSITY
R-4	26-50 du/ac	C-1	N/A	C (Proposed)	N/A
P-R	N/A				(Proposed: 170.7 du/ac)

No residential density limits are specified for the C-1 (Limited Commercial) zoning district. The proposed density of the project will be 170.7 dwelling units per acre.

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following minimum standards must be met to rezone the property to C-1 (Limited Commercial):

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	0.52 acres	N/A
Min. Lot Width	100 Feet	160 Feet	Y

The parcels comply with the minimum size requirements to be rezoned to C-1 (Limited Commercial).

B) General Analysis and Discussion

The proposed Rezoning request will affect three of the parcels that comprise the development site. One of the parcels is currently zoned R-4 (High Density Residential); the remaining two parcels are zoned P-R (Professional Office and Parking). The proposed Rezoning request will allow uniform C-1 (Limited Commercial) zoning on all of the parcels that make up the development site.

The proposed Rezoning is consistent with the current and proposed land use designations, and meets the minimum requirements for the C-1 zoning district regulations as listed in Title 19.08. The properties immediately adjacent to the site include single-family uses, multifamily uses, office uses, and general commercial uses; it is intended that the area will transition from residential uses to professional office, commercial uses, and mixed-use development.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. "The proposal conforms to the General Plan."

The parcels are currently designated MXU (Mixed-Use), but the applicant has submitted a General Plan Amendment (GPA-14325) to change the designation to C (Commercial). Either the MXU (Mixed-Use) or C (Commercial) land use designations allow C-1 (Limited Commercial); consequently, the request is in conformance with the General Plan.

2. "The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."

The uses allowed under the C-1 (Limited Commercial) zoning district are generally compatible with the surrounding land uses and zoning districts. Several properties in the immediate area are still utilized for single-family residential uses, but the long-range plan for the neighborhood is for conversion to professional office and low-intensity commercial uses.

3. "Growth and development factors in the community indicate the need for or appropriateness of the rezoning."

The proposed rezoning is in accordance with the current and proposed land use designation for the property. The project as designed is more intense than other existing or proposed developments for the neighborhood, and requires numerous Variances and Waivers. As such, the project does not appear to be appropriate to its context.

4. "Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."

The site immediately abuts Charleston Boulevard, a 100-Foot Primary Arterial as designated on the Master Plan of Streets and Highways, and has adequate capacity to serve the proposed development. The remainder of the site is bordered by 70- and 80-foot wide local streets, which may be impacted by the intensity of the development plan.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 295 by Planning Dept

APPROVALS 3

PROTESTS 1



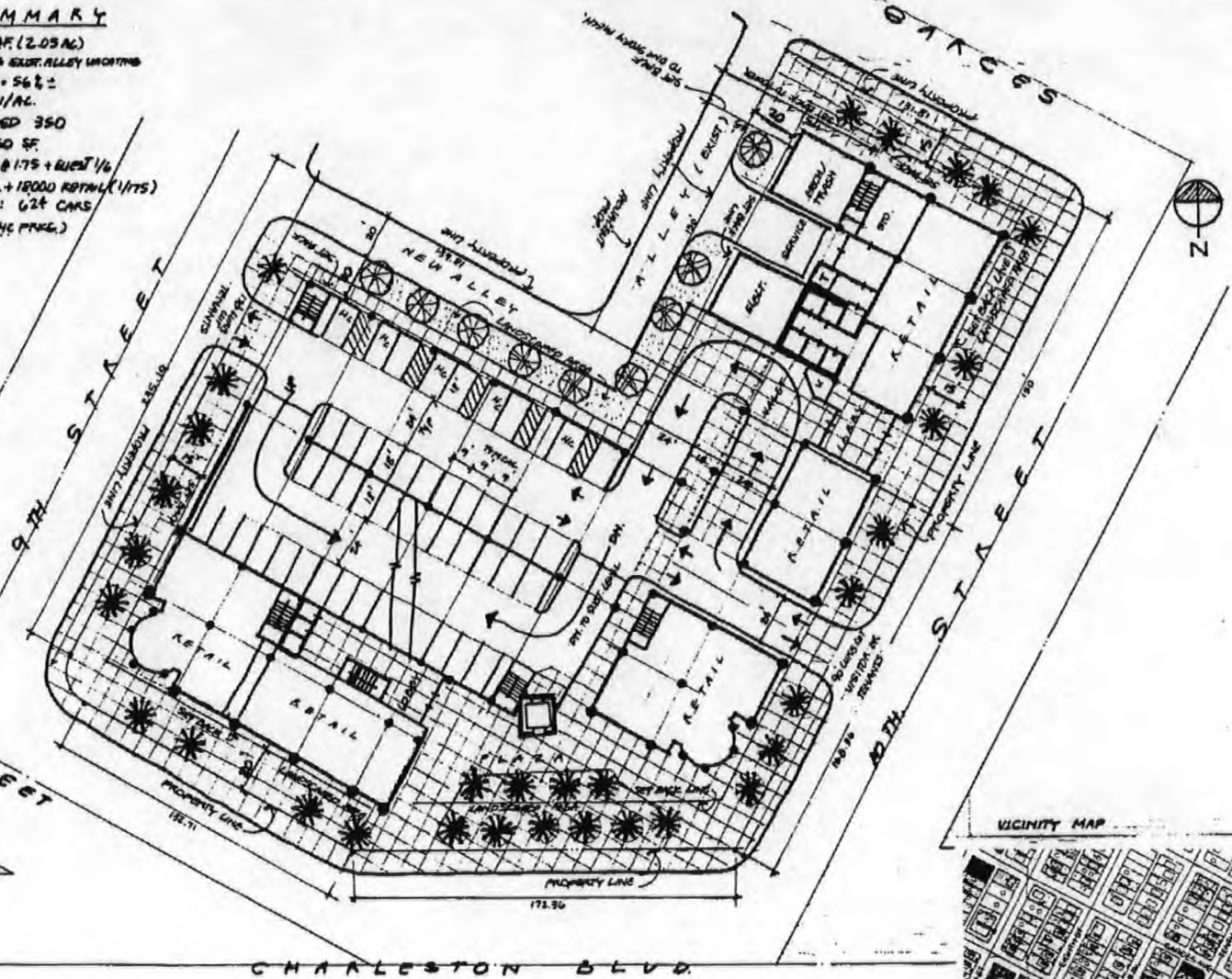
PROJECT SUMMARY

PROPERTY SIZE: 89,679 SF (2.03 AC)
 IT INCLUDES EXIST. ALLEY FRONTING
 LOT COVERAGE: 51000 SF + 56% ±
 FAR: 0.228 DENSITY: 171/A.C.
 TOTAL CONDO UNITS PROVIDED: 350
 GROSS BLDG. SIZE: 393,250 SF
 PARKING: 1 BK @ 1/2, 2 BK @ 1/75 + GUEST 1/6
 300 ONE BK. + 50 TWO BK. + 10000 RETAIL (1/75)
 TOTAL PARKING PROVIDED: 624 CARS
 (22 HC PRKG.)

RECEIVED
 JUN 13 2006

JMG
 architects, inc.
 101 W. 10th Street

CASINO CENTER PROPERTIES, LLC



SITE PLAN
 0 30 60 90
 1:30 1:30 1:30 1:30



ZON-14338
 07/27/06 PC

June 12, 2006

Ms. Margo Wheeler
City of Las Vegas
731 S. 4th Street
Las Vegas, NV 89101

RE: Letter of Justification for the North side of Charleston Boulevard, Between 9th and 10th Streets- General Plan Amendment, Special Use Permit for Mixed Use: Variance to Residential Adjacency Standards and Site Development Plan Review; APN: 139-34-812-003; 139-34-810-101 thru 105; 139-34-810-074 and 075

Dear Margo:

On behalf of our clients Glenda Shaw and Steve Gregory, please accept the application package for the 2.05 +/- acre property located on the north side of Charleston Boulevard, between 9th and 10th Streets. The proposal is a mixed-use project consisting of 18,000 square feet of ground floor office and/or retail space, with 350 condominiums within two structures- one 14 story, 170 foot high building oriented toward the southwest corner of the parcel and a second 17 story, 195 foot high building oriented toward the southwest corner of Garces and 10th Street. The following applications are submitted with this request:

- 1) General Plan Amendment from MXU to C for the entire site with the exception of APN: 139-34-812-003, which is currently designated Commercial (C) on the City of Las Vegas Redevelopment Plan;
- 2) Rezoning from Professional Office and Parking (P-R) to Limited Commercial (C-1) for APN: 139-34-810-102 and 103; High Density Residential (R-4) to Limited Commercial (C-1) for APN: 139-34-810-101;
- 3) Special Use Permit for a Mixed Use Project in Limited Commercial (C-1) for the entire property;
- 4) Variance to Title 19.08.060 of the City of Las Vegas Zoning Ordinance Residential Adjacency standards to allow a setback of 45 feet from Single Family Residential (R-1), where 510 feet is required.
- 5) Variance to Title 19.08, Table 3, Commercial District Development Standards to allow a maximum lot coverage of 56% where 50% is the maximum allowed.



ZON-14338
07/27/06 PC

A Planning & Development Services Corporation

1711 Whitney Mesa Drive, Suite 110, Henderson, Nevada 89014-2158

Telephone: 702 435 9909 • Facsimile: 702 435 0457 • E-Mail: ggarcia@gcgarciainc.com

- 6) Variance to allow 624 parking spaces, where 634 are required to provide for some sort of future restaurant or café space.
- 7) Site Development Plan Review for a Mixed Use Project in Limited Commercial (C-1).

CURRENT LAND USE AND ZONING CONDITIONS

The southern portion of the site is currently designated Commercial (C) on the City of Las Vegas Downtown Redevelopment Area Land Use Designations Map of the Redevelopment Plan; the remainder of the site is designated Mixed Use District (MXU). The entire block to the east, from Charleston Boulevard to Garces, between 10th and 11th Street is designated Commercial (C) as well as all the properties fronting along the south side of Charleston Boulevard are also designated Commercial (C). The blocks to the north and west of the site are all designated Mixed Use (MXU); in fact the entire area north of Charleston is shown for both Mixed Use and Commercial development.

The majority of the subject site is already zoned Limited Commercial (C-1), the three remaining parcels on the southwest corner of Garces and 10th Street are Professional Offices and Parking (P-R) and High Density Residential (R-4). The overall zoning pattern for the area is more intense General Commercial (C-2) to the east of 10th Street, Limited Commercial (C-1) to the south and a mixture of C-1, P-R and R-1 to the north, with the majority of the properties developed as professional offices.

APPROVAL CRITERIA- GENERAL PLAN AMENDMENT **Title 19.18.030 (I)**

The determinations for the Planning Commission and City Council for approval of a General Plan Amendment are as follows:

1. **The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations;**

The entire area north of Charleston Boulevard is projected to be Commercial or Mixed Use Development as clearly shown on the Downtown Redevelopment Area Land Use Designations Map. In fact, all of the properties fronting along the north and south sides of the project, to the east and west, are all designated for Commercial (C), which allows mixed use projects.

The subject site is designated both MXU and C; both allow mixed use projects with approval of a Special Use Permit. It was determined, through the pre-application process, that a General Plan Amendment was needed to prevent a split land use on the site, as it was being assembled into one project for the purposes of development. Either designating the entire site for MXU or C would be appropriate, however, as a result of a subsequent meeting with staff, changing the northern part of the property from MXU to C was preferable, as a consistent Commercial land use designation would result along the south side of Garces from 9th to 11th streets.

ZON-14338
07/27/06 PC

Essentially, there is no change in the density and intensity of permitted land uses as a result of this amendment to the General Plan, it will merely result in a consistent land use designation on the Redevelopment Plan Map;

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts.**

The proposed Limited Commercial (C-1) zoning district is conforming to either the Mixed Use District (MXU) or Commercial (C) land use designations of the Redevelopment Plan Map. In fact, over 75% of the site is already zoned C-1. This application only applies to the three parcels along the northeast corner of the property. Therefore, it will result in a consistent zoning for the entire project. It is compatible with the C-1 zoned properties along the south side of Charleston Boulevard, and the General Commercial (C-2) properties to the east of 10th Street and south of Garces.

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan designation; and**

There are adequate facilities and utilities available to serve the needs of this property. It is a developed, infill piece with services already in place.

4. **The proposed amendment conforms to other applicable adopted plans and policies.**

The General Plan Amendment and the related applications implement the following objectives of the Redevelopment Plan:

- A. The elimination of environmental deficiencies and blight in the Redevelopment Area, which constitute either social or economic liabilities or both and require redevelopment in the interests of the health, safety and general welfare of the people, including among others, small and/or irregular lots, obsolete and aged building types, economic and social deficiencies, deteriorated public improvements, inadequate parking facilities and inadequate utilization of land and public facilities.

This block is in need of redevelopment as current development has been stagnant and become an eyesore to this area of the City. It will result in a modern, mixed use development that will result in additional reinvestment and redevelopment of other properties in the area. It will eliminate development which has resulted in a blighted area and provide an enhanced streetscape and vibrancy to development along the north side of the Charleston Boulevard corridor.

- B. The assembly of land into parcels suitable for modern, integrated development and allowing for improved pedestrian and vehicular circulation in the Redevelopment Area:

The project has assembled eight of the eleven parcels in the block bounded by Garces to the north, 9th Street to the west, 10th Street to the east and Charleston Boulevard to the south. The only parcels that have not been acquired are the three parcels on the northwest corner of the block. The applicant has had discussions with these property owners.

This assemblage will allow development of a modern mixed-use project envisioned by the Redevelopment plan. One of the companion items is a vacation of the public alleys on the site; vacation of the north-south alley will not incur any changes to access in terms of traffic flow or private access; the east-west alley will be relocated to allow for a more cohesive development and improved traffic flow.

- C. The replanning, redesign and development of undeveloped areas which or stagnant or improperly utilized;

While this piece is developed, it has become stagnant, underutilized and is not contributing to the economic diversification and well-being of the City.

- D. The strengthening of retail, office, and other commercial and residential functions in the downtown area;

This project will add much needed office space, retail uses and opportunities for people to live and work in this area of the City. It will enhance the vitality of this area and provide an impetus for other redevelopment projects to occur.

- E. The strengthening and diversification of the economic base of the Redevelopment Area and the community by the installation of needed site improvements to stimulate new commercial expansion, employment and economic growth;

Modern mixed-use compact development, such as that proposed for this site, can do nothing but enhance the economic base of the redevelopment area. It will provide employment opportunities, stimulate new commercial and residential redevelopment in the area, and increase the tax base generated along the Charleston Boulevard corridor.

In summary, this proposal meets the requirements for approval of a General Plan Amendment, as it will not increase the intensity or density of development in the area, since both current plan designations allow and encourage mixed use development. It also implements the long-term vision and objectives of the Redevelopment Plan as it assembles underutilized and decaying parcels into a modern, compact mixed-use development that will re-invigorate interest and future investment along the Charleston Boulevard corridor.

ZON-14338
07/27/06 PC

APPROVAL CRITERIA- REZONING

Title 19.18.040 (K)

The following are the criteria for approval of a proposed rezoning:

- 1) **The proposal conforms to the General Plan.**

The proposed Limited Commercial (C-1) is a conforming zone change for both the Mixed-Use District (MXU) and Commercial (C) land use categories of the City of Las Vegas Redevelopment Plan.

- 2) **The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.**

As previously stated, approximately 75% of the site is currently zoned C-1. This application only applies to the three parcels located on the more northeast corner of the site; it essentially a single zoning designation for the portion of the block that has been assembled by the applicant.

- 3) **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

This area of the City, along the Charleston Boulevard corridor is ripe for redevelopment activity that will contribute to the economic base of the area. Current development on this site is in disrepair, stagnant, and has contributed to long term blight and decay. Rezoning the site to C-1, allowing for mixed use development, should result in stimulating additional redevelopment activity in the area.

- 4) **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.**

This action adds a small additional amount of C-1 property to the area. Street and highway facilities should provide adequate access and traffic carrying capacity; a traffic study will be provided to identify any additional improvements that will be needed.

APPROVAL CRITERIA- SPECIAL USE PERMIT

Title 18.18.060-(L)

The following are the determinations to be made for approval of a Special Use Permit:

- 1) **The proposed 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 Redevelopment Plan Land Use Map shows that the entire area of the City north of this site and the Charleston Boulevard corridor, from Main Street to Bruce Street, up to Bonanza Road, is designated

predominately Commercial or for Mixed Use, which clearly indicates that modern, mixed use projects are a key component to encouraging reinvestment and redevelopment in this area of the City. The proposed use is oriented toward the Charleston Boulevard corridor, and should not be readily visible from the professional offices located to the north of the site. A line of sight drawing is included with this package, showing that only a small portion of the towers will be visible from some places within the John S. Park neighborhood to the south of Charleston Boulevard. The Redevelopment Plan encourages the assemblages of parcels to promote the type and intensity of development to stimulate the economy of the downtown area.

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

In terms of land use designation, a portion of the site is already designated for Commercial land uses; the remainder is MXU, which allows Service Commercial and General Commercial uses. In terms of the actual project proposed for the property, it can accommodate the proposed mix of residential and commercial uses, while providing all parking in a six level parking garage. Adequate on-site access will be provided to ensure free-flow of traffic movements and accommodate all emergency services.

- 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; and**

The surrounding street network should be adequate to provide access and traffic carrying capacity. A traffic study will be submitted to determine additional improvements that will be needed to accommodate traffic and circulation needs.

- 4) Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety and welfare or the overall objectives of the General Plan.**

Approval of this Special Use Permit will implement the core vision and objectives of the Redevelopment Plan of the City of Las Vegas. It will spur economic activity; provide places for new and current residents to live, work, shop and play. It will lead to additional investment and needed redevelopment in the immediate area and other parcels located within the Redevelopment Plan area. Therefore, it will contribute to the overall well-being of the City, and enhance the public health, safety and welfare.

APPROVAL CRITERIA- VARIANCES **Title 19.18.070 (L)**

The following is the substantive criterion for determining approval of variance applications:

- 2) **Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.**

There are three variances requested from the strict application of the Code. They are:

19.08.060, the residential adjacency standards, which states that no non-residential building shall exceed the height of a line drawn from the property line of a protected property at a 3:1 slope directly into the property subject to the standards of the chapter. A 15 foot tall building can be constructed at the applicable setback line; any building height above the 15 feet must fall below the slope.

There are two adjacent properties zoned R-1 in very close proximity to the site- 707 S. 9th Street, which is to the west of the 20 foot wide east/west alley and 630 S. 10th Street, located on the northwest corner of Garces and 10th Street. We believe the variance is warranted for these reasons:

- a. *Strict application of the Code standard would make it difficult for any reasonable commercial property to be built on the site without some variance to the standard. This development pattern is not a result of any action taken by the applicant, or their predecessor in title. Also, this and all the other surrounding properties are designated for Commercial or for Mixed Use Development, which should be a factor in determining the appropriateness of a variance application.*
- b. *While on its face the variance may seem excessive, it is not in terms of factoring the overall objectives of the Redevelopment Plan. The long term vision of the plan is for re-planning and redeveloping stagnant areas of the City that no longer contribute to its tax or economic base. Therefore, the variance to allow a modern, forward-looking mixed use development should be considered.*
- c. *Paragraph 5.b. entitled Waiver, states any mixed-use development that contains a significant residential element is eligible for a waiver by the City Council. The gross building size of the project is 393,250 square feet; of that, only 18,000 square feet is non-residential space. Clearly, this is a residential driven project that given its importance to continued implementation of the Redevelopment Plan should be considered for a waiver.*

- d. *The boundaries of the Downtown Centennial Plan extend to one-half block east of 6th Street, north of Charleston Boulevard. This is only two blocks away from the western edge of this project. If the project were in the Downtown Centennial Plan, Code standards would not be automatically applied. This is, obviously, in close proximity to the Plan area, and when reviewing the Future Land Use Maps of the Downtown Plan, Redevelopment Plan and Southeast Sector of the General Plan, all allow and encourage either commercial or mixed-use development; there is no real difference of lying within, or outside the Downtown Plan boundaries in terms of actual land use.*

19.08- Figure 3- Commercial Development Standards allow a maximum building coverage of 50 %, where 56% is requested. The variance is warranted for the following reasons:

- a. *The six percent increase in lot coverage is minor and will not result in any detriment to the overall health, safety and general welfare to this area of the City.*
- b. *As previously identified, the site is in close proximity to the area covered by the City of Las Vegas Downtown Centennial Plan, where the automatic application of Code standards is not applied.*

Title 19.10, Parking Requirements states that for a restaurant, café, tavern, bar and eating establishment, one space for each 50 square feet of public seating area, plus one space for each 200 square feet of the total remaining GFA, with a minimum of 10 spaces. Based on the minimum 10 spaces, a variance is requested to allow 624 spaces where 634 are required. The variance is warranted for the following reasons:

- 1) *The provided 624 spaces accommodate the 350 condominium units, based on a mix of 300 one bedroom and 50 two bedroom units and 18,000 square feet of commercial, based on the 1/175 square feet required by Code. It is not know at this time, if a restaurant will be included in the ground floor space, or how much square footage it will need. The variance is intended to "free up" some parking to accommodate a future eating/drinking establishment.*
- 2) *Normally in the downtown area, the goal is to provide at least one parking space per unit and one space/3,000 square feet of retail area. The provided parking exceeds this goal.*
- 3) *The parking standards of the City of Las Vegas do not account for shared, or captured trips in a mixed use environment. This should also be taken into consideration when examining the parking standards for this type of proposal.*

APPROVAL CRITERIA- SITE DEVELOPMENT PLAN REVIEW **Title 19.18.050 (E)**

The following criteria are to be considered for approval of a Site Development Plan Review:

- 1) **The proposed development is compatible with adjacent development and development in the area;**

While the predominant existing development pattern to the north of Charleston Boulevard is a mixture of professional office and some remaining single family units, the Redevelopment Plan encourages mixed-use as a major tool for redevelopment. Also, the project is constructed so as to not encourage any cut-through traffic for the businesses north of Charleston, or any of the residential neighborhoods south of Charleston Boulevard. The parcels to the east are zoned C-2, which not only allows mixed use with a special use permit, but more intense commercial uses as well.

- 2) **The proposed development is consistent with the General Plan, this title, the Design Standards manual, the Landscape Wall and Buffer Standards and other duly-adopted city plans, policies and standards:**

The project is in substantial accordance with development related ordinances of the City. All landscaping, open space and required recreational amenities for a project of this size and scale will be provided. The variances to the residential adjacency standards, parking and building coverage are reasonable and not beyond the scope of the type of intensity and density that will be needed to reinvigorate this area of the City.

- 3) **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

All access will be directed to Charleston Boulevard, to minimize any impacts to business owners or residents in the area. The north/south alley, if vacated, will continue to operate as it currently does, in terms of access and traffic flow.

- 4) **Building and landscape materials are appropriate for the area and for the City**

The buildings will be constructed of Low E clear glass, vision and spandrel glazing in aluminum framed curtain walls, with storefront retail glazing. This will be an exciting, vibrant addition to this area of the City, spurring additional redevelopment and reinvestment in the area. Therefore, the building and landscape material effectively implement the long-term vision of the Redevelopment Plan.

- 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 the area**

The existing development on the property is unsightly, undesirable and obnoxious in appearance, which has led to an overall decay along the Charleston Boulevard corridor. This project will bring an attractive, exciting environment to Charleston Boulevard and will be an important first step in changing the face of this area of the City.

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

The redevelopment of this area is in the highest interest of all resident of the City of Las Vegas. Making the Redevelopment Plan objectives a reality will bring new development, new investment and a new, much needed vibrant atmosphere to this area.

SUMMARY

In summary, we believe this project will be the impetus for the north side of the Charleston Boulevard corridor. It assembles parcels that are stagnant, underutilized and in need of redevelopment into an exciting mixed-use project that will spur future redevelopment activity. The intent is to enhance the environment of the business owners to the north, while having minimal impacts, in terms of views, traffic and shading to the John S. Park neighborhood to the South. It is the first step in implementing the overall objectives of the Redevelopment Plan along the north side of Charleston Boulevard.

We respectfully ask for your favorable consideration of this project; please do not hesitate to contact us if you have any questions or need additional information.

Sincerely,



David Clapsaddle
Director of Planning

GCG:mj

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

GEORGE T. BOCHANIS
LAW OFFICES

631 SOUTH NINTH STREET
LAS VEGAS, NEVADA 89101

GEORGE T. BOCHANIS, ESQ.
ADAM L. MUSLUSKY, ESQ.
ALLAN P. CAPPS, ESQ.

PAUL A. EDWARDS
WORKER'S COMPENSATION ADMINISTRATOR

July 26, 2006

TELEPHONE (702) 388-2005
FACSIMILE (702) 388-0484
PERSONAL INJURY AND WORKER'S
COMPENSATION LAW

VIA FACSIMILE ONLY
385-7268

City of Las Vegas Planning Commission
400 Stewart Ave.
Las Vegas, NV 89101

Re: GPA 14325

Dear Planning Commissioners:

I am the property owner at 631 South Ninth Street in Las Vegas, Nevada which houses my law firm. I have been at this business address since the time I constructed my office in 1992. It is my understanding that the above general plan amendment contemplates several tall office buildings and a large parking garage on East Charleston Boulevard between Ninth and Tenth Streets.

I am unable to attend the planning commission meeting on this agenda set for Thursday, July 27, 2006 because I currently serve as a Henderson Planning Commissioner and have a Henderson Planning Commission meeting at the same time.

I have not reviewed the proposed plans for this mixed use development but have several concerns based on some of the general concepts of the plan that were described to me by one of the applicants representatives during a briefing I had with him at the conclusion of a Henderson Planning Commission briefing session.

Obviously, a major concern is that his project would somehow alter or modify our access from South Ninth and South Tenth Street from Charleston Boulevard to our office location which is on the corner of South Ninth Street and Garces Avenue. As you know, the city expanded Las Vegas High School at the corner of South Ninth Street and Clark Avenue thus blocking any access we have from the north. Therefore, I want to ensure that this project in no way alters access from South Ninth and South Tenth Street from East Charleston Boulevard to our location on South Ninth Street and Garces Avenue.

4350
p

GEORGE T. BOCHANIS
LAW OFFICES

City of Las Vegas Planning Commission
Page Two

The second concern has to do with parking with the impact that this is project would have on street parking. We want to make sure that there are no waiver for parking given to this project that will impact our customer parking in our existing neighborhood.

I also want to know whether the applicant is actually going to build this project, or has committed to building this project or is the applicant simply seeking entitlements for future sale after you grant their zoning variance requests.

Finally, a major concern with respect to this project is the impact that the construction of this project will have on my existing business and all those businesses, primarily consisting of law offices in this area. I would like to know how long the construction of this project will take. Since it is such a massive project, I am assuming that there will be at least one hundred construction workers at all times working on this project. This raises the issue as to where these individuals will park their vehicles. The applicant should be required to provide separate parking in a designated lot for those individuals who work on this project. We cannot have our on street parking taken away for the six to twelve month period that I assume this project will take to build. Another issue as to where the material for this project will be stored. We again request that you require a condition that a separate materials staging area on Charleston Boulevard be provided by the applicant. Additionally, the applicant should be required to provide access at all times from East Charleston Boulevard to South Ninth and South Tenth Street during this construction period. At no time should either of these streets be blocked during construction and the applicant should be required to provide all such traffic control such as flagmen and appropriate signage to make sure that traffic continuously flows on South Ninth and South Tenth from East Charleston Boulevard.

Finally, I would like to know the impact that this project has on the city's historic preservation district concept. Many of property owners in the area objected to these historical preservation district requirements being imposed upon us and now it appears that one applicant is easily able to obtain variances from the historical preservation district requirement that many of us have objected to for years. It appears that this massive project would be entirely inconsistent with the goals of the city's historical development district.

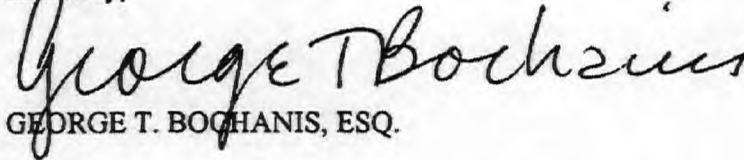
GEORGE T. BOCHANIS
LAW OFFICES

City of Las Vegas Planning Commission
Page Three

I have spoken to several other property owners in my area, many of whom were unaware of the meeting that was held by the applicant with respect to this project. Further, many other property owners have informed me that they are going to wait to see what the planning commission approves then if it is objectionable, they plan to voice their concerns and objections to city council.

I thank you for taking into consideration my concerns with respect to this project.

Sincerely,



GEORGE T. BOCHANIS, ESQ.

GTB.jh

43-50

p

July 20, 2006

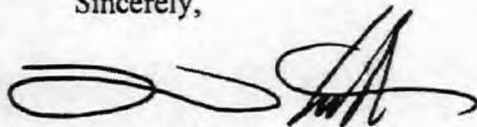
Glenn Trowbridge
City of Las Vegas Planning Commission
c/o City of Las Vegas Planning & Development Dept.
731 South 4th Street
Las Vegas, NV 89101

Dear Mr. Trowbridge:

I am writing this letter in regards to the mixed use project at 9th & 10th Street proposed by George C. Garcia.

I own some apartments located at 604 South 11th Street and I feel that this project would be a definite improvement for the neighborhood and I am for this project being developed.

Sincerely,



Perry B. Whitt
2701 Bryant Avenue
Las Vegas, NV 89102

PBW/cf

RECEIVED
JUL 25 12 57 PM '06
PLANNING AND
DEVELOPMENT

ITEM # 43-50
CASE # _____
PC MTG 7.27.06

R

A

Thiriot 1977 Trust
621 So. 9th St.
Las Vegas, NV 89101
July 30, 2006

RECEIVED
AUG 03 2006

Las Vegas City Planning Commission
400 Stewart Ave.
Las Vegas, NV 89101

RE: Proposed mixed use project on Charleston Blvd., between 9th and 10th Streets (VAC-12884, GPA-14325, SDR-14349, SUP-14339, VAR 14345, VAR-14342, VAR-14347, ZON-14338)

ATTN: Planning Commission:

On July 5, 2006, I met with David Clapsaddle at the Senior Center, in regards to the above referenced mixed use project. After checking all the proposals I am very much in favor of this project. My properties (617 & 621) are on 9th Street in the block just north of the proposed project.

Since your planned meeting of July 27, was postponed until later, this letter will verify my agreement with the project since I will not be able to attend the next meeting. My hope is that this will be passed because it will be a wonderful bonus to this part of the downtown area.

I would be happy to talk to anyone on the planning commission if there is question as to my position in this matter. My telephone # is 384-2498.

Thank you for your attention to this matter.

Sincerely,

Joseph E. Thiriot
Joseph E. Thiriot

A

Telephone Protest/Approval Log

Meeting Date: 08/24/06
 Case Number: SUP-14339
 VAC-1288
 SDP-14349
 VAC-14325
 VAC-14342
 VAC-14345
 VAC-14347
 VAC-14349

☐ APPROVE ☒ PROTEST
 Date: 08/22/06
 Name: Karen Velkovic
 Address: 807 E. Oakley
 L.V. NV 89104
 Phone: 385-4219

☐ APPROVE ☐ PROTEST
 Date: _____
 Name: _____
 Address: _____
 Phone: _____

☐ APPROVE ☐ PROTEST
 Date: _____
 Name: _____
 Address: _____
 Phone: _____

☐ APPROVE ☐ PROTEST
 Date: _____
 Name: _____
 Address: _____
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☐ APPROVE ☐ PROTEST
 Date: _____
 Name: _____
 Address: _____
 Phone: _____

☐ APPROVE ☐ PROTEST
 Date: _____
 Name: _____
 Address: ITEM # 17-24
 CASE # 533 ABOVE
 PC MTG 9-1-06
 Phone: _____

Vand B. Canall
1119 South 6th St
Las Vegas, Nevada 89104

Thursday, September 7, 2006

Re: scheduled term approval of

VAC - 12884
GPA - 14328
GDR - 14348
SUP - 14339
VAR - 14346
VAR - 14342
VAR - 14347
ZON - 14338

City Planning Commission
Las Vegas, Nevada

The project scheduled meeting for 1st Street and

Charleston Blvd presented by Dave Clapsaddle

and team is a welcomed enterprise. I am

happy to give my approval for this venture to

help enhance the beautification of our wonderful

neighbourhood. Dave and his team delivered an

informative project with understandable charts & great

visuals. The team was approachable, returned calls

with information requested. Dave and team assured

the neighbors that their input was a certainty.

I hope the rest of Charleston Blvd developments

follow the lead of this pulchritudinous project

I hope that the planning commission visualizes my

site and approves this project for the neighbourhood

Thank you

Vand B. Canall

Submitted to Planning Commission

Date 9/7/06 Item # 17-24

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

VARIANCE RELATED TO GPA-14325 AND ZON-14338

VAR-14342 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Variance TO ALLOW NO STEPBACK BEYOND THE BUILDING SETBACK LINE WHERE A 1:1 STEPBACK TO HEIGHT RATIO IS REQUIRED ALONG A STREET CLASSIFIED AS COLLECTOR OR LARGER IN CONJUNCTION WITH A PROPOSED MIXED-USE DEVELOPMENT on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). The Planning Commission (5-2 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (5-2 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Backup referenced from the 09-07-06 Planning Commission Meeting Item 19

Motion made by GARY REESE to Approve Subject to Conditions

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

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

See Item 69 for a combined Verbatim Transcript of Items 69 - 76 and related backup.



CASE: VAR-14342

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-4 (HIGH DENSITY RESIDENTIAL), C-1 (LIMITED COMMERCIAL) AND P-R (PROFESSIONAL OFFICE AND PARKING)

PROPOSED ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - VAR-14342 - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL

THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 4, 2006 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.

**** CONDITIONS ****

The Planning Commission (5-2/lb/bg vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to the Conditions for General Plan Amendment (GPA-14325), Rezoning (ZON-14338), Variance (VAR-14345), Variance (VAR-14347), Special Use Permit (SUP-14339), Vacation (VAC-12884) and Site Development Plan Review (SDR-14349) if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Variance to allow no setback beyond the building setback line where a 1:1 setback to height ratio is required along a street classified as a collector or larger in conjunction with a proposed mixed-use development on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street. The following associated cases will be considered concurrently with this request: GPA-14325, ZON-14338, VAR-14345, VAR-14347, SUP-14339, VAC-12884 and SDR-14349.

EXECUTIVE SUMMARY

The structure as designed does not comply with the additional setback that is required along Charleston Boulevard. Since there aren't any exceptional characteristics of the development parcel that warrant the Variance, and the hardship is self-created, staff cannot support the request.

BACKGROUND INFORMATION

A) *Related Actions*

- | | |
|----------|---|
| 05/03/72 | The City Council approved a Rezoning (Z-0026-72) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) for the parcel at 717 S. 9 th Street. The Planning Commission recommended approval of the request on 04/13/72. |
| 04/26/79 | The Board of Zoning Adjustment approved a Variance (V-0027-79) to allow a group care home for 16 residents on the property at 700 S. 10 th Street. |
| 09/27/84 | The Board of Zoning Adjustment approved a Variance (V-0103-84) to allow a beauty shop where such use is not allowed on the property located at 717 S. 9 th Street. |
| 02/06/91 | The City Council approved a Rezoning (Z-0150-90) from R-1 (Single Family Residential), R-3 (Medium-Density Residential), R-4 (High-Density Residential), P-R (Professional Office and Parking) and C-1 (Limited Commercial) to C-1 (Limited Commercial) for five of the parcels that comprise the subject development. The Planning Commission recommended approval of the request on 01/10/91. |
| 09/07/06 | The Planning Commission recommended approval of companion items ZON-14338, VAR-14347, SUP-14339, VAC-12884 and denial of GPA-14325, VAR-14345 and SDR-14349 concurrently with this application. |

09/07/06 The Planning Commission voted 5-2/ld/bg to recommend DENIAL (PC Agenda Item #19/ff).

B) Pre-Application Meeting

05/16/06 At the pre-application conference, issues were discussed relative to the General Plan designation for the site, rezoning requirements, parking requirements, residential adjacency requirements, and general development standards. Additionally, issues were discussed relative to the configuration of the alley.

C) Neighborhood Meetings

07/05/06 A neighborhood meeting was held by the applicant at the Las Vegas Senior Center; 33 residents attended the meeting. The following concerns were raised at the meeting:

- Concern about the reduction in parking;
- Concern about the residential adjacency waiver and impact of building shadows on the residential neighborhood to the south;
- Concern about traffic impacts on the neighborhood to the north;
- Concern about construction noise;
- Concern about sewer capacity;
- Concern about power availability;
- Concern about the provision of recreation space for residents of the project;
- Concern about public transportation access and bus turnout facilities; and
- Concern about the impacts of reflective glazing and whether or not the building would be LEED certified.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.05

B) Existing Land Use

Subject Property:	Single-Family Residential Use
	Office Use
	General Commercial Use
North:	Office Use
South:	Office Use
	General Commercial Use
East:	Single-Family Residential Use
	Office Use
	General Commercial Use
West:	Single-Family Residential Use
	Office Use

C) Planned Land Use

Subject Property: C (Commercial) and MXU (Mixed-Use) [Proposed: C (Commercial)]
North: MXU (Mixed-Use)
South: C (Commercial)
East: C (Commercial)
West: MXU (Mixed-Use)

D) Existing Zoning

Subject Property: R-4 (High-Density Residential), P-R (Professional Office and Parking) and C-1 (Limited Commercial) [Proposed: C-1(Limited Commercial)]
North: R-1 (Single Family Residential)
P-R (Professional Office and Parking)
South: C-1 (Limited Commercial)
East: R-4 (High-Density Residential)
P-R (Professional Office and Parking)
C-2 (General Commercial)
West: R-1 (Single Family Residential)
P-R (Professional Office and Parking)

E) General Plan Compliance

The subject site is within the boundaries of the Las Vegas Redevelopment Plan area, and has C (Commercial) and MXU (Mixed-Use) land use designations; the applicant has filed a General Plan Amendment (GPA-14325) to change the land use designation on the entire development parcel to C (Commercial). The C (Commercial) designation allows uses comparable to the O (Office), SC (Service Commercial) and GC (General Commercial) land use categories.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Redevelopment Plan Area

As previously noted, the development site is within the boundaries of the Las Vegas Redevelopment Plan area, and it is proposed to change the land use designation to C (Commercial). The proposed commercial uses are consistent with the proposed land use designation; the residential uses are allowed in commercial districts upon approval of a special use permit.

A) *Zoning Code Compliance*

A1) Development Standards

Pursuant to Title 19.08.030(C), building heights along streets classified as a collector or larger are subject to additional setback requirements. Buildings may be constructed up to 35 feet in height at the front yard setback line; any portion of a building over 35 feet in height shall be set back an additional one foot for each foot of height in excess of 35 feet. Charleston Boulevard is designated as a Primary Arterial by the Master Plan of Streets and Highways, and so the additional setback applies to the Charleston frontage of the project.

The south tower as proposed is located at the 20-foot front yard setback line along Charleston Boulevard, and rises for 170 feet without any additional setbacks. The east tower is located approximately 25 feet from the front property line along Charleston Boulevard, and rises for 195 without any additional setbacks. Neither structure complies with the requirements of Title 19.08.030(C), requiring the submittal of the Variance request.

B) *General Analysis and Discussion*

The mixed-use development will have two tower structures; a 14-story tower facing Charleston Boulevard, and a 17-story tower facing 10th Street. Both towers are subject to the additional setback requirements. In order to comply with the regulation, the south tower would need to be set back a minimum of 135 feet from the front yard setback line, and the east tower would need to be set back an additional 160 feet from the front yard setback line on Charleston Boulevard. In lieu of the additional setbacks, the towers could also be sloped back from the front setback line at a 45-degree angle, and would be in compliance with the requirement.

The applicant states that the requirement prevents any reasonable commercial development of the site. While conformance to Code requirements may reduce the number of units developed, it would also assist in reducing the massing of the project, and make it more compatible within its context and with the existing structures in the neighborhood.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship in designing the building contrary to Code requirements. Stepping the building back from the front setback line at Charleston Boulevard would allow conformance to Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

17

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 294 by City Clerk

APPROVALS 3

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

VAR-14342

Case Number: _____ APN: 139-34-810-101 thru 105, 074, 075, 812-005

Name of Property Owner: First Light Properties / Casino Center Prop

Name of Applicant: Casino Center Properties

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes

☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

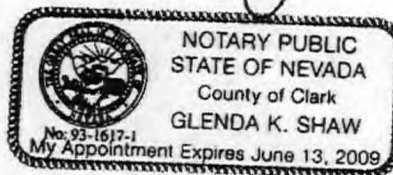
Signature of Property Owner: Steven T. Gregory

Print Name: Steven T. Gregory

Subscribed and sworn before me

This 6 day of June, 2006

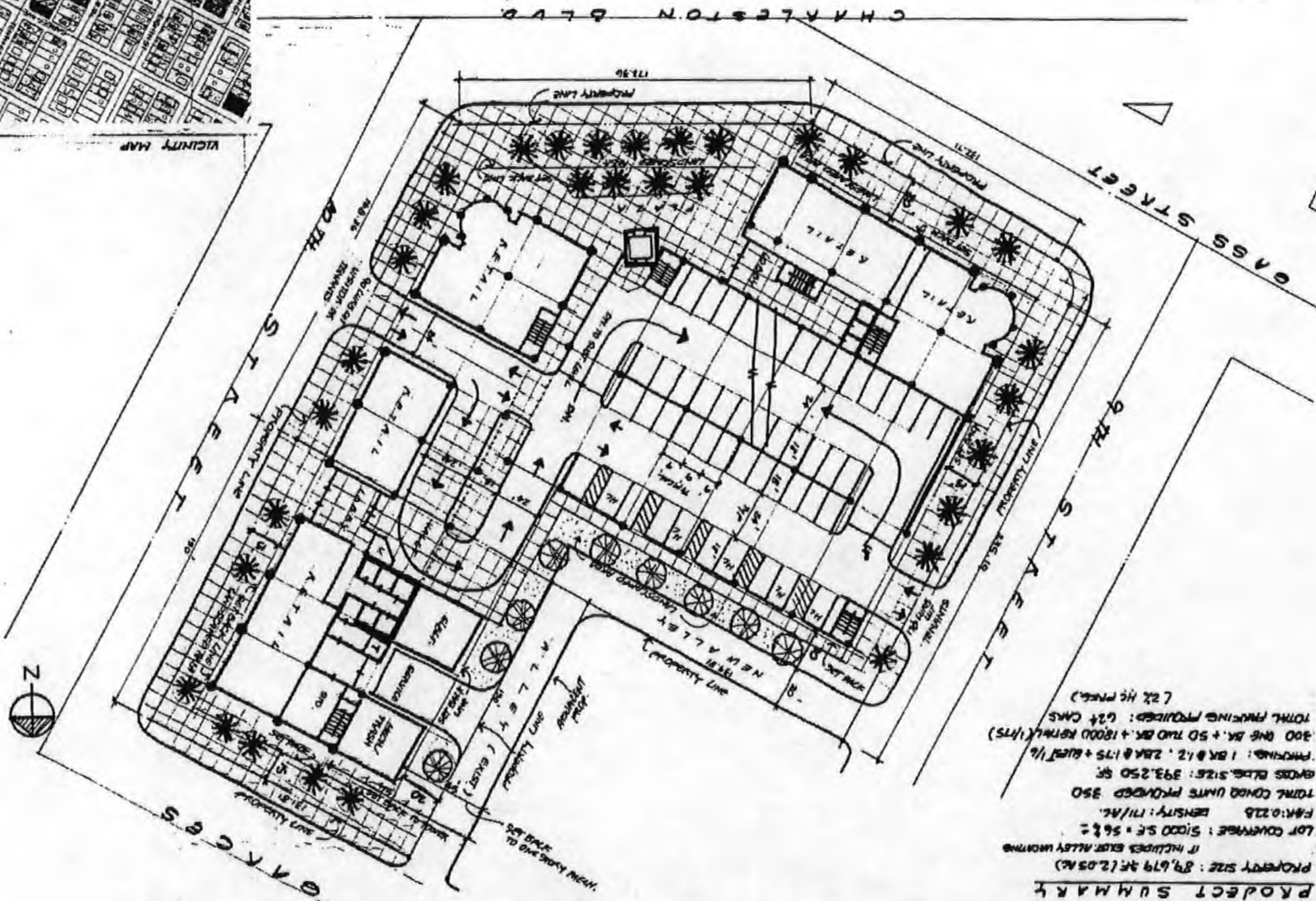
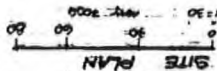
Glenda K. Shaw
Notary Public in and for said County and State



VAR-14342
07/27/06 PC

CASINO CENTER PROPERTIES, LLC

100% **WMP**



PRODUCT SUMMARY

PROPERTY SIZE: 87,679 SQ. FT. (2.05 AC.)
IF HELD BY EXIST. ALLY HOLDINGS
LOT COVERAGE: 51000 SQ. FT. = 56%
FAR: 22.8 DENSITY: 171/AC.
TOTAL COMB. UNITS PROVIDED 350
APPROX. BLDG. SIZE: 393,250 SQ.
FLOORING: 1 BR. @ 1.2, 2 BR. @ 1.75 + 6127 1/2
300 ONE BR. + 50 TWO BR. + 18000 PERM. (1/75)
TOTAL FLOORING PROVIDED: 6.24 CANS
272 1/2 AC. (PREL.)

June 12, 2006

Ms. Margo Wheeler
City of Las Vegas
731 S. 4th Street
Las Vegas, NV 89101

RE: Letter of Justification for the North side of Charleston Boulevard, Between 9th and 10th Streets- General Plan Amendment, Special Use Permit for Mixed Use: Variance to Residential Adjacency Standards and Site Development Plan Review; APN: 139-34-812-003; 139-34-810-101 thru 105; 139-34-810-074 and 075

Dear Margo:

On behalf of our clients Glenda Shaw and Steve Gregory, please accept the application package for the 2.05 +/- acre property located on the north side of Charleston Boulevard, between 9th and 10th Streets. The proposal is a mixed-use project consisting of 18,000 square feet of ground floor office and/or retail space, with 350 condominiums within two structures- one 14 story, 170 foot high building oriented toward the southwest corner of the parcel and a second 17 story, 195 foot high building oriented toward the southwest corner of Garces and 10th Street. The following applications are submitted with this request:

- 1) General Plan Amendment from MXU to C for the entire site with the exception of APN: 139-34-812-003, which is currently designated Commercial (C) on the City of Las Vegas Redevelopment Plan;
- 2) Rezoning from Professional Office and Parking (P-R) to Limited Commercial (C-1) for APN: 139-34-810-102 and 103; High Density Residential (R-4) to Limited Commercial (C-1) for APN: 139-34-810-101;
- 3) Special Use Permit for a Mixed Use Project in Limited Commercial (C-1) for the entire property;
- 4) Variance to Title 19.08.060 of the City of Las Vegas Zoning Ordinance Residential Adjacency standards to allow a setback of 45 feet from Single Family Residential (R-1), where 510 feet is required.
- 5) Variance to Title 19.08, Table 3, Commercial District Development Standards to allow a maximum lot coverage of 56% where 50% is the maximum allowed.



VAR-14342
07/27/06 PC

- 6) Variance to allow 624 parking spaces, where 634 are required to provide for some sort of future restaurant or café space.
- 7) Site Development Plan Review for a Mixed Use Project in Limited Commercial (C-1).

CURRENT LAND USE AND ZONING CONDITIONS

The southern portion of the site is currently designated Commercial (C) on the City of Las Vegas Downtown Redevelopment Area Land Use Designations Map of the Redevelopment Plan; the remainder of the site is designated Mixed Use District (MXU). The entire block to the east, from Charleston Boulevard to Garces, between 10th and 11th Street is designated Commercial (C) as well as all the properties fronting along the south side of Charleston Boulevard are also designated Commercial(C). The blocks to the north and west of the site are all designated Mixed Use (MXU); in fact the entire area north of Charleston is shown for both Mixed Use and Commercial development.

The majority of the subject site is already zoned Limited Commercial (C-1), the three remaining parcels on the southwest corner of Garces and 10th Street are Professional Offices and Parking (P-R) and High Density Residential (R-4). The overall zoning pattern for the area is more intense General Commercial (C-2) to the east of 10th Street, Limited Commercial (C-1) to the south and a mixture of C-1, P-R and R-1 to the north, with the majority of the properties developed as professional offices.

APPROVAL CRITERIA- GENERAL PLAN AMENDMENT **Title 19.18.030 (I)**

The determinations for the Planning Commission and City Council for approval of a General Plan Amendment are as follows:

1. **The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations;**

The entire area north of Charleston Boulevard is projected to be Commercial or Mixed Use Development as clearly shown on the Downtown Redevelopment Area Land Use Designations Map. In fact, all of the properties fronting along the north and south sides of the project, to the east and west, are all designated for Commercial (C), which allows mixed use projects.

The subject site is designated both MXU and C; both allow mixed use projects with approval of a Special Use Permit. It was determined, through the pre-application process, that a General Plan Amendment was needed to prevent a split land use on the site, as it was being assembled into one project for the purposes of development. Either designating the entire site for MXU or C would be appropriate, however, as a result of a subsequent meeting with staff, changing the northern part of the property from MXU to C was preferable, as a consistent Commercial land use designation would result along the south side of Garces from 9th to 11th streets.

Essentially, there is no change in the density and intensity of permitted land uses as a result of this amendment to the General Plan, it will merely result in a consistent land use designation on the Redevelopment Plan Map;

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts.**

The proposed Limited Commercial (C-1) zoning district is conforming to either the Mixed Use District (MXU) or Commercial (C) land use designations of the Redevelopment Plan Map. In fact, over 75% of the site is already zoned C-1. This application only applies to the three parcels along the northeast corner of the property. Therefore, it will result in a consistent zoning for the entire project. It is compatible with the C-1 zoned properties along the south side of Charleston Boulevard, and the General Commercial (C-2) properties to the east of 10th Street and south of Garces.

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan designation; and**

There are adequate facilities and utilities available to serve the needs of this property. It is a developed, infill piece with services already in place.

4. **The proposed amendment conforms to other applicable adopted plans and policies.**

The General Plan Amendment and the related applications implement the following objectives of the Redevelopment Plan:

- A. The elimination of environmental deficiencies and blight in the Redevelopment Area, which constitute either social or economic liabilities or both and require redevelopment in the interests of the health, safety and general welfare of the people, including among others, small and/or irregular lots, obsolete and aged building types, economic and social deficiencies, deteriorated public improvements, inadequate parking facilities and inadequate utilization of land and public facilities.

This block is in need of redevelopment as current development has been stagnant and become an eyesore to this area of the City. It will result in a modern, mixed use development that will result in additional reinvestment and redevelopment of other properties in the area. It will eliminate development which has resulted in a blighted area and provide an enhanced streetscape and vibrancy to development along the north side of the Charleston Boulevard corridor.

- B. The assembly of land into parcels suitable for modern, integrated development and allowing for improved pedestrian and vehicular circulation in the Redevelopment Area:

The project has assembled eight of the eleven parcels in the block bounded by Garces to the north, 9th Street to the west, 10th Street to the east and Charleston Boulevard to the south. The only parcels that have not been acquired are the three parcels on the northwest corner of the block. The applicant has had discussions with these property owners.

This assemblage will allow development of a modern mixed-use project envisioned by the Redevelopment plan. One of the companion items is a vacation of the public alleys on the site; vacation of the north-south alley will not incur any changes to access in terms of traffic flow or private access; the east-west alley will be relocated to allow for a more cohesive development and improved traffic flow.

- C. The replanning, redesign and development of undeveloped areas which or stagnant or improperly utilized;

While this piece is developed, it has become stagnant, underutilized and is not contributing to the economic diversification and well-being of the City.

- D. The strengthening of retail, office, and other commercial and residential functions in the downtown area;

This project will add much needed office space, retail uses and opportunities for people to live and work in this area of the City. It will enhance the vitality of this area and provide an impetus for other redevelopment projects to occur.

- E. The strengthening and diversification of the economic base of the Redevelopment Area and the community by the installation of needed site improvements to stimulate new commercial expansion, employment and economic growth;

Modern mixed-use compact development, such as that proposed for this site, can do nothing but enhance the economic base of the redevelopment area. It will provide employment opportunities, stimulate new commercial and residential redevelopment in the area, and increase the tax base generated along the Charleston Boulevard corridor.

In summary, this proposal meets the requirements for approval of a General Plan Amendment, as it will not increase the intensity or density of development in the area, since both current plan designations allow and encourage mixed use development. It also implements the long-term vision and objectives of the Redevelopment Plan as it assembles underutilized and decaying parcels into a modern, compact mixed-use development that will re-invigorate interest and future investment along the Charleston Boulevard corridor.

APPROVAL CRITERIA- REZONING

Title 19.18.040 (K)

The following are the criteria for approval of a proposed rezoning:

- 1) **The proposal conforms to the General Plan.**

The proposed Limited Commercial (C-1) is a conforming zone change for both the Mixed-Use District (MXU) and Commercial (C) land use categories of the City of Las Vegas Redevelopment Plan.

- 2) **The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.**

As previously stated, approximately 75% of the site is currently zoned C-1. This application only applies to the three parcels located on the more northeast corner of the site; it essentially a single zoning designation for the portion of the block that has been assembled by the applicant.

- 3) **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

This area of the City, along the Charleston Boulevard corridor is ripe for redevelopment activity that will contribute to the economic base of the area. Current development on this site is in disrepair, stagnant, and has contributed to long term blight and decay. Rezoning the site to C-1, allowing for mixed use development, should result in stimulating additional redevelopment activity in the area.

- 4) **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.**

This action adds a small additional amount of C-1 property to the area. Street and highway facilities should provide adequate access and traffic carrying capacity; a traffic study will be provided to identify any additional improvements that will be needed.

APPROVAL CRITERIA- SPECIAL USE PERMIT

Title 18.18.060-(L)

The following are the determinations to be made for approval of a Special Use Permit:

- 1) **The proposed 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 Redevelopment Plan Land Use Map shows that the entire area of the City north of this site and the Charleston Boulevard corridor, from Main Street to Bruce Street, up to Bonanza Road, is designated

predominately Commercial or for Mixed Use, which clearly indicates that modern, mixed use projects are a key component to encouraging reinvestment and redevelopment in this area of the City. The proposed use is oriented toward the Charleston Boulevard corridor, and should not be readily visible from the professional offices located to the north of the site. A line of sight drawing is included with this package, showing that only a small portion of the towers will be visible from some places within the John S. Park neighborhood to the south of Charleston Boulevard. The Redevelopment Plan encourages the assemblages of parcels to promote the type and intensity of development to stimulate the economy of the downtown area.

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

In terms of land use designation, a portion of the site is already designated for Commercial land uses; the remainder is MXU, which allows Service Commercial and General Commercial uses. In terms of the actual project proposed for the property, it can accommodate the proposed mix of residential and commercial uses, while providing all parking in a six level parking garage. Adequate on-site access will be provided to ensure free-flow of traffic movements and accommodate all emergency services.

- 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; and**

The surrounding street network should be adequate to provide access and traffic carrying capacity. A traffic study will be submitted to determine additional improvements that will be needed to accommodate traffic and circulation needs.

- 4) Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety and welfare or the overall objectives of the General Plan.**

Approval of this Special Use Permit will implement the core vision and objectives of the Redevelopment Plan of the City of Las Vegas. It will spur economic activity; provide places for new and current residents to live, work, shop and play. It will lead to additional investment and needed redevelopment in the immediate area and other parcels located within the Redevelopment Plan area. Therefore, it will contribute to the overall well-being of the City, and enhance the public health, safety and welfare.

APPROVAL CRITERIA- VARIANCES

Title 19.18.070 (L)

The following is the substantive criterion for determining approval of variance applications:

- 2) Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

There are three variances requested from the strict application of the Code. They are:

19.08.060, the residential adjacency standards, which states that no non-residential building shall exceed the height of a line drawn from the property line of a protected property at a 3:1 slope directly into the property subject to the standards of the chapter. A 15 foot tall building can be constructed at the applicable setback line; any building height above the 15 feet must fall below the slope.

There are two adjacent properties zoned R-1 in very close proximity to the site- 707 S. 9th Street, which is to the west of the 20 foot wide east/west alley and 630 S. 10th Street, located on the northwest corner of Garces and 10th Street. We believe the variance is warranted for these reasons:

- a. *Strict application of the Code standard would make it difficult for any reasonable commercial property to be built on the site without some variance to the standard. This development pattern is not a result of any action taken by the applicant, or their predecessor in title. Also, this and all the other surrounding properties are designated for Commercial or for Mixed Use Development, which should be a factor in determining the appropriateness of a variance application.*
- b. *While on its face the variance may seem excessive, it is not in terms of factoring the overall objectives of the Redevelopment Plan. The long term vision of the plan is for re-planning and redeveloping stagnant areas of the City that no longer contribute to its tax or economic base. Therefore, the variance to allow a modern, forward-looking mixed use development should be considered.*
- c. *Paragraph 5.b. entitled Waiver, states any mixed-use development that contains a significant residential element is eligible for a waiver by the City Council. The gross building size of the project is 393,250 square feet; of that, only 18,000 square feet is non-residential space. Clearly, this is a residential driven project that given its importance to continued implementation of the Redevelopment Plan should be considered for a waiver.*

- d. *The boundaries of the Downtown Centennial Plan extend to one-half block east of 6th Street, north of Charleston Boulevard. This is only two blocks away from the western edge of this project. If the project were in the Downtown Centennial Plan, Code standards would not be automatically applied. This is, obviously, in close proximity to the Plan area, and when reviewing the Future Land Use Maps of the Downtown Plan, Redevelopment Plan and Southeast Sector of the General Plan, all allow and encourage either commercial or mixed-use development; there is no real difference of lying within, or outside the Downtown Plan boundaries in terms of actual land use.*

19.08- Figure 3- Commercial Development Standards allow a maximum building coverage of 50 %, where 56% is requested. The variance is warranted for the following reasons:

- a. *The six percent increase in lot coverage is minor and will not result in any detriment to the overall health, safety and general welfare to this area of the City.*
- b. *As previously identified, the site is in close proximity to the area covered by the City of Las Vegas Downtown Centennial Plan, where the automatic application of Code standards is not applied.*

Title 19.10, Parking Requirements states that for a restaurant, café, tavern, bar and eating establishment, one space for each 50 square feet of public seating area, plus one space for each 200 square feet of the total remaining GFA, with a minimum of 10 spaces. Based on the minimum 10 spaces, a variance is requested to allow 624 spaces where 634 are required. The variance is warranted for the following reasons:

- 1) *The provided 624 spaces accommodate the 350 condominium units, based on a mix of 300 one bedroom and 50 two bedroom units and 18,000 square feet of commercial, based on the 1/175 square feet required by Code. It is not known at this time, if a restaurant will be included in the ground floor space, or how much square footage it will need. The variance is intended to "free up" some parking to accommodate a future eating/drinking establishment.*
- 2) *Normally in the downtown area, the goal is to provide at least one parking space per unit and one space/3,000 square feet of retail area. The provided parking exceeds this goal.*
- 3) *The parking standards of the City of Las Vegas do not account for shared, or captured trips in a mixed use environment. This should also be taken into consideration when examining the parking standards for this type of proposal.*

APPROVAL CRITERIA- SITE DEVELOPMENT PLAN REVIEW

Title 19.18.050 (E)

The following criteria are to be considered for approval of a Site Development Plan Review:

- 1) **The proposed development is compatible with adjacent development and development in the area;**

While the predominant existing development pattern to the north of Charleston Boulevard is a mixture of professional office and some remaining single family units, the Redevelopment Plan encourages mixed-use as a major tool for redevelopment. Also, the project is constructed so as to not encourage any cut-through traffic for the businesses north of Charleston, or any of the residential neighborhoods south of Charleston Boulevard. The parcels to the east are zoned C-2, which not only allows mixed use with a special use permit, but more intense commercial uses as well.

- 2) **The proposed development is consistent with the General Plan, this title, the Design Standards manual, the Landscape Wall and Buffer Standards and other duly-adopted city plans, policies and standards:**

The project is in substantial accordance with development related ordinances of the City. All landscaping, open space and required recreational amenities for a project of this size and scale will be provided. The variances to the residential adjacency standards, parking and building coverage are reasonable and not beyond the scope of the type of intensity and density that will be needed to reinvigorate this area of the City.

- 3) **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

All access will be directed to Charleston Boulevard, to minimize any impacts to business owners or residents in the area. The north/south alley, if vacated, will continue to operate as it currently does, in terms of access and traffic flow.

- 4) **Building and landscape materials are appropriate for the area and for the City**

The buildings will be constructed of Low E clear glass, vision and spandrel glazing in aluminum framed curtain walls, with storefront retail glazing. This will be an exciting, vibrant addition to this area of the City, spurring additional redevelopment and reinvestment in the area. Therefore, the building and landscape material effectively implement the long-term vision of the Redevelopment Plan.

- 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 the area**

The existing development on the property is unsightly, undesirable and obnoxious in appearance, which has led to an overall decay along the Charleston Boulevard corridor. This project will bring an attractive, exciting environment to Charleston Boulevard and will be an important first step in changing the face of this area of the City.

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

The redevelopment of this area is in the highest interest of all resident of the City of Las Vegas. Making the Redevelopment Plan objectives a reality will bring new development, new investment and a new, much needed vibrant atmosphere to this area.

SUMMARY

In summary, we believe this project will be the impetus for the north side of the Charleston Boulevard corridor. It assembles parcels that are stagnant, underutilized and in need of redevelopment into an exciting mixed-use project that will spur future redevelopment activity. The intent is to enhance the environment of the business owners to the north, while having minimal impacts, in terms of views, traffic and shading to the John S. Park neighborhood to the South. It is the first step in implementing the overall objectives of the Redevelopment Plan along the north side of Charleston Boulevard.

We respectfully ask for your favorable consideration of this project; please do not hesitate to contact us if you have any questions or need additional information.

Sincerely,



David Clapsaddle
Director of Planning

GCG:mj

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

GEORGE T. BOCHANIS
LAW OFFICES

631 SOUTH NINTH STREET
LAS VEGAS, NEVADA 89101

GEORGE T. BOCHANIS, ESQ.
ADAM L. MUSLUSKY, ESQ.
ALLAN P. CAPPS, ESQ.

PAUL A. EDWARDS
WORKER'S COMPENSATION ADMINISTRATOR

TELEPHONE (702) 388-2005
FACSIMILE (702) 388-0484
PERSONAL INJURY AND WORKER'S
COMPENSATION LAW

July 26, 2006

VIA FACSIMILE ONLY
385-7268

City of Las Vegas Planning Commission
400 Stewart Ave.
Las Vegas, NV 89101

Re: GPA 14325

Dear Planning Commissioners:

I am the property owner at 631 South Ninth Street in Las Vegas, Nevada which houses my law firm. I have been at this business address since the time I constructed my office in 1992. It is my understanding that the above general plan amendment contemplates several tall office buildings and a large parking garage on East Charleston Boulevard between Ninth and Tenth Streets.

I am unable to attend the planning commission meeting on this agenda set for Thursday, July 27, 2006 because I currently serve as a Henderson Planning Commissioner and have a Henderson Planning Commission meeting at the same time.

I have not reviewed the proposed plans for this mixed use development but have several concerns based on some of the general concepts of the plan that were described to me by one of the applicants representatives during a briefing I had with him at the conclusion of a Henderson Planning Commission briefing session.

Obviously, a major concern is that his project would somehow alter or modify our access from South Ninth and South Tenth Street from Charleston Boulevard to our office location which is on the corner of South Ninth Street and Garces Avenue. As you know, the city expanded Las Vegas High School at the corner of South Ninth Street and Clark Avenue thus blocking any access we have from the north. Therefore, I want to ensure that this project in no way alters access from South Ninth and South Tenth Street from East Charleston Boulevard to our location on South Ninth Street and Garces Avenue.

4350
p

GEORGE T. BOCHANIS
LAW OFFICES

City of Las Vegas Planning Commission
Page Two

The second concern has to do with parking with the impact that this is project would have on street parking. We want to make sure that there are no waiver for parking given to this project that will impact our customer parking in our existing neighborhood.

I also want to know whether the applicant is actually going to build this project, or has committed to building this project or is the applicant simply seeking entitlements for future sale after you grant their zoning variance requests.

Finally, a major concern with respect to this project is the impact that the construction of this project will have on my existing business and all those businesses, primarily consisting of law offices in this area. I would like to know how long the construction of this project will take. Since it is such a massive project, I am assuming that there will be at least one hundred construction workers at all times working on this project. This raises the issue as to where these individuals will park their vehicles. The applicant should be required to provide separate parking in a designated lot for those individuals who work on this project. We cannot have our on street parking taken away for the six to twelve month period that I assume this project will take to build. Another issue as to where the material for this project will be stored. We again request that you require a condition that a separate materials staging area on Charleston Boulevard be provided by the applicant. Additionally, the applicant should be required to provide access at all times from East Charleston Boulevard to South Ninth and South Tenth Street during this construction period. At no time should either of these streets be blocked during construction and the applicant should be required to provide all such traffic control such as flagmen and appropriate signage to make sure that traffic continuously flows on South Ninth and South Tenth from East Charleston Boulevard.

Finally, I would like to know the impact that this project has on the city's historic preservation district concept. Many of property owners in the area objected to these historical preservation district requirements being imposed upon us and now it appears that one applicant is easily able to obtain variances from the historical preservation district requirement that many of us have objected to for years. It appears that this massive project would be entirely inconsistent with the goals of the city's historical development district.

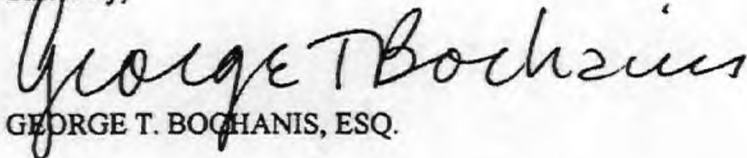
GEORGE T. BOCHANIS
LAW OFFICES

City of Las Vegas Planning Commission
Page Three

I have spoken to several other property owners in my area, many of whom were unaware of the meeting that was held by the applicant with respect to this project. Further, many other property owners have informed me that they are going to wait to see what the planning commission approves then if it is objectionable, they plan to voice their concerns and objections to city council.

I thank you for taking into consideration my concerns with respect to this project.

Sincerely,


GEORGE T. BOCHANIS, ESQ.

GTB.jh

43-50

P

July 20, 2006

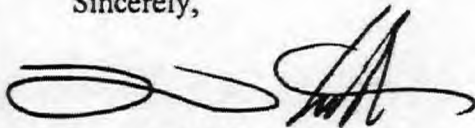
Glenn Trowbridge
City of Las Vegas Planning Commission
c/o City of Las Vegas Planning & Development Dept.
731 South 4th Street
Las Vegas, NV 89101

Dear Mr. Trowbridge:

I am writing this letter in regards to the mixed use project at 9th & 10th Street proposed by George C. Garcia.

I own some apartments located at 604 South 11th Street and I feel that this project would be a definite improvement for the neighborhood and I am for this project being developed.

Sincerely,



Perry B. Whitt
2701 Bryant Avenue
Las Vegas, NV 89102

PBW/cf

RECEIVED
JUL 25 12 57 PM '06
PLANNING AND
DEVELOPMENT

ITEM # 43-50 R
CASE # _____
PC MTG 7.27.06 A

Thiriot 1977 Trust
621 So. 9th St.
Las Vegas, NV 89101
July 30, 2006

RECEIVED
AUG 03 2006

Las Vegas City Planning Commission
400 Stewart Ave.
Las Vegas, NV 89101

RE: Proposed mixed use project on Charleston Blvd., between 9th and 10th Streets (VAC-12884, GPA-14325, SDR-14349, SUP-14339, VAR 14345, VAR-14342, VAR-14347, ZON-14338)

ATTN: Planning Commission:

On July 5, 2006, I met with David Clapsaddle at the Senior Center, in regards to the above referenced mixed use project. After checking all the proposals I am very much in favor of this project. My properties (617 & 621) are on 9th Street in the block just north of the proposed project.

Since your planned meeting of July 27, was postponed until later, this letter will verify my agreement with the project since I will not be able to attend the next meeting. My hope is that this will be passed because it will be a wonderful bonus to this part of the downtown area.

I would be happy to talk to anyone on the planning commission if there is question as to my position in this matter. My telephone # is 384-2498.

Thank you for your attention to this matter.

Sincerely,

Joseph E. Thiriot

Joseph E. Thiriot

A

Telephone Protest/ Approval Log

SDR-14349
VAC-12884

Meeting Date:

08/24/06

SUP-14339

Case Number:

GPA-14325

VAR-14347

VAR-14345

VAR-14342

ZON-14338

Date:

08/22/06

Name:

Karen Velakovic

Address:

807 E. Oakley

L.V. NV 89104

Phone:

385-4219

☐ PROTEST



APPROVE

Date:

Name:

Address:

Phone:

☐ PROTEST



APPROVE

Date:

me:

Address:

Phone:

☐ PROTEST



APPROVE

Date:

Name:

Address:

Phone:

☐ PROTEST



APPROVE

Date:

Name:

Address:

Phone:

☐ PROTEST



APPROVE

Date:

Name:

Address:

ITEM # 17-24

CASE # SEE ABOVE

PC MTG 9-17-06

Phone:

☐ PROTEST



APPROVE

Vanda B. Canai
1119 South 6th St.
Las Vegas, Nevada 89104

Thursday, September 7, 2006

Re: scheduled form approval of
VAC - 12884
GPA - 14325
SDR - 14349
SUP - 14339
VAR - 14345
VAR - 14342
VAR - 3017
ZON - 14338

City Planning Commission
Las Vegas, Nevada

The project scheduled meeting for Lot Street and Charleston Blvd presented by Dave Clapsaddle and team is a welcomed enterprise. I am happy to give my approval for this venture to help enhance the beautification of our wonderful neighbourhood. Dave and his team delivered an informative project with understandable charts & great visuals. The team was approachable, returned calls with information requested. Dave and team assured the neighbors that their input was a certainty. I hope the rest of Charleston Blvd developments follow the lead of this pulchritudinous project. I hope that the planning commission visualizes my site and approves this project for the neighbourhood. Thank you.

Vanda Canai (11)

Submitted at Planning Commission

Date 9/7/06 Item #17-24

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

VARIANCE RELATED TO GPA-14325, ZON-14338, AND VAR-14342

VAR-14345 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Variance TO ALLOW LOT COVERAGE OF 56 PERCENT WHERE 50 PERCENT IS THE MAXIMUM ALLOWED IN CONJUNCTION WITH A PROPOSED MIXED-USE DEVELOPMENT on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). The Planning Commission (4-3 vote) and staff recommend DENIAL.

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (4-3 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Backup referenced from the 09-07-06 Planning Commission Meeting Item 20

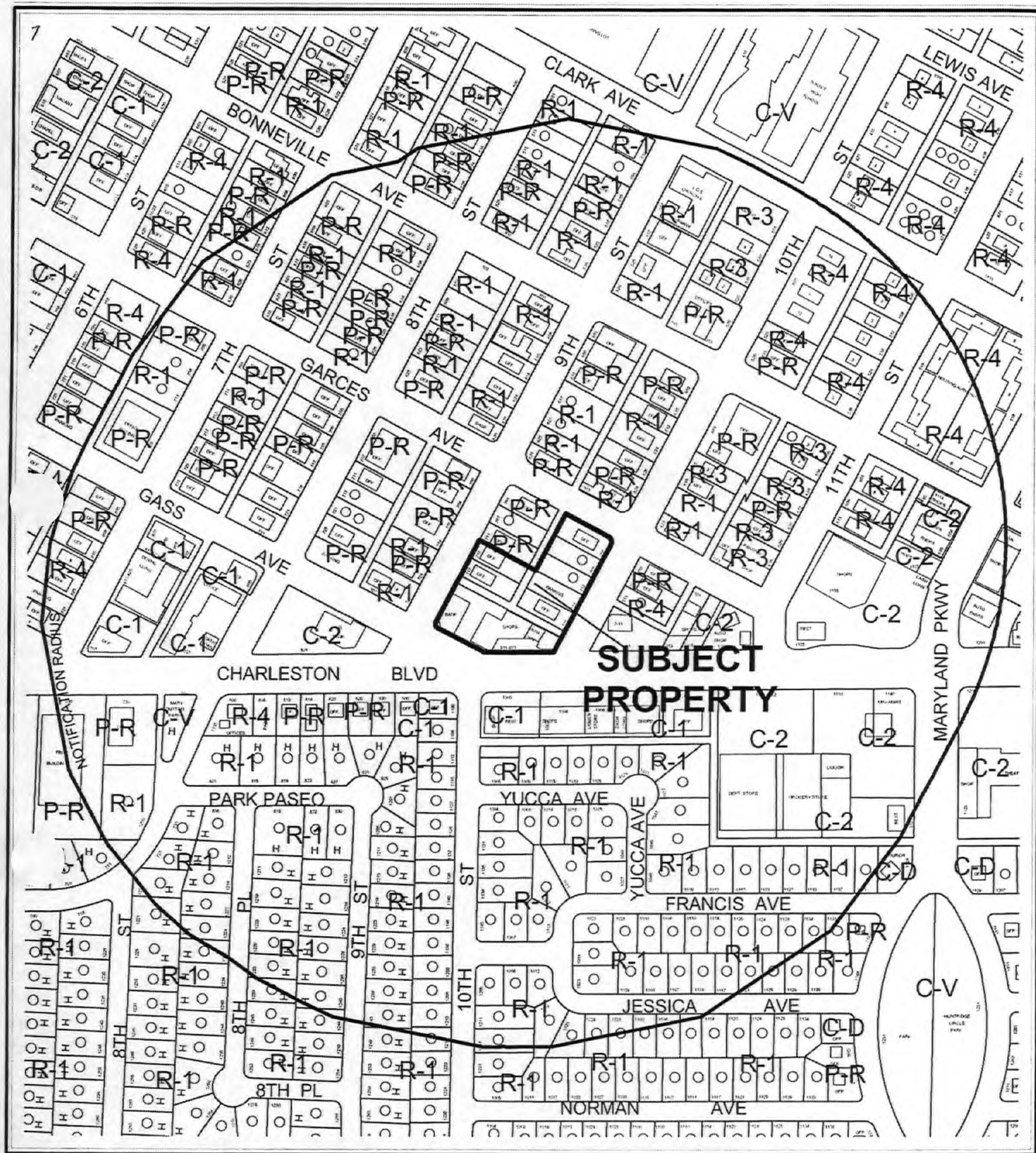
Motion made by GARY REESE to Approve Subject to Conditions

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

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

See Item 69 for a combined Verbatim Transcript of Items 69 - 76 and related backup.



CASE: VAR-14345

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-4 (HIGH DENSITY RESIDENTIAL), C-1 (LIMITED COMMERCIAL) AND P-R (PROFESSIONAL OFFICE AND PARKING)

PROPOSED ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL)



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - VAR-14345 - APPLICANT: CASINO CENTER
PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 4, 2006 CITY COUNCIL
MEETING AT THE REQUEST OF COUNCILMAN REESE.***

**** CONDITIONS ****

The Planning Commission (4-3/ds/ld/bg vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to the Conditions for General Plan Amendment (GPA-14325), Rezoning (ZON-14338), Variance (VAR-14342), Variance (VAR-14347), Special Use Permit (SUP-14339), Vacation (VAC-12884) and Site Development Plan Review (SDR-14349) if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Variance to allow lot coverage of 56 percent where 50 percent is the maximum allowed in conjunction with a proposed mixed-use development on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street. The following associated cases will be considered concurrently with this request: GPA-14325, ZON-14338, VAR-14342, VAR-14347, SUP-14339, VAC-12884 and SDR-14349.

EXECUTIVE SUMMARY

The proposed development plan exceeds the permitted lot coverage allowed under the C-1 (Limited Commercial) zoning regulations. The request does not meet the criteria for the approval of variances, as the hardship is self-created and the applicant could revise the development plan to comply with lot coverage requirements.

BACKGROUND INFORMATION

A) *Related Actions*

- | | |
|----------|---|
| 05/03/72 | The City Council approved a Rezoning (Z-0026-72) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) for the parcel at 717 S. 9 th Street. The Planning Commission recommended approval of the request on 04/13/72. |
| 04/26/79 | The Board of Zoning Adjustment approved a Variance (V-0027-79) to allow a group care home for 16 residents on the property at 700 S. 10 th Street. |
| 09/27/84 | The Board of Zoning Adjustment approved a Variance (V-0103-84) to allow a beauty shop where such use is not allowed on the property located at 717 S. 9 th Street. |
| 02/06/91 | The City Council approved a Rezoning (Z-0150-90) from R-1 (Single Family Residential), R-3 (Medium-Density Residential), R-4 (High-Density Residential), P-R (Professional Office and Parking) and C-1 (Limited Commercial) to C-1 (Limited Commercial) for five of the parcels that comprise the subject development. The Planning Commission recommended approval of the request on 01/10/91. |
| 09/07/06 | The Planning Commission recommended approval of companion items ZON-14338, VAR-14347, SUP-14339, VAC-12884 and denial of GPA-14325, VAR-14342 and SDR-14349 concurrently with this application. |

09/07/06 The Planning Commission voted 4-3/l/d/s/bg to recommend DENIAL (PC Agenda Item #20/ff).

B) Pre-Application Meeting

05/16/06 At the pre-application conference, issues were discussed relative to the General Plan designation for the site, rezoning requirements, parking requirements, residential adjacency requirements, and general development standards. In addition, issues were discussed relative to the configuration of the alley.

C) Neighborhood Meeting

07/05/06 A neighborhood meeting was held by the applicant at the Las Vegas Senior Center; 33 residents attended the meeting. The following concerns were raised at the meeting:

- Concern about the reduction in parking;
- Concern about the residential adjacency waiver and impact of building shadows on the residential neighborhood to the south;
- Concern about traffic impacts on the neighborhood to the north;
- Concern about construction noise;
- Concern about sewer capacity;
- Concern about power availability;
- Concern about the provision of recreation space for residents of the project;
- Concern about public transportation access and bus turnout facilities; and
- Concern about the impacts of reflective glazing and whether or not the building would be LEED certified.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.05

B) Existing Land Use

Subject Property:	Single-Family Residential Use
	Office Use
	General Commercial Use
North:	Office Use
South:	Office Use
	General Commercial Use
East:	Single-Family Residential Use
	Office Use
	General Commercial Use
West:	Single-Family Residential Use
	Office Use

C) Planned Land Use

Subject Property: C (Commercial)
MXU (Mixed-Use) [Proposed: C (Commercial)]
North: MXU (Mixed-Use)
South: C (Commercial)
East: C (Commercial)
West: MXU (Mixed-Use)

D) Existing Zoning

Subject Property: R-4 (High-Density Residential)
P-R (Professional Office and Parking)
C-1 (Limited Commercial) [Proposed: C-1(Limited Commercial)]
North: R-1 (Single Family Residential)
P-R (Professional Office and Parking)
South: C-1 (Limited Commercial)
East: R-4 (High-Density Residential)
P-R (Professional Office and Parking)
C-2 (General Commercial)
West: R-1 (Single Family Residential)
P-R (Professional Office and Parking)

E) General Plan Compliance

The subject site is within the boundaries of the Las Vegas Redevelopment Plan area, and has C (Commercial) and MXU (Mixed-Use) land use designations; the applicant has filed a General Plan Amendment (GPA-14325) to change the land use designation on the entire development parcel to C (Commercial). The C (Commercial) designation allows uses comparable to the O (Office), SC (Service Commercial) and GC (General Commercial) land use categories.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Redevelopment Plan Area

As previously noted, the development site is within the boundaries of the Las Vegas Redevelopment Plan area, and it is proposed to change the land use designation to C (Commercial). The proposed commercial uses are consistent with the proposed land use designation; the residential uses are allowed in commercial districts upon approval of a special use permit.

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Requested	Compliance
Max. Lot Coverage	50 %	56%	N

The project exceeds the maximum lot coverage permitted in the C-1 (Limited Commercial) zoning district, necessitating the submittal of this application.

B) General Analysis and Discussion

The development as proposed will consist of two tower structures joined by a multi-story parking structure. An entrance plaza will be provided adjacent to the intersection of Charleston Boulevard and 10th street, and sidewalk areas with street trees will be provided along all street frontages. Landscape buffer areas will be provided at the rear of the structures, along the reconfigured alleyways.

Despite the provision of these amenities, the lot coverage of the structure will still exceed the 50% maximum required by the C-1 (Limited Commercial) district development standards. The development parcel has no unusual characteristics that prevent compliance with the code requirement; the project could easily be redesigned to conform to the lot coverage limitation.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and

undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship in designing a project that exceeds the maximum permitted lot coverage. An alternative design would allow conformance to Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 294 by City Clerk

APPROVALS 3

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-14345** APN: B9-34-810-101 thru 105, 074, 075, 812-003

Name of Property Owner: First Light Properties / Casino Center Prop.

Name of Applicant: Casino Center Properties

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes

☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

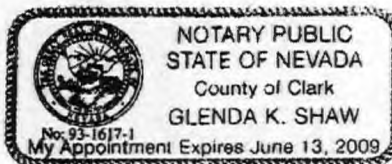
Signature of Property Owner: Steven T. Gregory

Print Name: Steven T. Gregory

Subscribed and sworn before me

This 6 day of June, 2006

Glenda K. Shaw
Notary Public in and for said County and State



PROJECT SUMMARY

PROPERTY SIZE: 89,679 SF (2.05 AC)
IT INCLUDES EXIST. ALLEY FRONTING

LOT COVERAGE: 51,000 SF = 56%
FAR: 0.228 DENSITY: 171/A.C.

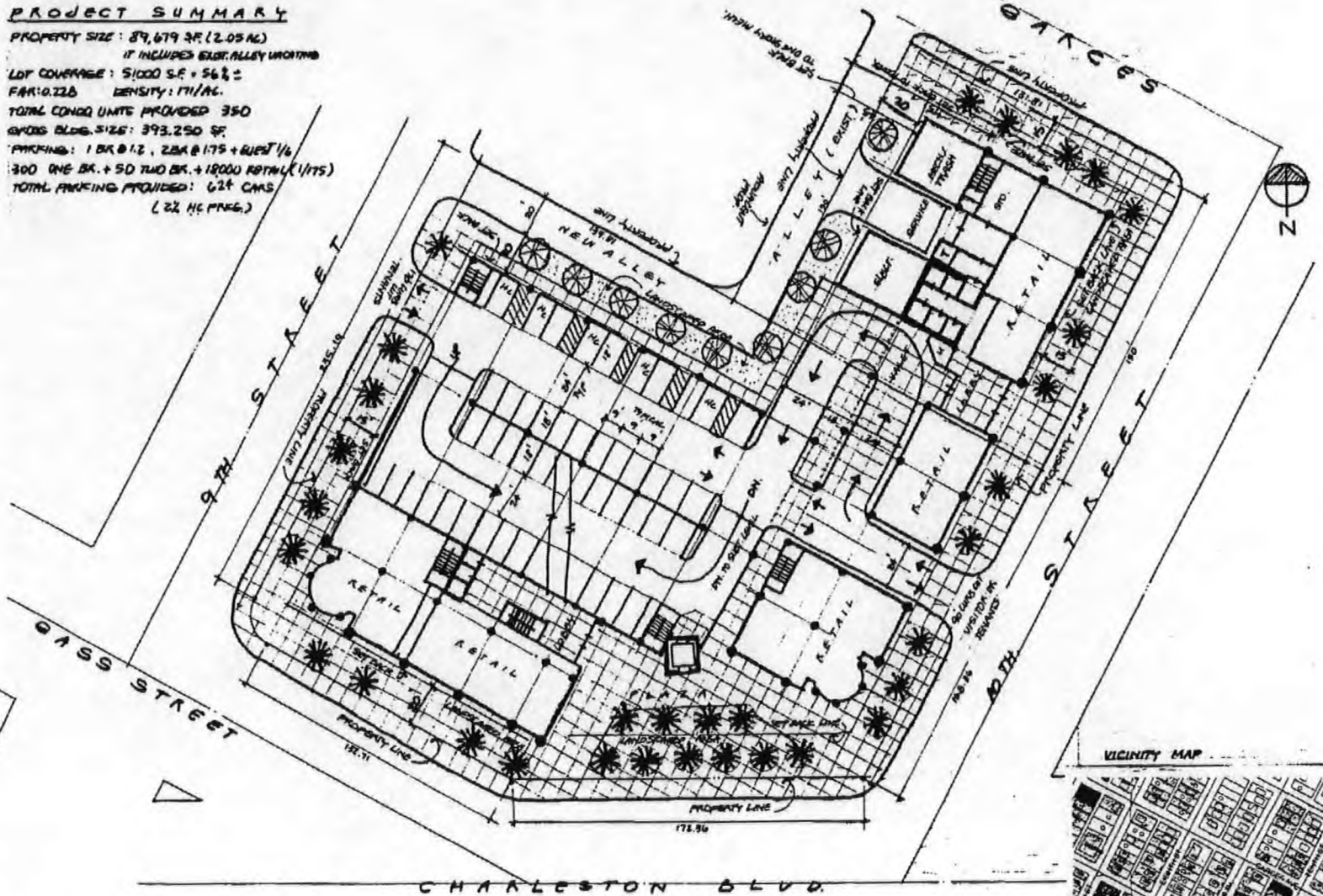
TOTAL CONDO UNITS PROVIDED: 350

GROSS BLDG. SIZE: 393,250 SF

PARKING: 1 BK @ 1/2, 2BKA @ 1/75 + GUEST 1/6

300 ONE BK. + 50 TWO BK. + 18,000 RETAIL (1/175)

TOTAL PARKING PROVIDED: 624 CARS
(22 HC PRKG.)



VICINITY MAP



SITE PLAN

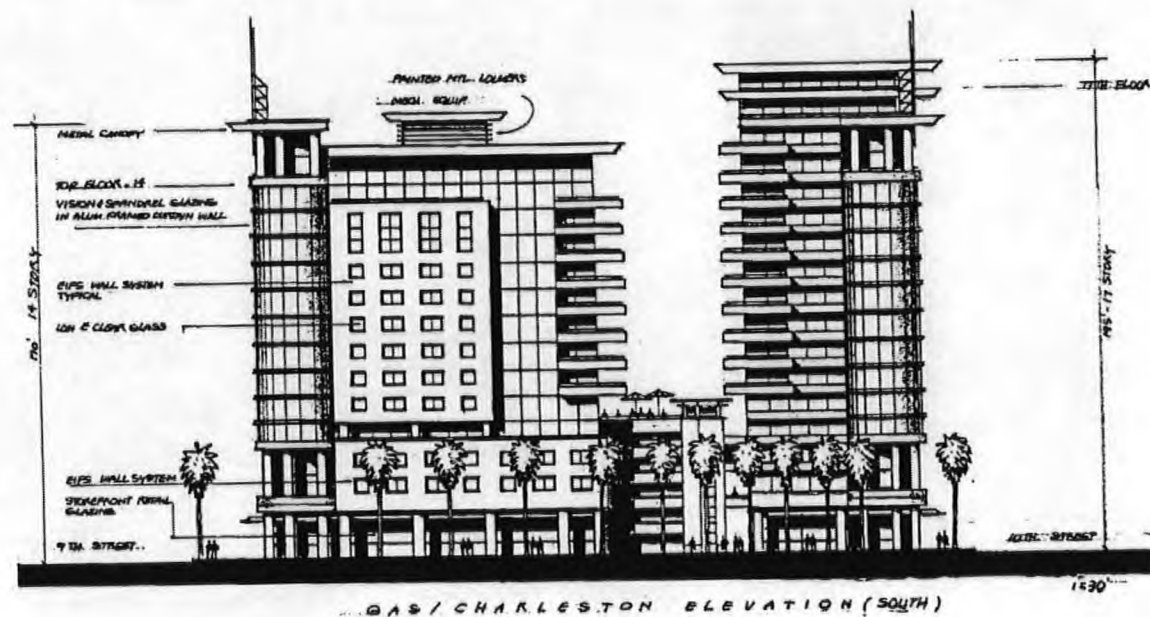
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CASINO CENTER PROPERTIES, LLC

VAR-14345
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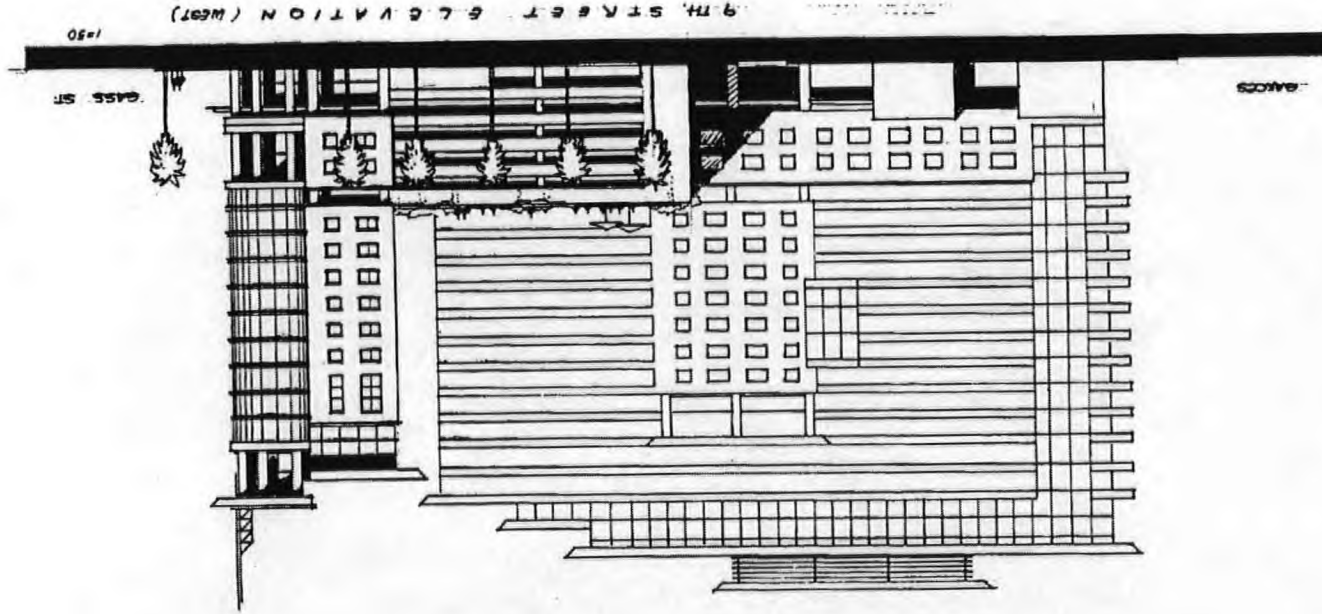


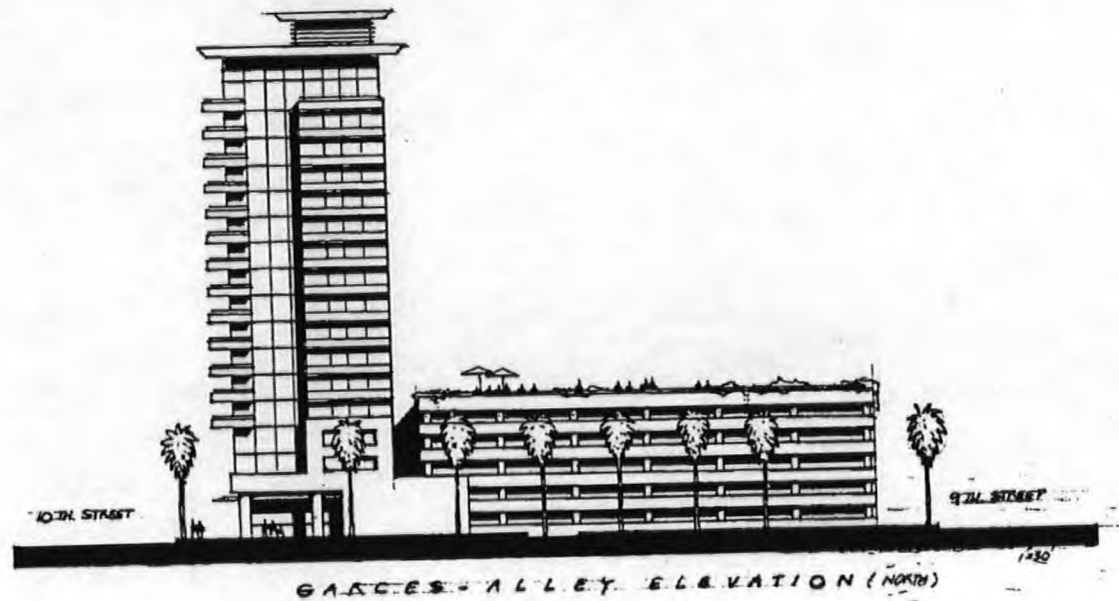
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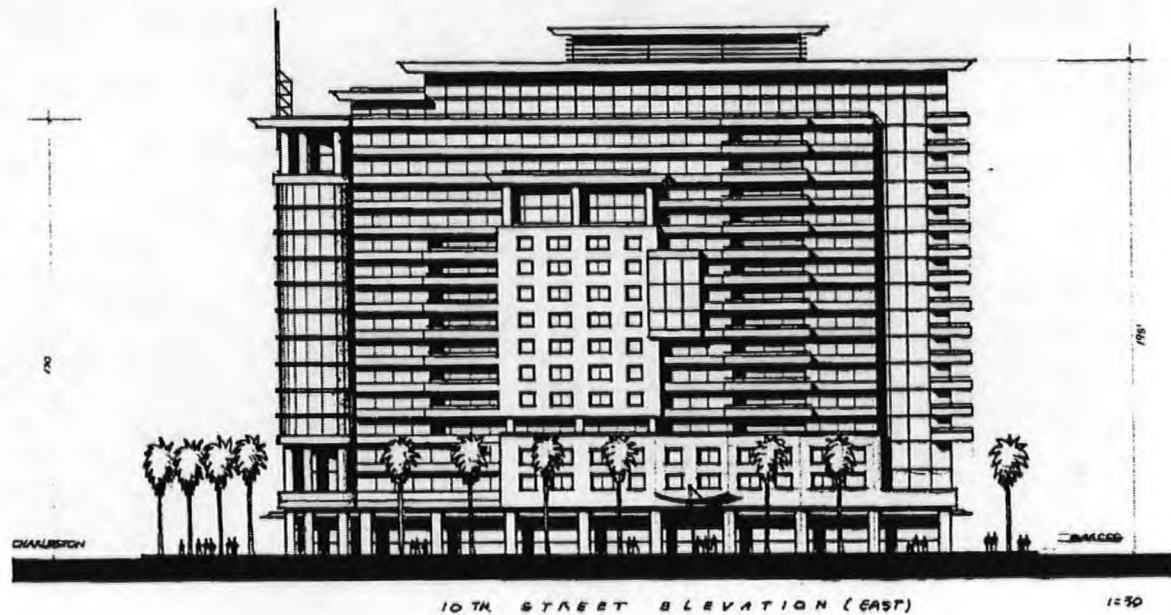
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VAR-14345
07/27/06 PC

June 12, 2006

Ms. Margo Wheeler
City of Las Vegas
731 S. 4th Street
Las Vegas, NV 89101

RE: Letter of Justification for the North side of Charleston Boulevard, Between 9th and 10th Streets- General Plan Amendment, Special Use Permit for Mixed Use: Variance to Residential Adjacency Standards and Site Development Plan Review; APN: 139-34-812-003; 139-34-810-101 thru 105; 139-34-810-074 and 075

Dear Margo:

On behalf of our clients Glenda Shaw and Steve Gregory, please accept the application package for the 2.05 +/- acre property located on the north side of Charleston Boulevard, between 9th and 10th Streets. The proposal is a mixed-use project consisting of 18,000 square feet of ground floor office and/or retail space, with 350 condominiums within two structures- one 14 story, 170 foot high building oriented toward the southwest corner of the parcel and a second 17 story, 195 foot high building oriented toward the southwest corner of Garces and 10th Street. The following applications are submitted with this request:

- 1) General Plan Amendment from MXU to C for the entire site with the exception of APN: 139-34-812-003, which is currently designated Commercial (C) on the City of Las Vegas Redevelopment Plan;
- 2) Rezoning from Professional Office and Parking (P-R) to Limited Commercial (C-1) for APN: 139-34-810-102 and 103; High Density Residential (R-4) to Limited Commercial (C-1) for APN: 139-34-810-101;
- 3) Special Use Permit for a Mixed Use Project in Limited Commercial (C-1) for the entire property;
- 4) Variance to Title 19.08.060 of the City of Las Vegas Zoning Ordinance Residential Adjacency standards to allow a setback of 45 feet from Single Family Residential (R-1), where 510 feet is required.
- 5) Variance to Title 19.08, Table 3, Commercial District Development Standards to allow a maximum lot coverage of 56% where 50% is the maximum allowed.



GARCIA

VAR-14345
07/27/06 PC

- 6) Variance to allow 624 parking spaces, where 634 are required to provide for some sort of future restaurant or café space.
- 7) Site Development Plan Review for a Mixed Use Project in Limited Commercial (C-1).

CURRENT LAND USE AND ZONING CONDITIONS

The southern portion of the site is currently designated Commercial (C) on the City of Las Vegas Downtown Redevelopment Area Land Use Designations Map of the Redevelopment Plan; the remainder of the site is designated Mixed Use District (MXU). The entire block to the east, from Charleston Boulevard to Garces, between 10th and 11th Street is designated Commercial (C) as well as all the properties fronting along the south side of Charleston Boulevard are also designated Commercial(C). The blocks to the north and west of the site are all designated Mixed Use (MXU); in fact the entire area north of Charleston is shown for both Mixed Use and Commercial development.

The majority of the subject site is already zoned Limited Commercial (C-1), the three remaining parcels on the southwest corner of Garces and 10th Street are Professional Offices and Parking (P-R) and High Density Residential (R-4). The overall zoning pattern for the area is more intense General Commercial (C-2) to the east of 10th Street, Limited Commercial (C-1) to the south and a mixture of C-1, P-R and R-1 to the north, with the majority of the properties developed as professional offices.

APPROVAL CRITERIA- GENERAL PLAN AMENDMENT **Title 19.18.030 (I)**

The determinations for the Planning Commission and City Council for approval of a General Plan Amendment are as follows:

1. **The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations;**

The entire area north of Charleston Boulevard is projected to be Commercial or Mixed Use Development as clearly shown on the Downtown Redevelopment Area Land Use Designations Map. In fact, all of the properties fronting along the north and south sides of the project, to the east and west, are all designated for Commercial (C), which allows mixed use projects.

The subject site is designated both MXU and C; both allow mixed use projects with approval of a Special Use Permit. It was determined, through the pre-application process, that a General Plan Amendment was needed to prevent a split land use on the site, as it was being assembled into one project for the purposes of development. Either designating the entire site for MXU or C would be appropriate, however, as a result of a subsequent meeting with staff, changing the northern part of the property from MXU to C was preferable, as a consistent Commercial land use designation would result along the south side of Garces from 9th to 11th streets.

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Essentially, there is no change in the density and intensity of permitted land uses as a result of this amendment to the General Plan, it will merely result in a consistent land use designation on the Redevelopment Plan Map;

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts.**

The proposed Limited Commercial (C-1) zoning district is conforming to either the Mixed Use District (MXU) or Commercial (C) land use designations of the Redevelopment Plan Map. In fact, over 75% of the site is already zoned C-1. This application only applies to the three parcels along the northeast corner of the property. Therefore, it will result in a consistent zoning for the entire project. It is compatible with the C-1 zoned properties along the south side of Charleston Boulevard, and the General Commercial (C-2) properties to the east of 10th Street and south of Garces.

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan designation; and**

There are adequate facilities and utilities available to serve the needs of this property. It is a developed, infill piece with services already in place.

4. **The proposed amendment conforms to other applicable adopted plans and policies.**

The General Plan Amendment and the related applications implement the following objectives of the Redevelopment Plan:

- A. The elimination of environmental deficiencies and blight in the Redevelopment Area, which constitute either social or economic liabilities or both and require redevelopment in the interests of the health, safety and general welfare of the people, including among others, small and/or irregular lots, obsolete and aged building types, economic and social deficiencies, deteriorated public improvements, inadequate parking facilities and inadequate utilization of land and public facilities.

This block is in need of redevelopment as current development has been stagnant and become an eyesore to this area of the City. It will result in a modern, mixed use development that will result in additional reinvestment and redevelopment of other properties in the area. It will eliminate development which has resulted in a blighted area and provide an enhanced streetscape and vibrancy to development along the north side of the Charleston Boulevard corridor.

- B. The assembly of land into parcels suitable for modern, integrated development and allowing for improved pedestrian and vehicular circulation in the Redevelopment Area:

The project has assembled eight of the eleven parcels in the block bounded by Garces to the north, 9th Street to the west, 10th Street to the east and Charleston Boulevard to the south. The only parcels that have not been acquired are the three parcels on the northwest corner of the block. The applicant has had discussions with these property owners.

This assemblage will allow development of a modern mixed-use project envisioned by the Redevelopment plan. One of the companion items is a vacation of the public alleys on the site; vacation of the north-south alley will not incur any changes to access in terms of traffic flow or private access; the east-west alley will be relocated to allow for a more cohesive development and improved traffic flow.

- C. The replanning, redesign and development of undeveloped areas which are stagnant or improperly utilized;

While this piece is developed, it has become stagnant, underutilized and is not contributing to the economic diversification and well-being of the City.

- D. The strengthening of retail, office, and other commercial and residential functions in the downtown area;

This project will add much needed office space, retail uses and opportunities for people to live and work in this area of the City. It will enhance the vitality of this area and provide an impetus for other redevelopment projects to occur.

- E. The strengthening and diversification of the economic base of the Redevelopment Area and the community by the installation of needed site improvements to stimulate new commercial expansion, employment and economic growth;

Modern mixed-use compact development, such as that proposed for this site, can do nothing but enhance the economic base of the redevelopment area. It will provide employment opportunities, stimulate new commercial and residential redevelopment in the area, and increase the tax base generated along the Charleston Boulevard corridor.

In summary, this proposal meets the requirements for approval of a General Plan Amendment, as it will not increase the intensity or density of development in the area, since both current plan designations allow and encourage mixed use development. It also implements the long-term vision and objectives of the Redevelopment Plan as it assembles underutilized and decaying parcels into a modern, compact mixed-use development that will re-invigorate interest and future investment along the Charleston Boulevard corridor.

APPROVAL CRITERIA- REZONING

Title 19.18.040 (K)

The following are the criteria for approval of a proposed rezoning:

- 1) **The proposal conforms to the General Plan.**

The proposed Limited Commercial (C-1) is a conforming zone change for both the Mixed-Use District (MXU) and Commercial (C) land use categories of the City of Las Vegas Redevelopment Plan.

- 2) **The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.**

As previously stated, approximately 75% of the site is currently zoned C-1. This application only applies to the three parcels located on the more northeast corner of the site; it essentially a single zoning designation for the portion of the block that has been assembled by the applicant.

- 3) **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

This area of the City, along the Charleston Boulevard corridor is ripe for redevelopment activity that will contribute to the economic base of the area. Current development on this site is in disrepair, stagnant, and has contributed to long term blight and decay. Rezoning the site to C-1, allowing for mixed use development, should result in stimulating additional redevelopment activity in the area.

- 4) **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.**

This action adds a small additional amount of C-1 property to the area. Street and highway facilities should provide adequate access and traffic carrying capacity; a traffic study will be provided to identify any additional improvements that will be needed.

APPROVAL CRITERIA- SPECIAL USE PERMIT

Title 18.18.060-(L)

The following are the determinations to be made for approval of a Special Use Permit:

- 1) **The proposed 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 Redevelopment Plan Land Use Map shows that the entire area of the City north of this site and the Charleston Boulevard corridor, from Main Street to Bruce Street, up to Bonanza Road, is designated

predominately Commercial or for Mixed Use, which clearly indicates that modern, mixed use projects are a key component to encouraging reinvestment and redevelopment in this area of the City. The proposed use is oriented toward the Charleston Boulevard corridor, and should not be readily visible from the professional offices located to the north of the site. A line of sight drawing is included with this package, showing that only a small portion of the towers will be visible from some places within the John S. Park neighborhood to the south of Charleston Boulevard. The Redevelopment Plan encourages the assemblages of parcels to promote the type and intensity of development to stimulate the economy of the downtown area.

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

In terms of land use designation, a portion of the site is already designated for Commercial land uses; the remainder is MXU, which allows Service Commercial and General Commercial uses. In terms of the actual project proposed for the property, it can accommodate the proposed mix of residential and commercial uses, while providing all parking in a six level parking garage. Adequate on-site access will be provided to ensure free-flow of traffic movements and accommodate all emergency services.

- 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; and**

The surrounding street network should be adequate to provide access and traffic carrying capacity. A traffic study will be submitted to determine additional improvements that will be needed to accommodate traffic and circulation needs.

- 4) Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety and welfare or the overall objectives of the General Plan.**

Approval of this Special Use Permit will implement the core vision and objectives of the Redevelopment Plan of the City of Las Vegas. It will spur economic activity; provide places for new and current residents to live, work, shop and play. It will lead to additional investment and needed redevelopment in the immediate area and other parcels located within the Redevelopment Plan area. Therefore, it will contribute to the overall well-being of the City, and enhance the public health, safety and welfare.

APPROVAL CRITERIA- VARIANCES **Title 19.18.070 (L)**

The following is the substantive criterion for determining approval of variance applications:

- 2) Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

There are three variances requested from the strict application of the Code. They are:

19.08.060, the residential adjacency standards, which states that no non-residential building shall exceed the height of a line drawn from the property line of a protected property at a 3:1 slope directly into the property subject to the standards of the chapter. A 15 foot tall building can be constructed at the applicable setback line; any building height above the 15 feet must fall below the slope.

There are two adjacent properties zoned R-1 in very close proximity to the site- 707 S. 9th Street, which is to the west of the 20 foot wide east/west alley and 630 S. 10th Street, located on the northwest corner of Garces and 10th Street. We believe the variance is warranted for these reasons:

- a. *Strict application of the Code standard would make it difficult for any reasonable commercial property to be built on the site without some variance to the standard. This development pattern is not a result of any action taken by the applicant, or their predecessor in title. Also, this and all the other surrounding properties are designated for Commercial or for Mixed Use Development, which should be a factor in determining the appropriateness of a variance application.*
- b. *While on its face the variance may seem excessive, it is not in terms of factoring the overall objectives of the Redevelopment Plan. The long term vision of the plan is for re-planning and redeveloping stagnant areas of the City that no longer contribute to its tax or economic base. Therefore, the variance to allow a modern, forward-looking mixed use development should be considered.*
- c. *Paragraph 5.b. entitled Waiver, states any mixed-use development that contains a significant residential element is eligible for a waiver by the City Council. The gross building size of the project is 393,250 square feet; of that, only 18,000 square feet is non-residential space. Clearly, this is a residential driven project that given its importance to continued implementation of the Redevelopment Plan should be considered for a waiver.*

- d. *The boundaries of the Downtown Centennial Plan extend to one-half block east of 6th Street, north of Charleston Boulevard. This is only two blocks away from the western edge of this project. If the project were in the Downtown Centennial Plan, Code standards would not be automatically applied. This is, obviously, in close proximity to the Plan area, and when reviewing the Future Land Use Maps of the Downtown Plan, Redevelopment Plan and Southeast Sector of the General Plan, all allow and encourage either commercial or mixed-use development; there is no real difference of lying within, or outside the Downtown Plan boundaries in terms of actual land use.*

19.08- Figure 3- Commercial Development Standards allow a maximum building coverage of 50 %, where 56% is requested. The variance is warranted for the following reasons:

- a. *The six percent increase in lot coverage is minor and will not result in any detriment to the overall health, safety and general welfare to this area of the City.*
- b. *As previously identified, the site is in close proximity to the area covered by the City of Las Vegas Downtown Centennial Plan, where the automatic application of Code standards is not applied.*

Title 19.10, Parking Requirements states that for a restaurant, café, tavern, bar and eating establishment, one space for each 50 square feet of public seating area, plus one space for each 200 square feet of the total remaining GFA, with a minimum of 10 spaces. Based on the minimum 10 spaces, a variance is requested to allow 624 spaces where 634 are required. The variance is warranted for the following reasons:

- 1) *The provided 624 spaces accommodate the 350 condominium units, based on a mix of 300 one bedroom and 50 two bedroom units and 18,000 square feet of commercial, based on the 1/175 square feet required by Code. It is not know at this time, if a restaurant will be included in the ground floor space, or how much square footage it will need. The variance is intended to "free up" some parking to accommodate a future eating/drinking establishment.*
- 2) *Normally in the downtown area, the goal is to provide at least one parking space per unit and one space/3,000 square feet of retail area. The provided parking exceeds this goal.*
- 3) *The parking standards of the City of Las Vegas do not account for shared, or captured trips in a mixed use environment. This should also be taken into consideration when examining the parking standards for this type of proposal.*

APPROVAL CRITERIA- SITE DEVELOPMENT PLAN REVIEW **Title 19.18.050 (E)**

The following criteria are to be considered for approval of a Site Development Plan Review:

- 1) **The proposed development is compatible with adjacent development and development in the area;**

While the predominant existing development pattern to the north of Charleston Boulevard is a mixture of professional office and some remaining single family units, the Redevelopment Plan encourages mixed-use as a major tool for redevelopment. Also, the project is constructed so as to not encourage any cut-through traffic for the businesses north of Charleston, or any of the residential neighborhoods south of Charleston Boulevard. The parcels to the east are zoned C-2, which not only allows mixed use with a special use permit, but more intense commercial uses as well.

- 2) **The proposed development is consistent with the General Plan, this title, the Design Standards manual, the Landscape Wall and Buffer Standards and other duly-adopted city plans, policies and standards:**

The project is in substantial accordance with development related ordinances of the City. All landscaping, open space and required recreational amenities for a project of this size and scale will be provided. The variances to the residential adjacency standards, parking and building coverage are reasonable and not beyond the scope of the type of intensity and density that will be needed to reinvigorate this area of the City.

- 3) **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

All access will be directed to Charleston Boulevard, to minimize any impacts to business owners or residents in the area. The north/south alley, if vacated, will continue to operate as it currently does, in terms of access and traffic flow.

- 4) **Building and landscape materials are appropriate for the area and for the City**

The buildings will be constructed of Low E clear glass, vision and spandrel glazing in aluminum framed curtain walls, with storefront retail glazing. This will be an exciting, vibrant addition to this area of the City, spurring additional redevelopment and reinvestment in the area. Therefore, the building and landscape material effectively implement the long-term vision of the Redevelopment Plan.

- 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 the area**

The existing development on the property is unsightly, undesirable and obnoxious in appearance, which has led to an overall decay along the Charleston Boulevard corridor. This project will bring an attractive, exciting environment to Charleston Boulevard and will be an important first step in changing the face of this area of the City.

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

The redevelopment of this area is in the highest interest of all resident of the City of Las Vegas. Making the Redevelopment Plan objectives a reality will bring new development, new investment and a new, much needed vibrant atmosphere to this area.

SUMMARY

In summary, we believe this project will be the impetus for the north side of the Charleston Boulevard corridor. It assembles parcels that are stagnant, underutilized and in need of redevelopment into an exciting mixed-use project that will spur future redevelopment activity. The intent is to enhance the environment of the business owners to the north, while having minimal impacts, in terms of views, traffic and shading to the John S. Park neighborhood to the South. It is the first step in implementing the overall objectives of the Redevelopment Plan along the north side of Charleston Boulevard.

We respectfully ask for your favorable consideration of this project; please do not hesitate to contact us if you have any questions or need additional information.

Sincerely,



David Clapsaddle
Director of Planning

GCG:mj

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

GEORGE T. BOCHANIS**LAW OFFICES**631 SOUTH NINTH STREET
LAS VEGAS, NEVADA 89101GEORGE T. BOCHANIS, ESQ.
ADAM L. MUSLUSKY, ESQ.
ALLAN P. CAPPS, ESQ.PAUL A. EDWARDS
WORKER'S COMPENSATION ADMINISTRATOR

July 26, 2006

TELEPHONE (702) 388-2005
FACSIMILE (702) 388-0484PERSONAL INJURY AND WORKER'S
COMPENSATION LAWVIA FACSIMILE ONLY
385-7268City of Las Vegas Planning Commission
400 Stewart Ave.
Las Vegas, NV 89101

Re: GPA 14325

Dear Planning Commissioners:

I am the property owner at 631 South Ninth Street in Las Vegas, Nevada which houses my law firm. I have been at this business address since the time I constructed my office in 1992. It is my understanding that the above general plan amendment contemplates several tall office buildings and a large parking garage on East Charleston Boulevard between Ninth and Tenth Streets.

I am unable to attend the planning commission meeting on this agenda set for Thursday, July 27, 2006 because I currently serve as a Henderson Planning Commissioner and have a Henderson Planning Commission meeting at the same time.

I have not reviewed the proposed plans for this mixed use development but have several concerns based on some of the general concepts of the plan that were described to me by one of the applicants representatives during a briefing I had with him at the conclusion of a Henderson Planning Commission briefing session.

Obviously, a major concern is that his project would somehow alter or modify our access from South Ninth and South Tenth Street from Charleston Boulevard to our office location which is on the corner of South Ninth Street and Garces Avenue. As you know, the city expanded Las Vegas High School at the corner of South Ninth Street and Clark Avenue thus blocking any access we have from the north. Therefore, I want to ensure that this project in no way alters access from South Ninth and South Tenth Street from East Charleston Boulevard to our location on South Ninth Street and Garces Avenue.

4350
p

GEORGE T. BOCHANIS
LAW OFFICES

City of Las Vegas Planning Commission
Page Two

The second concern has to do with parking with the impact that this is project would have on street parking. We want to make sure that there are no waiver for parking given to this project that will impact our customer parking in our existing neighborhood.

I also want to know whether the applicant is actually going to build this project, or has committed to building this project or is the applicant simply seeking entitlements for future sale after you grant their zoning variance requests.

Finally, a major concern with respect to this project is the impact that the construction of this project will have on my existing business and all those businesses, primarily consisting of law offices in this area. I would like to know how long the construction of this project will take. Since it is such a massive project, I am assuming that there will be at least one hundred construction workers at all times working on this project. This raises the issue as to where these individuals will park their vehicles. The applicant should be required to provide separate parking in a designated lot for those individuals who work on this project. We cannot have our on street parking taken away for the six to twelve month period that I assume this project will take to build. Another issue as to where the material for this project will be stored. We again request that you require a condition that a separate materials staging area on Charleston Boulevard be provided by the applicant. Additionally, the applicant should be required to provide access at all times from East Charleston Boulevard to South Ninth and South Tenth Street during this construction period. At no time should either of these streets be blocked during construction and the applicant should be required to provide all such traffic control such as flagmen and appropriate signage to make sure that traffic continuously flows on South Ninth and South Tenth from East Charleston Boulevard.

Finally, I would like to know the impact that this project has on the city's historic preservation district concept. Many of property owners in the area objected to these historical preservation district requirements being imposed upon us and now it appears that one applicant is easily able to obtain variances from the historical preservation district requirement that many of us have objected to for years. It appears that this massive project would be entirely inconsistent with the goals of the city's historical development district.

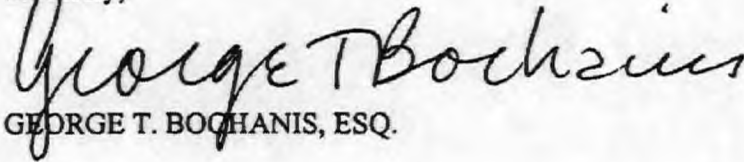
GEORGE T. BOCHANIS
LAW OFFICES

City of Las Vegas Planning Commission
Page Three

I have spoken to several other property owners in my area, many of whom were unaware of the meeting that was held by the applicant with respect to this project. Further, many other property owners have informed me that they are going to wait to see what the planning commission approves then if it is objectionable, they plan to voice their concerns and objections to city council.

I thank you for taking into consideration my concerns with respect to this project.

Sincerely,



GEORGE T. BOCHANIS, ESQ.

GTB.jh

43-50

P

July 20, 2006

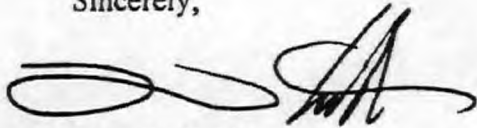
Glenn Trowbridge
City of Las Vegas Planning Commission
c/o City of Las Vegas Planning & Development Dept.
731 South 4th Street
Las Vegas, NV 89101

Dear Mr. Trowbridge:

I am writing this letter in regards to the mixed use project at 9th & 10th Street proposed by George C. Garcia.

I own some apartments located at 604 South 11th Street and I feel that this project would be a definite improvement for the neighborhood and I am for this project being developed.

Sincerely,



Perry B. Whitt
2701 Bryant Avenue
Las Vegas, NV 89102

PBW/cf

PLANNING AND
DEVELOPMENT

JUL 25 12 57 PM '06

RECEIVED

ITEM # 43-50
CASE # _____
PC MTG 7.27.06

R

A

Thiriot 1977 Trust
621 So. 9th St.
Las Vegas, NV 89101
July 30, 2006

RECEIVED
AUG 03 2006

Las Vegas City Planning Commission
400 Stewart Ave.
Las Vegas, NV 89101

RE: Proposed mixed use project on Charleston Blvd., between 9th and 10th Streets (VAC-12884, GPA-14325, SDR-14349, SUP-14339, VAR 14345, VAR-14342, VAR-14347, ZON-14338)

ATTN: Planning Commission:

On July 5, 2006, I met with David Clapsaddle at the Senior Center, in regards to the above referenced mixed use project. After checking all the proposals I am very much in favor of this project. My properties (617 & 621) are on 9th Street in the block just north of the proposed project.

Since your planned meeting of July 27, was postponed until later, this letter will verify my agreement with the project since I will not be able to attend the next meeting. My hope is that this will be passed because it will be a wonderful bonus to this part of the downtown area.

I would be happy to talk to anyone on the planning commission if there is question as to my position in this matter. My telephone # is 384-2498.

Thank you for your attention to this matter.

Sincerely,


Joseph E. Thiriot

A

Telephone Protest/ Approval Log

SDR-14349
VAC-1288

Meeting Date: 08/24/06

SUP-14339

Case Number: GPA-14325

VAR-14347 VAR-14345 VAR-14342 ZON-14338

Date: 08/22/06

Name: Karen Velkovic

Address: 807 E. Oakley

L.V. NV 89104

Phone: 385-4219

☐

PROTEST

☒

APPROVE

Date: _____

Name: _____

Address: _____

Phone: _____

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PROTEST

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APPROVE

Date: _____

me: _____

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APPROVE

Date: _____

Name: _____

Address: _____

Phone: _____

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PROTEST

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APPROVE

Date: _____

Name: _____

Address: ITEM # 17-24

CASE # SEE ABOVE

PC MTG 9-7-06

Phone: _____

☐

PROTEST

☐

APPROVE

Vanda B. Canai
1119 South 6th St.
Las Vegas, Nevada 89104

Thursday, September 7, 2006

Re: ~~Scheduled~~ form approval of
VAC - 12884
GPA - 14325
SDR - 14349
SUP - 14339
VAR - 14345
VAR - 14342
VAR - 3417
ZON - 14338

City Planning Commission
Las Vegas, Nevada

The project scheduled meeting for Lot Street and Charleston Blvd. presented by Dave Clapsaddle and team is a welcomed enterprise. I am happy to give my approval for this venture to help enhance the beautification of our wonderful neighbourhood. Dave and his team delivered an informative project with understandable charts & great visuals. The team was approachable, returned calls with information requested. Dave and team assured the neighbors that their input was a certainty. I hope the rest of Charleston Blvd developments follow the lead of this pulchritudinous project. I hope that the planning commission visualizes my site and approves this project for the neighbourhood. Thank you.

Vanda Canai (1)

Submitted at Planning Commission

Date 9/7/06 Item #17-24

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**

VARIANCE RELATED TO GPA-14325, ZON-14338, VAR-14342, AND VAR-14345

VAR-14347 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Variance TO ALLOW 624 PARKING SPACES WHERE 635 IS THE MINIMUM NUMBER OF PARKING SPACES REQUIRED IN CONJUNCTION WITH A PROPOSED MIXED-USE DEVELOPMENT on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). As of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Backup referenced from the 09-07-06 Planning Commission Meeting Item 21

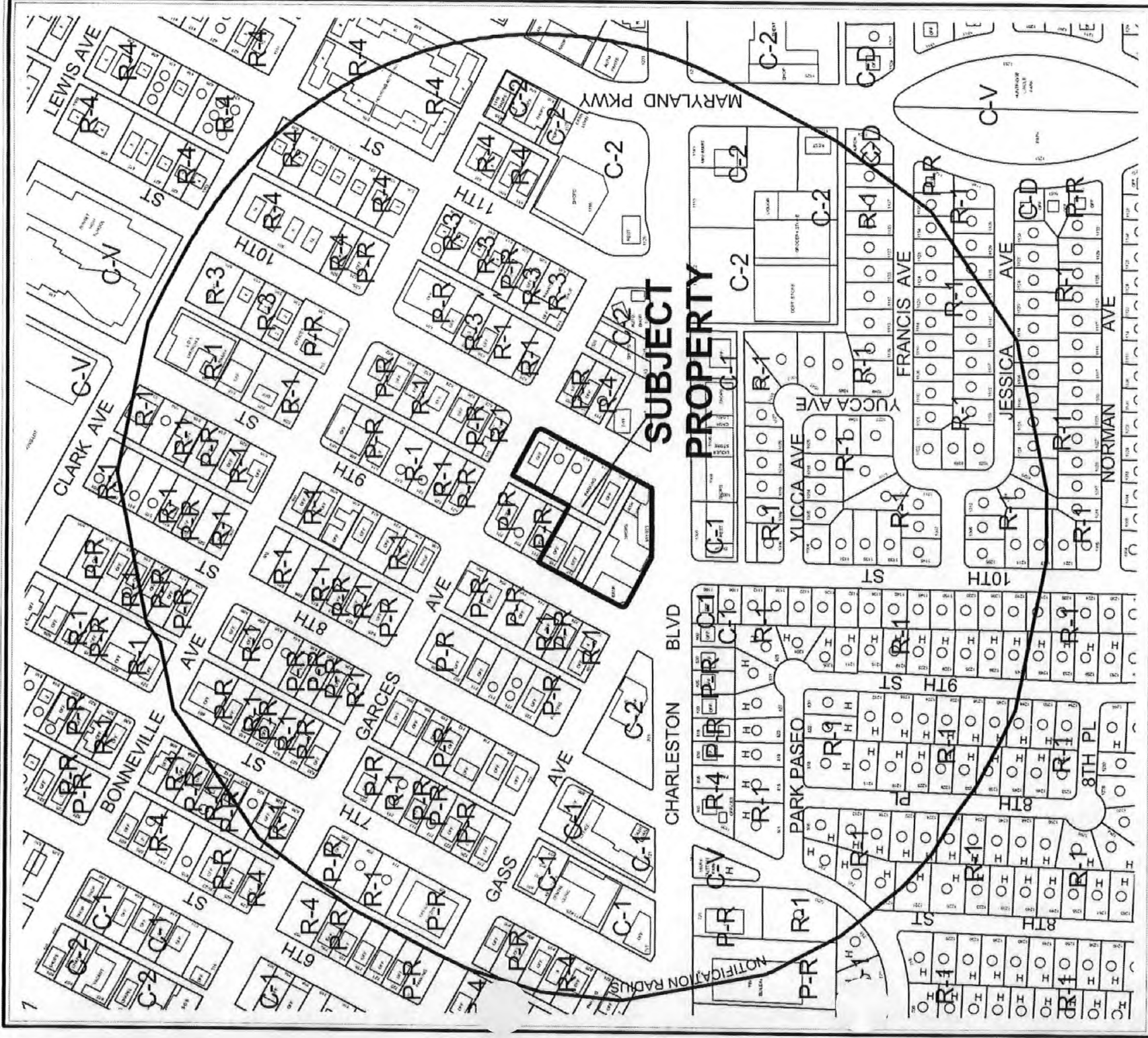
Motion made by GARY REESE to Strike

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

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:

See Item 69 for a combined Verbatim Transcript of Items 69 - 76 and related backup.



SUBJECT

PROPERTY

CASE: VAR-14347

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-4 (HIGH DENSITY RESIDENTIAL), C-1 (LIMITED COMMERCIAL) AND P-R (PROFESSIONAL OFFICE AND PARKING)

PROPOSED ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL)



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - VAR-14347 - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL

THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 4, 2006 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-3/gt/se/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the Conditions for General Plan Amendment (GPA-14325), Rezoning (ZON-14338), Variance (VAR-14342), Variance (VAR-14345), Special Use Permit (SUP-14339), Vacation (VAC-12884) and Site Development Plan Review (SDR-14349) if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Variance to allow 624 parking spaces where 635 is the minimum number of parking spaces required in conjunction with a proposed mixed-use development on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street. The following associated cases will be considered concurrently with this request: GPA-14325, ZON-14338, VAR-14342, VAR-14345, SUP-14339, VAC-12884 and SDR-14349.

EXECUTIVE SUMMARY

The project will comply with parking requirements if all of the commercial area is developed as retail space; the applicant has requested a Variance for 11 parking spaces to allow the potential for commercial uses with a more intense parking requirement, such as restaurant uses. The request does not meet the criteria for the approval of variances, as the hardship is self-created and the applicant could revise the development to comply with parking requirements.

BACKGROUND INFORMATION

A) *Related Actions*

- 05/03/72 The City Council approved a Rezoning (Z-0026-72) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) for the parcel at 717 S. 9th Street. The Planning Commission recommended approval of the request on 04/13/72.
- 04/26/79 The Board of Zoning Adjustment approved a Variance (V-0027-79) to allow a group care home for 16 residents on the property at 700 S. 10th Street.
- 09/27/84 The Board of Zoning Adjustment approved a Variance (V-0103-84) to allow a beauty shop where such use is not allowed on the property located at 717 S. 9th Street.
- 02/06/91 The City Council approved a Rezoning (Z-0150-90) from R-1 (Single Family Residential), R-3 (Medium-Density Residential), R-4 (High-Density Residential), P-R (Professional Office and Parking) and C-1 (Limited Commercial) to C-1 (Limited Commercial) for five of the parcels that comprise the subject development. The Planning Commission recommended approval of the request on 01/10/91.

09/07/06 The Planning Commission recommended approval of companion items ZON-14338, SUP-14339, VAC-12884 and denial of GPA-14325, VAR-14342, VAR-14345 and SDR-14349 concurrently with this application.

09/07/06 The Planning Commission voted 4-3/gt/se/sd to recommend APPROVAL (PC Agenda Item #21/ff).

B) Pre-Application Meeting

05/16/06 At the pre-application conference, issues were discussed relative to the General Plan designation for the site, rezoning requirements, parking requirements, residential adjacency requirements, and general development standards. In addition, issues were discussed relative to the configuration of the alley.

C) Neighborhood Meetings

07/05/06 A neighborhood meeting was held by the applicant at the Las Vegas Senior Center; 33 residents attended the meeting. The following concerns were raised at the meeting:

- Concern about the reduction in parking;
- Concern about the residential adjacency waiver and impact of building shadows on the residential neighborhood to the south;
- Concern about traffic impacts on the neighborhood to the north;
- Concern about construction noise;
- Concern about sewer capacity;
- Concern about power availability;
- Concern about the provision of recreation space for residents of the project;
- Concern about public transportation access and bus turnout facilities; and
- Concern about the impacts of reflective glazing and whether or not the building would be LEED certified.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.05

B) Existing Land Use

Subject Property: Single-Family Residential Use
Office Use
General Commercial Use
North: Office Use
South: Office Use
General Commercial Use

East: Single-Family Residential Use
Office Use
General Commercial Use
West: Single-Family Residential Use
Office Use

C) Planned Land Use

Subject Property: C (Commercial)
MXU (Mixed-Use) [Proposed: C (Commercial)]
North: MXU (Mixed-Use)
South: C (Commercial)
East: C (Commercial)
West: MXU (Mixed-Use)

D) Existing Zoning

Subject Property: R-4 (High-Density Residential)
P-R (Professional Office and Parking)
C-1 (Limited Commercial) [Proposed: C-1 (Limited Commercial)]
North: R-1 (Single Family Residential)
P-R (Professional Office and Parking)
South: C-1 (Limited Commercial)
East: R-4 (High-Density Residential)
P-R (Professional Office and Parking)
C-2 (General Commercial)
West: R-1 (Single Family Residential)
P-R (Professional Office and Parking)

E) General Plan Compliance

The subject site is within the boundaries of the Las Vegas Redevelopment Plan area, and has C (Commercial) and MXU (Mixed-Use) land use designations; the applicant has filed a General Plan Amendment (GPA-14325) to change the land use designation on the entire development parcel to C (Commercial). The C (Commercial) designation allows uses comparable to the O (Office), SC (Service Commercial) and GC (General Commercial) land use categories.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Redevelopment Plan Area

As previously noted, the development site is within the boundaries of the Las Vegas Redevelopment Plan area, and it is proposed to change the land use designation to C (Commercial). The proposed commercial uses are consistent with the proposed land use designation; the residential uses are allowed in commercial districts upon approval of a special use permit.

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Retail	18,000 SF	1/175 GFA	103			
Residential						
• 1 Bedroom	300	1.25/unit	375			
• 2 Bedroom	50	1.75/unit	88			
• Guest		1/6 units	58			
Total:			624	13	624	2% of total (13 spaces)

Based on the numbers provided by the applicant, the development will conform to Title 19.10 parking requirements if all of the commercial space is utilized for retail uses. The applicant has requested the flexibility to develop some of the commercial space for restaurant uses, and has requested a Variance for an extra 11 parking spaces.

B) General Analysis and Discussion

The project will comply with the parking requirements of Title 19 if all of the commercial space is used for general retail. The applicant is requesting the Variance to allow for the possible inclusion of restaurant uses; however, the minimal number of parking spaces requested for the development will significantly limit the amount of square footage that can be devoted to any restaurant use. Rather than request a Variance for proposed uses, it is recommended that the commercial square footage be reduced as a means to allow greater flexibility of leasing options while complying with Title 19 requirements.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by not providing the required number of parking spaces for the prospective uses. The provision of additional parking spaces or a reduction in the commercial square footage of the project would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

18

ASSEMBLY DISTRICT

9

SENATE DISTRICT 3

NOTICES MAILED 294 by City Clerk

APPROVALS 3

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-14347** APN: 139-34-810-101 thru 105, 074, 075, 812-003
Name of Property Owner: First Light Properties / Casino Center Prop.
Name of Applicant: Casino Center Properties

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes

☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

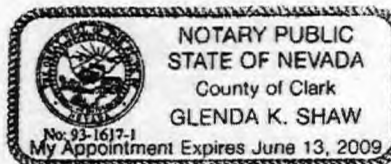
Signature of Property Owner: Steven T. Gregory

Print Name: Steven T. Gregory

Subscribed and sworn before me

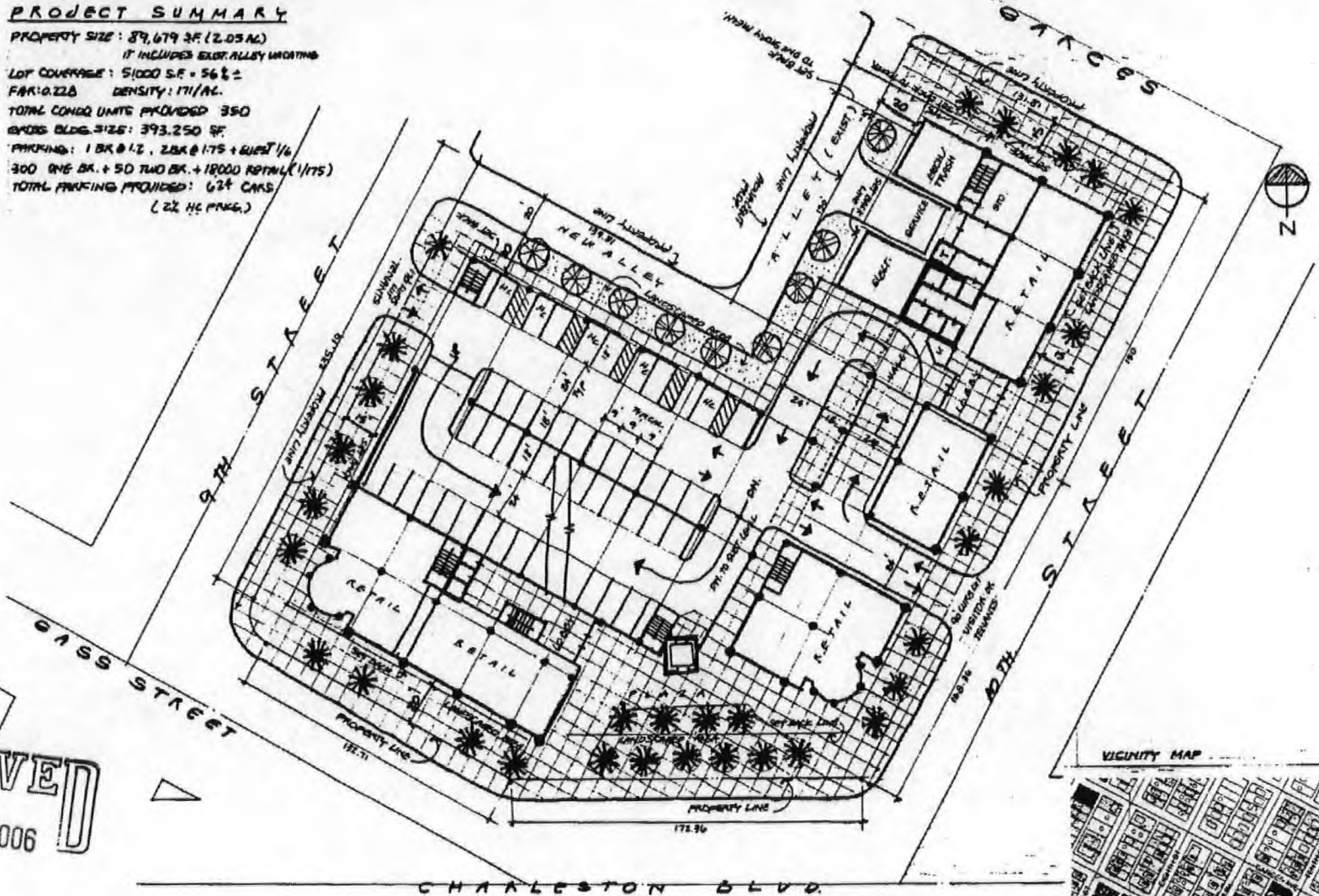
This 6 day of June, 2006

Glenda K. Shaw
Notary Public in and for said County and State



PROJECT SUMMARY

PROPERTY SIZE: 89,679 SF (2.03 AC)
 IT INCLUDES EXIST. ALLEY FRONTING
 LOT COVERAGE: 51,000 SF = 56% ±
 FAR: 0.228 DENSITY: 171/A.C.
 TOTAL COND. UNITS PROVIDED: 350
 EXIST. BLDG. SIZE: 393,250 SF
 PARKING: 1 BK @ 12, 2 BK @ 175 + GUEST 1/6
 300 ONE BK. + 50 TWO BK. + 18000 RETAIL (1/175)
 TOTAL PARKING PROVIDED: 624 CARS
 (22 HL PRKS.)



RECEIVED
 JUN 13 2006

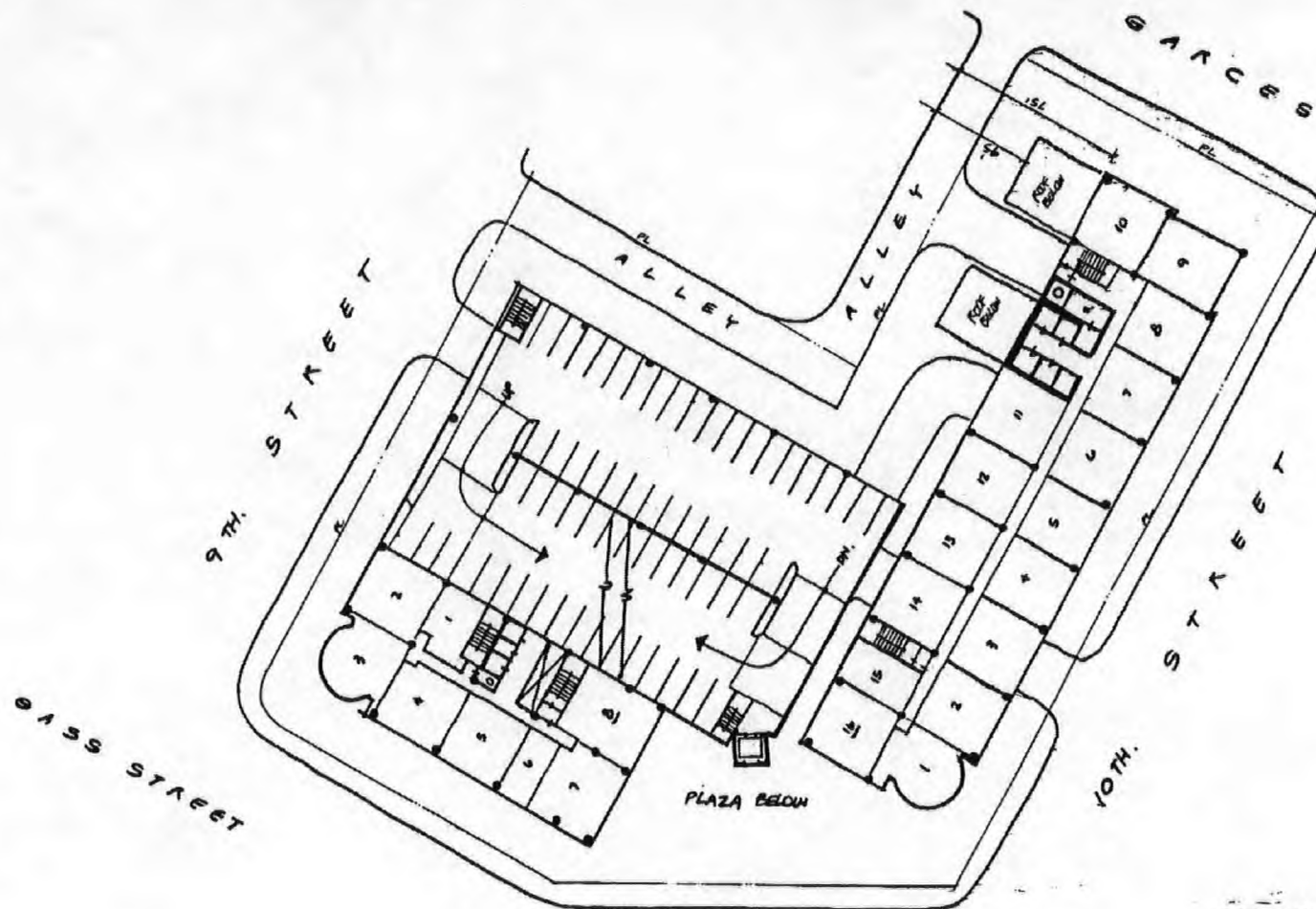
JMG
 architects & engineers
 1000 10th Street

CASINO CENTER PROPERTIES, LLC

SITE PLAN
 0 30 60 90
 1" = 30' ASHY: 7/06



VAR-14347
07/27/06 PC

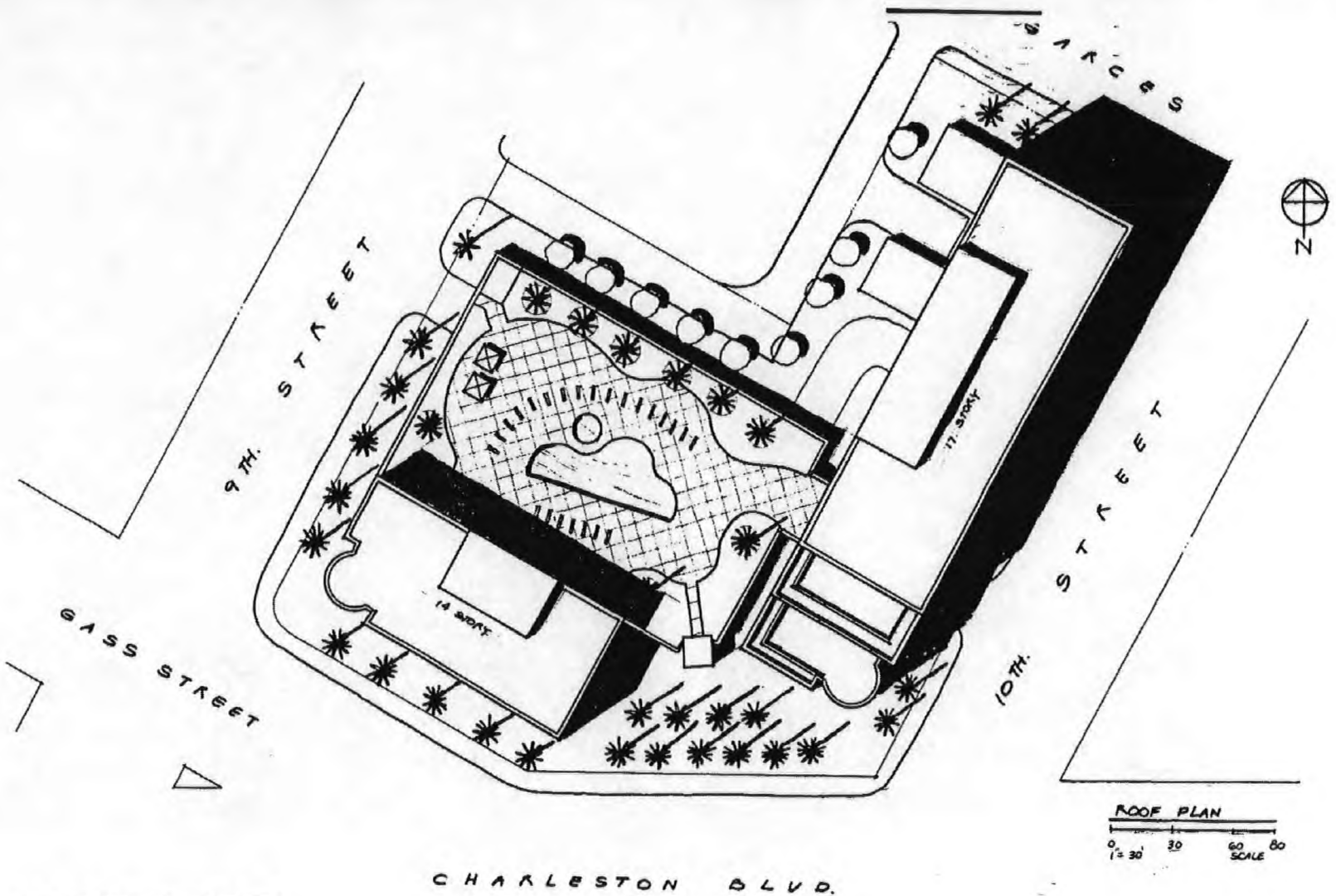


TYPICAL FLOOR PLAN
0' 20' 40' 60' SCALE

CHARLESTON BLVD.

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07/27/06 PC

June 12, 2006

Ms. Margo Wheeler
City of Las Vegas
731 S. 4th Street
Las Vegas, NV 89101

RE: Letter of Justification for the North side of Charleston Boulevard, Between 9th and 10th Streets- General Plan Amendment, Special Use Permit for Mixed Use: Variance to Residential Adjacency Standards and Site Development Plan Review; APN: 139-34-812-003; 139-34-810-101 thru 105; 139-34-810-074 and 075

Dear Margo:

On behalf of our clients Glenda Shaw and Steve Gregory, please accept the application package for the 2.05 +/- acre property located on the north side of Charleston Boulevard, between 9th and 10th Streets. The proposal is a mixed-use project consisting of 18,000 square feet of ground floor office and/or retail space, with 350 condominiums within two structures- one 14 story, 170 foot high building oriented toward the southwest corner of the parcel and a second 17 story, 195 foot high building oriented toward the southwest corner of Garces and 10th Street. The following applications are submitted with this request:

- 1) General Plan Amendment from MXU to C for the entire site with the exception of APN: 139-34-812-003, which is currently designated Commercial (C) on the City of Las Vegas Redevelopment Plan;
- 2) Rezoning from Professional Office and Parking (P-R) to Limited Commercial (C-1) for APN: 139-34-810-102 and 103; High Density Residential (R-4) to Limited Commercial (C-1) for APN: 139-34-810-101;
- 3) Special Use Permit for a Mixed Use Project in Limited Commercial (C-1) for the entire property;
- 4) Variance to Title 19.08.060 of the City of Las Vegas Zoning Ordinance Residential Adjacency standards to allow a setback of 45 feet from Single Family Residential (R-1), where 510 feet is required.
- 5) Variance to Title 19.08, Table 3, Commercial District Development Standards to allow a maximum lot coverage of 56% where 50% is the maximum allowed.

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- 6) Variance to allow 624 parking spaces, where 634 are required to provide for some sort of future restaurant or café space.
- 7) Site Development Plan Review for a Mixed Use Project in Limited Commercial (C-1).

CURRENT LAND USE AND ZONING CONDITIONS

The southern portion of the site is currently designated Commercial (C) on the City of Las Vegas Downtown Redevelopment Area Land Use Designations Map of the Redevelopment Plan; the remainder of the site is designated Mixed Use District (MXU). The entire block to the east, from Charleston Boulevard to Garces, between 10th and 11th Street is designated Commercial (C) as well as all the properties fronting along the south side of Charleston Boulevard are also designated Commercial(C). The blocks to the north and west of the site are all designated Mixed Use (MXU); in fact the entire area north of Charleston is shown for both Mixed Use and Commercial development.

The majority of the subject site is already zoned Limited Commercial (C-1), the three remaining parcels on the southwest corner of Garces and 10th Street are Professional Offices and Parking (P-R) and High Density Residential (R-4). The overall zoning pattern for the area is more intense General Commercial (C-2) to the east of 10th Street, Limited Commercial (C-1) to the south and a mixture of C-1, P-R and R-1 to the north, with the majority of the properties developed as professional offices.

APPROVAL CRITERIA- GENERAL PLAN AMENDMENT **Title 19.18.030 (I)**

The determinations for the Planning Commission and City Council for approval of a General Plan Amendment are as follows:

1. **The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations;**

The entire area north of Charleston Boulevard is projected to be Commercial or Mixed Use Development as clearly shown on the Downtown Redevelopment Area Land Use Designations Map. In fact, all of the properties fronting along the north and south sides of the project, to the east and west, are all designated for Commercial (C), which allows mixed use projects.

The subject site is designated both MXU and C; both allow mixed use projects with approval of a Special Use Permit. It was determined, through the pre-application process, that a General Plan Amendment was needed to prevent a split land use on the site, as it was being assembled into one project for the purposes of development. Either designating the entire site for MXU or C would be appropriate, however, as a result of a subsequent meeting with staff, changing the northern part of the property from MXU to C was preferable, as a consistent Commercial land use designation would result along the south side of Garces from 9th to 11th streets.

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Essentially, there is no change in the density and intensity of permitted land uses as a result of this amendment to the General Plan, it will merely result in a consistent land use designation on the Redevelopment Plan Map;

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts.**

The proposed Limited Commercial (C-1) zoning district is conforming to either the Mixed Use District (MXU) or Commercial (C) land use designations of the Redevelopment Plan Map. In fact, over 75% of the site is already zoned C-1. This application only applies to the three parcels along the northeast corner of the property. Therefore, it will result in a consistent zoning for the entire project. It is compatible with the C-1 zoned properties along the south side of Charleston Boulevard, and the General Commercial (C-2) properties to the east of 10th Street and south of Garces.

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan designation; and**

There are adequate facilities and utilities available to serve the needs of this property. It is a developed, infill piece with services already in place.

4. **The proposed amendment conforms to other applicable adopted plans and policies.**

The General Plan Amendment and the related applications implement the following objectives of the Redevelopment Plan:

- A. The elimination of environmental deficiencies and blight in the Redevelopment Area, which constitute either social or economic liabilities or both and require redevelopment in the interests of the health, safety and general welfare of the people, including among others, small and/or irregular lots, obsolete and aged building types, economic and social deficiencies, deteriorated public improvements, inadequate parking facilities and inadequate utilization of land and public facilities.

This block is in need of redevelopment as current development has been stagnant and become an eyesore to this area of the City. It will result in a modern, mixed use development that will result in additional reinvestment and redevelopment of other properties in the area. It will eliminate development which has resulted in a blighted area and provide an enhanced streetscape and vibrancy to development along the north side of the Charleston Boulevard corridor.

- B. The assembly of land into parcels suitable for modern, integrated development and allowing for improved pedestrian and vehicular circulation in the Redevelopment Area:

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APPROVAL CRITERIA- REZONING
Title 19.18.040 (K)

The following are the criteria for approval of a proposed rezoning:

- 1) **The proposal conforms to the General Plan.**

The proposed Limited Commercial (C-1) is a conforming zone change for both the Mixed-Use District (MXU) and Commercial (C) land use categories of the City of Las Vegas Redevelopment Plan.

- 2) **The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.**

As previously stated, approximately 75% of the site is currently zoned C-1. This application only applies to the three parcels located on the more northeast corner of the site; it essentially a single zoning designation for the portion of the block that has been assembled by the applicant.

- 3) **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

This area of the City, along the Charleston Boulevard corridor is ripe for redevelopment activity that will contribute to the economic base of the area. Current development on this site is in disrepair, stagnant, and has contributed to long term blight and decay. Rezoning the site to C-1, allowing for mixed use development, should result in stimulating additional redevelopment activity in the area.

- 4) **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.**

This action adds a small additional amount of C-1 property to the area. Street and highway facilities should provide adequate access and traffic carrying capacity; a traffic study will be provided to identify any additional improvements that will be needed.

APPROVAL CRITERIA- SPECIAL USE PERMIT
Title 18.18.060-(L)

The following are the determinations to be made for approval of a Special Use Permit:

- 1) **The proposed 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 Redevelopment Plan Land Use Map shows that the entire area of the City north of this site and the Charleston Boulevard corridor, from Main Street to Bruce Street, up to Bonanza Road, is designated

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The project has assembled eight of the eleven parcels in the block bounded by Garces to the north, 9th Street to the west, 10th Street to the east and Charleston Boulevard to the south. The only parcels that have not been acquired are the three parcels on the northwest corner of the block. The applicant has had discussions with these property owners.

This assemblage will allow development of a modern mixed-use project envisioned by the Redevelopment plan. One of the companion items is a vacation of the public alleys on the site; vacation of the north-south alley will not incur any changes to access in terms of traffic flow or private access; the east-west alley will be relocated to allow for a more cohesive development and improved traffic flow.

- C. The replanning, redesign and development of undeveloped areas which are stagnant or improperly utilized;

While this piece is developed, it has become stagnant, underutilized and is not contributing to the economic diversification and well-being of the City.

- D. The strengthening of retail, office, and other commercial and residential functions in the downtown area;

This project will add much needed office space, retail uses and opportunities for people to live and work in this area of the City. It will enhance the vitality of this area and provide an impetus for other redevelopment projects to occur.

- E. The strengthening and diversification of the economic base of the Redevelopment Area and the community by the installation of needed site improvements to stimulate new commercial expansion, employment and economic growth;

Modern mixed-use compact development, such as that proposed for this site, can do nothing but enhance the economic base of the redevelopment area. It will provide employment opportunities, stimulate new commercial and residential redevelopment in the area, and increase the tax base generated along the Charleston Boulevard corridor.

In summary, this proposal meets the requirements for approval of a General Plan Amendment, as it will not increase the intensity or density of development in the area, since both current plan designations allow and encourage mixed use development. It also implements the long-term vision and objectives of the Redevelopment Plan as it assembles underutilized and decaying parcels into a modern, compact mixed-use development that will re-invigorate interest and future investment along the Charleston Boulevard corridor.

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predominately Commercial or for Mixed Use, which clearly indicates that modern, mixed use projects are a key component to encouraging reinvestment and redevelopment in this area of the City. The proposed use is oriented toward the Charleston Boulevard corridor, and should not be readily visible from the professional offices located to the north of the site. A line of sight drawing is included with this package, showing that only a small portion of the towers will be visible from some places within the John S. Park neighborhood to the south of Charleston Boulevard. The Redevelopment Plan encourages the assemblages of parcels to promote the type and intensity of development to stimulate the economy of the downtown area.

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

In terms of land use designation, a portion of the site is already designated for Commercial land uses; the remainder is MXU, which allows Service Commercial and General Commercial uses. In terms of the actual project proposed for the property, it can accommodate the proposed mix of residential and commercial uses, while providing all parking in a six level parking garage. Adequate on-site access will be provided to ensure free-flow of traffic movements and accommodate all emergency services.

- 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; and**

The surrounding street network should be adequate to provide access and traffic carrying capacity. A traffic study will be submitted to determine additional improvements that will be needed to accommodate traffic and circulation needs.

- 4) **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety and welfare or the overall objectives of the General Plan.**

Approval of this Special Use Permit will implement the core vision and objectives of the Redevelopment Plan of the City of Las Vegas. It will spur economic activity; provide places for new and current residents to live, work, shop and play. It will lead to additional investment and needed redevelopment in the immediate area and other parcels located within the Redevelopment Plan area. Therefore, it will contribute to the overall well-being of the City, and enhance the public health, safety and welfare.

APPROVAL CRITERIA- VARIANCES **Title 19.18.070 (L)**

The following is the substantive criterion for determining approval of variance applications:

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- 2) Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

There are three variances requested from the strict application of the Code. They are:

19.08.060, the residential adjacency standards, which states that no non-residential building shall exceed the height of a line drawn from the property line of a protected property at a 3:1 slope directly into the property subject to the standards of the chapter. A 15 foot tall building can be constructed at the applicable setback line; any building height above the 15 feet must fall below the slope.

There are two adjacent properties zoned R-1 in very close proximity to the site- 707 S. 9th Street, which is to the west of the 20 foot wide east/west alley and 630 S. 10th Street, located on the northwest corner of Garces and 10th Street. We believe the variance is warranted for these reasons:

- a. *Strict application of the Code standard would make it difficult for any reasonable commercial property to be built on the site without some variance to the standard. This development pattern is not a result of any action taken by the applicant, or their predecessor in title. Also, this and all the other surrounding properties are designated for Commercial or for Mixed Use Development, which should be a factor in determining the appropriateness of a variance application.*
- b. *While on its face the variance may seem excessive, it is not in terms of factoring the overall objectives of the Redevelopment Plan. The long term vision of the plan is for re-planning and redeveloping stagnant areas of the City that no longer contribute to its tax or economic base. Therefore, the variance to allow a modern, forward-looking mixed use development should be considered.*
- c. *Paragraph 5.b. entitled Waiver, states any mixed-use development that contains a significant residential element is eligible for a waiver by the City Council. The gross building size of the project is 393,250 square feet; of that, only 18,000 square feet is non-residential space. Clearly, this is a residential driven project that given its importance to continued implementation of the Redevelopment Plan should be considered for a waiver.*

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- d. *The boundaries of the Downtown Centennial Plan extend to one-half block east of 6th Street, north of Charleston Boulevard. This is only two blocks away from the western edge of this project. If the project were in the Downtown Centennial Plan, Code standards would not be automatically applied. This is, obviously, in close proximity to the Plan area, and when reviewing the Future Land Use Maps of the Downtown Plan, Redevelopment Plan and Southeast Sector of the General Plan, all allow and encourage either commercial or mixed-use development; there is no real difference of lying within, or outside the Downtown Plan boundaries in terms of actual land use.*

19.08- Figure 3- Commercial Development Standards allow a maximum building coverage of 50 %, where 56% is requested. The variance is warranted for the following reasons:

- a. *The six percent increase in lot coverage is minor and will not result in any detriment to the overall health, safety and general welfare to this area of the City.*
- b. *As previously identified, the site is in close proximity to the area covered by the City of Las Vegas Downtown Centennial Plan, where the automatic application of Code standards is not applied.*

Title 19.10, Parking Requirements states that for a restaurant, café, tavern, bar and eating establishment, one space for each 50 square feet of public seating area, plus one space for each 200 square feet of the total remaining GFA, with a minimum of 10 spaces. Based on the minimum 10 spaces, a variance is requested to allow 624 spaces where 634 are required. The variance is warranted for the following reasons:

- 1) *The provided 624 spaces accommodate the 350 condominium units, based on a mix of 300 one bedroom and 50 two bedroom units and 18,000 square feet of commercial, based on the 1/175 square feet required by Code. It is not known at this time, if a restaurant will be included in the ground floor space, or how much square footage it will need. The variance is intended to "free up" some parking to accommodate a future eating/drinking establishment.*
- 2) *Normally in the downtown area, the goal is to provide at least one parking space per unit and one space/3,000 square feet of retail area. The provided parking exceeds this goal.*
- 3) *The parking standards of the City of Las Vegas do not account for shared, or captured trips in a mixed use environment. This should also be taken into consideration when examining the parking standards for this type of proposal.*

APPROVAL CRITERIA- SITE DEVELOPMENT PLAN REVIEW
Title 19.18.050 (E)

The following criteria are to be considered for approval of a Site Development Plan Review:

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- 1) **The proposed development is compatible with adjacent development and development in the area;**

While the predominant existing development pattern to the north of Charleston Boulevard is a mixture of professional office and some remaining single family units, the Redevelopment Plan encourages mixed-use as a major tool for redevelopment. Also, the project is constructed so as to not encourage any cut-through traffic for the businesses north of Charleston, or any of the residential neighborhoods south of Charleston Boulevard. The parcels to the east are zoned C-2, which not only allows mixed use with a special use permit, but more intense commercial uses as well.

- 2) **The proposed development is consistent with the General Plan, this title, the Design Standards manual, the Landscape Wall and Buffer Standards an other duly-adopted city plans, policies and standards:**

The project is in substantial accordance with development related ordinances of the City. All landscaping, open space and required recreational amenities for a project of this size and scale will be provided. The variances to the residential adjacency standards, parking and building coverage are reasonable and not beyond the scope of the type of intensity and density that will be needed to reinvigorate this area of the City.

- 3) **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

All access will be directed to Charleston Boulevard, to minimize any impacts to business owners or residents in the area. The north/south alley, if vacated, will continue to operate as it currently does, in terms of access and traffic flow.

- 4) **Building and landscape materials are appropriate for the area and for the City**

The buildings will be constructed of Low E clear glass, vision and spandrel glazing in aluminum framed curtain walls, with storefront retail glazing. This will be an exciting, vibrant addition to this area of the City, spurring additional redevelopment and reinvestment in the area. Therefore, the building and landscape material effectively implement the long-term vision of the Redevelopment Plan.

- 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 the area**

The existing development on the property is unsightly, undesirable and obnoxious in appearance, which has led to an overall decay along the Charleston Boulevard corridor. This project will bring an attractive, exciting environment to Charleston Boulevard and will be an important first step in changing the face of this area of the City.

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

The redevelopment of this area is in the highest interest of all resident of the City of Las Vegas. Making the Redevelopment Plan objectives a reality will bring new development, new investment and a new, much needed vibrant atmosphere to this area.

SUMMARY

In summary, we believe this project will be the impetus for the north side of the Charleston Boulevard corridor. It assembles parcels that are stagnant, underutilized and in need of redevelopment into an exciting mixed-use project that will spur future redevelopment activity. The intent is to enhance the environment of the business owners to the north, while having minimal impacts, in terms of views, traffic and shading to the John S. Park neighborhood to the South. It is the first step in implementing the overall objectives of the Redevelopment Plan along the north side of Charleston Boulevard.

We respectfully ask for your favorable consideration of this project; please do not hesitate to contact us if you have any questions or need additional information.

Sincerely,



David Clapsaddle
Director of Planning

GCG:mj

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**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

GEORGE T. BOCHANIS

LAW OFFICES

631 SOUTH NINTH STREET
LAS VEGAS, NEVADA 89101GEORGE T. BOCHANIS, ESQ.
ADAM L. MUSLUSKY, ESQ.
ALLAN P. CAPPS, ESQ.PAUL A. EDWARDS
WORKER'S COMPENSATION ADMINISTRATOR

July 26, 2006

TELEPHONE (702) 388-2005

FACSIMILE (702) 388-0484

PERSONAL INJURY AND WORKER'S
COMPENSATION LAWVIA FACSIMILE ONLY
385-7268City of Las Vegas Planning Commission
400 Stewart Ave.
Las Vegas, NV 89101

Re: GPA 14325

Dear Planning Commissioners:

I am the property owner at 631 South Ninth Street in Las Vegas, Nevada which houses my law firm. I have been at this business address since the time I constructed my office in 1992. It is my understanding that the above general plan amendment contemplates several tall office buildings and a large parking garage on East Charleston Boulevard between Ninth and Tenth Streets.

I am unable to attend the planning commission meeting on this agenda set for Thursday, July 27, 2006 because I currently serve as a Henderson Planning Commissioner and have a Henderson Planning Commission meeting at the same time.

I have not reviewed the proposed plans for this mixed use development but have several concerns based on some of the general concepts of the plan that were described to me by one of the applicants representatives during a briefing I had with him at the conclusion of a Henderson Planning Commission briefing session.

Obviously, a major concern is that his project would somehow alter or modify our access from South Ninth and South Tenth Street from Charleston Boulevard to our office location which is on the corner of South Ninth Street and Garces Avenue. As you know, the city expanded Las Vegas High School at the corner of South Ninth Street and Clark Avenue thus blocking any access we have from the north. Therefore, I want to ensure that this project in no way alters access from South Ninth and South Tenth Street from East Charleston Boulevard to our location on South Ninth Street and Garces Avenue.

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GEORGE T. BOCHANIS
LAW OFFICES

City of Las Vegas Planning Commission
Page Two

The second concern has to do with parking with the impact that this is project would have on street parking. We want to make sure that there are no waiver for parking given to this project that will impact our customer parking in our existing neighborhood.

I also want to know whether the applicant is actually going to build this project, or has committed to building this project or is the applicant simply seeking entitlements for future sale after you grant their zoning variance requests.

Finally, a major concern with respect to this project is the impact that the construction of this project will have on my existing business and all those businesses, primarily consisting of law offices in this area. I would like to know how long the construction of this project will take. Since it is such a massive project, I am assuming that there will be at least one hundred construction workers at all times working on this project. This raises the issue as to where these individuals will park their vehicles. The applicant should be required to provide separate parking in a designated lot for those individuals who work on this project. We cannot have our on street parking taken away for the six to twelve month period that I assume this project will take to build. Another issue as to where the material for this project will be stored. We again request that you require a condition that a separate materials staging area on Charleston Boulevard be provided by the applicant. Additionally, the applicant should be required to provide access at all times from East Charleston Boulevard to South Ninth and South Tenth Street during this construction period. At no time should either of these streets be blocked during construction and the applicant should be required to provide all such traffic control such as flagmen and appropriate signage to make sure that traffic continuously flows on South Ninth and South Tenth from East Charleston Boulevard.

Finally, I would like to know the impact that this project has on the city's historic preservation district concept. Many of property owners in the area objected to these historical preservation district requirements being imposed upon us and now it appears that one applicant is easily able to obtain variances from the historical preservation district requirement that many of us have objected to for years. It appears that this massive project would be entirely inconsistent with the goals of the city's historical development district.

GEORGE T. BOCHANIS
LAW OFFICES

City of Las Vegas Planning Commission
Page Three

I have spoken to several other property owners in my area, many of whom were unaware of the meeting that was held by the applicant with respect to this project. Further, many other property owners have informed me that they are going to wait to see what the planning commission approves then if it is objectionable, they plan to voice their concerns and objections to city council.

I thank you for taking into consideration my concerns with respect to this project.

Sincerely,


GEORGE T. BOCHANIS, ESQ.

GTB.jh

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July 20, 2006

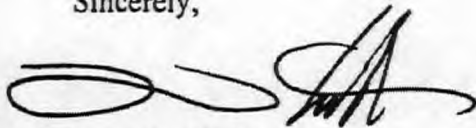
Glenn Trowbridge
City of Las Vegas Planning Commission
c/o City of Las Vegas Planning & Development Dept.
731 South 4th Street
Las Vegas, NV 89101

Dear Mr. Trowbridge:

I am writing this letter in regards to the mixed use project at 9th & 10th Street proposed by George C. Garcia.

I own some apartments located at 604 South 11th Street and I feel that this project would be a definite improvement for the neighborhood and I am for this project being developed.

Sincerely,



Perry B. Whitt
2701 Bryant Avenue
Las Vegas, NV 89102

PBW/cf

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PLANNING AND
DEVELOPMENT

ITEM # 43-50 R
CASE # _____
PC MTG 7.27.06 A

Thiriot 1977 Trust
621 So. 9th St.
Las Vegas, NV 89101
July 30, 2006

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Las Vegas City Planning Commission
400 Stewart Ave.
Las Vegas, NV 89101

RE: Proposed mixed use project on Charleston Blvd., between 9th and 10th Streets (VAC-12884, GPA-14325, SDR-14349, SUP-14339, VAR 14345, VAR-14342, VAR-14347, ZON-14338)

ATTN: Planning Commission:

On July 5, 2006, I met with David Clapsaddle at the Senior Center, in regards to the above referenced mixed use project. After checking all the proposals I am very much in favor of this project. My properties (617 & 621) are on 9th Street in the block just north of the proposed project.

Since your planned meeting of July 27, was postponed until later, this letter will verify my agreement with the project since I will not be able to attend the next meeting. My hope is that this will be passed because it will be a wonderful bonus to this part of the downtown area.

I would be happy to talk to anyone on the planning commission if there is question as to my position in this matter. My telephone # is 384-2498.

Thank you for your attention to this matter.

Sincerely,

Joseph E. Thiriot

Joseph E. Thiriot

A

Telephone Protest/ Approval Log

SDR-14349
VAC-1288

Meeting Date: 08/24/06

SUP-14339

Case Number: GPA-14325

VAR-14347 VAR-14345 VAR-14342 ZON-14338

Date: 08/22/06
Name: Karen Velkovic
Address: 807 E. Oakley
L.V. NV 89104
Phone: 385-4219

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Date: _____
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Address: _____
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Date: _____
Name: _____
Address: ITEM # 17-24
CASE # SEE ABOVE
PC MTG 9-1-06
Phone: _____

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PROTEST

☐

APPROVE

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SPECIAL USE PERMIT RELATED TO GPA-14325, ZON-14338, VAR-14342, VAR-134345, AND VAR-14347

SUP-14339 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Special Use Permit FOR A PROPOSED MIXED-USE DEVELOPMENT at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

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RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Backup referenced from the 09-07-06 Planning Commission Meeting Item 22

Motion made by GARY REESE to Approve Subject to Conditions

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

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

See Item 69 for a combined Verbatim Transcript of Items 69 - 76 and related backup.

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SUP-14339 - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL

THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 4, 2006 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-3/gt/se/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for mixed-use developments.
2. Conformance to the Conditions for Rezoning (ZON-14338), Variances (VAR-14342, VAR-14345, VAR-14347), Vacation (VAC-12884) and Site Development Plan Review (SDR-14349) if approved.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for Special Use Permit approval of a proposed mixed-use development at the northwest corner of Charleston Boulevard and 10th Street. The following associated cases will be considered concurrently with this request: GPA-14325, ZON-14338, VAR-14342, VAR-14345, VAR-14347, VAC-12884 and SDR-14349.

EXECUTIVE SUMMARY

The proposed mixed-use development is consistent with the zoning and land use designations for the property, and will conform to the minimum standards for the use listed in Title 19.04. However, the number of Variances and Waivers required for the development suggests that the project is inappropriately scaled to the development site.

BACKGROUND INFORMATION

A) *Related Actions*

- 05/03/72 The City Council approved a Rezoning (Z-0026-72) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) for the parcel at 717 South 9th Street. The Planning Commission recommended approval of the request on 04/13/72.
- 04/26/79 The Board of Zoning Adjustment approved a Variance (V-0027-79) to allow a group care home for 16 residents on the property at 700 South 10th Street.
- 09/27/84 The Board of Zoning Adjustment approved a Variance (V-0103-84) to allow a beauty shop where such use is not allowed on the property located at 717 S. 9th Street.
- 02/06/91 The City Council approved a Rezoning (Z-0150-90) from R-1 (Single Family Residential), R-3 (Medium-Density Residential), R-4 (High-Density Residential), P-R (Professional Office and Parking) and C-1 (Limited Commercial) to C-1 (Limited Commercial) for five of the parcels that comprise the subject development. The Planning Commission recommended approval of the request on 01/10/91.
- 09/07/06 The Planning Commission recommended approval of companion items ZON-14338, VAR-14347, VAC-12884 and denial of GPA-14325, VAR-14342, VAR-14345 and SDR-14349 concurrently with this application.

09/07/06 The Planning Commission voted 4-3/gt/se/sd to recommend APPROVAL (PC Agenda Item #22/ff).

B) Pre-Application Meeting

05/16/06 At the pre-application conference, issues were discussed relative to the General Plan designation for the site, rezoning requirements, parking requirements, residential adjacency requirements, and general development standards. In addition, issues were discussed relative to the configuration of the alley.

C) Neighborhood Meeting

07/05/06 A neighborhood meeting was held by the applicant at the Las Vegas Senior Center; 33 residents attended the meeting. The following concerns were raised at the meeting:

- Concern about the reduction in parking;
- Concern about the residential adjacency waiver and impact of building shadows on the residential neighborhood to the south;
- Concern about traffic impacts on the neighborhood to the north;
- Concern about construction noise;
- Concern about sewer capacity;
- Concern about power availability;
- Concern about the provision of recreation space for residents of the project;
- Concern about public transportation access and bus turnout facilities; and
- Concern about the impacts of reflective glazing and whether or not the building would be LEED certified.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.05

B) Existing Land Use

Subject Property:	Single-Family Residential Use
	Office Use
	General Commercial Use
North:	Office Use
South:	Office Use
	General Commercial Use
East:	Single-Family Residential Use
	Office Use
	General Commercial Use
West:	Single-Family Residential Use
	Office Use

C) Planned Land Use

Subject Property: C (Commercial)
MXU (Mixed-Use) [Proposed: C (Commercial)]
North: MXU (Mixed-Use)
South: C (Commercial)
East: C (Commercial)
West: MXU (Mixed-Use)

D) Existing Zoning

Subject Property: R-4 (High-Density Residential)
P-R (Professional Office and Parking)
C-1 (Limited Commercial) [Proposed: C-1(Limited Commercial)]
North: R-1 (Single Family Residential)
P-R (Professional Office and Parking)
South: C-1 (Limited Commercial)
East: R-4 (High-Density Residential)
P-R (Professional Office and Parking)
C-2 (General Commercial)
West: R-1 (Single Family Residential)
P-R (Professional Office and Parking)

E) General Plan Compliance

The subject site is within the boundaries of the Las Vegas Redevelopment Plan area, and has C (Commercial) and MXU (Mixed-Use) land use designations; the applicant has filed a General Plan Amendment (GPA-14325) to change the land use designation on the entire development parcel to C (Commercial). The C (Commercial) designation allows uses comparable to the O (Office), SC (Service Commercial) and GC (General Commercial) land use categories.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Redevelopment Plan Area

As previously noted, the development site is within the boundaries of the Las Vegas Redevelopment Plan area, and it is proposed to change the land use designation to C (Commercial). The proposed commercial uses are consistent with the proposed land use designation; the residential uses are allowed in commercial districts upon approval of a special use permit.

ANALYSIS

A) *Zoning Code Compliance*

A1) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed mixed-use development.

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Mixed-Use	Residential uses may be permitted in commercial districts by means of a Special Use Permit	Y
	Non-residential use shall be located at the ground level fronting the primary public right-of-way	Y
	The architecture shall highlight the difference in uses	Y

The proposed development will conform to the minimum standards contained in Title 19.04 for mixed-use developments.

B) *General Analysis and Discussion*

- Zoning

The properties that comprise the development site are intended to be rezoned to C-1 (Limited Commercial). The proposed commercial uses are permitted by right under the C-1 (Limited Commercial) zoning; the residential use is permitted upon approval of a Special Use Permit. While the proposed development will comply with setback requirements, the applicant has requested Variances for lot coverage, building setback requirements, and parking requirements. In addition, a Waiver from Residential Adjacency Standards has been requested as part of the application for the Site Development Plan Review (SDR-14349).

- Use

Within a C-1 (Limited Commercial) zoning district, residential uses permitted by right in the R-4 (High Density Residential) zone are permitted upon approval of a Special Use Permit. Commercial uses are permitted by right in the C-1 (Limited Commercial) district. The development will include a total 350 residential units and 18,000 square feet of commercial space.

- Conditions

The design of the development will conform to the minimum standards for mixed-use development as listed in Title 19.04, and no additional conditions of approval are necessary.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 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 design of the development adequately separates the commercial and residential components, and will not be significantly impacted by adjacent commercial land uses.

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

While the site is physically suitable for mixed-use development, the intensity of the project as proposed requires numerous Variances and Waivers. As such, the project does not appear to be appropriate to its context.

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."**

The site immediately abuts Charleston Boulevard, a 100-Foot Primary Arterial as designated on the Master Plan of Streets and Highways, and has adequate capacity to serve the proposed development. The remainder of the site is bordered by 70 and 80-foot wide local streets, which may be impacted by the intensity of the development plan.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of a mixed-use development for the subject site will not be inconsistent with the General Plan, nor would it compromise the public health, safety, and welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

17

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 294 by City Clerk

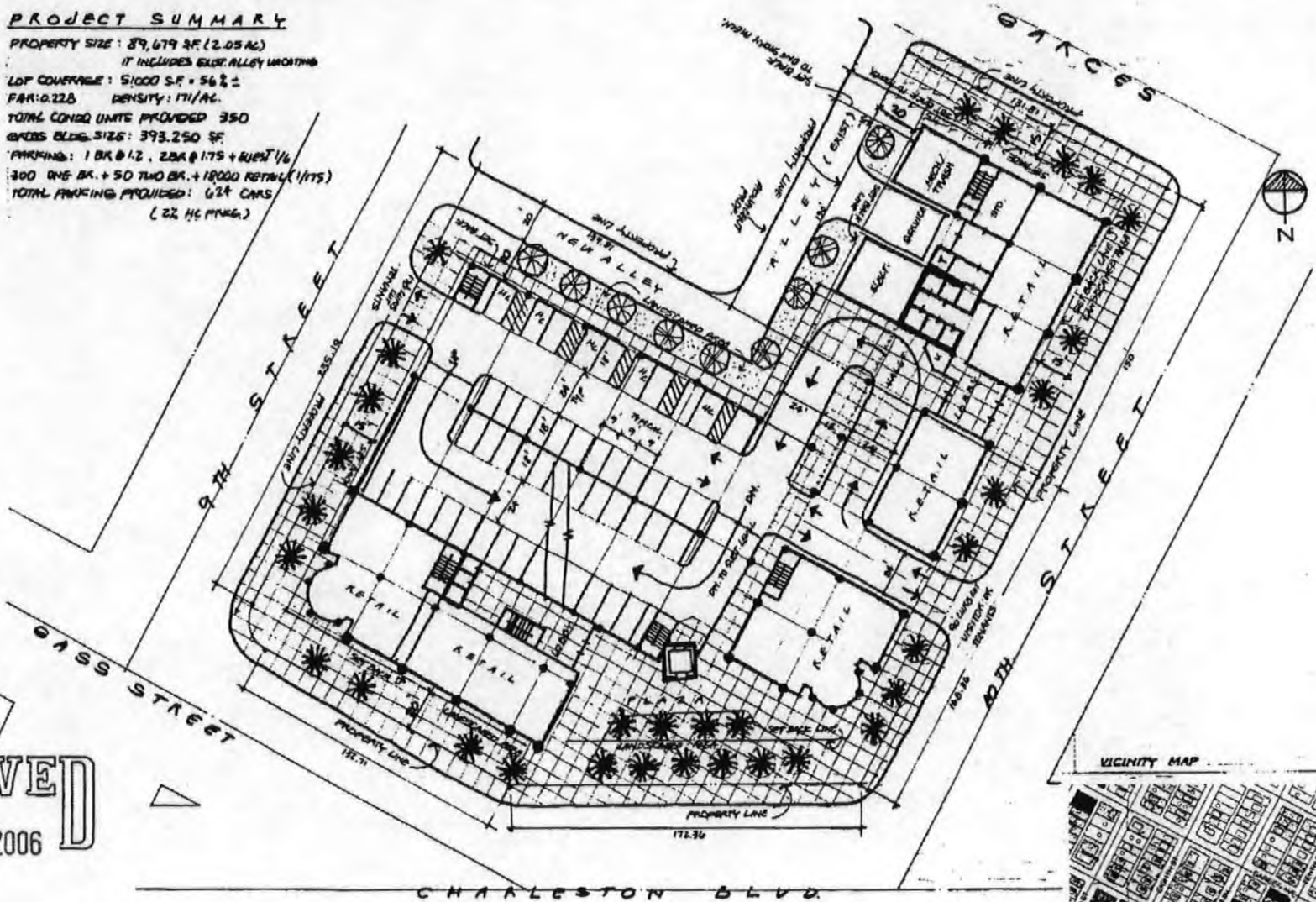
APPROVALS 3

PROTESTS 1



PROJECT SUMMARY

PROPERTY SIZE: 89,679 SF (2.05 AC)
 IT INCLUDES EXIST. ALLEY FRONTING
 LOT COVERAGE: 51000 SF = 56% ±
 FAR: 0.228 DENSITY: 171/Ac.
 TOTAL CONDO UNITS PROVIDED: 350
 GROSS BLDG. SIZE: 393,250 SF
 PARKING: 1 BK @ 1.2, 2 BK @ 1.75 + RETAIL 1/4
 300 ONE BK. + 50 TWO BK. + 18000 RETAIL (1/175)
 TOTAL PARKING PROVIDED: 624 CARS
 (22 HC PARKG.)



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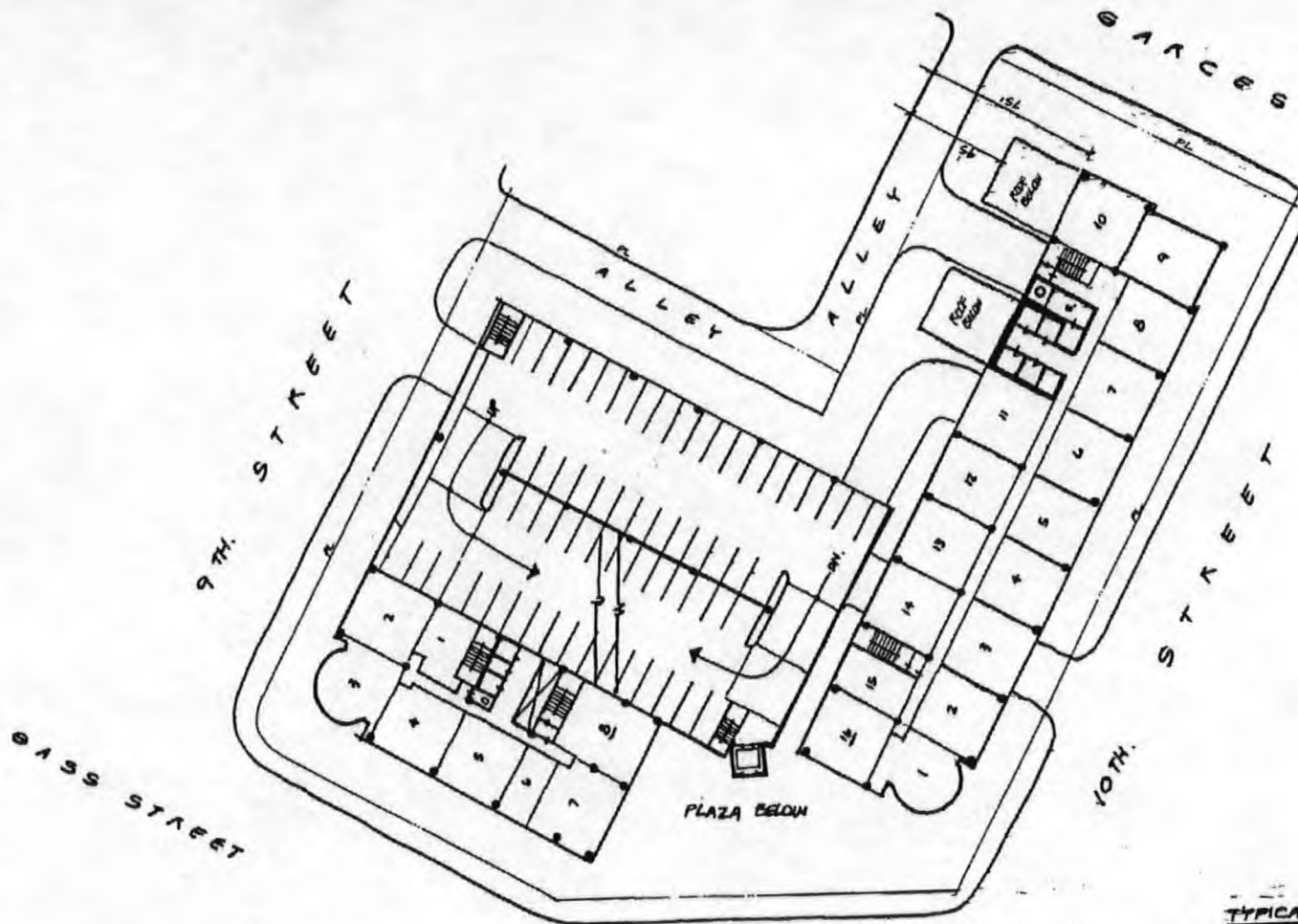
JMG
 architects llc
 1000 10th St
 1000 10th St

CASINO CENTER PROPERTIES, LLC

SITE PLAN
 0 30 60 90
 1" = 30' May 2006



SUP-14339
 07/27/06 PC

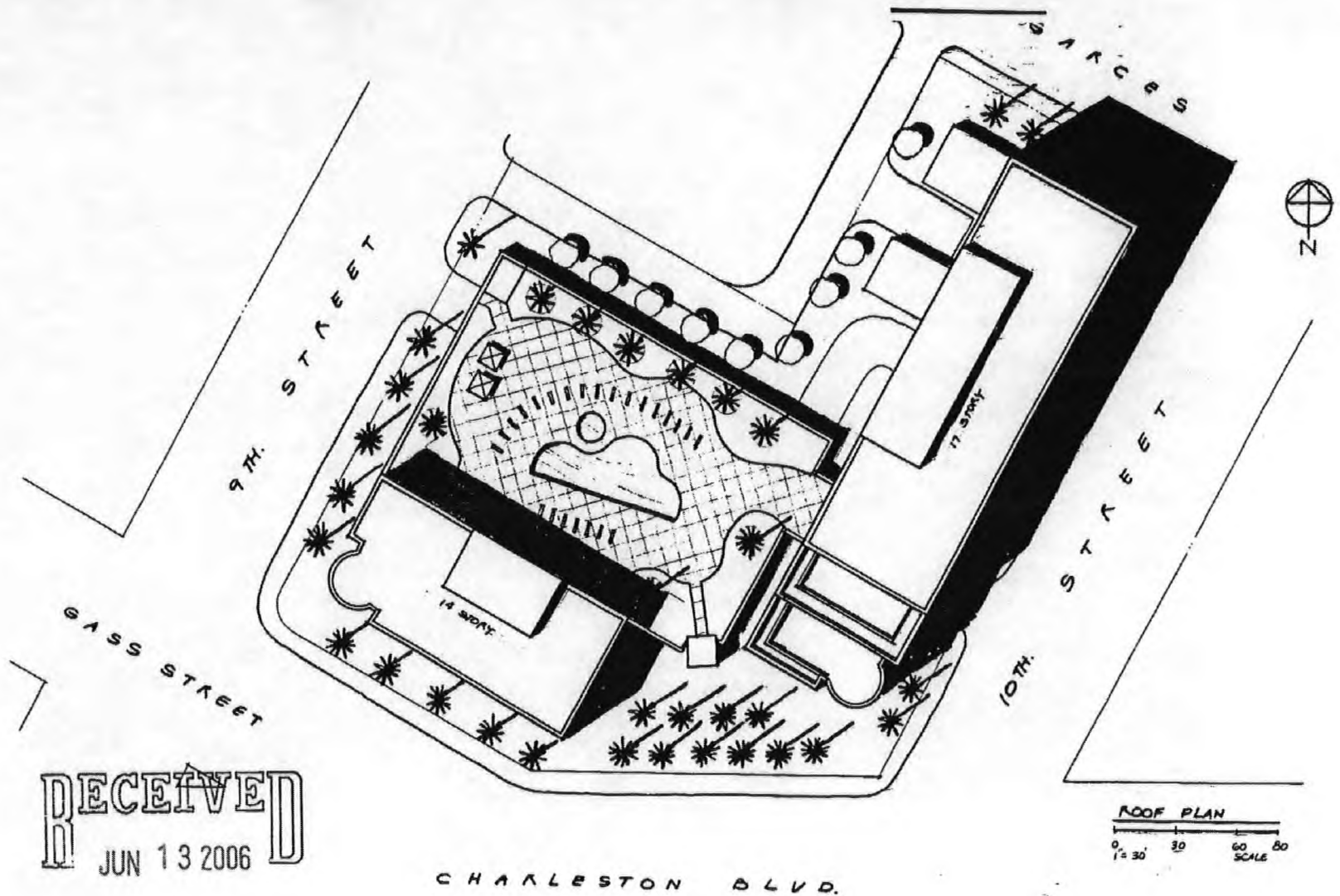


TYPICAL FLOOR PLAN
 0 30 60 90
 FEET SCALE

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CHARLESTON D.C.

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SUP-14339
07/27/06 PC

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Ms. Margo Wheeler
City of Las Vegas
731 S. 4th Street
Las Vegas, NV 89101

RE: Letter of Justification for the North side of Charleston Boulevard, Between 9th and 10th Streets- General Plan Amendment, Special Use Permit for Mixed Use: Variance to Residential Adjacency Standards and Site Development Plan Review; APN: 139-34-812-003; 139-34-810-101 thru 105; 139-34-810-074 and 075

Dear Margo:

On behalf of our clients Glenda Shaw and Steve Gregory, please accept the application package for the 2.05 +/- acre property located on the north side of Charleston Boulevard, between 9th and 10th Streets. The proposal is a mixed-use project consisting of 18,000 square feet of ground floor office and/or retail space, with 350 condominiums within two structures- one 14 story, 170 foot high building oriented toward the southwest corner of the parcel and a second 17 story, 195 foot high building oriented toward the southwest corner of Garces and 10th Street. The following applications are submitted with this request:

- 1) General Plan Amendment from MXU to C for the entire site with the exception of APN: 139-34-812-003, which is currently designated Commercial (C) on the City of Las Vegas Redevelopment Plan;
- 2) Rezoning from Professional Office and Parking (P-R) to Limited Commercial (C-1) for APN: 139-34-810-102 and 103; High Density Residential (R-4) to Limited Commercial (C-1) for APN: 139-34-810-101;
- 3) Special Use Permit for a Mixed Use Project in Limited Commercial (C-1) for the entire property;
- 4) Variance to Title 19.08.060 of the City of Las Vegas Zoning Ordinance Residential Adjacency standards to allow a setback of 45 feet from Single Family Residential (R-1), where 510 feet is required.
- 5) Variance to Title 19.08, Table 3, Commercial District Development Standards to allow a maximum lot coverage of 56% where 50% is the maximum allowed.



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07/27/06 PC

- 6) Variance to allow 624 parking spaces, where 634 are required to provide for some sort of future restaurant or café space.
- 7) Site Development Plan Review for a Mixed Use Project in Limited Commercial (C-1).

CURRENT LAND USE AND ZONING CONDITIONS

The southern portion of the site is currently designated Commercial (C) on the City of Las Vegas Downtown Redevelopment Area Land Use Designations Map of the Redevelopment Plan; the remainder of the site is designated Mixed Use District (MXU). The entire block to the east, from Charleston Boulevard to Garces, between 10th and 11th Street is designated Commercial (C) as well as all the properties fronting along the south side of Charleston Boulevard are also designated Commercial(C). The blocks to the north and west of the site are all designated Mixed Use (MXU); in fact the entire area north of Charleston is shown for both Mixed Use and Commercial development.

The majority of the subject site is already zoned Limited Commercial (C-1), the three remaining parcels on the southwest corner of Garces and 10th Street are Professional Offices and Parking (P-R) and High Density Residential (R-4). The overall zoning pattern for the area is more intense General Commercial (C-2) to the east of 10th Street, Limited Commercial (C-1) to the south and a mixture of C-1, P-R and R-1 to the north, with the majority of the properties developed as professional offices.

APPROVAL CRITERIA- GENERAL PLAN AMENDMENT **Title 19.18.030 (I)**

The determinations for the Planning Commission and City Council for approval of a General Plan Amendment are as follows:

1. **The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations;**

The entire area north of Charleston Boulevard is projected to be Commercial or Mixed Use Development as clearly shown on the Downtown Redevelopment Area Land Use Designations Map. In fact, all of the properties fronting along the north and south sides of the project, to the east and west, are all designated for Commercial (C), which allows mixed use projects.

The subject site is designated both MXU and C; both allow mixed use projects with approval of a Special Use Permit. It was determined, through the pre-application process, that a General Plan Amendment was needed to prevent a split land use on the site, as it was being assembled into one project for the purposes of development. Either designating the entire site for MXU or C would be appropriate, however, as a result of a subsequent meeting with staff, changing the northern part of the property from MXU to C was preferable, as a consistent Commercial land use designation would result along the south side of Garces from 9th to 11th streets.

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Essentially, there is no change in the density and intensity of permitted land uses as a result of this amendment to the General Plan, it will merely result in a consistent land use designation on the Redevelopment Plan Map;

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts.**

The proposed Limited Commercial (C-1) zoning district is conforming to either the Mixed Use District (MXU) or Commercial (C) land use designations of the Redevelopment Plan Map. In fact, over 75% of the site is already zoned C-1. This application only applies to the three parcels along the northeast corner of the property. Therefore, it will result in a consistent zoning for the entire project. It is compatible with the C-1 zoned properties along the south side of Charleston Boulevard, and the General Commercial (C-2) properties to the east of 10th Street and south of Garces.

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan designation; and**

There are adequate facilities and utilities available to serve the needs of this property. It is a developed, infill piece with services already in place.

4. **The proposed amendment conforms to other applicable adopted plans and policies.**

The General Plan Amendment and the related applications implement the following objectives of the Redevelopment Plan:

- A. The elimination of environmental deficiencies and blight in the Redevelopment Area, which constitute either social or economic liabilities or both and require redevelopment in the interests of the health, safety and general welfare of the people, including among others, small and/or irregular lots, obsolete and aged building types, economic and social deficiencies, deteriorated public improvements, inadequate parking facilities and inadequate utilization of land and public facilities.

This block is in need of redevelopment as current development has been stagnant and become an eyesore to this area of the City. It will result in a modern, mixed use development that will result in additional reinvestment and redevelopment of other properties in the area. It will eliminate development which has resulted in a blighted area and provide an enhanced streetscape and vibrancy to development along the north side of the Charleston Boulevard corridor.

- B. The assembly of land into parcels suitable for modern, integrated development and allowing for improved pedestrian and vehicular circulation in the Redevelopment Area:

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The project has assembled eight of the eleven parcels in the block bounded by Garces to the north, 9th Street to the west, 10th Street to the east and Charleston Boulevard to the south. The only parcels that have not been acquired are the three parcels on the northwest corner of the block. The applicant has had discussions with these property owners.

This assemblage will allow development of a modern mixed-use project envisioned by the Redevelopment plan. One of the companion items is a vacation of the public alleys on the site; vacation of the north-south alley will not incur any changes to access in terms of traffic flow or private access; the east-west alley will be relocated to allow for a more cohesive development and improved traffic flow.

- C. The replanning, redesign and development of undeveloped areas which are stagnant or improperly utilized;

While this piece is developed, it has become stagnant, underutilized and is not contributing to the economic diversification and well-being of the City.

- D. The strengthening of retail, office, and other commercial and residential functions in the downtown area;

This project will add much needed office space, retail uses and opportunities for people to live and work in this area of the City. It will enhance the vitality of this area and provide an impetus for other redevelopment projects to occur.

- E. The strengthening and diversification of the economic base of the Redevelopment Area and the community by the installation of needed site improvements to stimulate new commercial expansion, employment and economic growth;

Modern mixed-use compact development, such as that proposed for this site, can do nothing but enhance the economic base of the redevelopment area. It will provide employment opportunities, stimulate new commercial and residential redevelopment in the area, and increase the tax base generated along the Charleston Boulevard corridor.

In summary, this proposal meets the requirements for approval of a General Plan Amendment, as it will not increase the intensity or density of development in the area, since both current plan designations allow and encourage mixed use development. It also implements the long-term vision and objectives of the Redevelopment Plan as it assembles underutilized and decaying parcels into a modern, compact mixed-use development that will re-invigorate interest and future investment along the Charleston Boulevard corridor.

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APPROVAL CRITERIA- REZONING

Title 19.18.040 (K)

The following are the criteria for approval of a proposed rezoning:

- 1) **The proposal conforms to the General Plan.**

The proposed Limited Commercial (C-1) is a conforming zone change for both the Mixed-Use District (MXU) and Commercial (C) land use categories of the City of Las Vegas Redevelopment Plan.

- 2) **The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.**

As previously stated, approximately 75% of the site is currently zoned C-1. This application only applies to the three parcels located on the more northeast corner of the site; it essentially a single zoning designation for the portion of the block that has been assembled by the applicant.

- 3) **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

This area of the City, along the Charleston Boulevard corridor is ripe for redevelopment activity that will contribute to the economic base of the area. Current development on this site is in disrepair, stagnant, and has contributed to long term blight and decay. Rezoning the site to C-1, allowing for mixed use development, should result in stimulating additional redevelopment activity in the area.

- 4) **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.**

This action adds a small additional amount of C-1 property to the area. Street and highway facilities should provide adequate access and traffic carrying capacity; a traffic study will be provided to identify any additional improvements that will be needed.

APPROVAL CRITERIA- SPECIAL USE PERMIT

Title 18.18.060-(L)

The following are the determinations to be made for approval of a Special Use Permit:

- 1) **The proposed 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 Redevelopment Plan Land Use Map shows that the entire area of the City north of this site and the Charleston Boulevard corridor, from Main Street to Bruce Street, up to Bonanza Road, is designated

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predominately Commercial or for Mixed Use, which clearly indicates that modern, mixed use projects are a key component to encouraging reinvestment and redevelopment in this area of the City. The proposed use is oriented toward the Charleston Boulevard corridor, and should not be readily visible from the professional offices located to the north of the site. A line of sight drawing is included with this package, showing that only a small portion of the towers will be visible from some places within the John S. Park neighborhood to the south of Charleston Boulevard. The Redevelopment Plan encourages the assemblages of parcels to promote the type and intensity of development to stimulate the economy of the downtown area.

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

In terms of land use designation, a portion of the site is already designated for Commercial land uses; the remainder is MXU, which allows Service Commercial and General Commercial uses. In terms of the actual project proposed for the property, it can accommodate the proposed mix of residential and commercial uses, while providing all parking in a six level parking garage. Adequate on-site access will be provided to ensure free-flow of traffic movements and accommodate all emergency services.

- 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; and**

The surrounding street network should be adequate to provide access and traffic carrying capacity. A traffic study will be submitted to determine additional improvements that will be needed to accommodate traffic and circulation needs.

- 4) Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety and welfare or the overall objectives of the General Plan.**

Approval of this Special Use Permit will implement the core vision and objectives of the Redevelopment Plan of the City of Las Vegas. It will spur economic activity; provide places for new and current residents to live, work, shop and play. It will lead to additional investment and needed redevelopment in the immediate area and other parcels located within the Redevelopment Plan area. Therefore, it will contribute to the overall well-being of the City, and enhance the public health, safety and welfare.

APPROVAL CRITERIA- VARIANCES

Title 19.18.070 (L)

The following is the substantive criterion for determining approval of variance applications:

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- 2) Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

There are three variances requested from the strict application of the Code. They are:

19.08.060, the residential adjacency standards, which states that no non-residential building shall exceed the height of a line drawn from the property line of a protected property at a 3:1 slope directly into the property subject to the standards of the chapter. A 15 foot tall building can be constructed at the applicable setback line; any building height above the 15 feet must fall below the slope.

There are two adjacent properties zoned R-1 in very close proximity to the site- 707 S. 9th Street, which is to the west of the 20 foot wide east/west alley and 630 S. 10th Street, located on the northwest corner of Garces and 10th Street. We believe the variance is warranted for these reasons:

- a. *Strict application of the Code standard would make it difficult for any reasonable commercial property to be built on the site without some variance to the standard. This development pattern is not a result of any action taken by the applicant, or their predecessor in title. Also, this and all the other surrounding properties are designated for Commercial or for Mixed Use Development, which should be a factor in determining the appropriateness of a variance application.*
- b. *While on its face the variance may seem excessive, it is not in terms of factoring the overall objectives of the Redevelopment Plan. The long term vision of the plan is for re-planning and redeveloping stagnant areas of the City that no longer contribute to its tax or economic base. Therefore, the variance to allow a modern, forward-looking mixed use development should be considered.*
- c. *Paragraph 5.b. entitled Waiver, states any mixed-use development that contains a significant residential element is eligible for a waiver by the City Council. The gross building size of the project is 393,250 square feet; of that, only 18,000 square feet is non-residential space. Clearly, this is a residential driven project that given its importance to continued implementation of the Redevelopment Plan should be considered for a waiver.*

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- d. *The boundaries of the Downtown Centennial Plan extend to one-half block east of 6th Street, north of Charleston Boulevard. This is only two blocks away from the western edge of this project. If the project were in the Downtown Centennial Plan, Code standards would not be automatically applied. This is, obviously, in close proximity to the Plan area, and when reviewing the Future Land Use Maps of the Downtown Plan, Redevelopment Plan and Southeast Sector of the General Plan, all allow and encourage either commercial or mixed-use development; there is no real difference of lying within, or outside the Downtown Plan boundaries in terms of actual land use.*

19.08- Figure 3- Commercial Development Standards allow a maximum building coverage of 50 %, where 56% is requested. The variance is warranted for the following reasons:

- a. *The six percent increase in lot coverage is minor and will not result in any detriment to the overall health, safety and general welfare to this area of the City.*
- b. *As previously identified, the site is in close proximity to the area covered by the City of Las Vegas Downtown Centennial Plan, where the automatic application of Code standards is not applied.*

Title 19.10, Parking Requirements states that for a restaurant, café, tavern, bar and eating establishment, one space for each 50 square feet of public seating area, plus one space for each 200 square feet of the total remaining GFA, with a minimum of 10 spaces. Based on the minimum 10 spaces, a variance is requested to allow 624 spaces where 634 are required. The variance is warranted for the following reasons:

- 1) *The provided 624 spaces accommodate the 350 condominium units, based on a mix of 300 one bedroom and 50 two bedroom units and 18,000 square feet of commercial, based on the 1/175 square feet required by Code. It is not know at this time, if a restaurant will be included in the ground floor space, or how much square footage it will need. The variance is intended to "free up" some parking to accommodate a future eating/drinking establishment.*
- 2) *Normally in the downtown area, the goal is to provide at least one parking space per unit and one space/3,000 square feet of retail area. The provided parking exceeds this goal.*
- 3) *The parking standards of the City of Las Vegas do not account for shared, or captured trips in a mixed use environment. This should also be taken into consideration when examining the parking standards for this type of proposal.*

APPROVAL CRITERIA- SITE DEVELOPMENT PLAN REVIEW **Title 19.18.050 (E)**

The following criteria are to be considered for approval of a Site Development Plan Review:

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- 1) **The proposed development is compatible with adjacent development and development in the area;**

While the predominant existing development pattern to the north of Charleston Boulevard is a mixture of professional office and some remaining single family units, the Redevelopment Plan encourages mixed-use as a major tool for redevelopment. Also, the project is constructed so as to not encourage any cut-through traffic for the businesses north of Charleston, or any of the residential neighborhoods south of Charleston Boulevard. The parcels to the east are zoned C-2, which not only allows mixed use with a special use permit, but more intense commercial uses as well.

- 2) **The proposed development is consistent with the General Plan, this title, the Design Standards manual, the Landscape Wall and Buffer Standards an other duly-adopted city plans, policies and standards:**

The project is in substantial accordance with development related ordinances of the City. All landscaping, open space and required recreational amenities for a project of this size and scale will be provided. The variances to the residential adjacency standards, parking and building coverage are reasonable and not beyond the scope of the type of intensity and density that will be needed to reinvigorate this area of the City.

- 3) **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

All access will be directed to Charleston Boulevard, to minimize any impacts to business owners or residents in the area. The north/south alley, if vacated, will continue to operate as it currently does, in terms of access and traffic flow.

- 4) **Building and landscape materials are appropriate for the area and for the City**

The buildings will be constructed of Low E clear glass, vision and spandrel glazing in aluminum framed curtain walls, with storefront retail glazing. This will be an exciting, vibrant addition to this area of the City, spurring additional redevelopment and reinvestment in the area. Therefore, the building and landscape material effectively implement the long-term vision of the Redevelopment Plan.

- 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 the area**

The existing development on the property is unsightly, undesirable and obnoxious in appearance, which has led to an overall decay along the Charleston Boulevard corridor. This project will bring an attractive, exciting environment to Charleston Boulevard and will be an important first step in changing the face of this area of the City.

RECEIVED
JUN 13 2006

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

The redevelopment of this area is in the highest interest of all resident of the City of Las Vegas. Making the Redevelopment Plan objectives a reality will bring new development, new investment and a new, much needed vibrant atmosphere to this area.

SUMMARY

In summary, we believe this project will be the impetus for the north side of the Charleston Boulevard corridor. It assembles parcels that are stagnant, underutilized and in need of redevelopment into an exciting mixed-use project that will spur future redevelopment activity. The intent is to enhance the environment of the business owners to the north, while having minimal impacts, in terms of views, traffic and shading to the John S. Park neighborhood to the South. It is the first step in implementing the overall objectives of the Redevelopment Plan along the north side of Charleston Boulevard.

We respectfully ask for your favorable consideration of this project; please do not hesitate to contact us if you have any questions or need additional information.

Sincerely,



David Clapsaddle
Director of Planning

GCG:mj

RECEIVED
JUN 13 2006

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

GEORGE T. BOCHANIS
LAW OFFICES

631 SOUTH NINTH STREET
LAS VEGAS, NEVADA 89101

GEORGE T. BOCHANIS, ESQ.
ADAM L. MUSLUSKY, ESQ.
ALLAN P. CAPPS, ESQ.

PAUL A. EDWARDS
WORKER'S COMPENSATION ADMINISTRATOR

July 26, 2006

TELEPHONE (702) 388-2005
FACSIMILE (702) 388-0484
PERSONAL INJURY AND WORKER'S
COMPENSATION LAW

VIA FACSIMILE ONLY
385-7268

City of Las Vegas Planning Commission
400 Stewart Ave.
Las Vegas, NV 89101

Re: GPA 14325

Dear Planning Commissioners:

I am the property owner at 631 South Ninth Street in Las Vegas, Nevada which houses my law firm. I have been at this business address since the time I constructed my office in 1992. It is my understanding that the above general plan amendment contemplates several tall office buildings and a large parking garage on East Charleston Boulevard between Ninth and Tenth Streets.

I am unable to attend the planning commission meeting on this agenda set for Thursday, July 27, 2006 because I currently serve as a Henderson Planning Commissioner and have a Henderson Planning Commission meeting at the same time.

I have not reviewed the proposed plans for this mixed use development but have several concerns based on some of the general concepts of the plan that were described to me by one of the applicants representatives during a briefing I had with him at the conclusion of a Henderson Planning Commission briefing session.

Obviously, a major concern is that his project would somehow alter or modify our access from South Ninth and South Tenth Street from Charleston Boulevard to our office location which is on the corner of South Ninth Street and Garces Avenue. As you know, the city expanded Las Vegas High School at the corner of South Ninth Street and Clark Avenue thus blocking any access we have from the north. Therefore, I want to ensure that this project in no way alters access from South Ninth and South Tenth Street from East Charleston Boulevard to our location on South Ninth Street and Garces Avenue.

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p

GEORGE T. BOCHANIS
LAW OFFICES

City of Las Vegas Planning Commission
Page Two

The second concern has to do with parking with the impact that this is project would have on street parking. We want to make sure that there are no waiver for parking given to this project that will impact our customer parking in our existing neighborhood.

I also want to know whether the applicant is actually going to build this project, or has committed to building this project or is the applicant simply seeking entitlements for future sale after you grant their zoning variance requests.

Finally, a major concern with respect to this project is the impact that the construction of this project will have on my existing business and all those businesses, primarily consisting of law offices in this area. I would like to know how long the construction of this project will take. Since it is such a massive project, I am assuming that there will be at least one hundred construction workers at all times working on this project. This raises the issue as to where these individuals will park their vehicles. The applicant should be required to provide separate parking in a designated lot for those individuals who work on this project. We cannot have our on street parking taken away for the six to twelve month period that I assume this project will take to build. Another issue as to where the material for this project will be stored. We again request that you require a condition that a separate materials staging area on Charleston Boulevard be provided by the applicant. Additionally, the applicant should be required to provide access at all times from East Charleston Boulevard to South Ninth and South Tenth Street during this construction period. At no time should either of these streets be blocked during construction and the applicant should be required to provide all such traffic control such as flagmen and appropriate signage to make sure that traffic continuously flows on South Ninth and South Tenth from East Charleston Boulevard.

Finally, I would like to know the impact that this project has on the city's historic preservation district concept. Many of property owners in the area objected to these historical preservation district requirements being imposed upon us and now it appears that one applicant is easily able to obtain variances from the historical preservation district requirement that many of us have objected to for years. It appears that this massive project would be entirely inconsistent with the goals of the city's historical development district.

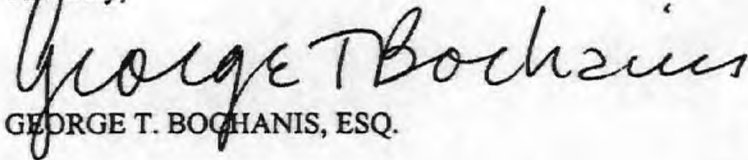
GEORGE T. BOCHANIS
LAW OFFICES

City of Las Vegas Planning Commission
Page Three

I have spoken to several other property owners in my area, many of whom were unaware of the meeting that was held by the applicant with respect to this project. Further, many other property owners have informed me that they are going to wait to see what the planning commission approves then if it is objectionable, they plan to voice their concerns and objections to city council.

I thank you for taking into consideration my concerns with respect to this project.

Sincerely,


GEORGE T. BOCHANIS, ESQ.

GTB.jh

43-50

p

July 20, 2006

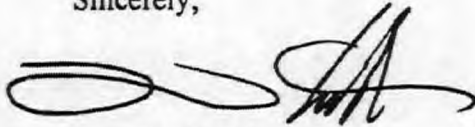
Glenn Trowbridge
City of Las Vegas Planning Commission
c/o City of Las Vegas Planning & Development Dept.
731 South 4th Street
Las Vegas, NV 89101

Dear Mr. Trowbridge:

I am writing this letter in regards to the mixed use project at 9th & 10th Street proposed by George C. Garcia.

I own some apartments located at 604 South 11th Street and I feel that this project would be a definite improvement for the neighborhood and I am for this project being developed.

Sincerely,



Perry B. Whitt
2701 Bryant Avenue
Las Vegas, NV 89102

PBW/cf

RECEIVED
JUL 25 12 57 PM '06
PLANNING AND
DEVELOPMENT

ITEM # 43-50
CASE # _____
PC MTG 7.27.06

R

A

Thiriot 1977 Trust
621 So. 9th St.
Las Vegas, NV 89101
July 30, 2006

RECEIVED
AUG 03 2006

Las Vegas City Planning Commission
400 Stewart Ave.
Las Vegas, NV 89101

RE: Proposed mixed use project on Charleston Blvd., between 9th and 10th Streets (VAC-12884, GPA-14325, SDR-14349, SUP-14339, VAR 14345, VAR-14342, VAR-14347, ZON-14338)

ATTN: Planning Commission:

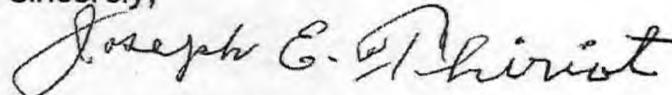
On July 5, 2006, I met with David Clapsaddle at the Senior Center, in regards to the above referenced mixed use project. After checking all the proposals I am very much in favor of this project. My properties (617 & 621) are on 9th Street in the block just north of the proposed project.

Since your planned meeting of July 27, was postponed until later, this letter will verify my agreement with the project since I will not be able to attend the next meeting. My hope is that this will be passed because it will be a wonderful bonus to this part of the downtown area.

I would be happy to talk to anyone on the planning commission if there is question as to my position in this matter. My telephone # is 384-2498.

Thank you for your attention to this matter.

Sincerely,


Joseph E. Thiriot

A

Telephone Protest/ Approval Log

SDR-14349
VAC-12888

Meeting Date: 08/24/06

SUP-14339

Case Number: GPA-14325

VAR-14347 VAR-14345 VAR-14342 ZON-14338

Date: 08/22/06
Name: Karen Velkovic
Address: 807 E. Oakley
L.V. NV 89104
Phone: 385-4219
☐ PROTEST ☒ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____
☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____
☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
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☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____
☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: ITEM # 17-24
CASE # SEE ABOVE
PC MTG 9-7-06
Phone: _____
☐ PROTEST ☐ APPROVE

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**CITY COUNCIL MEETING OF: NOVEMBER 1, 2006****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:****VACATION**

VAC-12884 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: STEVE GREGORY - OWNER: CASINO CENTER PROPERTIES, LLC. - Petition to Vacate public alleys generally located south of Garces Avenue, between 9th Street and 10th Street, Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:**Planning Commission Mtg.****3****City Council Meeting****0****APPROVALS RECEIVED BEFORE:****Planning Commission Mtg.****3****City Council Meeting****0****RECOMMENDATION:**

Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Backup referenced from the 09-07-06 Planning Commission Meeting Item 23

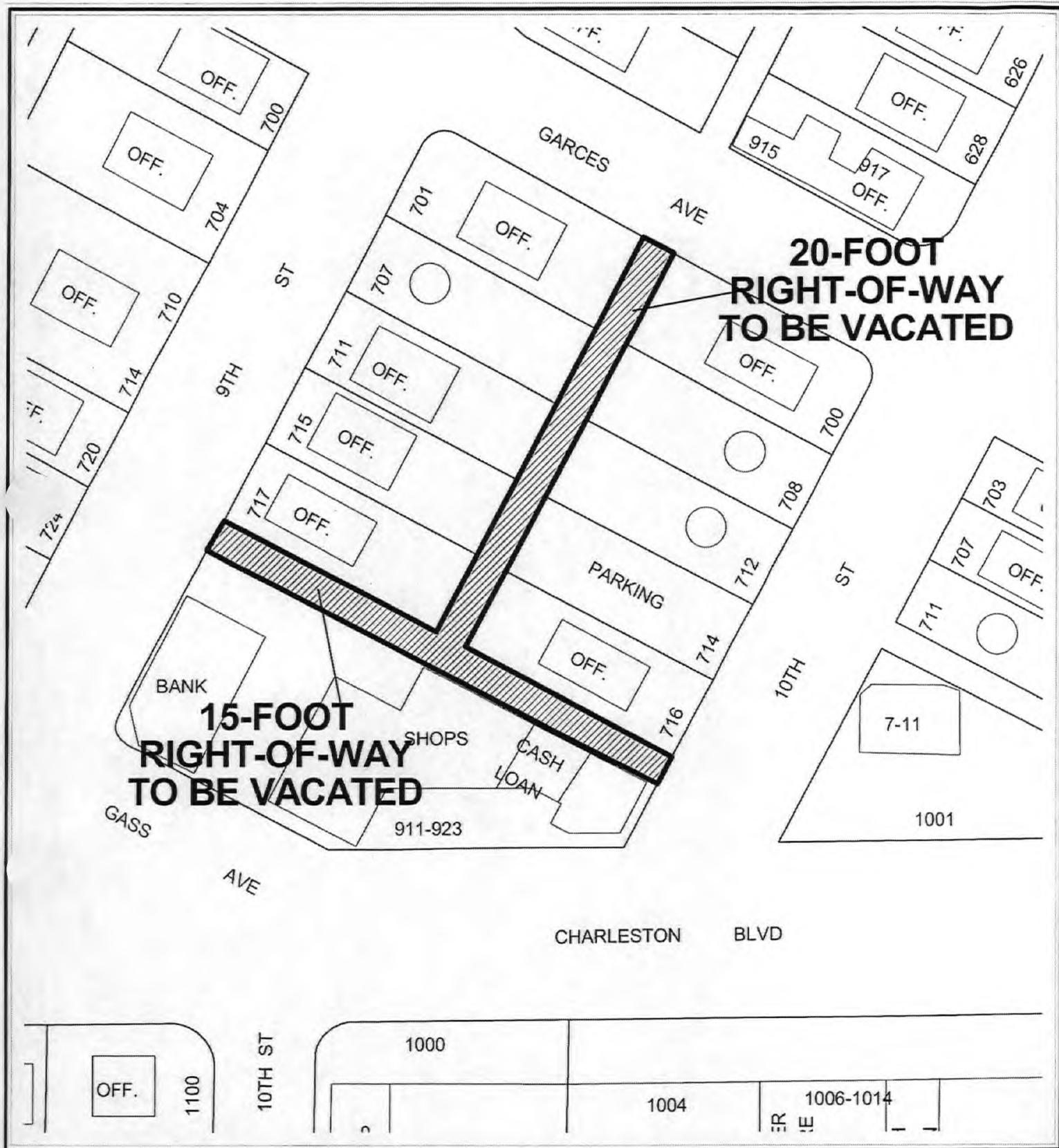
Motion made by GARY REESE to Approve Subject to Conditions

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-LARRY BROWN); (Excused-None)

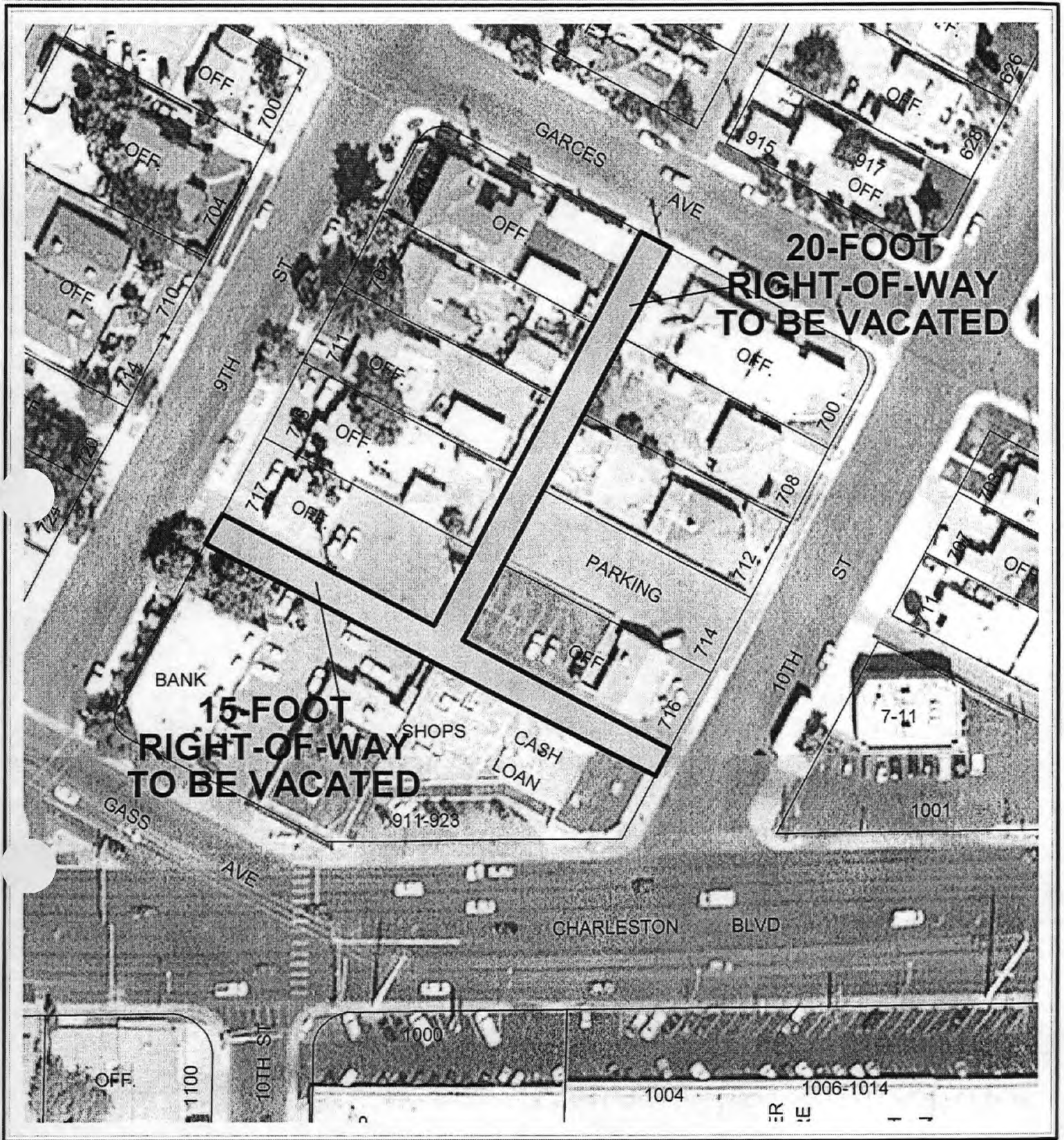
Minutes:

See Item 69 for a combined Verbatim Transcript of Items 69 - 76 and related backup.



CASE: VAC-12884





CASE: VAC-12884



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - VAC-12884- APPLICANT: STEVE GREGORY -
OWNER: CASINO CENTER PROPERTIES, LLC.**

THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 4, 2006 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-2/se/sd vote) recommends APPROVAL, subject to:

1. The limits of this Vacation shall be all portions of the public alleys south of Garces Avenue, north of Charleston Boulevard, between 9th Street and 10th Street.
2. If any portion of the alley is proposed to remain public, provide a plan for approval by the City Engineer indicating an alternative alley access route providing a legal through-access for this alley. Such alley access shall be dedicated prior to recordation of an Order of Vacation for this alleyway. The proposed alternative shall provide a turning radius acceptable to the City Traffic Engineer.
3. Provide a plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties, including the property not controlled by the applicant (if applicable), so that an un-maintained "no-man's land" area is not produced by this action. The required plan shall identify exactly who is responsible to reclaim each portion of right-of-way and exactly how the right-of-way will be reclaimed, and shall provide a schedule of when such reclamation will occur. Such plan shall be approved by the City Engineer prior to the recordation of the Order of Vacation or the submittal of any construction drawings adjacent to or overlying the area requested for vacation, whichever may occur first.
4. A sanitary sewer relocation/abandonment plan must be approved by the Department of Public Works. If relocation is proposed, the relocated sewer lines must be constructed and active prior to the recordation of the Order of Vacation. Alternatively, public sewer easements shall be retained through this Petition of Vacation.
5. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application or appropriate drainage easements shall be reserved.
6. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.

7. Approval of a Site Development Plan Review (SDR-14349) application for development of the abutting parcels prior to the recordation of an Order of Vacation.
8. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
9. All development shall be in conformance with code requirements and design standards of all City Departments.
10. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
11. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.
12. The south part of the north/south alley shall retain access to the property at the southeast corner of Garces Avenue and 9th Street.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a Petition to Vacate public alleys generally located south of Garces Avenue, between Ninth Street and Tenth Street.

EXECUTIVE SUMMARY

A mixed-use development is planned for the block that contains the two alleys; this item will be heard concurrently with this Vacation request. The proposed Vacation would not result in a conflict with any existing City requirements. It is recommended that the request be denied, as the recommendation for the related items is for denial; however, if approved and a portion of the alley between Ninth and Tenth Streets is not vacated, the applicant must provide an additional plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties, in order to eliminate a potential "no-man's land."

BACKGROUND INFORMATION

A) *Related Actions*

- 02/06/91 The City Council approved a Rezoning (Z-0150-90) from R-1 (Single Family Residence), R-3 (Limited Multiple Residence), R-4 (Apartment Residence), P-R (Professional Offices and Parking) and C-1 (Limited Commercial) to C-1 (Limited Commercial) at 715 and 717 South Ninth Street, 714 and 716 South Tenth Street, and 911 East Charleston Boulevard. The Planning Commission and staff recommended approval.
- 10/03/95 The City Council approved a Rezoning (Z-0060-95) from R-1 (Single Family Residence) to P-R (Professional Offices and Parking) at 711 South Ninth Street. The Planning Commission and staff recommended approval.
- 07/05/01 The City Council approved a Rezoning (Z-0002-01) from R-1 (Single Family Residential) to P-R (Professional Office and Parking), a Variance (V-0002-01) to allow 9 parking spaces where 19 spaces is the minimum required and to allow a lot width of 50 feet where 60 feet is the minimum required, a Variance (V-0006-01) to allow a zero-foot corner side yard setback where 15 feet is the minimum required and to allow a five-foot side yard setback where Residential Adjacency Standards require a 90-foot setback, and a Site Development Plan Review [Z-0002-01(1)] for a proposed 7,066 square foot office building and for a waiver of the landscaping requirements on 0.17 acres at 701 South Ninth Street. The Planning Commission recommended denial of all requests. Staff recommended approval of the Rezoning and denial of all other requests.

- 05/25/06 The Planning Commission held this item in abeyance to the 07/27/06 Planning Commission meeting in order to allow the Vacation to be considered concurrently with related applications.
- 09/07/06 The Planning Commission recommended approval of companion items ZON-14338, VAR-14347, SUP-14339 and denial of GPA-14325, VAR-14342, VAR-14345 and SDR-14349 concurrently with this application.
- 09/07/06 The Planning Commission voted 5-2/se/sd to recommend APPROVAL (PC Agenda Item #23/ff).

B) Pre-Application Meeting

A pre-application conference is not required for a Vacation application request.

C) Neighborhood Meetings

- 07/05/06 A neighborhood meeting with 33 citizens in attendance was held in conjunction with the related applications for this project. Area residents were generally in support of the project and the associated vacation. Concerns included parking, traffic, noise, potential street closure, sewer capacity, power service, reflective glass, shadows, and the need for dog walking facilities.

DETAILS OF APPLICATION REQUEST

The area to be vacated is legally described as being a portion of the South Half (S½) of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section 34, Township 20 South, Range 61 East, M.D.M.

ANALYSIS

A) *Planning discussion*

The subject vacation request would relinquish the City's interest in one 20-foot wide alley between Garces Avenue and Gass Avenue separating properties along Ninth Street and Tenth Street, and in one 15-foot wide alley between Ninth Street and Tenth Street. A mixed-use project is proposed for this block and will be heard concurrently with this item.

The applicant does not own the three parcels located at the southeast corner of Ninth Street and Garces Avenue. The site plan included with the submittal indicates that the portion of the alley adjacent to these three parcels may not need to be vacated, and that a new alley may be dedicated south of these parcels. As a condition of approval, the applicant must provide a plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties, in order to eliminate a potential "no-man's land." With approval of the planned development, the remaining portion of the alleys would not be necessary.

B) *Public Works discussion*

The following information is presented concerning this request to vacate certain public street rights-of-way:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *Uniform, as it is to vacate the full width of the public alleys south of Garces Avenue between 9th Street and 10th Street.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, as the alleys only provide rear access to parcels.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, Zoning Reclassification ZON-14338 and Site Development Plan Review SDR-14349.*
- E. Does this vacation request eliminate public street access to any abutting parcel? *No.*
- F. Does this vacation request result in a conflict with any existing City requirements? *No.*
- G. Does the Department of Public Works have an objection to this vacation request? *No.*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 12 by City Clerk

APPROVALS 3

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAC-12884** APN: 139-34-812-003
Name of Property Owner: Steven T. Gregory
Name of Applicant: CASINO Center Properties, LLC

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes

☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

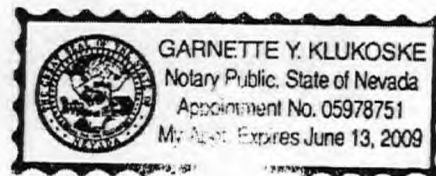
APN _____

Signature of Property Owner: Steven T. Gregory, Mgr.

Print Name: Steven T. Gregory

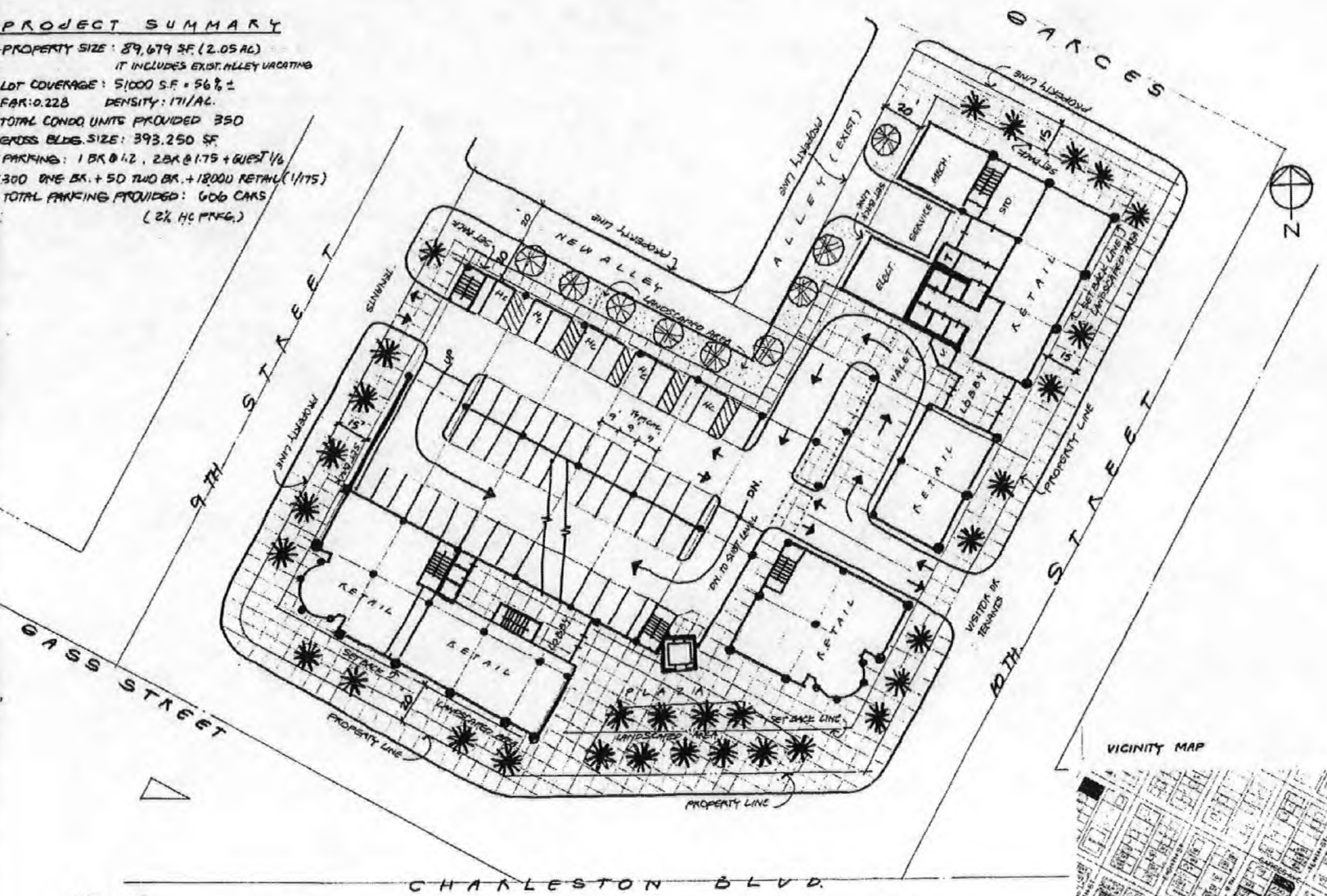
Subscribed and sworn before me

This 3rd day of April, 20 06
Garnette Klukoske
Notary Public in and for said County and State

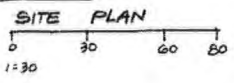


PROJECT SUMMARY

PROPERTY SIZE: 89,679 SF (2.05 AC)
 IT INCLUDES EXIST. ALLEY VACATING
 LOT COVERAGE: 51,000 SF = 56%
 FAR: 0.228 DENSITY: 171/AC.
 TOTAL CONDO UNITS PROVIDED: 350
 GROSS BLDG. SIZE: 393,250 SF
 PARKING: 1 BK @ 1/2, 2 BK @ 1/75 + GUEST 1/6
 300 ONE BR. + 50 TWO BR. + 18000 RETAIL (1/175)
 TOTAL PARKING PROVIDED: 606 CARS
 (2% HC PRNG.)

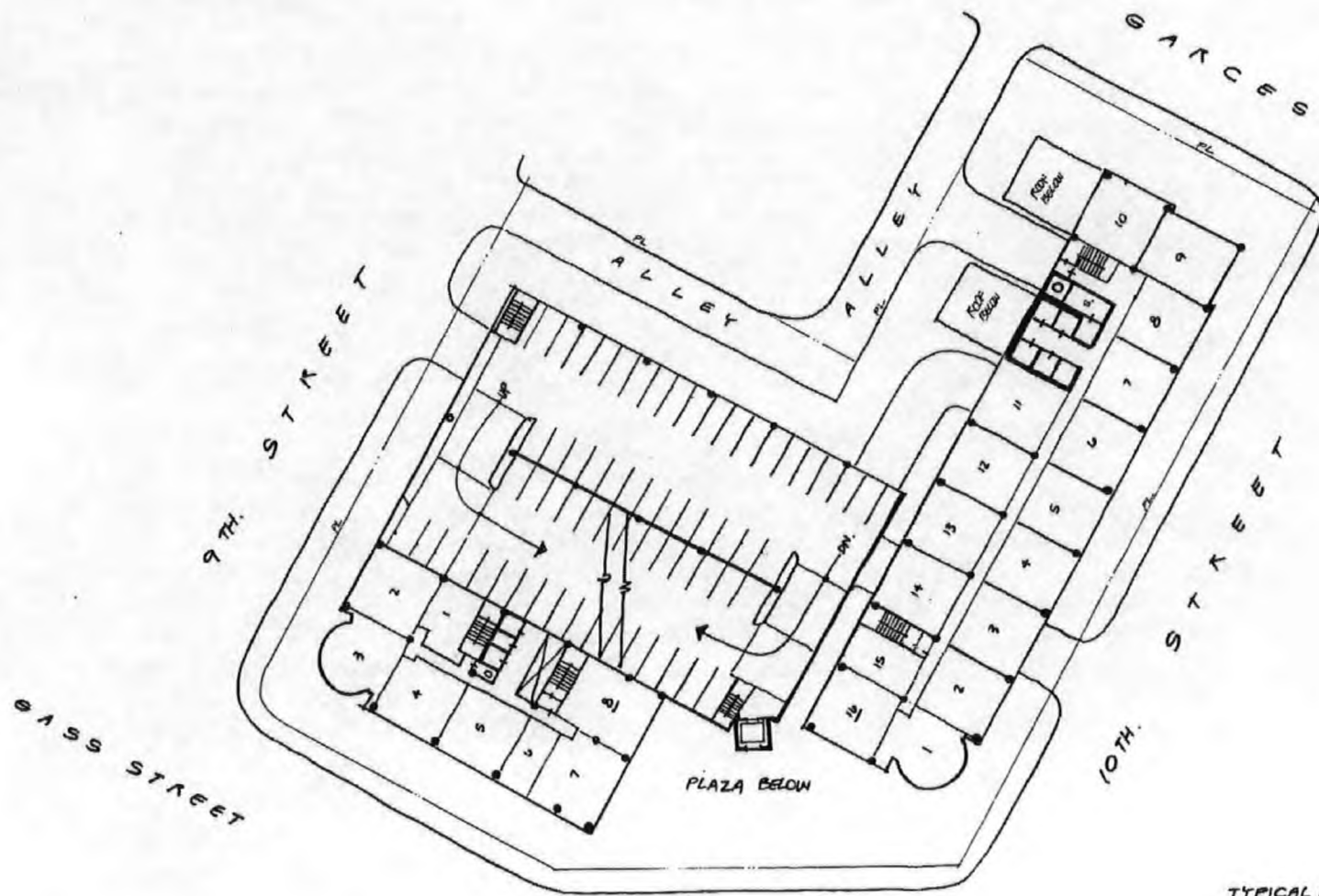


CASINO CENTER PROPERTIES, LLC



RECEIVED
 MAY 02 2006

VAC-12884
 05/25/06 PC



VAC-12884
05/25/06 PC

RECEIVED

MAY 02 2006



VAC-12884 - APPLICANT: STEVE GREGORY - OWNER: CASINO CENTER PROPERTIES, LLC.
PUBLIC ALLEYS GENERALLY LOCATED SOUTH OF GARCES AVENUE, BETWEEN 9TH STREET AND 10TH
STREET
SEPTEMBER 7, 2006 PLANNING COMMISSION

05/05/06



VAC-12884 - APPLICANT: STEVE GREGORY - OWNER: CASINO CENTER PROPERTIES, LLC.
PUBLIC ALLEYS GENERALLY LOCATED SOUTH OF GARCES AVENUE, BETWEEN 9TH STREET AND 10TH
STREET
SEPTEMBER 7, 2006 PLANNING COMMISSION

05/05/06



VAC-12884 - APPLICANT: STEVE GREGORY - OWNER: CASINO CENTER PROPERTIES, LLC.
PUBLIC ALLEYS GENERALLY LOCATED SOUTH OF GARCES AVENUE, BETWEEN 9TH STREET AND 10TH STREET
SEPTEMBER 7, 2006 PLANNING COMMISSION

05/05/06

April 7, 2006

City of Las Vegas
Planning Department
731 S. 4th Street
Las Vegas, NV 89101

Attention: Planner

**RE: CHARLESTON AND GASS ALLEY WAY VACATION, PDG PROJECT
NO. 05106-C, CLV APPLICATION FOR VACATION OF ALLEY WAYS
ADJACENT TO CHARLESTON AND GASS**

To Whom It May Concern:

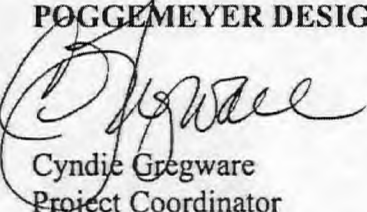
This letter is to serve as a formal request for the vacation of the alley ways adjacent to parcel 139-34-812-003 at Charleston Boulevard and Gass Avenue.

The vacation of the alley ways is being requested to utilize the unused space for the sole purpose of constructing a commercial subdivision as alley ways are not required for any access to properties.

If you have any additional questions in regards to this request, please do not hesitate to contact me directly at 702-255-8100.

Sincerely,

POGGEMEYER DESIGN GROUP, INC.


Cyndie Gregware
Project Coordinator

J:\05106- Charleston and Gass\vacation just ltr.doc



**VAC-12884
05/25/06 PC**

2601 North Tenaya Way
Las Vegas, Nevada 89128
(702) 255-8100
FAX (702) 255-8375
email pdg-lv@pdg-lv.com

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

GEORGE T. BOCHANIS
LAW OFFICES

631 SOUTH NINTH STREET
LAS VEGAS, NEVADA 89101

GEORGE T. BOCHANIS, ESQ.
ADAM L. MUSLUSKY, ESQ.
ALLAN P. CAPPS, ESQ.

PAUL A. EDWARDS
WORKER'S COMPENSATION ADMINISTRATOR

TELEPHONE (702) 388-2005
FACSIMILE (702) 388-0484

PERSONAL INJURY AND WORKER'S
COMPENSATION LAW

July 26, 2006

VIA FACSIMILE ONLY
385-7268

City of Las Vegas Planning Commission
400 Stewart Ave.
Las Vegas, NV 89101

Re: GPA 14325

Dear Planning Commissioners:

I am the property owner at 631 South Ninth Street in Las Vegas, Nevada which houses my law firm. I have been at this business address since the time I constructed my office in 1992. It is my understanding that the above general plan amendment contemplates several tall office buildings and a large parking garage on East Charleston Boulevard between Ninth and Tenth Streets.

I am unable to attend the planning commission meeting on this agenda set for Thursday, July 27, 2006 because I currently serve as a Henderson Planning Commissioner and have a Henderson Planning Commission meeting at the same time.

I have not reviewed the proposed plans for this mixed use development but have several concerns based on some of the general concepts of the plan that were described to me by one of the applicants representatives during a briefing I had with him at the conclusion of a Henderson Planning Commission briefing session.

Obviously, a major concern is that his project would somehow alter or modify our access from South Ninth and South Tenth Street from Charleston Boulevard to our office location which is on the corner of South Ninth Street and Garces Avenue. As you know, the city expanded Las Vegas High School at the corner of South Ninth Street and Clark Avenue thus blocking any access we have from the north. Therefore, I want to ensure that this project in no way alters access from South Ninth and South Tenth Street from East Charleston Boulevard to our location on South Ninth Street and Garces Avenue.

4350
p

GEORGE T. BOCHANIS
LAW OFFICES

City of Las Vegas Planning Commission
Page Two

The second concern has to do with parking with the impact that this is project would have on street parking. We want to make sure that there are no waiver for parking given to this project that will impact our customer parking in our existing neighborhood.

I also want to know whether the applicant is actually going to build this project, or has committed to building this project or is the applicant simply seeking entitlements for future sale after you grant their zoning variance requests.

Finally, a major concern with respect to this project is the impact that the construction of this project will have on my existing business and all those businesses, primarily consisting of law offices in this area. I would like to know how long the construction of this project will take. Since it is such a massive project, I am assuming that there will be at least one hundred construction workers at all times working on this project. This raises the issue as to where these individuals will park their vehicles. The applicant should be required to provide separate parking in a designated lot for those individuals who work on this project. We cannot have our on street parking taken away for the six to twelve month period that I assume this project will take to build. Another issue as to where the material for this project will be stored. We again request that you require a condition that a separate materials staging area on Charleston Boulevard be provided by the applicant. Additionally, the applicant should be required to provide access at all times from East Charleston Boulevard to South Ninth and South Tenth Street during this construction period. At no time should either of these streets be blocked during construction and the applicant should be required to provide all such traffic control such as flagmen and appropriate signage to make sure that traffic continuously flows on South Ninth and South Tenth from East Charleston Boulevard.

Finally, I would like to know the impact that this project has on the city's historic preservation district concept. Many of property owners in the area objected to these historical preservation district requirements being imposed upon us and now it appears that one applicant is easily able to obtain variances from the historical preservation district requirement that many of us have objected to for years. It appears that this massive project would be entirely inconsistent with the goals of the city's historical development district.

GEORGE T. BOCHANIS
LAW OFFICES

City of Las Vegas Planning Commission
Page Three

I have spoken to several other property owners in my area, many of whom were unaware of the meeting that was held by the applicant with respect to this project. Further, many other property owners have informed me that they are going to wait to see what the planning commission approves then if it is objectionable, they plan to voice their concerns and objections to city council.

I thank you for taking into consideration my concerns with respect to this project.

Sincerely,


GEORGE T. BOCHANIS, ESQ.

GTB.jh

43-50

P

July 20, 2006

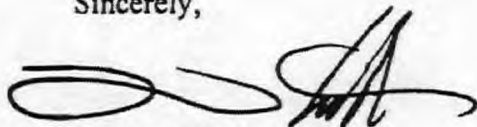
Glenn Trowbridge
City of Las Vegas Planning Commission
c/o City of Las Vegas Planning & Development Dept.
731 South 4th Street
Las Vegas, NV 89101

Dear Mr. Trowbridge:

I am writing this letter in regards to the mixed use project at 9th & 10th Street proposed by George C. Garcia.

I own some apartments located at 604 South 11th Street and I feel that this project would be a definite improvement for the neighborhood and I am for this project being developed.

Sincerely,



Perry B. Whitt
2701 Bryant Avenue
Las Vegas, NV 89102

PBW/cf

RECEIVED
JUL 25 12 57 PM '06
PLANNING AND
DEVELOPMENT

ITEM # 43-50 R
CASE # _____
PC MTG 7.27.06 A

Thiriot 1977 Trust
621 So. 9th St.
Las Vegas, NV 89101
July 30, 2006

RECEIVED
AUG 03 2006

Las Vegas City Planning Commission
400 Stewart Ave.
Las Vegas, NV 89101

RE: Proposed mixed use project on Charleston Blvd., between 9th and 10th Streets (VAC-12884, GPA-14325, SDR-14349, SUP-14339, VAR 14345, VAR-14342, VAR-14347, ZON-14338)

ATTN: Planning Commission:

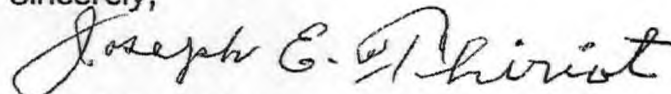
On July 5, 2006, I met with David Clapsaddle at the Senior Center, in regards to the above referenced mixed use project. After checking all the proposals I am very much in favor of this project. My properties (617 & 621) are on 9th Street in the block just north of the proposed project.

Since your planned meeting of July 27, was postponed until later, this letter will verify my agreement with the project since I will not be able to attend the next meeting. My hope is that this will be passed because it will be a wonderful bonus to this part of the downtown area.

I would be happy to talk to anyone on the planning commission if there is question as to my position in this matter. My telephone # is 384-2498.

Thank you for your attention to this matter.

Sincerely,


Joseph E. Thiriot

A

Telephone Protest/ Approval Log

SDR-14349
VAC-12884

Meeting Date:

08/24/06

SUP-14339

Case Number:

GPA-14325

VAR-14347

VAR-14345

VAR-14342

ZON-14338

Date:

08/22/06

Name:

Karen Velkovic

Address:

807 E. Oakley

L.V. NV 89104

Phone:

385-4219

☐

PROTEST

☒

APPROVE

Date:

Name:

Address:

Phone:

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PROTEST

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Date:

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APPROVE

Date:

Name:

Address:

ITEM # 17-24

CASE # SEE ABOVE

PC MTG 9-1-06

Phone:

☐

PROTEST

☐

APPROVE

A

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-14325, ZON-14338, VAR-14342, VAR-134345, VAR-14347 AND SUP-14339

SDR-14349 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Site Development Plan Review FOR A PROPOSED MIXED-USE DEVELOPMENT CONSISTING OF 350 RESIDENTIAL CONDOMINIUM UNITS AND 18,000 SQUARE FEET OF COMMERCIAL FLOOR AREA WITHIN ONE 14-STORY AND ONE 17-STORY BUILDING, AND A WAIVER OF THE RESIDENTIAL ADJACENCY REQUIREMENTS on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). The Planning Commission (4-3 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

4

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (4-3 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Backup referenced from the 09-07-06 Planning Commission Meeting Item 24

Motion made by GARY REESE to Approve subject to conditions amending Condition 2, 3 and 13 and adding the following as read for the record as follows:

2. This approval shall be void one year from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 06/13/06, except as amended by conditions herein. A new site plan including ground floor restaurant use shall be submitted to provide parking within an additional level to meet all Code requirements.

13. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers. Construction stage and access shall cause minimal destruction to the free flow of traffic along Charleston Boulevard, Gass, Garces, 9th and 10th Street.

A. The property at 712 10th Street shall be demolished within 30 days.

B. During the construction phase of the project, the applicant shall construct the parking garage as the first phase of the project to provide onsite parking for employees subject to the requirements of the Building Code.

C. During the construction phase the applicant shall provide a contact person, email address and telephone number to the Council ward office and Planning and Development Department as a 24-hour contact.

D. The hours of operation of construction shall be limited to 6 a.m. to 6 p.m.

E. A safety barrier to ensure the protection of abutting properties be constructed subject to approval of Building Code requirements.

F. A shadow study shall be prepared and submitted to the Planning and Development Department prior to the commencement of construction.

G. Pursuant to Municipal Code provisions, provide a plan to be approved by Parking Enforcement prior to the issuance of permits whereby any vehicles of contractors or employees associated with this development may be towed if they are parked along the street adjacent to property not owned by this applicant.

H. Within one year after a certificate of occupancy is issued, coordinate with the Traffic Engineer to determine if additional signalization is required in the neighborhood as a result of this development, the developer shall be responsible for the total cost of all signalization required or recommended by the Traffic Engineer.

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

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:

See Item 69 for a combined Verbatim Transcript of Items 69 - 76 and related backup.



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SDR-14349 - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL

THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 4, 2006 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.

**** CONDITIONS ****

The Planning Commission (4-3/lb/sd/rt vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to the Conditions for Rezoning (ZON-14338), Variances (VAR-14342, VAR-14345, VAR-14347), Special Use Permit (SUP-14339) and Vacation (VAC-12884) if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. 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, landscape plan, and building elevations, date stamped 06/13/06, except as amended by conditions herein.
4. A Waiver from Title 19.08.060 is hereby approved, to exempt the development from compliance with the Residential Adjacency proximity slope requirements.
5. Revised elevations for the parking structure shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to include additional architectural elements on the west façade of the parking structure.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall demonstrate compliance with the tree-spacing requirement for the buffer areas along the alleyways in accordance with Title 19.12.
7. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
14. Prospective buyers shall be informed that views may be obscured by future adjacent development and this information shall be included in project CC & R's.
15. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department 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.
16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

17. Landscape and maintain all unimproved rights-of-way, if any, adjacent to this site.

18. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located within the public rights-of-way adjacent to this site prior to occupancy of this site.
19. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Charleston Boulevard public right-of-way adjacent to this site prior to the issuance of any permits.
20. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.
21. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
22. Meet with the Clark County School District to discuss the impact this site plan has on the District's schools, and to identify possible methods to mitigate the impacts.
23. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-14338 and all other applicable site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Site Development Plan Review for a proposed mixed-use development consisting of 350 residential condominium units and 18,000 square feet of commercial floor area within one 14-story and one 17-story tower building, and a Waiver of the Residential Adjacency Standards on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street. The following associated cases will be considered concurrently with this request: GPA-14325, ZON-14338, VAR-14342, VAR-14345, VAR-14347, SUP-14339, and VAC-12884.

EXECUTIVE SUMMARY

The proposed development complies with many of the C-1 (Limited Commercial) zoning district standards, but requires a Waiver from Residential Adjacency Standards, and Variances from parking requirements, lot coverage requirements, and the building setback requirement. While the project will assist in the redevelopment of the area, the scale of the project is greater any other development in the immediate vicinity and the number of deviations from zoning requirements suggests that the intensity of the project is inappropriate for the site.

BACKGROUND INFORMATION

A) *Related Actions*

- | | |
|----------|---|
| 05/03/72 | The City Council approved a Rezoning (Z-0026-72) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) for the parcel at 717 South 9 th Street. The Planning Commission recommended approval of the request on 04/13/72. |
| 04/26/79 | The Board of Zoning Adjustment approved a Variance (V-0027-79) to allow a group care home for 16 residents on the property at 700 S. 10 th Street. |
| 09/27/84 | The Board of Zoning Adjustment approved a Variance (V-0103-84) to allow a beauty shop where such use is not allowed on the property located at 717 S. 9 th Street. |
| 02/06/91 | The City Council approved a Rezoning (Z-0150-90) from R-1 (Single Family Residential), R-3 (Medium-Density Residential), R-4 (High-Density Residential), P-R (Professional Office and Parking) and C-1 (Limited Commercial) to C-1 (Limited Commercial) for five of the parcels that comprise the subject development. The Planning Commission recommended approval of the request on 01/10/91. |

- 09/07/06 The Planning Commission recommended approval of companion items ZON-14338, VAR-14347, SUP-14339, VAC-12884 and denial of GPA-14325, VAR-14342 and VAR-14345 concurrently with this application.
- 09/07/06 The Planning Commission voted 4-3/lb/sd/rt to recommend DENIAL (PC Agenda Item #24/ff).

B) Pre-Application Meeting

- 05/16/06 At the pre-application conference, issues were discussed relative to the General Plan designation for the site, rezoning requirements, parking requirements, residential adjacency requirements, and general development standards. In addition, issues were discussed relative to the configuration of the alley.

C) Neighborhood Meetings

- 07/05/06 A neighborhood meeting was held by the applicant at the Las Vegas Senior Center; 33 residents attended the meeting. The following concerns were raised at the meeting:
- Concern about the reduction in parking;
 - Concern about the residential adjacency waiver and impact of building shadows on the residential neighborhood to the south;
 - Concern about traffic impacts on the neighborhood to the north;
 - Concern about construction noise;
 - Concern about sewer capacity;
 - Concern about power availability;
 - Concern about the provision of recreation space for residents of the project;
 - Concern about public transportation access and bus turnout facilities; and
 - Concern about the impacts of reflective glazing and whether or not the building would be LEED certified.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.05

B) Existing Land Use

Subject Property: Single-Family Residential Use
Office Use
General Commercial Use

North: Office Use
South: Office Use
General Commercial Use

East:	Single-Family Residential Use Office Use
West:	General Commercial Use Single-Family Residential Use Office Use

C) *Planned Land Use*

Subject Property:	C (Commercial) MXU (Mixed-Use) [Proposed: C (Commercial)]
North:	MXU (Mixed-Use)
South:	C (Commercial)
East:	C (Commercial)
West:	MXU (Mixed-Use)

D) *Existing Zoning*

Subject Property:	R-4 (High-Density Residential) P-R (Professional Office and Parking) C-1 (Limited Commercial) [Proposed: C-1 (Limited Commercial)]
North:	R-1 (Single Family Residential) P-R (Professional Office and Parking)
South:	C-1 (Limited Commercial)
East:	R-4 (High-Density Residential) P-R (Professional Office and Parking) C-2 (General Commercial)
West:	R-1 (Single Family Residential) P-R (Professional Office and Parking)

E) *General Plan Compliance*

The subject site is within the boundaries of the Las Vegas Redevelopment Plan area, and has C (Commercial) and MXU (Mixed-Use) land use designations; the applicant has filed a General Plan Amendment (GPA-14325) to change the land use designation on the entire development parcel to C (Commercial). The C (Commercial) designation allows uses comparable to the O (Office), SC (Service Commercial) and GC (General Commercial) land use categories.

PROJECT DESCRIPTION

General description of proposed project.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	2.05 Acres	N/A
Min. Lot Width	100 Feet	300 Feet	Y
Min. Setbacks			
• Front (Charleston)	20 Feet	20 Feet	Y
• Front (Garces)	20 Feet	25 Feet (approx.)	Y
• Corner (9 th)	15 Feet	15 Feet	Y
• Corner (10 th)	15 Feet	15 Feet	Y
• Rear	20 Feet	20 Feet	Y
Max. Lot Coverage	50%	56%	N
Max. Building Height	N/A	17 Stories/195 Feet	N/A
Trash Enclosure	Wall/roof	Interior	Y
Loading Zone	2 Spaces	2 Spaces	Y
Mech. Equipment	Screened	Not indicated	Not indicated

The proposed development complies with minimum lot width and setback requirements, and will provide an adequate number of loading spaces. The project exceeds lot coverage requirements; the applicant has submitted a Variance (VAR-14345) application to address this issue. No information has been provided relative to the screening of mechanical equipment; all equipment shall be screened in accordance with the Commercial Development Standards.

A2) Residential Adjacency Standards

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

- a) Proximity slope. Per the definition listed in Title 19.08.060, protected properties are located immediately west and north of the subject site. At a height of 195 feet, the east tower would need to be located a minimum of 585 feet from either protected property; the tower is located approximately 90 feet from the property to the north, and 75 feet from the property to the west. The south tower, at a height of 170 feet, would need to be a minimum of 510 feet from either protected property; it is located approximately 360 feet from the

protected property to the north and 205 feet from the property to the west. The garage structure is also subject to the proximity slope requirements, and would need to either be reduced in height or be located further away from the protected property to the west. The applicant has requested a Waiver from the proximity slope requirement.

- b) Building setback. Title 19.08.060 requires that any commercial structure be located to the same minimum setback as required of the protected property. In this case, the structure would need to be located a minimum of 15 feet from the protected property; the structure complies with the minimum setback requirements.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Retail	18,000 SF	1/175 GFA	103			
Residential						
• 1 Bedroom	300	1.25/unit	375			
• 2 Bedroom	50	1.75/unit	88			
• Guest		1/6 units	58			
Total:			624	13	624	2% of total (13 spaces)

Based on the numbers provided by the applicant, the development will conform to Title 19.10 parking requirements if all of the commercial space is utilized for retail uses. The applicant has requested the flexibility to development some of the commercial space for restaurant uses, and has requested a Variance (VAR-14347) for an extra 11 parking spaces.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree/6 Spaces	0 Trees	0 Trees
Buffer:			
• Min. Trees (alley-east)	1 Tree/20 Linear Feet	8 Trees	4 Trees
• Min. Trees (alley-south)	1 Tree/30 Linear Feet	5 Trees	5 Trees
• Min. Zone Width	8 Feet		13-20 Feet

No parking area landscaping is required, as all parking spaces are located within a parking structure. The buffers along the alleyways exceed the minimum buffer width requirements. The number of trees in the buffer on the east side of the alley does not meet the minimum requirements, while the number of trees in the buffer on the south side of the alley is consistent with code requirements.

A5) Sign Standards

No information has been provided relative to the signage that is proposed for the project; all signage shall be subject to the requirements of Title 19.14.

B) General Analysis and Discussion

- Zoning

The properties that comprise the development site are intended to be rezoned to C-1 (Limited Commercial). The proposed commercial uses are permitted by right under the C-1 (Limited Commercial) zoning; the residential use is permitted upon approval of a Special Use Permit. While the proposed development will comply with setback requirements, the applicant has requested Variances for lot coverage, building stepback requirements, and parking requirements. In addition, the applicant has requested a Waiver from Residential Adjacency Standards to allow the tower structures to encroach into the required proximity slope.

- Site Plan

The site plan depicts the 14-story tower building located at the south side of the property, and the 17-story tower building located on the east side of the property. A multi-story parking structure is located between the structures, and will have an entrance on 9th Street and an entrance on 10th Street. The alley will be reconfigured to accommodate the development; a Vacation (VAC-12884) application has been submitted to address the relocation of the alley. A service area, including loading spaces and a trash area, will be located on the bottom floor of the east tower building, and will have direct access from the alley. Streetscape treatment will be provided along all public street frontages, and will include palm trees spaced approximately 30 feet on center along the sidewalk areas.

- Waivers

The applicant has requested a Waiver from the proximity slope requirement of the Residential Adjacency Standards. Title 19.08.060(B)(5) allows a Waiver from the requirement for any mixed-use project with a significant residential element. As the residential use will occupy most of the square footage of the structures, the project qualifies for the submittal of the Waiver request.

The development site is located in an area that is transitioning from single-family residential uses to professional office and commercial uses. Properties surrounding the subject site have a MXU (Mixed-Use) land use designation, and properties along Charleston Boulevard have a C (Commercial) land use designation. As the long-range plan for the area is to allow the transition to office and commercial uses, the request for the Waiver may be justified.

- Landscape Plan

The landscape plan depicts buffer areas along the alleyways at the rear of the property; the remainder of the site will be covered with hardscape. The width of the buffer areas conforms to minimum requirements; additional trees will be required in the buffer area along the east side of the alley.

- Elevation

The submitted elevations depict a retail arcade at the base of both tower buildings, which will enliven the streetscape and will provide visibility for the commercial tenants. The upper stories of the tower buildings include planar stucco elements with punched window openings, juxtaposed with curtain wall glazing for the remainder of the facade. Horizontal balconies will be utilized on both buildings. In addition, each building features a rounded tower element facing Charleston Boulevard. The tower buildings are located so as to screen most of the parking structure, although the west facade of the structure will be visible from 9th Street. While the elevations are generally in conformance with the Commercial Development Standards, additional detailing may be required on the parking structure elevations.

- Floor Plan

The ground floor of the development depicts retail space facing the Gass Avenue and 10th Street frontages, with a central plaza area facing the Charleston Boulevard frontage. All retail spaces will have direct access from the public sidewalks, which will enhance the pedestrian environment.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 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 development will exceed the scale and massing of any existing development within the immediate neighborhood. While the project demonstrates a thoughtful mixture of uses that will enliven and enhance the streetscape surrounding the project, the height and intensity of the project is greater than adjacent development.

2. **"The proposed development is consistent with the General Plan, Title 19, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

The proposed uses are in compliance with the General Plan, and the project will advance redevelopment within the existing urban area. However, the project requires a Waiver and several Variances from Title 19 requirements.

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

The site immediately abuts Charleston Boulevard, a 100-Foot Primary Arterial as designated on the Master Plan of Streets and Highways, and has adequate capacity to serve the proposed development. The remainder of the site is bordered by 70- and 80-foot wide local streets, which may be impacted by the intensity of the development plan.

4. **"Building and landscape materials are appropriate for the areas and for the City;"**

The proposed building materials and landscape materials are appropriate for the immediate area and for the City, and are generally in compliance with the Commercial Development Standards.

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;"**

Adequate care has been exercised in the composition of the building elevations, although additional detailing may be required on the parking structure elevations. While there is adequate variation in the façade elements of the tower buildings, the overall massing far exceeds that of the structures in the immediate area.

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

The development will be subject to permit reviews, and adequate measures will be taken to protect public health, safety, and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 295 by Planning Dept

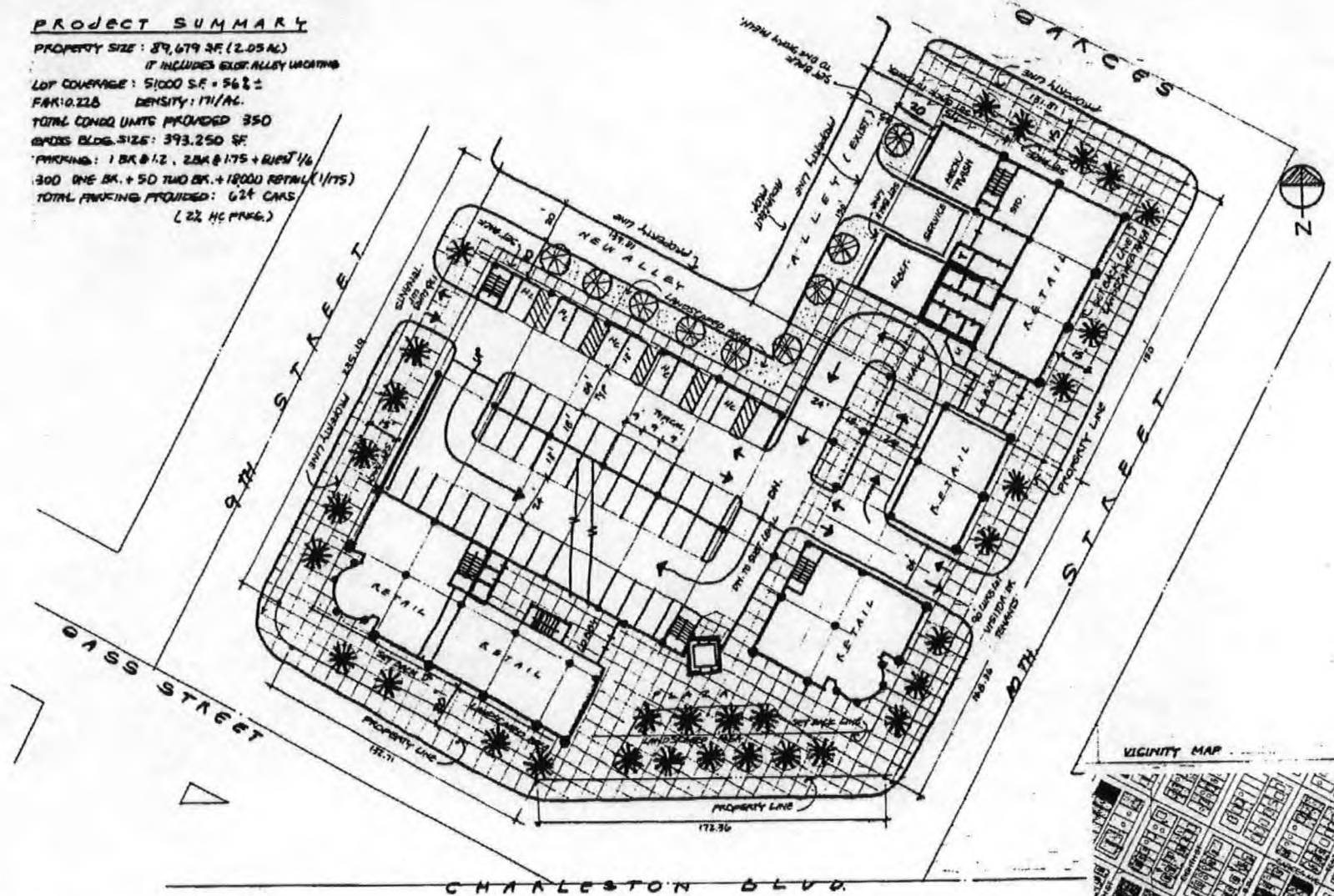
APPROVALS 3

PROTESTS 1



PROJECT SUMMARY

PROPERTY SIZE: 89,679 SF (2.05 AC)
 IT INCLUDES EXIST. ALLEY LOCATING
 LOT COVERAGE: 51,000 SF + 56% ±
 FAR: 0.228 DENSITY: 171/Ac.
 TOTAL CONDO UNITS PROVIDED: 350
 GROSS BLDG. SIZE: 393,250 SF
 PARKING: 1 BK @ 1/2, 2 BK @ 1/75 + GUEST 1/4
 300 ONE BK. + 50 TWO BK. + 18,000 RETAIL (1/175)
 TOTAL PARKING PROVIDED: 624 CARS
 (22 HC PARK.)



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 JUN 13 2006
JMG
 architects & engineers
 1000 10th Street

CASINO CENTER PROPERTIES, LLC

SITE PLAN
 0 10 20 30 40 50
 1" = 30' AS SHOWN

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PROJECT SUMMARY

PROPERTY SIZE: 89,619 SF (2.05 AC)

IT INCLUDES EXIST. ALLEY LOCATING

LOT COVERAGE: 51000 SF + 5% ±

FAR: 0.225 DENSITY: 171/AC

TOTAL CONDO UNITS PROVIDED: 350

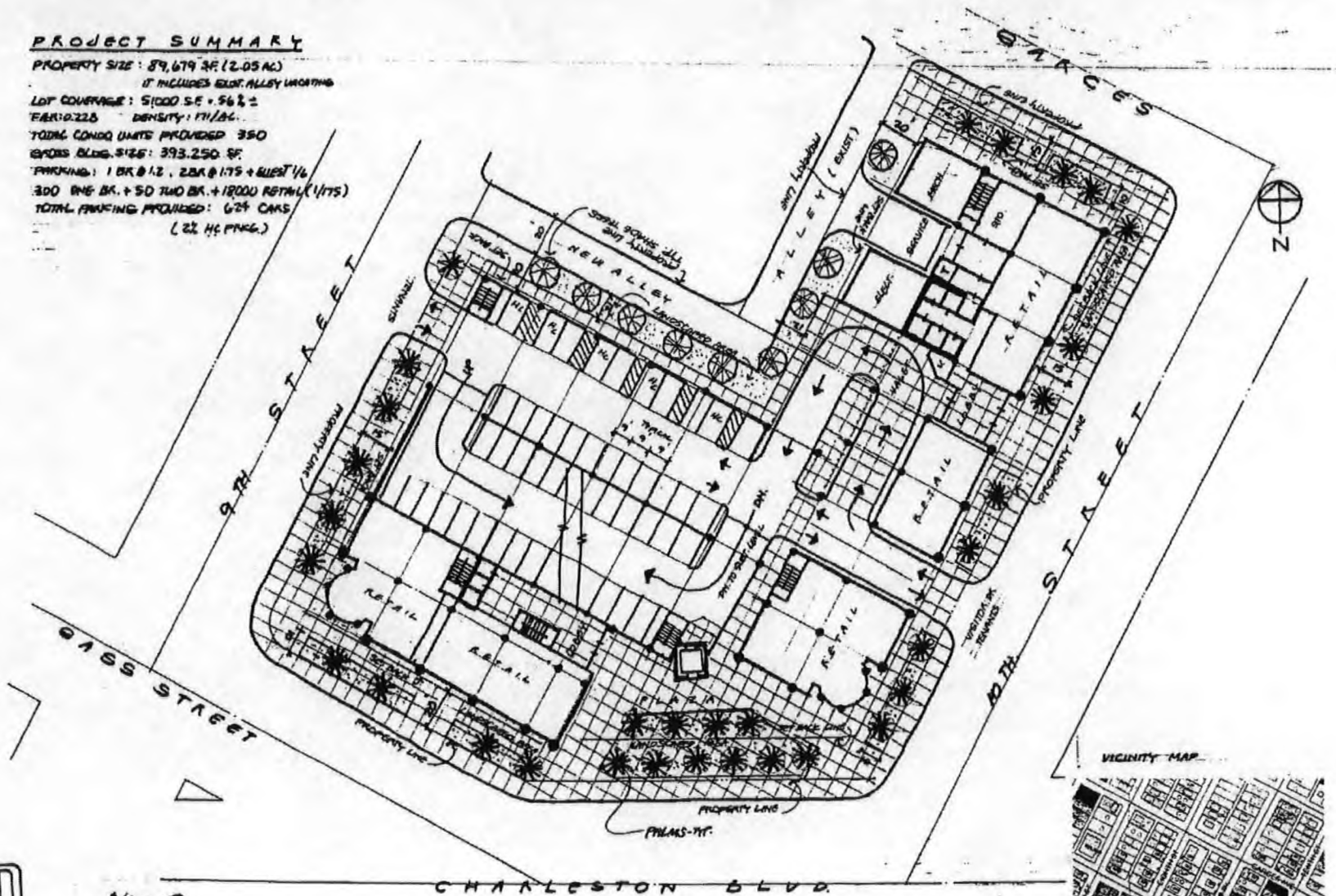
GRAND BLDG. SIZE: 393,250 SF

PARKING: 1 BR @ 1/2, 2 BR @ 1/75 + GUEST 1/4

300 ONE BR. + 50 TWO BR. + 10000 RETAIL (1/175)

TOTAL PARKING PROVIDED: 624 CARS

(22 HC PARK.)



VICINITY MAP

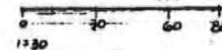


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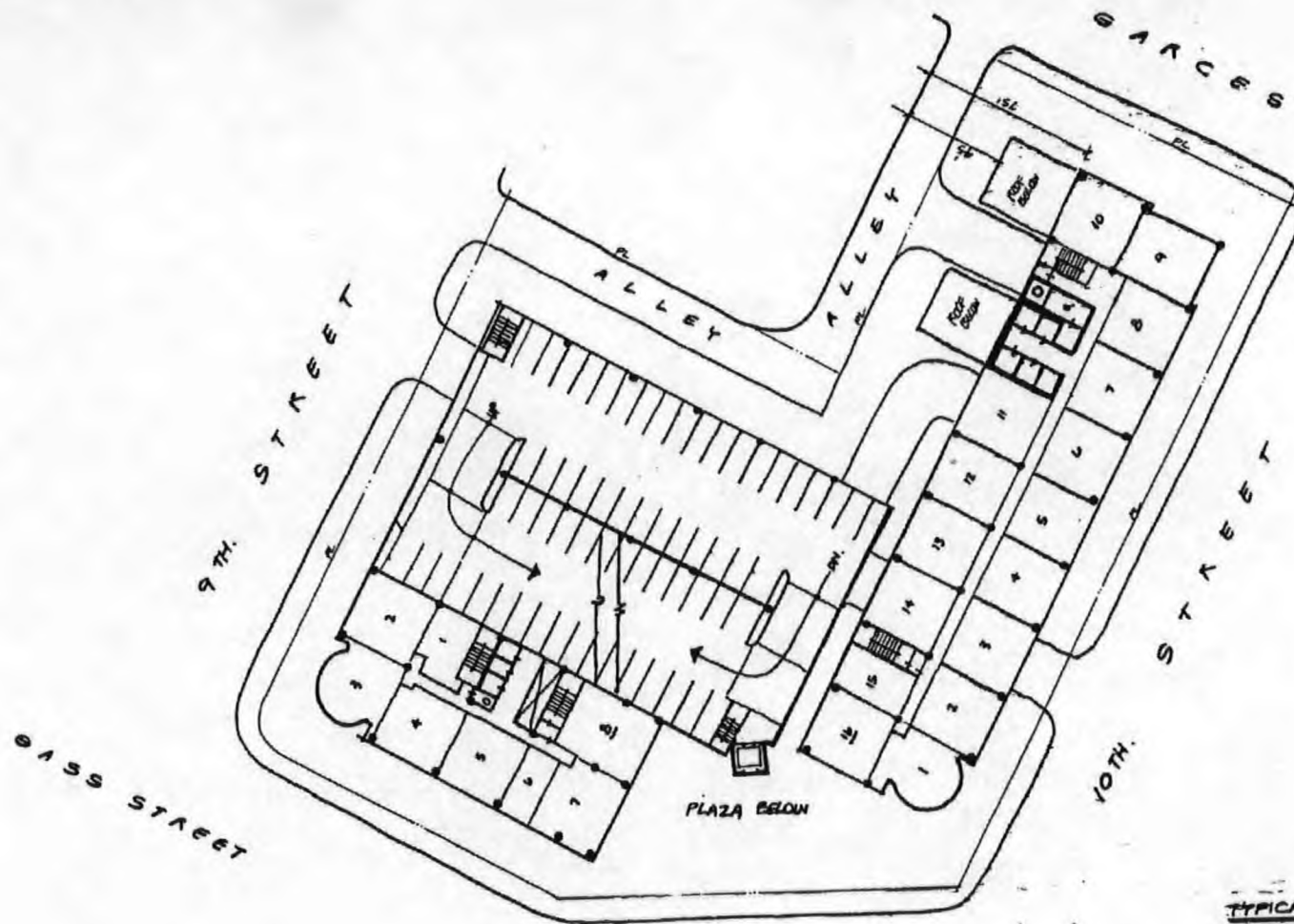


CASINO CENTER PROPERTIES, LLC

LANDSCAPE PLAN



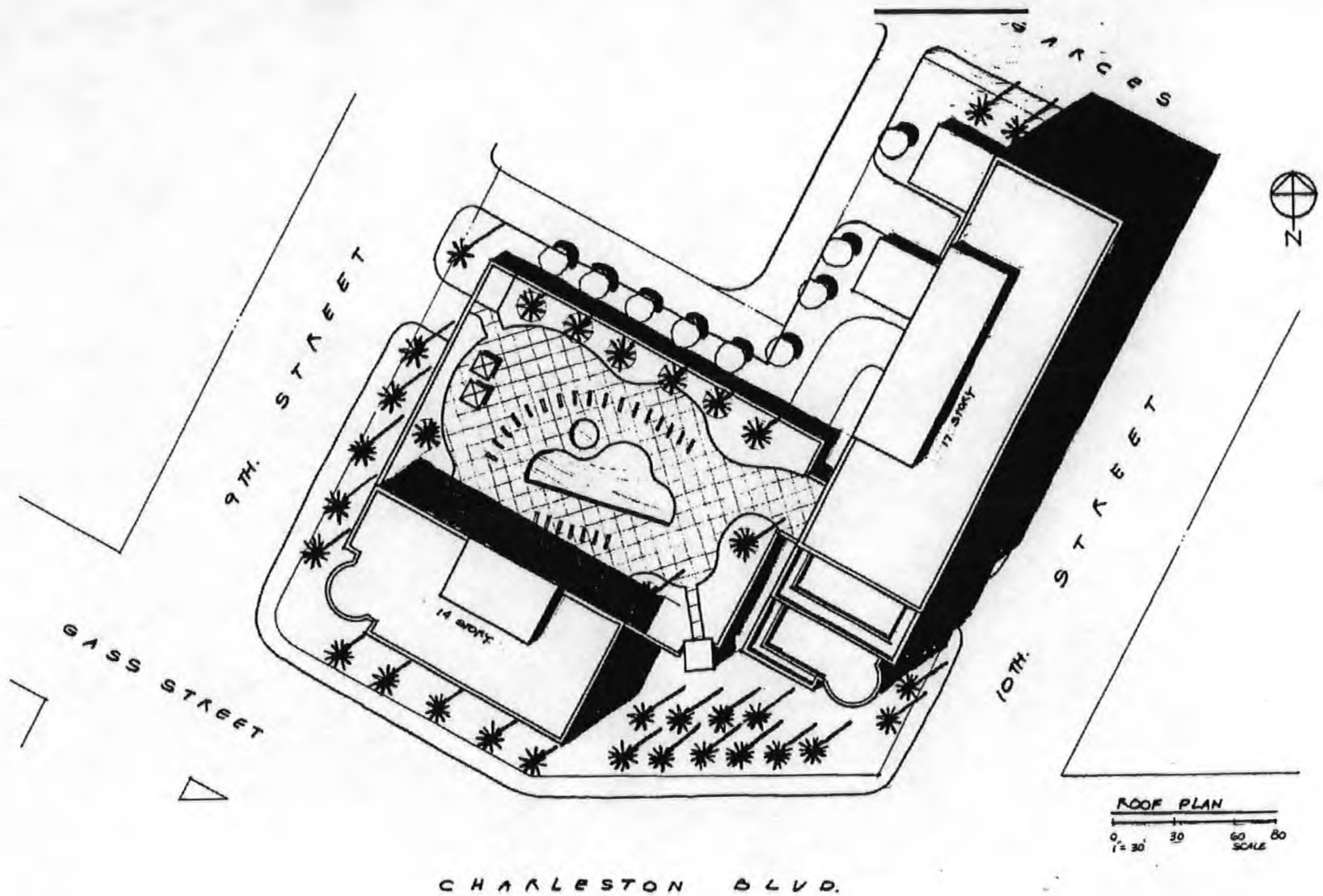
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CHARLESTON BLVD.

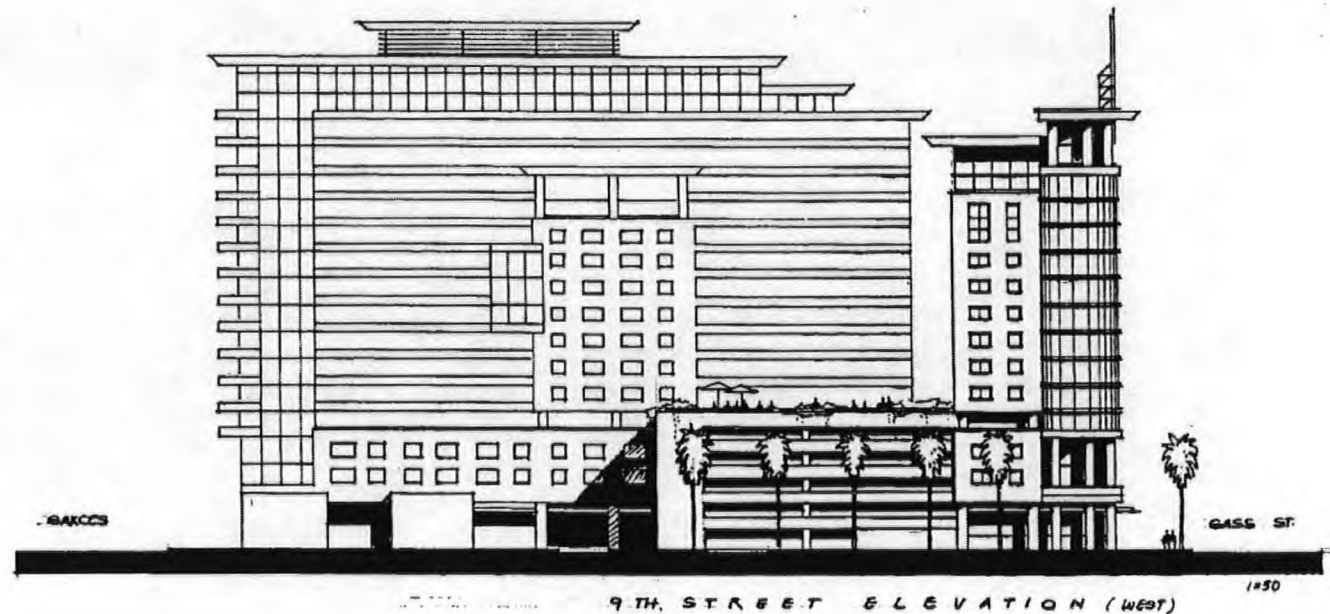
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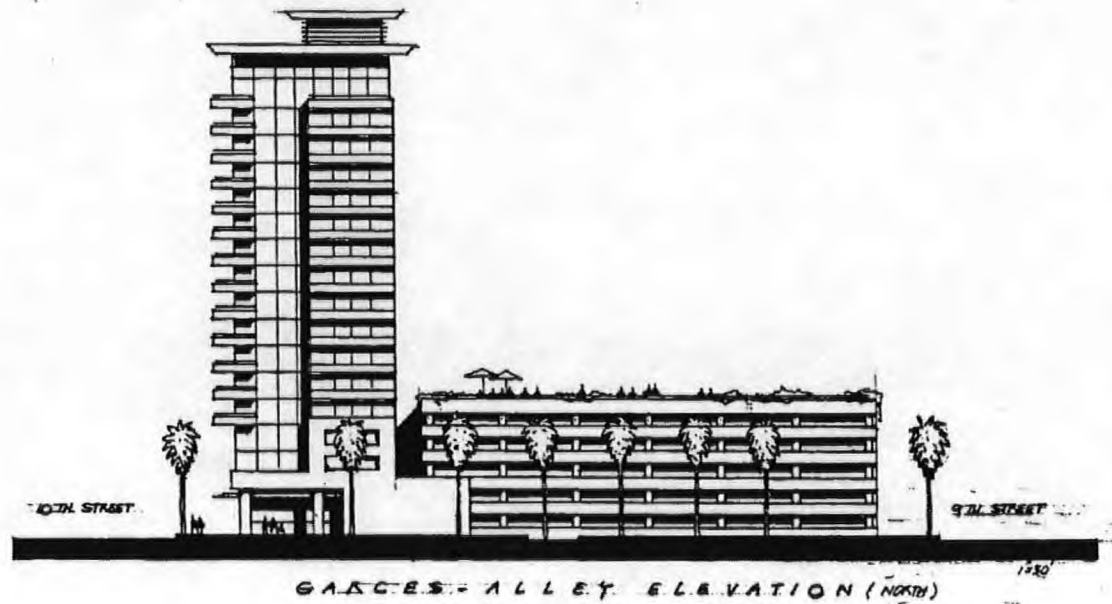
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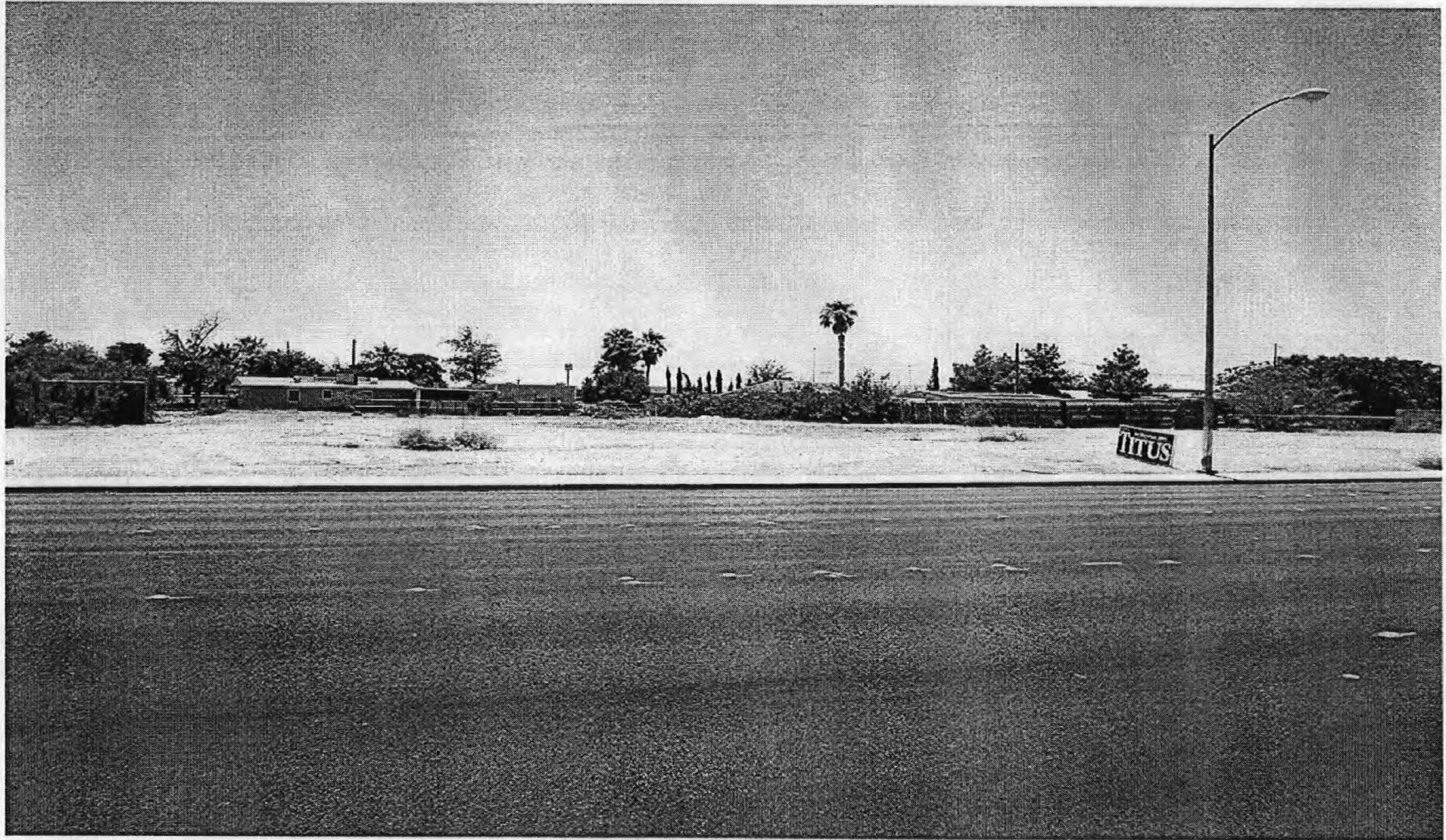


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SDR 14349				
Casino Center Properties				
NWC Charleston & 10th				
Proposed 350 unit condominium development.				
Traffic produced by proposed development:				
	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	RES. CONDO/TOWNHOUSE [DWELL]	350	5.86	2,051
AM Peak Hour			0.44	154
PM Peak Hour			0.52	182
(heaviest 60 minutes)				
	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	SHOPPING CENTER [1000 SF]	18	42.94	773
AM Peak Hour			1.03	19
PM Peak Hour			3.75	68
(heaviest 60 minutes)				
Total Change	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	RES. CONDO/TOWNHOUSE [DWELL]	350		2,824
AM Peak Hour				173
PM Peak Hour				250
(heaviest 60 minutes)				
Existing traffic on all nearby streets:				
Charleston Boulevard				
Average Daily Traffic (ADT)	46,175			
PM Peak Hour	3694			
(heaviest 60 minutes)				
Gass Avenue				
Average Daily Traffic (ADT)	3,227			
PM Peak Hour	258			
(heaviest 60 minutes)				
10th Street				

Average Daily Traffic (ADT)	3,808			
PM Peak Hour (heaviest 60 minutes)	305			
Traffic Capacity of adjacent streets:				
	Adjacent street ADT			
	Capacity			
Charleston Boulevard	51700			
Gass Avenue	16200			
10th Street	16200			
This project will add approximately 2,824 trips per day on Charleston, Gass & 10th.				
This will increase expected volumes by about 6 percent on Charleston, 88 percent				
on Gass and 74 percent on 10th. Charleston is at about 89 percent of capacity,				
Gass is at about 20 percent of capacity and 10th is at about 24 percent of capacity.				
Based on Peak Hour use, this development will add roughly 250 additional cars into the area; which works out to about four every minute.				
Note that this report assumes all traffic from this development uses all named streets.				



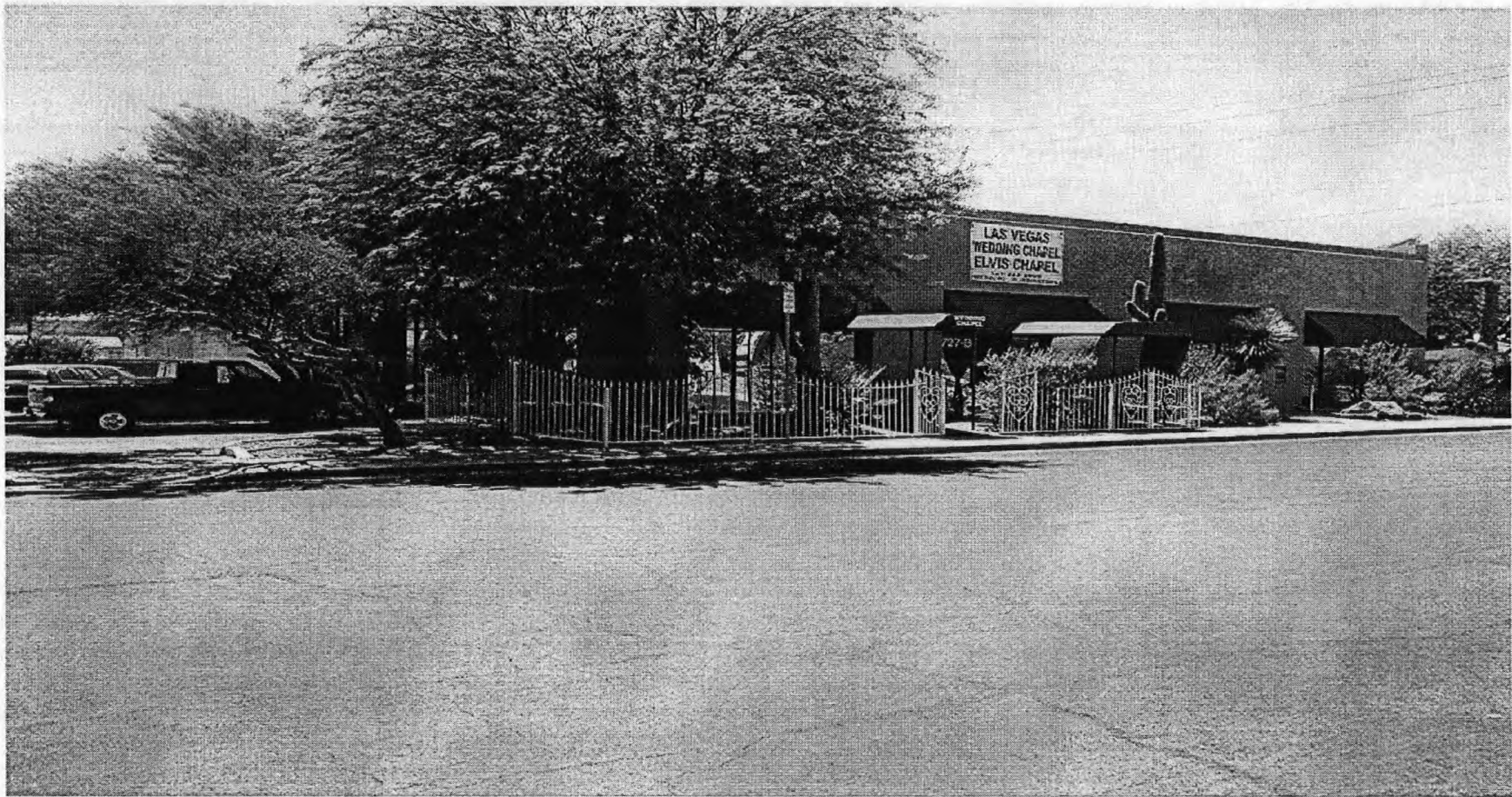
ZON-14344, VAR-15323 & SDR-14353 - APPLICANT/OWNER: WALKFED, LLC.
837 CLARKWAY DRIVE
SEPTEMBER 7, 2006 PLANNING COMMISSION

07/12/06



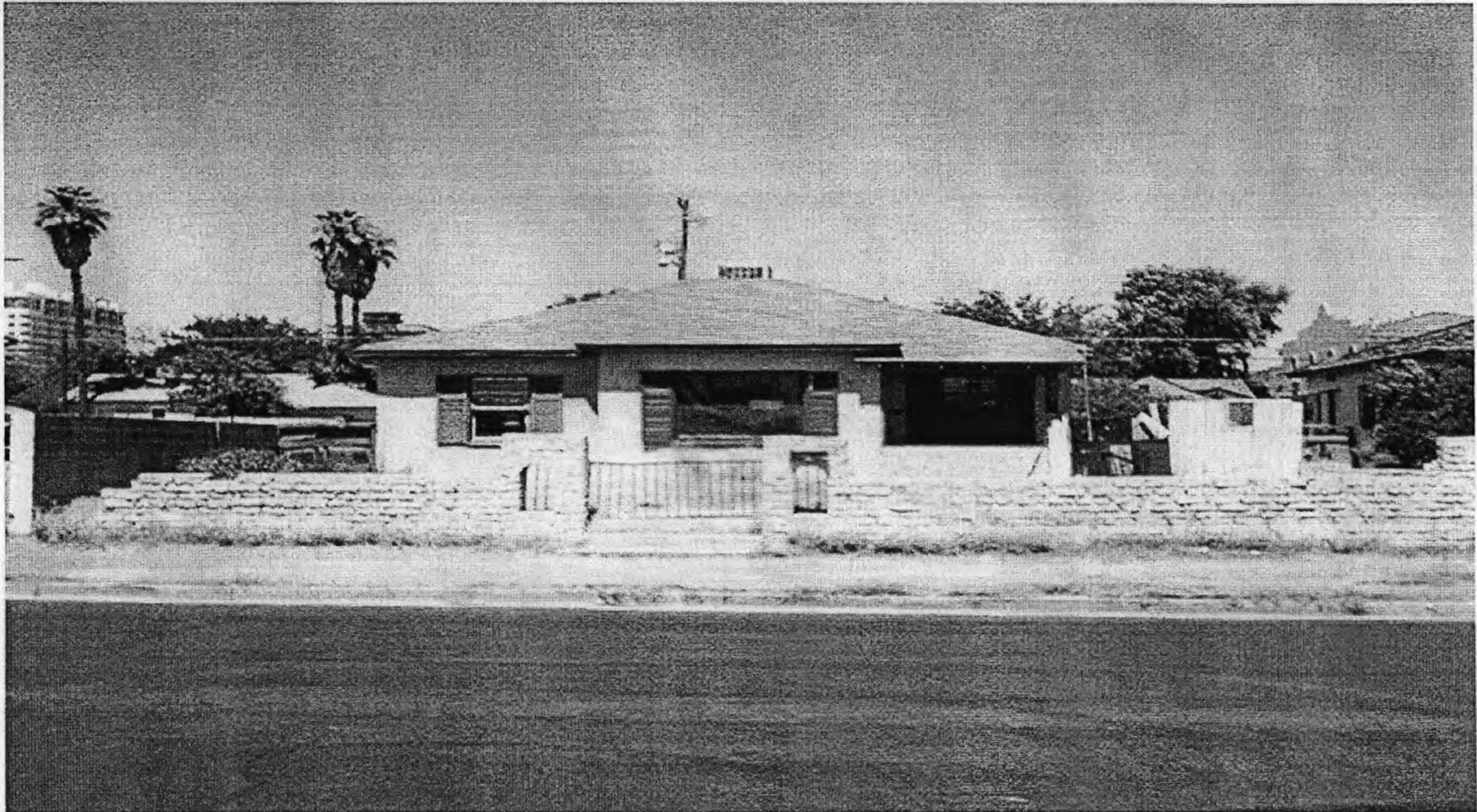
GPA-14325, ZON-14338, VAR-14342, VAR-14345, VAR-14347, SUP-14339 & SDR-14349 -
APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL
700, 708, 712, 714 AND 718 SOUTH 10TH STREET AND 715 AND 717 SOUTH 9TH STREET
SEPTEMBER 7, 2006 PLANNING COMMISSION

07/12/06



GPA-14325, ZON-14338, VAR-14342, VAR-14345, VAR-14347, SUP-14339 & SDR-14349 -
APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL
700, 708, 712, 714 AND 718 SOUTH 10TH STREET AND 715 AND 717 SOUTH 9TH STREET
SEPTEMBER 7, 2006 PLANNING COMMISSION

07/12/06



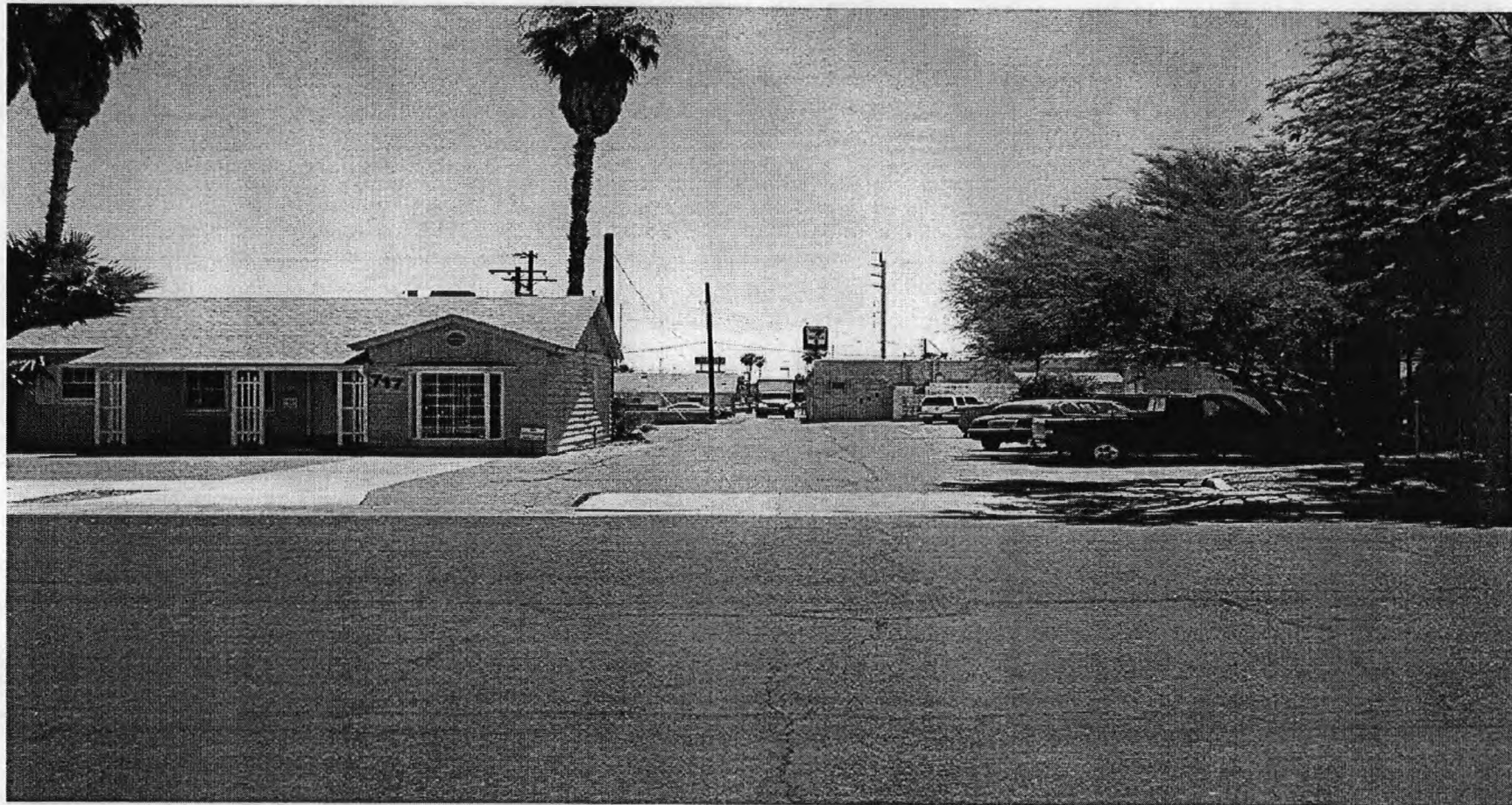
GPA-14325, ZON-14338, VAR-14342, VAR-14345, VAR-14347, SUP-14339 & SDR-14349 -
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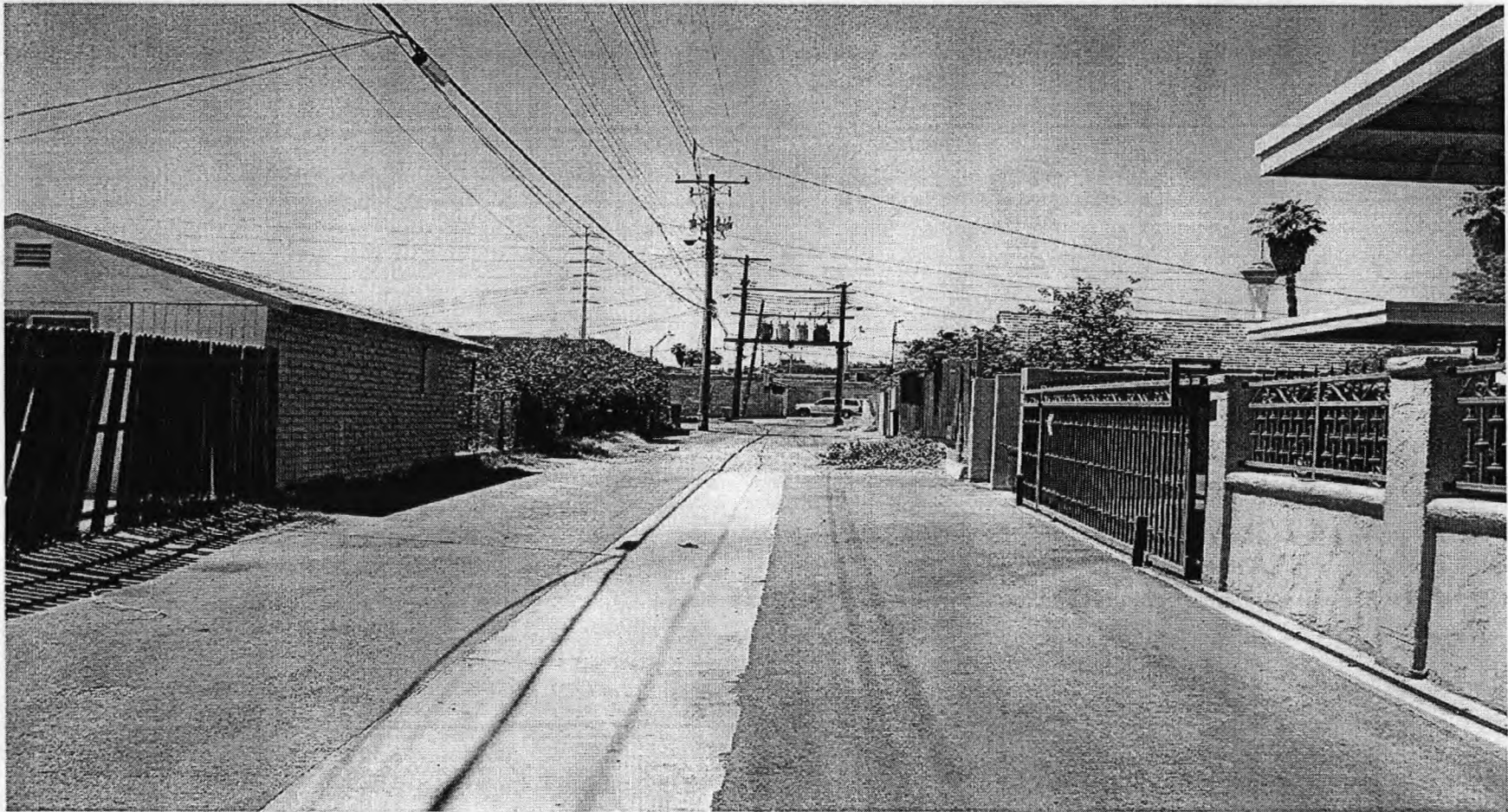
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SEPTEMBER 7, 2006 PLANNING COMMISSION

07/12/06



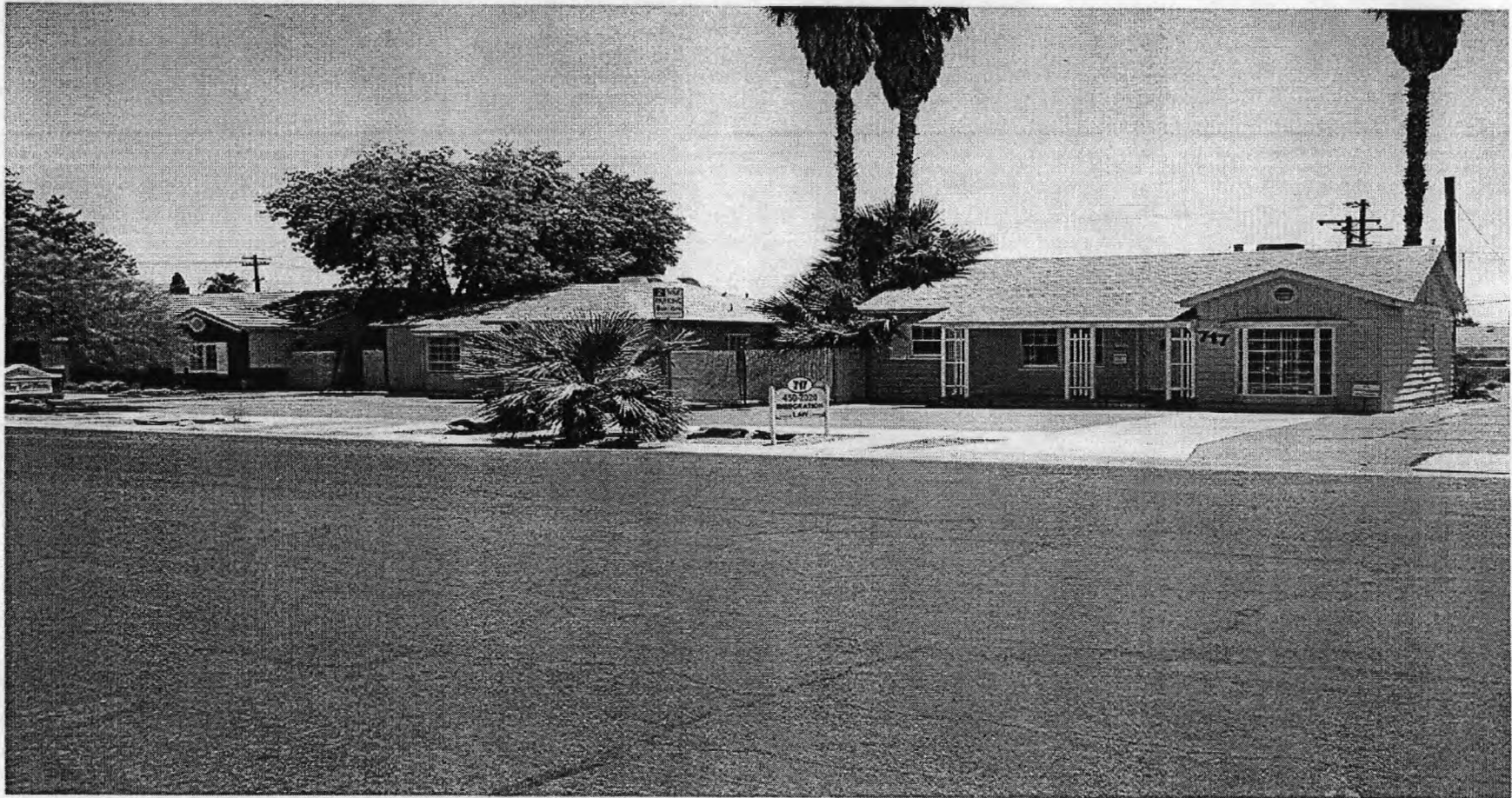
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SEPTEMBER 7, 2006 PLANNING COMMISSION

07/12/06



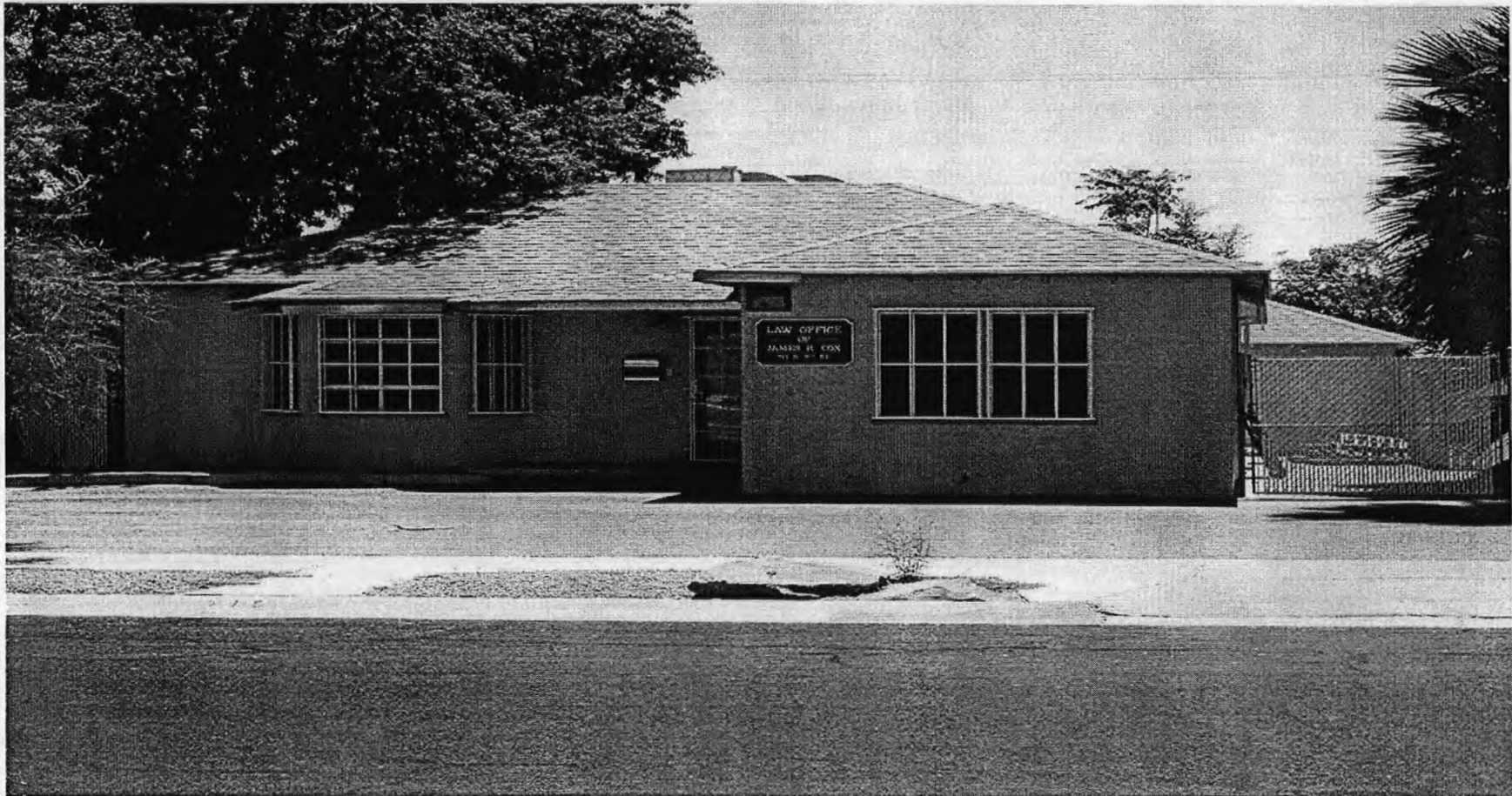
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SEPTEMBER 7, 2006 PLANNING COMMISSION

07/12/06



GPA-14325, ZON-14338, VAR-14342, VAR-14345, VAR-14347, SUP-14339 & SDR-14349 -
APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL
700, 708, 712, 714 AND 718 SOUTH 10TH STREET AND 715 AND 717 SOUTH 9TH STREET
SEPTEMBER 7, 2006 PLANNING COMMISSION

07/12/06

June 12, 2006

Ms. Margo Wheeler
City of Las Vegas
731 S. 4th Street
Las Vegas, NV 89101

RE: Letter of Justification for the North side of Charleston Boulevard, Between 9th and 10th Streets- General Plan Amendment, Special Use Permit for Mixed Use: Variance to Residential Adjacency Standards and Site Development Plan Review; APN: 139-34-812-003; 139-34-810-101 thru 105; 139-34-810-074 and 075

Dear Margo:

On behalf of our clients Glenda Shaw and Steve Gregory, please accept the application package for the 2.05 +/- acre property located on the north side of Charleston Boulevard, between 9th and 10th Streets. The proposal is a mixed-use project consisting of 18,000 square feet of ground floor office and/or retail space, with 350 condominiums within two structures- one 14 story, 170 foot high building oriented toward the southwest corner of the parcel and a second 17 story, 195 foot high building oriented toward the southwest corner of Garces and 10th Street. The following applications are submitted with this request:

- 1) General Plan Amendment from MXU to C for the entire site with the exception of APN: 139-34-812-003, which is currently designated Commercial (C) on the City of Las Vegas Redevelopment Plan;
- 2) Rezoning from Professional Office and Parking (P-R) to Limited Commercial (C-1) for APN: 139-34-810-102 and 103; High Density Residential (R-4) to Limited Commercial (C-1) for APN: 139-34-810-101;
- 3) Special Use Permit for a Mixed Use Project in Limited Commercial (C-1) for the entire property;
- 4) Variance to Title 19.08.060 of the City of Las Vegas Zoning Ordinance Residential Adjacency standards to allow a setback of 45 feet from Single Family Residential (R-1), where 510 feet is required.
- 5) Variance to Title 19.08, Table 3, Commercial District Development Standards to allow a maximum lot coverage of 56% where 50% is the maximum allowed.



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- 6) Variance to allow 624 parking spaces, where 634 are required to provide for some sort of future restaurant or café space.
- 7) Site Development Plan Review for a Mixed Use Project in Limited Commercial (C-1).

CURRENT LAND USE AND ZONING CONDITIONS

The southern portion of the site is currently designated Commercial (C) on the City of Las Vegas Downtown Redevelopment Area Land Use Designations Map of the Redevelopment Plan; the remainder of the site is designated Mixed Use District (MXU). The entire block to the east, from Charleston Boulevard to Garces, between 10th and 11th Street is designated Commercial (C) as well as all the properties fronting along the south side of Charleston Boulevard are also designated Commercial (C). The blocks to the north and west of the site are all designated Mixed Use (MXU); in fact the entire area north of Charleston is shown for both Mixed Use and Commercial development.

The majority of the subject site is already zoned Limited Commercial (C-1), the three remaining parcels on the southwest corner of Garces and 10th Street are Professional Offices and Parking (P-R) and High Density Residential (R-4). The overall zoning pattern for the area is more intense General Commercial (C-2) to the east of 10th Street, Limited Commercial (C-1) to the south and a mixture of C-1, P-R and R-1 to the north, with the majority of the properties developed as professional offices.

APPROVAL CRITERIA- GENERAL PLAN AMENDMENT **Title 19.18.030 (I)**

The determinations for the Planning Commission and City Council for approval of a General Plan Amendment are as follows:

1. **The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations;**

The entire area north of Charleston Boulevard is projected to be Commercial or Mixed Use Development as clearly shown on the Downtown Redevelopment Area Land Use Designations Map. In fact, all of the properties fronting along the north and south sides of the project, to the east and west, are all designated for Commercial (C), which allows mixed use projects.

The subject site is designated both MXU and C; both allow mixed use projects with approval of a Special Use Permit. It was determined, through the pre-application process, that a General Plan Amendment was needed to prevent a split land use on the site, as it was being assembled into one project for the purposes of development. Either designating the entire site for MXU or C would be appropriate, however, as a result of a subsequent meeting with staff, changing the northern part of the property from MXU to C was preferable, as a consistent Commercial land use designation would result along the south side of Garces from 9th to 11th streets.

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Essentially, there is no change in the density and intensity of permitted land uses as a result of this amendment to the General Plan, it will merely result in a consistent land use designation on the Redevelopment Plan Map;

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts.**

The proposed Limited Commercial (C-1) zoning district is conforming to either the Mixed Use District (MXU) or Commercial (C) land use designations of the Redevelopment Plan Map. In fact, over 75% of the site is already zoned C-1. This application only applies to the three parcels along the northeast corner of the property. Therefore, it will result in a consistent zoning for the entire project. It is compatible with the C-1 zoned properties along the south side of Charleston Boulevard, and the General Commercial (C-2) properties to the east of 10th Street and south of Garces.

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan designation; and**

There are adequate facilities and utilities available to serve the needs of this property. It is a developed, infill piece with services already in place.

4. **The proposed amendment conforms to other applicable adopted plans and policies.**

The General Plan Amendment and the related applications implement the following objectives of the Redevelopment Plan:

- A. The elimination of environmental deficiencies and blight in the Redevelopment Area, which constitute either social or economic liabilities or both and require redevelopment in the interests of the health, safety and general welfare of the people, including among others, small and/or irregular lots, obsolete and aged building types, economic and social deficiencies, deteriorated public improvements, inadequate parking facilities and inadequate utilization of land and public facilities.

This block is in need of redevelopment as current development has been stagnant and become an eyesore to this area of the City. It will result in a modern, mixed use development that will result in additional reinvestment and redevelopment of other properties in the area. It will eliminate development which has resulted in a blighted area and provide an enhanced streetscape and vibrancy to development along the north side of the Charleston Boulevard corridor.

- B. The assembly of land into parcels suitable for modern, integrated development and allowing for improved pedestrian and vehicular circulation in the Redevelopment Area:

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The project has assembled eight of the eleven parcels in the block bounded by Garces to the north, 9th Street to the west, 10th Street to the east and Charleston Boulevard to the south. The only parcels that have not been acquired are the three parcels on the northwest corner of the block. The applicant has had discussions with these property owners.

This assemblage will allow development of a modern mixed-use project envisioned by the Redevelopment plan. One of the companion items is a vacation of the public alleys on the site; vacation of the north-south alley will not incur any changes to access in terms of traffic flow or private access; the east-west alley will be relocated to allow for a more cohesive development and improved traffic flow.

- C. The replanning, redesign and development of undeveloped areas which or stagnant or improperly utilized;

While this piece is developed, it has become stagnant, underutilized and is not contributing to the economic diversification and well-being of the City.

- D. The strengthening of retail, office, and other commercial and residential functions in the downtown area;

This project will add much needed office space, retail uses and opportunities for people to live and work in this area of the City. It will enhance the vitality of this area and provide an impetus for other redevelopment projects to occur.

- E. The strengthening and diversification of the economic base of the Redevelopment Area and the community by the installation of needed site improvements to stimulate new commercial expansion, employment and economic growth;

Modern mixed-use compact development, such as that proposed for this site, can do nothing but enhance the economic base of the redevelopment area. It will provide employment opportunities, stimulate new commercial and residential redevelopment in the area, and increase the tax base generated along the Charleston Boulevard corridor.

In summary, this proposal meets the requirements for approval of a General Plan Amendment, as it will not increase the intensity or density of development in the area, since both current plan designations allow and encourage mixed use development. It also implements the long-term vision and objectives of the Redevelopment Plan as it assembles underutilized and decaying parcels into a modern, compact mixed-use development that will re-invigorate interest and future investment along the Charleston Boulevard corridor.

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APPROVAL CRITERIA- REZONING
Title 19.18.040 (K)

The following are the criteria for approval of a proposed rezoning:

- 1) **The proposal conforms to the General Plan.**

The proposed Limited Commercial (C-1) is a conforming zone change for both the Mixed-Use District (MXU) and Commercial (C) land use categories of the City of Las Vegas Redevelopment Plan.

- 2) **The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.**

As previously stated, approximately 75% of the site is currently zoned C-1. This application only applies to the three parcels located on the more northeast corner of the site; it essentially a single zoning designation for the portion of the block that has been assembled by the applicant.

- 3) **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

This area of the City, along the Charleston Boulevard corridor is ripe for redevelopment activity that will contribute to the economic base of the area. Current development on this site is in disrepair, stagnant, and has contributed to long term blight and decay. Rezoning the site to C-1, allowing for mixed use development, should result in stimulating additional redevelopment activity in the area.

- 4) **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.**

This action adds a small additional amount of C-1 property to the area. Street and highway facilities should provide adequate access and traffic carrying capacity; a traffic study will be provided to identify any additional improvements that will be needed.

APPROVAL CRITERIA- SPECIAL USE PERMIT
Title 18.18.060-(L)

The following are the determinations to be made for approval of a Special Use Permit:

- 1) **The proposed 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 Redevelopment Plan Land Use Map shows that the entire area of the City north of this site and the Charleston Boulevard corridor, from Main Street to Bruce Street, up to Bonanza Road, is designated

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predominately Commercial or for Mixed Use, which clearly indicates that modern, mixed use projects are a key component to encouraging reinvestment and redevelopment in this area of the City. The proposed use is oriented toward the Charleston Boulevard corridor, and should not be readily visible from the professional offices located to the north of the site. A line of sight drawing is included with this package, showing that only a small portion of the towers will be visible from some places within the John S. Park neighborhood to the south of Charleston Boulevard. The Redevelopment Plan encourages the assemblages of parcels to promote the type and intensity of development to stimulate the economy of the downtown area.

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

In terms of land use designation, a portion of the site is already designated for Commercial land uses; the remainder is MXU, which allows Service Commercial and General Commercial uses. In terms of the actual project proposed for the property, it can accommodate the proposed mix of residential and commercial uses, while providing all parking in a six level parking garage. Adequate on-site access will be provided to ensure free-flow of traffic movements and accommodate all emergency services.

- 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; and**

The surrounding street network should be adequate to provide access and traffic carrying capacity. A traffic study will be submitted to determine additional improvements that will be needed to accommodate traffic and circulation needs.

- 4) Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety and welfare or the overall objectives of the General Plan.**

Approval of this Special Use Permit will implement the core vision and objectives of the Redevelopment Plan of the City of Las Vegas. It will spur economic activity; provide places for new and current residents to live, work, shop and play. It will lead to additional investment and needed redevelopment in the immediate area and other parcels located within the Redevelopment Plan area. Therefore, it will contribute to the overall well-being of the City, and enhance the public health, safety and welfare.

APPROVAL CRITERIA- VARIANCES **Title 19.18.070 (L)**

The following is the substantive criterion for determining approval of variance applications:

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- 2) Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

There are three variances requested from the strict application of the Code. They are:

19.08.060, the residential adjacency standards, which states that no non-residential building shall exceed the height of a line drawn from the property line of a protected property at a 3:1 slope directly into the property subject to the standards of the chapter. A 15 foot tall building can be constructed at the applicable setback line; any building height above the 15 feet must fall below the slope.

There are two adjacent properties zoned R-1 in very close proximity to the site- 707 S. 9th Street, which is to the west of the 20 foot wide east/west alley and 630 S. 10th Street, located on the northwest corner of Garces and 10th Street. We believe the variance is warranted for these reasons:

- a. *Strict application of the Code standard would make it difficult for any reasonable commercial property to be built on the site without some variance to the standard. This development pattern is not a result of any action taken by the applicant, or their predecessor in title. Also, this and all the other surrounding properties are designated for Commercial or for Mixed Use Development, which should be a factor in determining the appropriateness of a variance application.*
- b. *While on its face the variance may seem excessive, it is not in terms of factoring the overall objectives of the Redevelopment Plan. The long term vision of the plan is for re-planning and redeveloping stagnant areas of the City that no longer contribute to its tax or economic base. Therefore, the variance to allow a modern, forward-looking mixed use development should be considered.*
- c. *Paragraph 5.b. entitled Waiver, states any mixed-use development that contains a significant residential element is eligible for a waiver by the City Council. The gross building size of the project is 393,250 square feet; of that, only 18,000 square feet is non-residential space. Clearly, this is a residential driven project that given its importance to continued implementation of the Redevelopment Plan should be considered for a waiver.*

- d. *The boundaries of the Downtown Centennial Plan extend to one-half block east of 6th Street, north of Charleston Boulevard. This is only two blocks away from the western edge of this project. If the project were in the Downtown Centennial Plan, Code standards would not be automatically applied. This is, obviously, in close proximity to the Plan area, and when reviewing the Future Land Use Maps of the Downtown Plan, Redevelopment Plan and Southeast Sector of the General Plan, all allow and encourage either commercial or mixed-use development; there is no real difference of lying within, or outside the Downtown Plan boundaries in terms of actual land use.*

19.08- Figure 3- Commercial Development Standards allow a maximum building coverage of 50 %, where 56% is requested. The variance is warranted for the following reasons:

- a. *The six percent increase in lot coverage is minor and will not result in any detriment to the overall health, safety and general welfare to this area of the City.*
- b. *As previously identified, the site is in close proximity to the area covered by the City of Las Vegas Downtown Centennial Plan, where the automatic application of Code standards is not applied.*

Title 19.10, Parking Requirements states that for a restaurant, café, tavern, bar and eating establishment, one space for each 50 square feet of public seating area, plus one space for each 200 square feet of the total remaining GFA, with a minimum of 10 spaces. Based on the minimum 10 spaces, a variance is requested to allow 624 spaces where 634 are required. The variance is warranted for the following reasons:

- 1) *The provided 624 spaces accommodate the 350 condominium units, based on a mix of 300 one bedroom and 50 two bedroom units and 18,000 square feet of commercial, based on the 1/175 square feet required by Code. It is not know at this time, if a restaurant will be included in the ground floor space, or how much square footage it will need. The variance is intended to "free up" some parking to accommodate a future eating/drinking establishment.*
- 2) *Normally in the downtown area, the goal is to provide at least one parking space per unit and one space/3,000 square feet of retail area. The provided parking exceeds this goal.*
- 3) *The parking standards of the City of Las Vegas do not account for shared, or captured trips in a mixed use environment. This should also be taken into consideration when examining the parking standards for this type of proposal.*

APPROVAL CRITERIA- SITE DEVELOPMENT PLAN REVIEW **Title 19.18.050 (E)**

The following criteria are to be considered for approval of a Site Development Plan Review:

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- 1) **The proposed development is compatible with adjacent development and development in the area;**

While the predominant existing development pattern to the north of Charleston Boulevard is a mixture of professional office and some remaining single family units, the Redevelopment Plan encourages mixed-use as a major tool for redevelopment. Also, the project is constructed so as to not encourage any cut-through traffic for the businesses north of Charleston, or any of the residential neighborhoods south of Charleston Boulevard. The parcels to the east are zoned C-2, which not only allows mixed use with a special use permit, but more intense commercial uses as well.

- 2) **The proposed development is consistent with the General Plan, this title, the Design Standards manual, the Landscape Wall and Buffer Standards and other duly-adopted city plans, policies and standards:**

The project is in substantial accordance with development related ordinances of the City. All landscaping, open space and required recreational amenities for a project of this size and scale will be provided. The variances to the residential adjacency standards, parking and building coverage are reasonable and not beyond the scope of the type of intensity and density that will be needed to reinvigorate this area of the City.

- 3) **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

All access will be directed to Charleston Boulevard, to minimize any impacts to business owners or residents in the area. The north/south alley, if vacated, will continue to operate as it currently does, in terms of access and traffic flow.

- 4) **Building and landscape materials are appropriate for the area and for the City**

The buildings will be constructed of Low E clear glass, vision and spandrel glazing in aluminum framed curtain walls, with storefront retail glazing. This will be an exciting, vibrant addition to this area of the City, spurring additional redevelopment and reinvestment in the area. Therefore, the building and landscape material effectively implement the long-term vision of the Redevelopment Plan.

- 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 the area**

The existing development on the property is unsightly, undesirable and obnoxious in appearance, which has led to an overall decay along the Charleston Boulevard corridor. This project will bring an attractive, exciting environment to Charleston Boulevard and will be an important first step in changing the face of this area of the City.

SDR-14349
07/27/06 PC

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

The redevelopment of this area is in the highest interest of all resident of the City of Las Vegas. Making the Redevelopment Plan objectives a reality will bring new development, new investment and a new, much needed vibrant atmosphere to this area.

SUMMARY

In summary, we believe this project will be the impetus for the north side of the Charleston Boulevard corridor. It assembles parcels that are stagnant, underutilized and in need of redevelopment into an exciting mixed-use project that will spur future redevelopment activity. The intent is to enhance the environment of the business owners to the north, while having minimal impacts, in terms of views, traffic and shading to the John S. Park neighborhood to the South. It is the first step in implementing the overall objectives of the Redevelopment Plan along the north side of Charleston Boulevard.

We respectfully ask for your favorable consideration of this project; please do not hesitate to contact us if you have any questions or need additional information.

Sincerely,



David Clapsaddle
Director of Planning

GCG:mj

**SDR-14349
07/27/06 PC**

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

GEORGE T. BOCHANIS

LAW OFFICES

631 SOUTH NINTH STREET
LAS VEGAS, NEVADA 89101GEORGE T. BOCHANIS, ESQ.
ADAM L. MUSLUSKY, ESQ.
ALLAN P. CAPPS, ESQ.PAUL A. EDWARDS
WORKER'S COMPENSATION ADMINISTRATOR

July 26, 2006

TELEPHONE (702) 388-2005
FACSIMILE (702) 388-0484PERSONAL INJURY AND WORKER'S
COMPENSATION LAWVIA FACSIMILE ONLY
385-7268City of Las Vegas Planning Commission
400 Stewart Ave.
Las Vegas, NV 89101

Re: GPA 14325

Dear Planning Commissioners:

I am the property owner at 631 South Ninth Street in Las Vegas, Nevada which houses my law firm. I have been at this business address since the time I constructed my office in 1992. It is my understanding that the above general plan amendment contemplates several tall office buildings and a large parking garage on East Charleston Boulevard between Ninth and Tenth Streets.

I am unable to attend the planning commission meeting on this agenda set for Thursday, July 27, 2006 because I currently serve as a Henderson Planning Commissioner and have a Henderson Planning Commission meeting at the same time.

I have not reviewed the proposed plans for this mixed use development but have several concerns based on some of the general concepts of the plan that were described to me by one of the applicants representatives during a briefing I had with him at the conclusion of a Henderson Planning Commission briefing session.

Obviously, a major concern is that his project would somehow alter or modify our access from South Ninth and South Tenth Street from Charleston Boulevard to our office location which is on the corner of South Ninth Street and Garces Avenue. As you know, the city expanded Las Vegas High School at the corner of South Ninth Street and Clark Avenue thus blocking any access we have from the north. Therefore, I want to ensure that this project in no way alters access from South Ninth and South Tenth Street from East Charleston Boulevard to our location on South Ninth Street and Garces Avenue.

4350
p

GEORGE T. BOCHANIS
LAW OFFICES

City of Las Vegas Planning Commission
Page Two

The second concern has to do with parking with the impact that this is project would have on street parking. We want to make sure that there are no waiver for parking given to this project that will impact our customer parking in our existing neighborhood.

I also want to know whether the applicant is actually going to build this project, or has committed to building this project or is the applicant simply seeking entitlements for future sale after you grant their zoning variance requests.

Finally, a major concern with respect to this project is the impact that the construction of this project will have on my existing business and all those businesses, primarily consisting of law offices in this area. I would like to know how long the construction of this project will take. Since it is such a massive project, I am assuming that there will be at least one hundred construction workers at all times working on this project. This raises the issue as to where these individuals will park their vehicles. The applicant should be required to provide separate parking in a designated lot for those individuals who work on this project. We cannot have our on street parking taken away for the six to twelve month period that I assume this project will take to build. Another issue as to where the material for this project will be stored. We again request that you require a condition that a separate materials staging area on Charleston Boulevard be provided by the applicant. Additionally, the applicant should be required to provide access at all times from East Charleston Boulevard to South Ninth and South Tenth Street during this construction period. At no time should either of these streets be blocked during construction and the applicant should be required to provide all such traffic control such as flagmen and appropriate signage to make sure that traffic continuously flows on South Ninth and South Tenth from East Charleston Boulevard.

Finally, I would like to know the impact that this project has on the city's historic preservation district concept. Many of property owners in the area objected to these historical preservation district requirements being imposed upon us and now it appears that one applicant is easily able to obtain variances from the historical preservation district requirement that many of us have objected to for years. It appears that this massive project would be entirely inconsistent with the goals of the city's historical development district.

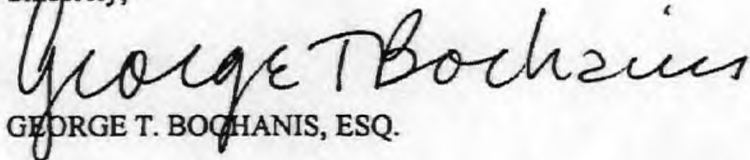
GEORGE T. BOCHANIS
LAW OFFICES

City of Las Vegas Planning Commission
Page Three

I have spoken to several other property owners in my area, many of whom were unaware of the meeting that was held by the applicant with respect to this project. Further, many other property owners have informed me that they are going to wait to see what the planning commission approves then if it is objectionable, they plan to voice their concerns and objections to city council.

I thank you for taking into consideration my concerns with respect to this project.

Sincerely,


GEORGE T. BOCHANIS, ESQ.

GTB.jh

43-50

P

July 20, 2006

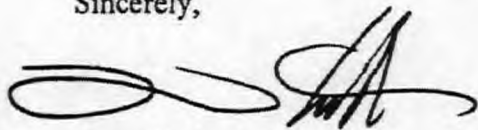
Glenn Trowbridge
City of Las Vegas Planning Commission
c/o City of Las Vegas Planning & Development Dept.
731 South 4th Street
Las Vegas, NV 89101

Dear Mr. Trowbridge:

I am writing this letter in regards to the mixed use project at 9th & 10th Street proposed by George C. Garcia.

I own some apartments located at 604 South 11th Street and I feel that this project would be a definite improvement for the neighborhood and I am for this project being developed.

Sincerely,



Perry B. Whitt
2701 Bryant Avenue
Las Vegas, NV 89102

PBW/cf

RECEIVED
JUL 25 12 57 PM '06
PLANNING AND
DEVELOPMENT

ITEM # 43-50
CASE # _____
PC MTG 7.27.06

R

A

Thiriot 1977 Trust
621 So. 9th St.
Las Vegas, NV 89101
July 30, 2006

RECEIVED
AUG 03 2006

Las Vegas City Planning Commission
400 Stewart Ave.
Las Vegas, NV 89101

RE: Proposed mixed use project on Charleston Blvd., between 9th and 10th Streets (VAC-12884, GPA-14325, SDR-14349, SUP-14339, VAR 14345, VAR-14342, VAR-14347, ZON-14338)

ATTN: Planning Commission:

On July 5, 2006, I met with David Clapsaddle at the Senior Center, in regards to the above referenced mixed use project. After checking all the proposals I am very much in favor of this project. My properties (617 & 621) are on 9th Street in the block just north of the proposed project.

Since your planned meeting of July 27, was postponed until later, this letter will verify my agreement with the project since I will not be able to attend the next meeting. My hope is that this will be passed because it will be a wonderful bonus to this part of the downtown area.

I would be happy to talk to anyone on the planning commission if there is question as to my position in this matter. My telephone # is 384-2498.

Thank you for your attention to this matter.

Sincerely,

Joseph E. Thiriot
Joseph E. Thiriot

A

Telephone Protest/ Approval Log

SDR-14349
VAC-12884

Meeting Date:

08/24/06

SUP-14339

Case Number:

GPA-14325

VAR-14347

VAR-14345

VAR-14342

ZON-14338

Date:

08/22/06

Name:

Karen Velkovic

Address:

807 E. Oakley

L.V. NV 89104

Phone:

385-4219

☐

PROTEST

☒

APPROVE

Date:

Name:

Address:

Phone:

☐

PROTEST

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APPROVE

Date:

me:

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Phone:

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APPROVE

Date:

Name:

Address:

Phone:

ITEM # 17-24

CASE # SEE ABOVE

PC MTG 9-7-06

☐

PROTEST

☐

APPROVE

August 28, 2006

City of Las Vegas
Department of Planning & Development
731 South 4th St.
Las Vegas, NV 89101

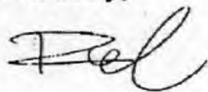
RE: Proposed Project on the North Side of Charleston, at 10th Street

To Whom It May Concern:

I attended the community meeting on July 5th to learn about the proposed project on Charleston & 10th St. I feel that this project has been well planned and the information was presented thoroughly to the community members present. I believe that this project will be a benefit to the downtown neighborhood and will help bring about the ongoing revitalization of our downtown.

This project has my full support. Please feel free to contact me if you have any questions.

Sincerely,



Gabriel Manriquez
717 S. 8th St.
Las Vegas, NV 89101
702-436-2233

ITEM # 24
CASE # SDR-14349
PC MTG 6-7-06

A

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**CITY COUNCIL MEETING OF: NOVEMBER 1, 2006****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:****MAJOR MODIFICATION TO A MASTER SIGN PLAN**

ARC-13764 – ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: MONTECITO MARKETPLACE, LLC - Appeal filed by the applicant of the Denial by the Centennial Hills Architectural Review Committee of a request for A Major Modification to an approved Master Sign Plan (CHR-0019-05), TO ADD AN ADDITIONAL 24' PYLON SIGN AND AN ARRIVAL STATEMENT WALL SIGN adjacent to the east side of Durango Drive, approximately 1200 feet south of Elkhorn Road (APN 125-20-510-019), PD (Planned Development) Zone, Ward 6 (Ross). The Centennial Hills Architectural Review Committee (2-1 vote) and staff recommend DENIAL of the additional 24' pylon sign

PROTESTS RECEIVED BEFORE:**Planning Commission Mtg.****City Council Meeting****APPROVALS RECEIVED BEFORE:****Planning Commission Mtg.****City Council Meeting****RECOMMENDATION:**

The Centennial Hills Architectural Review Committee (2-1 vote) and staff recommend DENIAL of the additional 24' pylon sign

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting documentation
4. Justification Letter
5. Minutes from CHARC-TC meeting of June 6, 2006
6. Appeal letter filed by GNU Group
7. Submitted after final agenda - Withdrawal letter by Michael Townsend

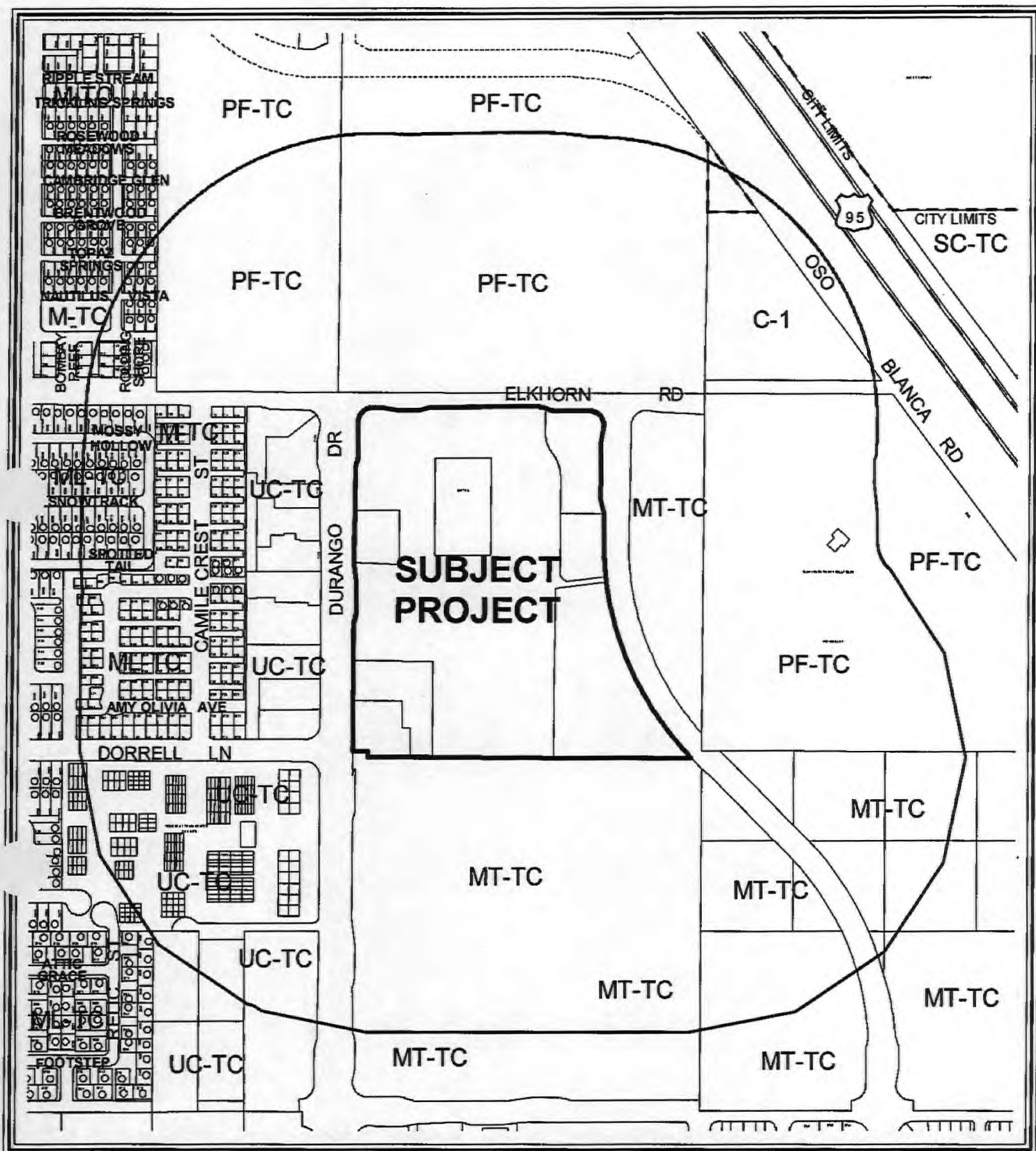
Motion made by GARY REESE to Strike Item 56 [1616 South Las Vegas Boulevard]; WITHDRAW WITHOUT PREJUDICE Item 77 [ARC-13764]; TABLE Item 78 [SUP-13891], Item 79 [SUP-13897] and Item 80 [SDR-13899]; HOLD IN ABEYANCE Item 82 [SUP-15347], Item 98 [ZON-13896], Item 99 [VAR-13900], Item 100 [SUP-13902], Item 101 [SUP-13903], Item 102 [SDR-13904], Item 103 [ZON-15371], Item 104 [VAR-15373] and Item 105 [SDR-15375] to 11/15/2006; Item 64 [EOT-16956], Item 83 [RQR-15420], Item 92 [GPA-16201], Item 93 [ZON-16196], Item 94 [SUP-16198], Item 95 [SUP-16200], Item 96 [SDR-16197], Item 108 [VAR-16144] and Item 109 [SUP-16143] to 12/06/2006

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

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)





CASE: ARC-13764

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [UC-TC (URBAN CENTER MIXED-USE) TOWN CENTER SPECIAL LANDUSE DESIGNATION]

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - ARC-13764 - APPLICANT/OWNER:
MONTECITO MARKETPLACE, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 4, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Centennial Hills Architectural Review Committee (2-1 vote) and staff recommend DENIAL of the additional 24' pylon sign.

1. Conformance to the sign elevations and documentation as submitted and date stamped May 23, 2006 in conjunction with this request, except as modified herein.
2. All signage shall have proper permits obtained through the Building and Safety Department.
3. Waiver from the Town Center Development Standards to allow two pylon signs where one is the maximum permitted per frontage.
4. Any additional signage for the development shall require an amendment to the Master Sign Plan, approved by the Centennial Hills Architectural Review Committee-Town Center (CHARC-TC).

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for approval of a Major Modification to an already approved Master Sign Plan (CHARC-0019-05) for a 380,000 square foot commercial development on 45.6 acres adjacent to the southeast corner of Durango Drive and Elkhorn Road.

EXECUTIVE SUMMARY

The applicant is appealing the Centennial Hills Architectural Review Committee's (CHARC) decision to deny the addition of a 24' pylon sign along the Durango Drive frontage of its project. The appeal is authorized by Town Center Development Standards Manual D(1)k.4.f This was the second time that CHARC had considered and denied the request and the second time that staff had recommended denial as well. The Town Center Development Standards allows for one 24' pylon sign per street frontage per project.

BACKGROUND INFORMATION

A) *Related Actions*

- | | |
|----------|--|
| 05/20/64 | The City Council approved an annexation (A-0003-64) of land generally located north of Cheyenne Avenue and west of Decatur Boulevard, containing approximately 10,136 acres, including the easterly portion of the subject site. The effective date of this annexation was May 29, 1964. |
| 12/07/98 | The City Council approved a Rezoning (Z-0076-98) to TC (Town Center) of a 1,468-acre portion of the Northwest, including the easterly portion of the subject site. The Planning Commission and staff recommended approval. |
| 01/17/01 | The City Council approved an annexation (A-0003-99) of land generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue, containing approximately 615 acres, including the westerly portion of the subject site. The effective date of this annexation was January 26, 2001. The Planning Commission and staff recommended approval on March 25, 1999. |
| 12/19/02 | The Planning Commission approved a request for a Tentative Map (TMP-1244) for a three-lot commercial subdivision on 80 acres on the east side of the El Capitan alignment (Durango Drive) between Elkhorn Road and Deer Springs Way. Staff had recommended approval. |

- 04/07/04 The City Council approved a Site Development Plan Review (SDR-3764) related to a Modification (MOD-3763) and Rezoning (ZON-3840) for a proposed 587,750 square-foot mixed-use commercial development on 45.6 acres in Montecito Town Center, adjacent to the southeast corner of Elkhorn Road and Durango Drive. Additionally, the following Special Use Permits were also approved: (SUP-3765) for liquor sales on Pad A, (SUP-3767) for gaming (incidental) on Pad A, (SUP-3769) for a drive-through facility on Pad A, (SUP-3770) for a drive-through facility on Pad O, (SDR-3771) for a tavern on Pad P, (SUP-3773) for gaming (incidental) on Pad P, (SDR-3764) for gasoline sales on Pad Q, (SUP-3776) for a car wash on Pad Q, (SUP-3777) for gaming (incidental) on Pad Q, (SUP-3778) for liquor sales on Pad Q, (SUP-3779) for a tavern on Pad Z, (SUP-3780) for gaming (incidental) on Pad Z, (SUP-3781) for a drive-through on Pad F, (SUP-3783) for liquor sales on Pad HH, (SUP-3785) for gaming (incidental) on Pad HH, (SUP-3786) for a drive-through facility on Pad HH, (SUP-3788) for a drive-through facility on DD, and (SUP-3789) for a drive-through facility on EE. The Planning Commission and staff recommended approval on March 11, 2004.
- 02/16/05 The City Council approved a revised Site Development Plan Review (SDR-5731) and associated Special Use Permit (SUP-5718, SUP-5720, SUP-5722, SUP-5723) applications for the subject property. The overall square footage of the project was reduced to 380,003 square feet. The Planning Commission recommended approval of the applications on 01/13/05; staff also recommended approval of the applications.
- 03/01/05 The Centennial Hills Architectural Review Committee approved a Master Sign Plan (CHARC-0019-05) for the entire 380,003 commercial center located at the Southeast Corner of Elkhorn Road and Durango Drive.
- 06/06/06 The Centennial Hills Architectural Review Committee approved the addition of two new monument signs along Durango Drive and denied the request for an additional 24' pylon sign along Durango Drive for a commercial center located at the Southeast Corner of Elkhorn Road and Durango Drive.

B) Pre-Application Meeting

- 05/12/06 At the pre-application conference, issues were discussed relative to the location of the proposed 24' pylon, and the two 8' monument signs. The applicant was advised to provide reasonable justification in the required justification letter.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) *Existing Land Use*

Subject Property: Commercial
North: Undeveloped
South: Undeveloped
East: Undeveloped
West: Commercial

B) *Planned Land Use*

Subject Property: UC-TC (Urban Center Mixed Use - Town Center) and MS-TC (Main Street Mixed Use - Town Center)
North: PF-TC (Public Facilities - Town Center)
South: UC-TC (Urban Center Mixed Use - Town Center) and MS-TC (Main Street Mixed Use - Town Center)
East: PF-TC (Public Facilities - Town Center)
West: UC-TC (Urban Center Mixed Use - Town Center)

C) *Existing Zoning*

Subject Property: T-C (Town Center)
North: T-C (Town Center)
South: T-C (Town Center)
East: T-C (Town Center)
West: T-C (Town Center)

D) *General Plan Compliance*

The General Plan designation of the subject parcels on the Centennial Hills Sector Plan map is TC (Town Center), with special land use designations of UC-TC (Urban Center Mixed Use - Town Center) and MS-TC (Main Street Mixed Use - Town Center) under the Town Center Development Standards Manual. The parcels are currently designated as "Montecito Town Center Mixed Use Commercial" pursuant to the Montecito Town Center Development Agreement. The project is in compliance with the provisions of the Development Agreement.

<i>SPECIAL DISTRICTS/ZONES</i>		
Special Area Plan	Yes	No
Town Center	X	
Rural Preservation Overlay District		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

ANALYSIS

A) *Zoning Code Compliance*

General project description

The following additional signage is proposed for the property along the east side of Durango Drive:

- (1) 24-foot high Pylon Sign

A discussion of the compliance of the signage with the Town Center Development Standards Manual follows.

A1) Residential Separation Standards

Section D-1(G)(2) of the Town Center Development Standards Manual requires a minimum separation of 330 feet between any proposed pylon sign and any existing single-family residential development; the proposed pylon signs will be a minimum of 750 feet from existing residential development.

A2) Sign Standards

Pursuant to Section D-1(G)(2) of the Town Center Development Standards Manual, the following Sign Standards apply to the subject proposal:

Pylon Signs: 24' in Height

Standards	Allowed	Provided	Complies
Maximum Number	1/street frontage	2/Durango Drive (East)	No
Maximum Area	1 SF/150 SF gross floor area (2,533 SF maximum allowed)	140 SF Each (255 SF Cumulative)	Yes
Maximum Height	24'	24'	Yes
Minimum Setback	5'	5'	Yes
Illumination	No fugitive light	Internal	Yes

One additional pylon sign is proposed, for a total of two pylon signs, for the east side of the Durango Drive frontage where one pylon sign is permitted. This is the same proposal as the original for the east side of Durango Drive that CHARC denied last year. The approved Master Sign Plan allows for one each on the east side and the west side of the Durango Drive frontage. The proposed additional sign will exceed the Town Center Development Standard maximum for pylon signage on the Durango Drive frontage.

B) General Analysis and Discussion

The applicant did not put forth a valid reason to deviate from the Town Center Development Standards to allow for the additional pylon sign in the justification letter, only that they were requesting it. The fact that the Centennial Hills Architectural Review Committee voted to approve two additional monument signs along Durango Drive certainly off sets the denial of the additional pylon sign request. This was also the second time that CHARC reviewed and considered the request for an additional pylon sign and the second time they voted to deny the request. Staff concurs with CHARC and recommends that this appeal be denied.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 375 by the Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ARC 13764 APN: 125-20-510-019 New
125-20-510-0079008 OLD

Name of Property Owner: MONTACITO MARKETPLACE LLC

Name of Applicant: GNU GROUP

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes

☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

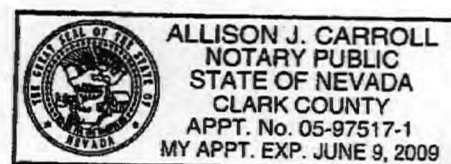
MONTACITO MARKETPLACE LLC BY DARRIN LEE LLC, ITS MANAGER BY NTC 118, INC, MANAGER
Signature of Property Owner: _____

Print Name: FRANK NIELSEN,
PRESIDENT

Subscribed and sworn before me

This 16TH day of MAY, 2006

[Signature]
Notary Public in and for said County and State



MONTECITO MARKETPLACE

PHASE II
Master Sign Program Submittal

May 23, 2005

GNU
GNU Group

10000 10th Ave N
Suite 100
Plymouth, MN 55442
763.551.1000
www.gnu.org

ARC-13764
CHARC-TC
06-06-06

RECEIVED
MAY 23 2006

**MONTECITO
MARKETPLACE**

SITE PLAN

CLIENT: MONTECITO MARKETPLACE
STREET ADDRESS: ELKHORN & DURANGO
CITY: LAS VEGAS, NEVADA

SALES: DAVID KSAJIAN
DRAWING / JOB #: 3457
DATE: 7/7/06
DRAWN BY: JACK BURRIS
SCALE: 1" = 100'
SHEET 2 OF 10

Notes	Date	Description

SALES APPROVAL

CUSTOMER APPROVAL

LANDING APPROVAL

CONCEPTUAL DRAWING ONLY
Dimensions are approximate & may change due to construction factors or on-site field conditions. Colors shown are as close as printing will allow; always follow material specifications.
ALL RIGHTS RESERVED: This design has been created for you in accordance with a project being planned for you by ADART. It may not be shown to anyone outside your organization, and may not be reproduced in any manner without prior consent.

MAY 23 2006

KEY

signage - phase I

- 40' MONUMENT (1)
- 24' MONUMENT (2)
- 8' MONUMENT (2)
- ARRIVAL STATEMENT WALL SIGN (1)

signage - phase II

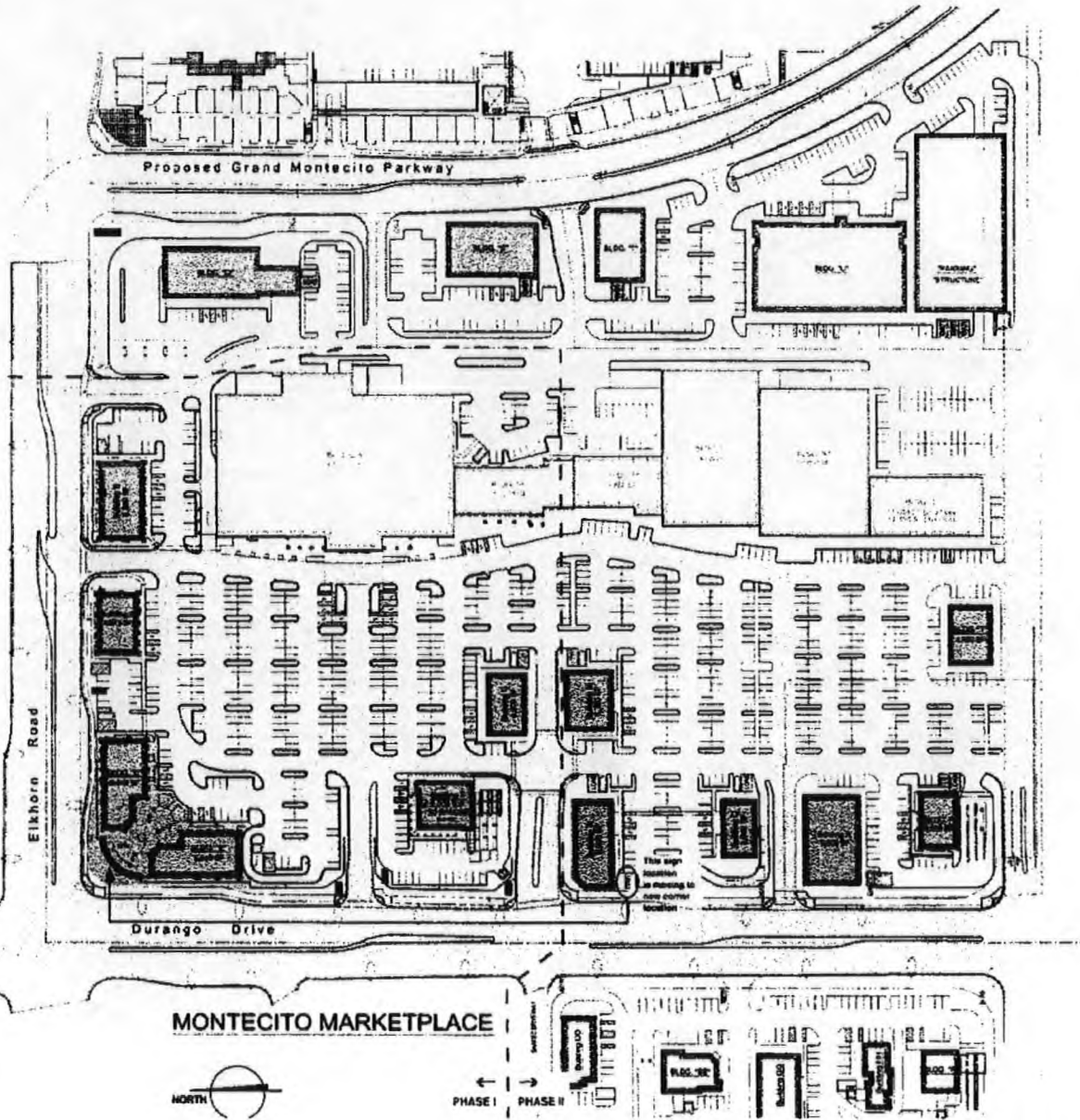
- 24' MONUMENT (2)
- 8' MONUMENT (8)

vehicular circulation

- HEAVY
- MEDIUM
- LIGHT

destinations

- FOOD COURT AREA
- IN LINE RETAIL
- PADS

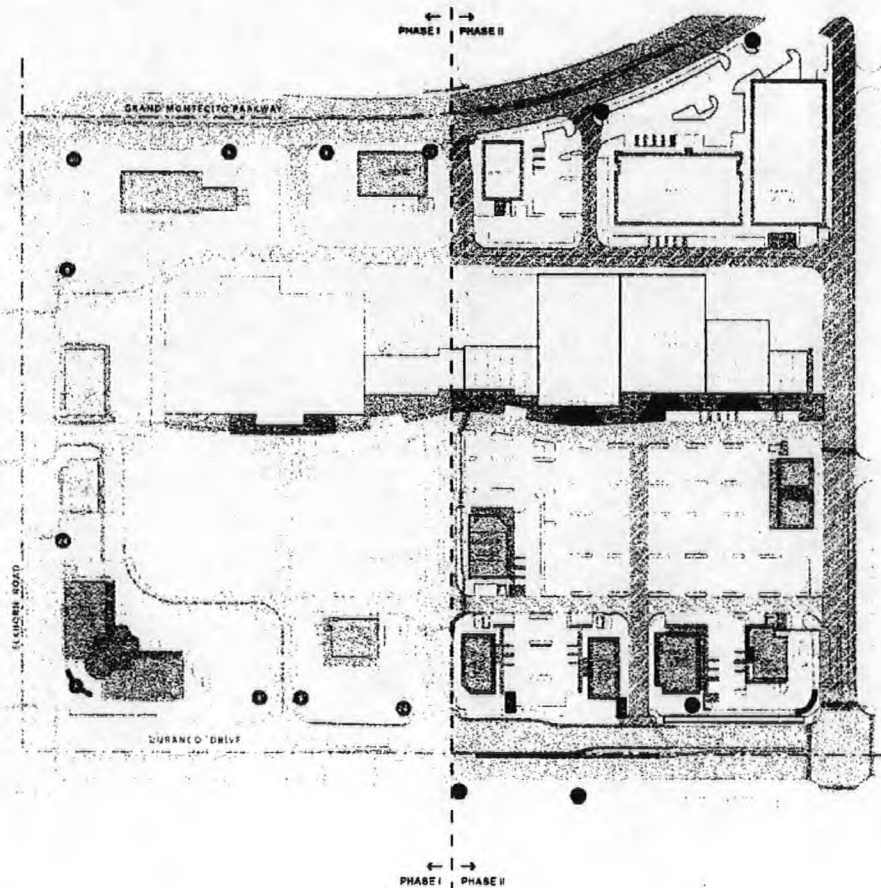


MONTECITO MARKETPLACE



PHASE I PHASE II

**ARC-13764
CHARC-TC
06-06-06**



KEY

signage

- PHASE I SIGNAGE - PREVIOUSLY APPROVED
- PHASE II SIGNAGE (SIZE NOTED)

vehicular circulation

- HEAVY
- MEDIUM
- LIGHT

pedestrian circulation

- HIGH
- LOW

destinations

- FOOD COURT AREA
- IN LINE RETAIL
- PADS



ARC-13764
CHARC-TC
06-06-06

RECEIVED
MAY 23 2006

GNU
GNU Group

3448 Mt. Diablo Blvd.
Lafayette, California
94508

925-444-2020 Telephone
925-444-2039 Facsimile
www.gnuonline.com

Offices in:
California
Arizona

MONTECITO MARKETPLACE

Elkhorn Rd. & Durango Dr.
Las Vegas, NV

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Site Overview Analysis - Phase II Signage

Revisions/Bulletins By

1.	05.01.2006	HC
2.	05.17.2006	HC

Project No: MP106.02
Date: 11.15.2006
Scale: 1"=200'-0"
By: HC

A

**MONTECITO
MARKETPLACE**

Elkhorn Rd. & Durango Dr.
Las Vegas, NV

**DESIGN
DEVELOPMENT**

Custom Sign Program

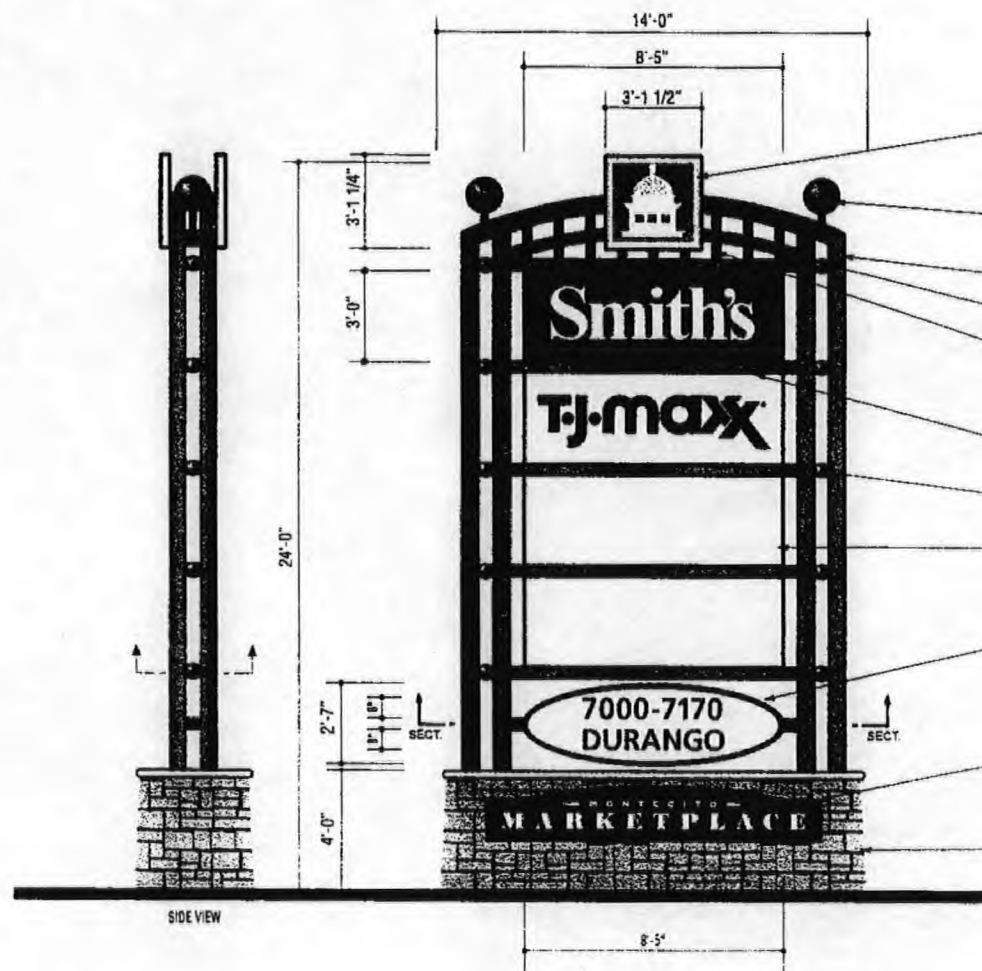
© 2005 GNU Group. All rights reserved.

24 Foot Sign

Revisions/Bulletins By

Project No: MP 106.03
Date: 5.10.2006
Scale: As Noted
By: HC

1.0



SIDE & FRONT ELEVATION
Scale: 1/4"=1'-0"

Double-faced, internally-illuminated pylon display / 102 square feet

Note: One 20 amp 277 volt circuit required.

Note: All paint to be Matthews (MP) with SVOC finishes

Two single-faced, internally illuminated logo displays mounted to face of square tube members, back to back, on either side. Faces to be white acrylic overlaid with Scotchprint graphic. cabinets painted MP01269 (retainers, sides and backs).

14" diameter aluminum spheres painted metallic gold MP21943, and mounted to stems painted MP13437.

Primary support structure 6" tubing painted MP13437.

Curved section 4" square tubing painted MP21943.

Secondary vertical members 3" square tubing, painted MP13437.

4"x6" horizontal support members painted MP13437.

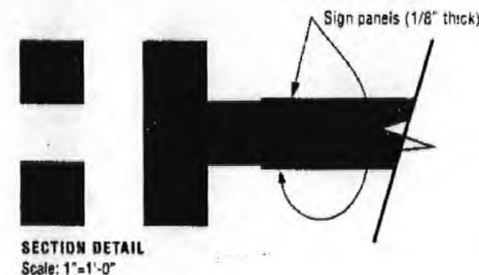
6" diameter aluminum spheres painted MP21943.

Internally-illuminated, fabricated aluminum tenant cabinets painted MP02770. tenant copy to be push-through acrylic with film applied faces (colors per tenant).

Two (2) flat cut-out, 1/8" thick aluminum oval panels, painted MP02770, to be center-mounted to single 4"x6" horizontal support painted MP13437. Panels to have 1" border, edges and backsides painted MP13437. 8" numerals and copy to have 3M 3630 green film applied to oval faces.

1'-10"x10'-10"x 3/8" thick aluminum plaque painted MP04631 with beveled edges painted MP21943. Copy flat cut-out aluminum painted white. Plaque mounted to face of rock base, with mounting fixtures supplied by AdArt.

AdArt to provide sub-surface steel for base, with wonder board and stone work by others.



**ARC-13764
CHARC-TC
06-06-06**

MAY 23 2006

**MONTECITO
MARKETPLACE**
8' MONUMENT

CLIENT: MONTECITO MARKETPLACE
STREET ADDRESS: ELDORADO & DURANGO
CITY: LAS VEGAS, NEVADA

SALES: TERRY LONG
DRAWING: JIG 8 #
DATE: 1/2/05
DRAWN BY: JACK CURDIS
SCALE: NOTED
SHEET 1 of 5

Revised	Date	Description

SALES APPROVAL _____
CUSTOMER APPROVAL _____
LANDLORD APPROVAL _____

CONCEPTUAL DRAWING ONLY
Dimensions are approximate & may change due to construction factors or on-site field conditions. Colors shown are as close as printing will allow, please follow material specifications.
ALL RIGHTS RESERVED: This design has been created for use in connection with a project being planned for you by ADART. It may not be shown to anyone outside your organization, and may not be reproduced in any manner without prior consent.

Note: All paint to be Mathews (MP) with SVOG finishes.

8" diameter aluminum spheres painted metallic gold MP 21943, and mounted to stems painted MP 13437.

Primary support structure 4" square tubing painted MP 13437.

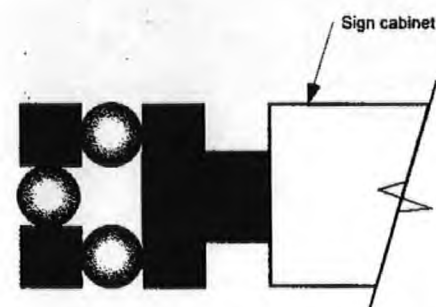
Curved section 3" square tubing painted MP 21943.

Secondary vertical members 2" square tubing painted MP 13437.

3"x 8" horizontal support members painted MP 13437

Internally-illuminated, fabricated aluminum tenant cabinet painted MP02770. Tenant copy to be push-thru acrylic with film-applied faces (colors per tenant)

4" diameter aluminum spheres painted MP 21943.



Section detail Scale: 1 1/2" = 1'-0"



Double-faced, internally-illuminated monument display

Scale: 1/2" = 1'-0"

Note: 277 volt power

**ARC-13764
CHARC-TC
06-06-06**

MAY 23 2006

**MONTECITO
MARKETPLACE**

8' MONUMENT

CLIENT: MONTECITO MARKETPLACE
STREET ADDRESS: ELKHORN & DURANGO
CITY: LAS VEGAS, NEVADA

SALES: TERRY LONG
DRAWING: JLD & H
DATE: 9/2/05
DRAWN BY: JACK CURRIS
SCALE: NOTED
SHEET: 4 of 5

Revisions	Date	Description

SALES APPROVAL

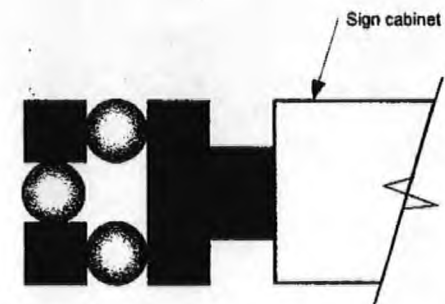
CUSTOMER APPROVAL

LANDLORD APPROVAL

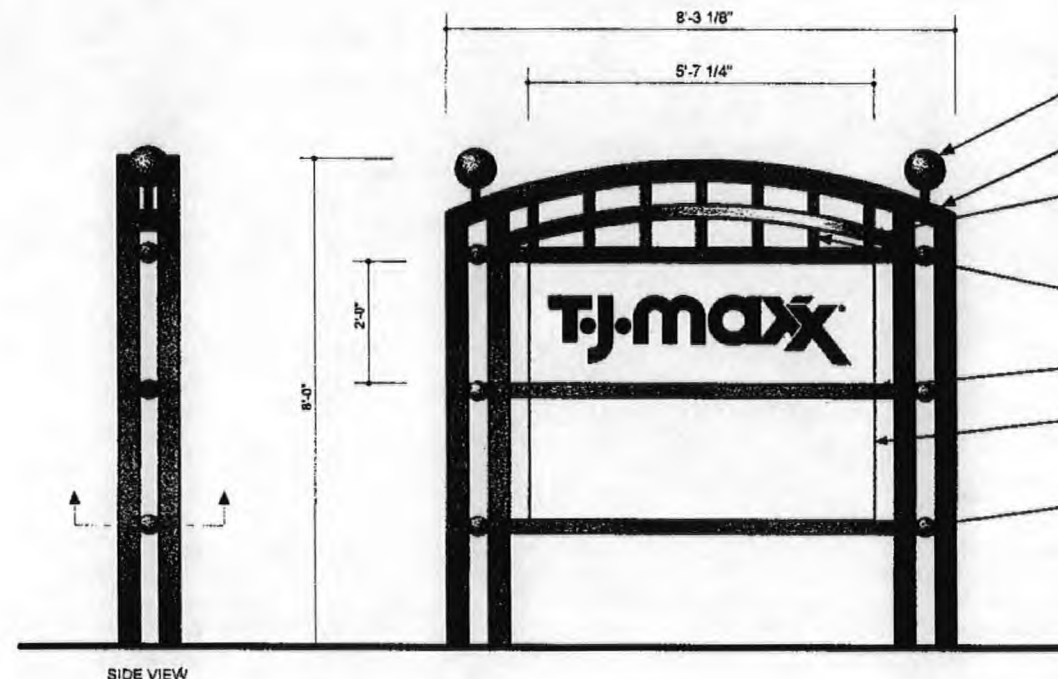
CONCEPT DRAWING ONLY
Dimensions are approximate & may change due to construction factors or on-site field conditions. Colors shown are as close as possible to actual, always follow material specifications.
ALL RIGHTS RESERVED: This design has been created for you in connection with a project being planned for you by ADART. It may not be shown to anyone outside your organization, and may not be reproduced in any manner without prior consent.

Note: All paint to be Mathews (MP) with SVOC finishes.

- 8" diameter aluminum spheres painted metallic gold MP 21943, and mounted to stems painted MP 13437.
- Primary support structure 4" square tubing painted MP 13437.
- Curved section 3" square tubing painted MP 21943.
- Secondary vertical members 2" square tubing painted MP 13437.
- 3"x6" horizontal support members painted MP 13437 1
- Internally-illuminated, fabricated aluminum tenant cabinets painted MP02770. Tenant copy to be push-thru acrylic with film-applied faces (colors per tenant)
- 4" diameter aluminum spheres painted MP 21943.



Section detail Scale: 1 1/2" = 1'-0"



Double-faced, internally-illuminated monument display Scale: 1/2" = 1'-0"
Note: 277 volt power

**ARC-13764
CHARC-TC
06-06-06**

MAY 23 2006

**MONTECITO
MARKETPLACE**

Elkhorn Rd. & Durango Dr.
Las Vegas, NV

Keynotes:

**DESIGN
DEVELOPMENT**

Exterior Sign Program

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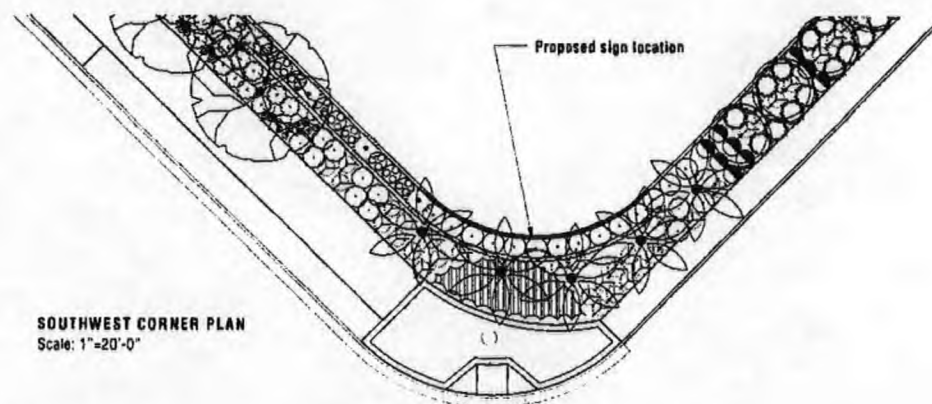
**Fence Sign Panel
SW Corner**

Revisions/Bulletins By

Project No: MP.106.03
Date: 5.10.2006
Scale: None
By: HC

1.0

GNU / DC Design Development / Fence Sign



PLAN VIEW
Scale: 3/8"=1'-0"

Note: All painted surfaces by Mathews with SVOC finishes

Ad Art to provide sub-surface steel for bases, with wonder board and stonework by others.

5" aluminum spheres painted MP 21943.

23'-0" along curve

2'-4 3/8"

Single-faced, internally-illuminated logo cabinet mounted to front of fence display. Cabinet painted MP 01269 (retainer, sides and back). Face white acrylic overlaid with Scotchprint graphic.

Primary fence framing and support columns 3" square tubular members painted MP 13437.

Curved trim 3/8" thick flat cut-out aluminum painted MP 21943 and mounted to both sides of fence, back to back.

Vertical fence railings to be 1 1/2" square tube members painted MP 13437

Fabricated aluminum sign face painted MP 04631, with a 2" wide border painted MP 21943. Sign cabinet painted MP 21943 (including backside). Cabinet mounted fence railings.

FRONT VIEW
Scale: 3/8"=1'-0"

Internally-illuminated corner fence display / 81.75 square feet

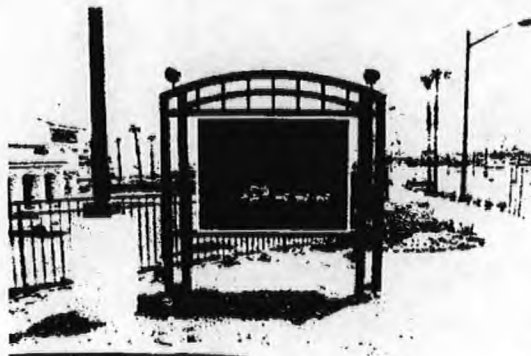
Note: One 20 amp 277 volt circuit required.

Internally-illuminated "Montecito" copy (and line embellishes) routed-out and backed with white acrylic.

Internally-illuminated "Marketplace" copy to be push-thru white acrylic with film-applied embellishes within letter strokes

**ARC-13764
CHARC-TC
06-06-06**

MAY 23 2006



GNU
GNU Group

10000 E. Durango Dr.
Suite 100
Las Vegas, NV 89119
702.735.1000
www.gnu.com

**MONTECITO
MARKETPLACE**

Elkhorn Rd. & Durango Dr
Las Vegas, NV

**DESIGN
DEVELOPMENT**

Exterior Sign Program

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Existing Signage Samples

Revisions/Bulletins By

Project No: MP.106.03

Date: 5.10.2006

Scale: As Noted

By: HC

**ARC-13764
CHARC-TC
06-06-06**

MAY 23 2006

1.0

ARC / CD Design Development / Exterior Sign



May 23, 2006

**CITY OF LAS VEGAS
PLANNING & DEVELOPMENT**

731 South Fourth Street
Las Vegas, NV 89101

RE: *CHARC Meeting Application
Revision to Sign Program #CHR-0019-05
Montecito Marketplace – 7000 Durango Las Vegas*

Application Number 125-20-510-010/011/012

We respectfully request your audience at your next CHARC Meeting to review our documents outlining major changes to previously approved sign program at Montecito Marketplace (Sign Program #CHR-0019-05).

Having implemented Phase 1 of the program, we would like to request adding a 24' pylon sign for Phase 2, addition of an arrival statement wall sign, and reinstatement of an 8' monument sign. Please see attached drawings for graphic representation of request.

Very truly yours,

A handwritten signature in black ink, appearing to read "K. Reath", written over a light blue horizontal line.

Kyle T. Reath
Sr. VP / COO
GNU Group

**ARC-13764
CHARC-TC
06-06-06**

3445 Mt. Diablo Blvd.
Lafayette, CA 94549
(925) 434-2020

**CITY OF LAS VEGAS
CENTENNIAL HILLS ARCHITECTURAL REVIEW COMMITTEE (CHARC)
Tuesday, June 6, 2006
12:00 PM
Development Services Center
731 South Fourth Street
Las Vegas, NV 89101**

ANNOTATED MINUTES

Members Present

Sam C. Dunnam
David Steiman
Ronni Council
Andrea Allred

Members Excused

Jeff Gale

Members Absent

Citizens

David Esajian (Ad Art Sign Company)
Kyle Reath (GNV Group)

City Staff

Yorgo Kagafas
Nora Lares

ANNOUNCEMENT: OPEN MEETING LAW/CALL TO ORDER

The meeting was called to order at 12:04 p.m. by David Steinman. This meeting has been properly noticed in accordance with the Open Meeting Law.

ITEM 1: APPROVAL OF APRIL 4, 2006 MINUTES BY REFERENCE

Sam Dunnam made a motion to accept the April 4, 2006 minutes; Ronni Council seconded the motion, motion APPROVED.

ITEM 2: ARC-13764 - MAJOR MODIFICATION TO A MASTER SIGN PLAN - PUBLIC HEARING - APPLICANT/OWNER: MONTICITO MARKETPLACE, LLC - REQUEST FOR A MAJOR MODIFICATION TO AN APPROVED MASTER SIGN PLAN (CHR-0019-05), TO ADD AN ADDITIONAL 24' PYLON SIGN AND AN ARRIVAL STATEMENT WALL SIGN ADJACENT TO THE EAST SIDE OF DURANGO DRIVE, APPROXIMATELY 1200 FEET SOUTH OF ELKHORN ROAD (APN 125-20-510-019), PD (PLANNED DEVELOPMENT) ZONE, WARD 6 (ROSS).

David Steinman opened the item for discussion. Back-up information and staff recommendation was presented to the committee by Yorgo Kagafas. City Staff is recommending DENIAL noting two reasons for such recommendation: 1. the current request is almost similar to what was originally proposed and addressed by this committee a year ago and 2. the Town Center Standards would be exceeded by the request. It was also noted that the applicant did not comply with the request of providing a "detailed" Justification Letter.

There was discussion between committee members and applicant's representatives (Mr. Kyle Reath from GNV Group and Mr. David Esajian from Ad Art Sign Company).

CHARC - Meeting Minutes**June 6, 2006****Page Two**

It was specified by Yorgo Kagafas that the committee is here to consider the applicant's request for a 24-foot Pylon sign for the east side of Durango (where Town Center Standards allow one per street frontage) and two additional monument signs, noting that the entry feature is considered a monument sign under the Town Center Standards.

City staff noted that five (5) monument signs have already been approved in the Master Sign Plan and one of those signs was moved to be an entry feature but is still part of the already approved 5 monument signs. The applicant is requesting two additional, one regular/traditional monument sign and one which would be an entry feature, but under the code, considered a monument sign. The 24-foot Pylon sign that's being requested would be replacing an 8-foot monument sign already approved and placed on Durango Drive where there is one, already existing, Pylon Sign.

It was further clarified by David Steinman that the request, as is, would make a total of six (6) 8-foot monument signs and not seven (7) since one would be taken out and replaced by the 24-foot Pylon sign. The committee is considering whether they should allow six (6) monuments and two (2) pylons, noting that both requests are above the allowable.

The applicant justifies the request as a means to provide signage for the rear businesses. City Staff notes that no such justification was provided in the justification letter submitted other than that Phase I was already completed and that they would like to add this to Phase II.

The committee notes that providing signage for the rear businesses had already been discussed in the prior meeting and that it was accorded that there wouldn't be any type of identification for the tenants on the back of the center.

Both applicant's representatives state for the record that neither one of them were present at the prior meeting and were not part or aware of the prior discussion.

Ronni Council makes a motion to approve two (2) 8-foot high Monument Signs, including an Arrival Sign to be located at corner of Dorrell Lane and Durango Drive and an 8-foot Monument Sign to be located approximately 500' north of Dorrell Lane at the main entrance on Durango Drive. Andrea Allred seconded the motion. Motion APPROVED (2:1). This motion is subject to the following amended conditions of approval:

1. Conformance to the sign elevations and documentation as submitted and date stamped May 23, 2006 in conjunction with this request, except as modified herein.
2. All signage shall have proper permits obtained through the Building and Safety Department.
3. Waiver from the Town Center Development Standards to allow for six monument signs where five is the maximum permitted per frontage.
4. Any additional signage for the development shall require an amendment to the Master Sign Plan, approved by the Centennial Hills Architectural Review Committee-Town Center (CHARC-TC).

CHARC - Meeting Minutes**June 6, 2006****Page Three**

The committee recommends denial of the second 24' Pylon Sign on Durango. Andrea Allred moves the motion to deny the 24' Pylon Sign. Ronni Council seconds the motion. Motion APPROVED (2:1).

The committee advises the applicant that they have the right to appeal the decision in writing within 10 days with the City Clerk's office.

ITEM 3: REVIEW AND COMMENT ON THE PROPOSED REVISIONS TO THE TOWN CENTER DEVELOPMENT SIGN STANDARDS

David Steinman opens up the item for discussion. Yorgo Kagafas specifies that this item is only for review and comment. No action will take place. A copy of the draft revised Town Center Standards was provided to each committee member to review. The committee is only reviewing the Sign portion of the Town Center Development Standards. Some of the items that are being emphasized in the proposed changes are that "no exposed neon" is permitted and "no reader boards" which is currently not addressed in the Town Center Standards. The committee is advised that if they have any comment in regards to the proposed changes they may contact James Marshall at the Planning & Development Department. It was also noted that the Town Center Standards are not changing they are just being clarified and put in a more reader friendly version. The Planning Commission and City Council will be considering the document and there will be public meetings prior to the official meetings.

ITEM 4: CITIZENS PARTICIPATION

None.

ITEM 4: SET NEXT MEETING DATE/ADJOURNMENT

Ronni Council moves to adjourn the meeting at 12:50 p.m. seconded by Andrea Allred. David Steinman adjourned the meeting at 12:50 p.m. There are currently no items to be heard by the Centennial Hills Architectural Review Committee therefore no meeting date is set for July 2006.



June 16, 2006

City Clerk Office
CITY OF LAS VEGAS
731 South Fourth Street
Las Vegas, NV 89101

RE: *APPEAL to Las Vegas City Council
Regarding CHARC Meeting Recommendation (ARC-13764)
Revision to Sign Program #CHR-0019-05
Montecito Marketplace – 7000 Durango Las Vegas*

To Whom it May Concern;

On behalf of the GNU Group, Applicant, and Montecito Properties, LLC, Owner, we respectfully request the opportunity to appeal the findings to the appropriate City Council Committee pursuant to hearing regarding Application Number 125-20-510-010/011/012 reviewed June 6th, 2006.

We are in agreement with all of the recommendations except that which has approved an additional 8' tall monument sign rather than a second 24' pylon along the Durango frontage of Phase 2 of project site. We would like to review conditions and explain logic to City Council.

Please refer to attached meeting minutes document and let us know what additional exhibits, if any, would be helpful in evaluating this request or in our presentation to City Council. We will make ourselves available at your convenience for such a conversation.

Very truly yours,

A handwritten signature in black ink, appearing to read "K. Reath".

Kyle T. Reath
Sr. VP / COO
GNU Group

RECEIVED
CITY CLERK
2006 JUN 20 P 2:41

3445 Mt. Diablo Blvd.
Lafayette, CA 94549
(925) 444-2020

RECEIVED
CITY CLERK

2006 OCT 30 P 2:21

October 30, 2006

SENT VIA FACSIMILE (702) 382-4803

Ms. Barbara Jo Ronemus
City Clerk
City of Las Vegas
400 Stewart Street
Las Vegas, NV 89101

Re: City Council Agenda
ARC-13764

Dear Ms. Ronemus:

Regarding the above-referenced agenda item, CHARC has approved our sign submittal due to the recent modifications that were made; therefore we respectfully request the above-referenced item scheduled for November 1, 2006 City Council Meeting be withdrawn without prejudice from the calendar.

Should you have any questions or concerns, please feel free to call.

Respectfully,
Montecito Marketplace, LLC
By Delaware 118, LLC, its Manager
By The Montecito Companies, LLC
Its Manager



Michael R. Townsend
Chief Operating Officer

Submitted after final agenda

Date 10/30/06 Item # 77

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SPECIAL USE PERMIT

SUP-13891 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: STRATORISE LLC/AZTEC INTERNATIONAL - OWNER: GEOSUMMITT LLC - - Request for a Special Use Permit FOR A PROPOSED 517-FOOT TOWER IN THE MCCARRAN AIRPORT OVERLAY DISTRICT at 1431 Las Vegas Boulevard South (APN 162-03-202-003 and 004), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (4-2-1 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

4

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (4-2-1 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

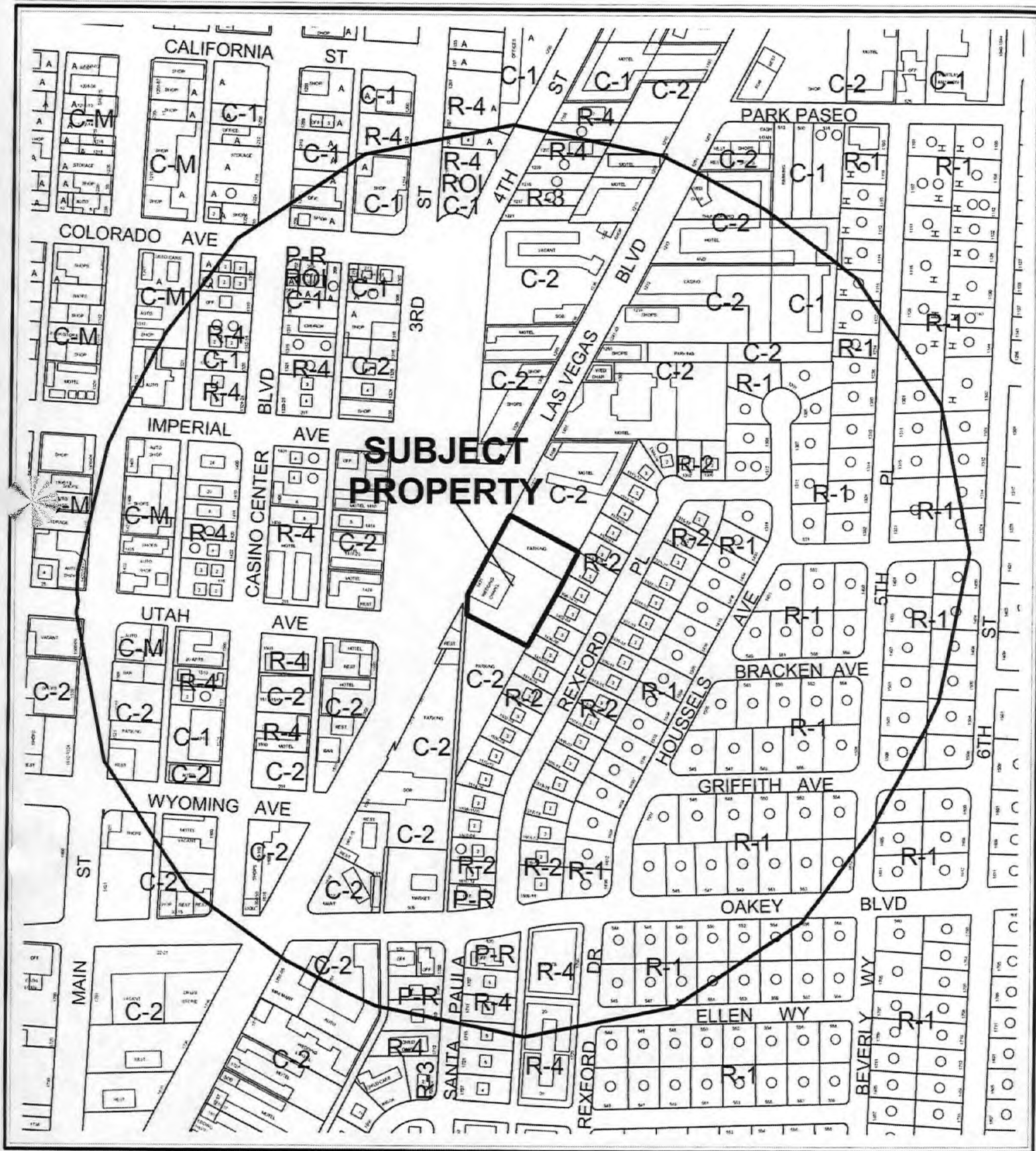
BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting documentation
4. Justification Letter
5. Submitted after final agenda – Table request letter by David Clapsaddle for Items 78 - 80
6. Backup referenced from the 08-10-06 Planning Commission meeting Item 36

Motion made by GARY REESE to Strike Item 56 [1616 South Las Vegas Boulevard]; WITHDRAW WITHOUT PREJUDICE Item 77 [ARC-13764]; TABLE Item 78 [SUP-13891], Item 79 [SUP-13897] and Item 80 [SDR-13899]; HOLD IN ABEYANCE Item 82 [SUP-15347], Item 98 [ZON-13896], Item 99 [VAR-13900], Item 100 [SUP-13902], Item 101 [SUP-13903], Item 102 [SDR-13904], Item 103 [ZON-15371], Item 104 [VAR-15373] and Item 105 [SDR-15375] to 11/15/2006; Item 64 [EOT-16956], Item 83 [RQR-15420], Item 92 [GPA-16201], Item 93 [ZON-16196], Item 94 [SUP-16198], Item 95 [SUP-16200], Item 96 [SDR-16197], Item 108 [VAR-16144] and Item 109 [SUP-16143] to 12/06/2006

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

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)



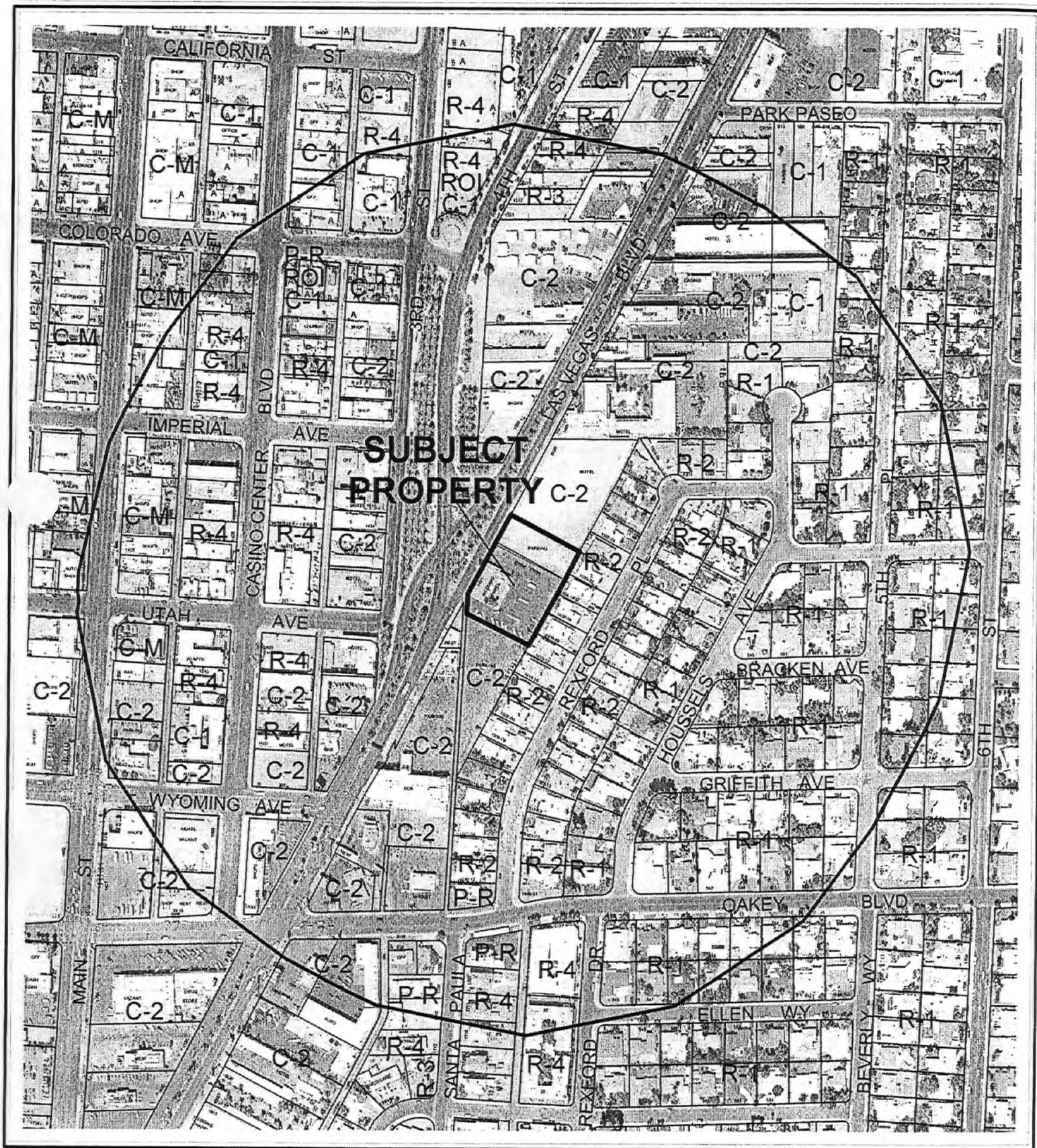
CASE: SUP-13891

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

0 300 600 Feet





CASE: SUP-13891

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SUP-13891 - APPLICANT: STRATORISE, LLC/AZTEC INTERNATIONAL - OWNER: GEOSUMMIT, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 6, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (4-2/ds/bg-1/rt vote) recommends DENIAL and staff recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.06.080 for a project in the Airport Overlay District.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-13897), and Site Development Plan Review (SDR-13899).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.
4. Clark County Department of Aviation approval is necessary prior to issuance of any building permits, with no change in flight patterns.
5. All City Code requirements and design standards of all City departments must be satisfied.

****STAFF REPORT****

APPLICANT REQUEST

This is a request for a Special Use Permit for a 517-foot tall building where 200 feet is the maximum height allowed in the McCarren Airport Overlay District located at 1431 South Las Vegas Boulevard. A related Site Development Plan Review (SDR-13899) and Special Use Permit (SUP-13897) will be considered concurrently.

EXECUTIVE SUMMARY

This project has a rather unique ground floor design in that the driveway is circular and off set to the right of the tower structure off of Las Vegas Boulevard. This permits two primary entrances into the tower, one directly off of Las Vegas Boulevard and one directly off of the driveway. The retail space is found directly on the Las Vegas Boulevard frontage with its own entrance. This tower features six levels of parking, an amenity floor and then the residential units on the upper levels.

BACKGROUND INFORMATION

A) Related Actions

- 06/21/06 There is no land use or zoning history on file for this parcel. Records show that the current zoning is C-2 (General Commercial).
- 08/10/06 The Planning Commission recommended denial of companion items SU-13897 and SDR-13899 concurrently with this application.
- 08/10/06 The Planning Commission voted 4-2/ds/bg-1/rt to recommend DENIAL (PC Agenda Item #36/yk).

B) Pre-Application Meeting

- 05/16/06 A pre-application meeting was held where it was discussed that a Site Development Plan Review and two Special Use Permits would be required to move this project forward. The need for three waivers of the Downtown Centennial Plan was also noted.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application, nor was one held. However, the applicant has met with the President of the Historic John S. Park Neighborhood regarding this project.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 1.50 acres
Net Acres: 1.30 acres

B) Existing Land Use

Subject Property: Vacant lot/Wedding Chapel
North: Vacant lot
South: Vacant lot
East: Residential duplexes
West: Retail/bar/restaurant

C) Planned Land Use

Subject Property: C (Commercial Use)
North: C (Commercial Use)
South: C (Commercial Use)
East: C (Commercial Use)
West: C (Commercial Use)

D) Existing Zoning

Subject Property: C-2 (General Commercial)
North: C-2 (General Commercial)
South: C-2 (General Commercial)
East: R-2 (Medium Density Residential)
West: C-2 (General Commercial)

E) General Plan Compliance

The Las Vegas Redevelopment Plan designates the parcels C (Commercial), which permits office uses, limited commercial uses, and general commercial uses. The proposed mixed-use development is consistent with the land use designation.

SPECIAL DISTRICTS/ZONES	Yes	No
<i>Special Area Plan</i>	X	
Downtown Centennial Plan	X	
Redevelopment Plan Area	X	
Special Overlay District	X	
Las Vegas Boulevard Scenic Byway	X	
Trails		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

ANALYSIS

Downtown Centennial Plan

The parcel is located within the Downtown South district, which encourages major mixed-use residential projects. Height, setback, parking requirements and other development regulations are not automatically applied to properties within the Downtown Centennial Plan area; however, additional streetscape and architectural requirements are applicable. This proposed project is generally consistent with the goals and objectives of the Downtown Centennial Plan.

Redevelopment Plan Area

This parcel is within the boundaries of the Las Vegas Redevelopment Area, with a Commercial land use designation. The proposed uses are in conformance with the Redevelopment Plan.

Trails

This development is not adjacent to any Transportation, Recreation, or Urban Trails.

Scenic Byway Overlay District

This project is within the Las Vegas Boulevard Scenic Byway Overlay District which requires all signage to have at least 75% exposed neon. No signage is being considered with this application.

INTERAGENCY ISSUES

No issues have been raised to date.

PROJECT DESCRIPTION

The tower will front on Las Vegas Boulevard with the primary tower being located above a six-story parking garage. The amenity deck is located on the 7th floor and features a spa, outside pool and deck, a clubhouse and lounge for residents use.

- Use

Mixed-Uses are permitted in the C-2 (General Commercial) zoning district with a Special Use Permit. The development will include a total of 421 new residential units and 1,190 square feet of new commercial space.

The applicant has notified the FAA regional office and the Clark County Department of Aviation of this application in accordance with the requirements of the Airport Overlay District.

- Conditions

The development is subject to the following conditions:

19.06.080 A-O AIRPORT OVERLAY DISTRICT

- Aviation Easement

The issuance of a building permit for construction on property within the Airport Overlay District may be conditioned upon the property owner's signing of an aviation easement.

- Planning Commission Review and Approval

Except as provided in Section 19.06.080(E), any new construction or alteration of any existing structure on a parcel located within the Airport Overlay District must first be approved by the Planning Commission if such construction or alteration exceeds any of the following height standards:

- (1) Two hundred feet above the ground level at its site;

- Special Use Permit

- (1) Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in a manner which would exceed the limitations of this Section may apply to the Planning Commission for a Special Use Permit. The Special Use Permit application shall be processed in accordance with the Special Use Permit procedures set forth in Section 19.18.060, except that:
 - (a) The applicant shall notify the FAA regional office and the Clark County Department of Aviation of the application prior to the time of submission; and
 - (b) Any approval by the Planning Commission must be referred automatically to the City Council for final disposition.
- (2) Notwithstanding the preceding provisions of this Section, no Special Use Permit shall be granted that would allow the establishment or creation of an obstruction or permit a non-conforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this Section or any amendment thereto.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 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 design of this mixed-use tower will be a positive addition to the Downtown South District of the Downtown Centennial Plan. The high density developments in the area allow this project to blend in without any negative effects to the surrounding area.

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

The location of this project on Las Vegas Boulevard is similar to other high-density projects being proposed along this roadway.

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.”**

This project is located on Las Vegas Boulevard that is adequate to handle vehicular traffic for this project. A fully development mass transit system along Las Vegas Boulevard will serve the project as well.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of the Special Use Permit is consistent with the General Plan, and will not compromise public health, safety, or welfare.

PLANNING COMMISSION ACTION

There were five speakers; three opposed and two in favor.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 231 by City Clerk

APPROVALS 0

PROTESTS 0

**PLANNING & DEVELOPMENT DEPARTMENT**

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-13891** APN: 162-03-202-003 BNO 004

Name of Property Owner: Gregory S. Smith LLC

Name of Applicant: Leo Summif LLC

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

Yes

No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

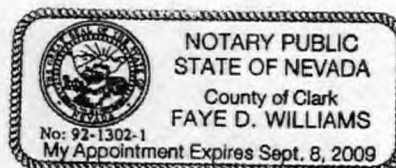
Signature of Property Owner: Dan Smith / M/S/O of LLC

Print Name: DAVID SHIRI

Subscribed and sworn before me

This 19th day of MAY, 2006

Jaye D Williams
Notary Public in and for said County and State



SITE DATA

SITE ACREAGE: 1.3 ACRES (NET)
1.5 ACRES (GROSS)

APN#: #162-03-202-003, 004

CURRENT ZONE: C-2

PROPOSED ZONE: C-2
PROPOSED USE: CONDO
PROPOSED DENSITY: 281 du/ac

NUMBER OF UNITS: 421
NUMBER OF STORIES: 45
FLOOR AREA RATIO: 13.4

PARKING ANALYSIS

1 PKNG SPACE PER UNIT (421 UNITS) 421 SPACES
TOTAL PARKING RECOMMENDED: 421 SPACES
PARKING PROVIDED: 434 SPACES
HANDICAPPED PARKING PROVIDED: 9 SPACES

FLOOR AREA

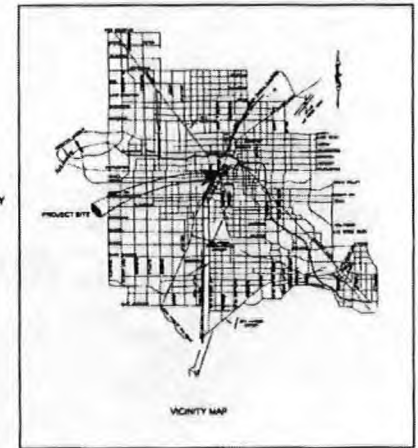
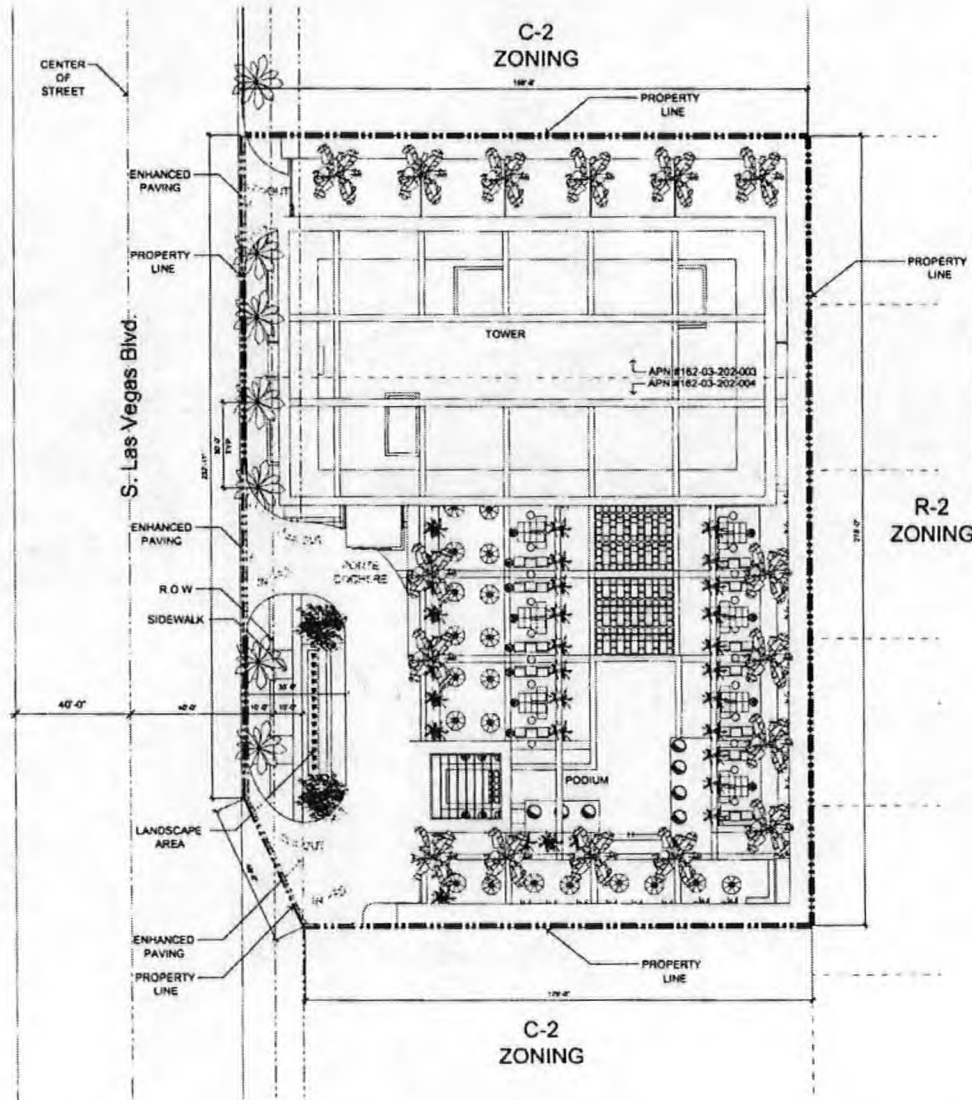
1. TOTAL RESIDENTIAL FLOOR AREA: 480,489 S.F.
(BALCONY NOT INCLD.)
2. TOTAL PARKING AREA: 287,466 S.F.
3. LOBBY/ MEP/PUBLIC AREA: 8,344 S.F.
4. RESTAURANT AREA: 1,190 S.F.
5. AMENITIES: 7,905 S.F.
6. OUTDOOR PODIUM AREA: 25,655 S.F.

TOTAL GROSS AREA: 877,115 S.F.

LANDSCAPE LEGEND

	SIZE	QUANTITY
 HERITAGE LIVE OAK - QUERCUS VIRGINIA HERITAGE	24" BOX 2-1/2" C	2
 BANANA MUSA - BASJOO - JAPANESE FIBER BANANA	18" HIGH	16
 WASHINGTONIA ROBUSTA - MEXICAN FAN PALM	30" HIGH	6
 WATER BAMBOO - PHYLLOSTACHYS HETEROCLADA	8" HIGH	56
 BIRD OF PARADISE - STRELITZIA REGINAE	4" HIGH	34

SEE GROUND LEVEL FLOOR PLAN FOR ADDITIONAL INFORMATION



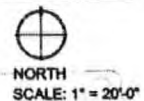
Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

Condominiums at 1431 South Las Vegas Blvd.
Project #2006157

CITY OF LAS VEGAS

08/10/06 PC
SUP-13891
SUP-13897
SDR-13899

Site Plan - Landscape Plan



MAY 30 2006

Date: May 26, 2006

A0 - Site Plan - Landscape Plan

SITE DATA

SITE ACREAGE: 1.3 ACRES (NET)
1.5 ACRES (GROSS)

APNs: #162-03-202-003, 004

CURRENT ZONE: C-2

PROPOSED ZONE: C-2
PROPOSED USE: CONDO
PROPOSED DENSITY: 281 du/ac

NUMBER OF UNITS: 421
NUMBER OF STORIES: 45
FLOOR AREA RATIO: 13.4

PARKING ANALYSIS

1 PKNG. SPACE PER UNIT (421 UNITS) 421 SPACES

TOTAL PARKING RECOMMENDED: 421 SPACES

PARKING PROVIDED: 434 SPACES

HANDICAPPED PARKING PROVIDED: 9 SPACES

FLOOR AREA

1. TOTAL RESIDENTIAL FLOOR AREA: 480,489 S F
(BALCONY NOT INCLD.)

2. TOTAL PARKING AREA: 287,466 S F

3. LOBBY/ MEP/PUBLIC AREA: 8,944 S F

4. RESTAURANT AREA: 1,190 S F

5. AMENITIES: 7,905 S F

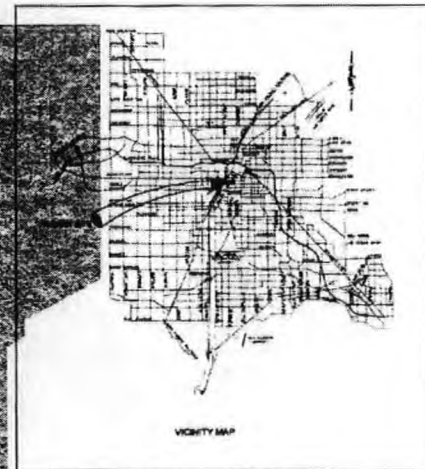
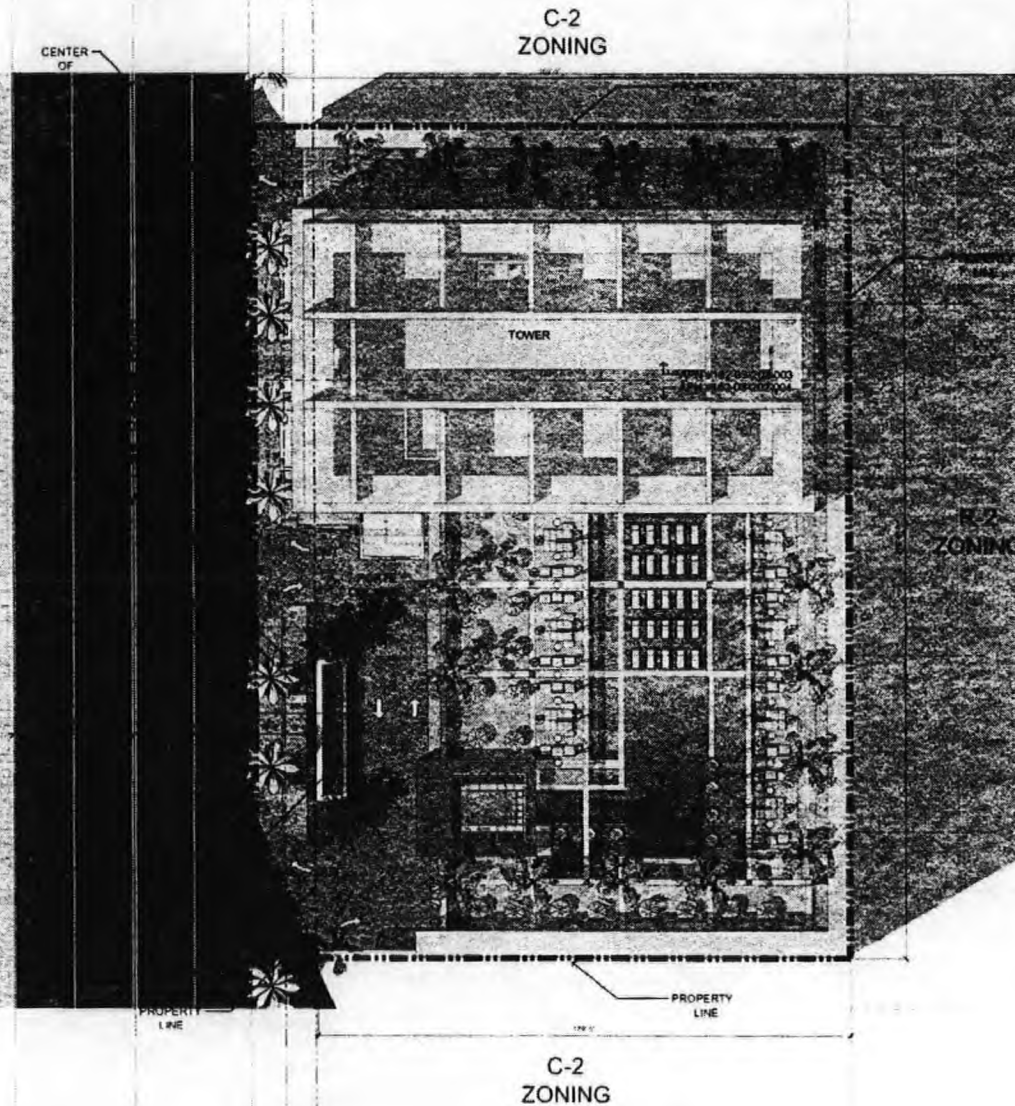
6. OUTDOOR PODIUM AREA: 25,855 S F

TOTAL GROSS AREA: 877,115 S F

LANDSCAPE LEGEND

LANDSCAPE LEGEND	SIZE	QUANTITY
 HERITAGE LIVE OAK - QUERCUS VIRGINIA HERITAGE	24" BOX 2-1/2" C	2
 BANANA MUSA - BASJOO - JAPANESE FIBER BANANA	18" HIGH	16
 WASHINGTONIA ROBUSTA - MEXICAN FAN PALM	30" HIGH	6
 WATER BAMBOO - PHYLLOSTACHYS HETEROCLADA	6" HIGH	56
 BIRD OF PARADISE - STRELITZIA REGINAE	4" HIGH	34

*SEE GROUND LEVEL FLOOR PLAN FOR ADDITIONAL INFORMATION



jma

Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

Condominiums at 1431 S. Las Vegas Blvd.
Project #: 2006901.157

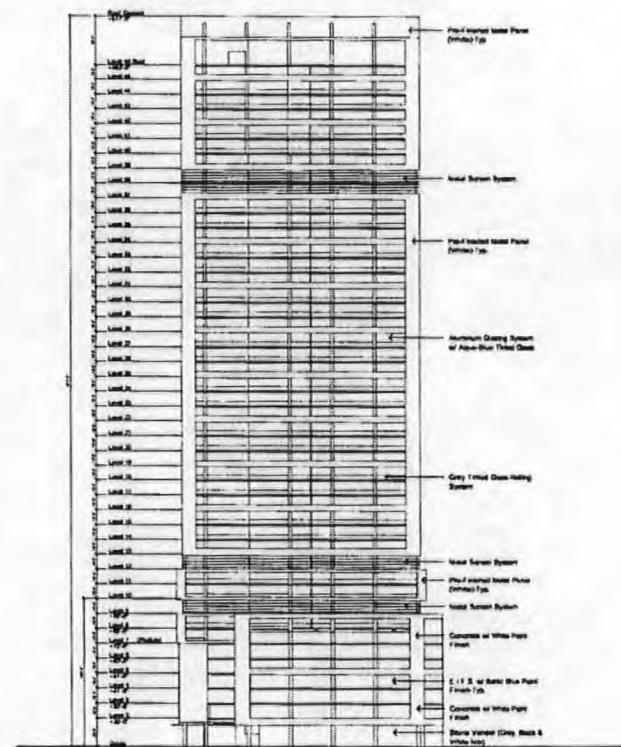
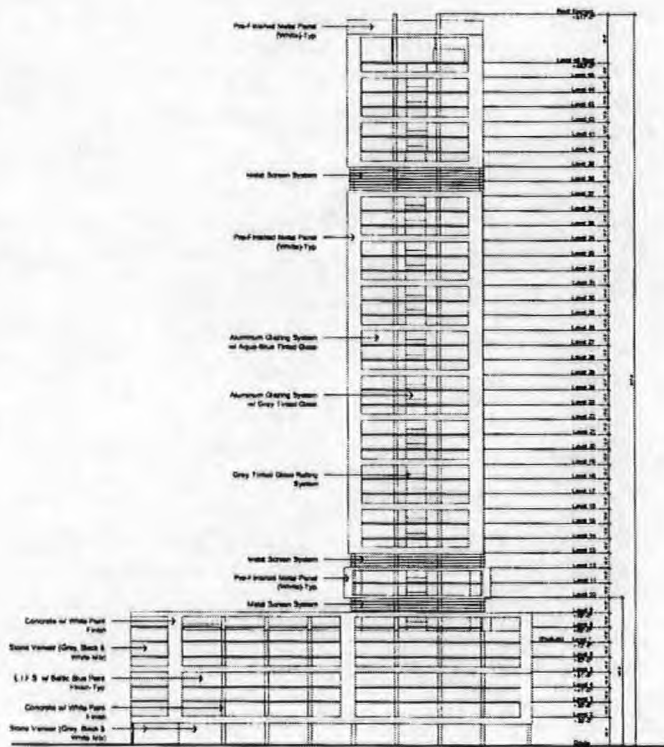
SITE PLAN - LANDSCAPE PLAN
Scale: 1" = 20'-0"



08/10/06 PC

SUP-13891
SUP-13897
SDR-13899

MAY 30 2006



MAY 30 2006



Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

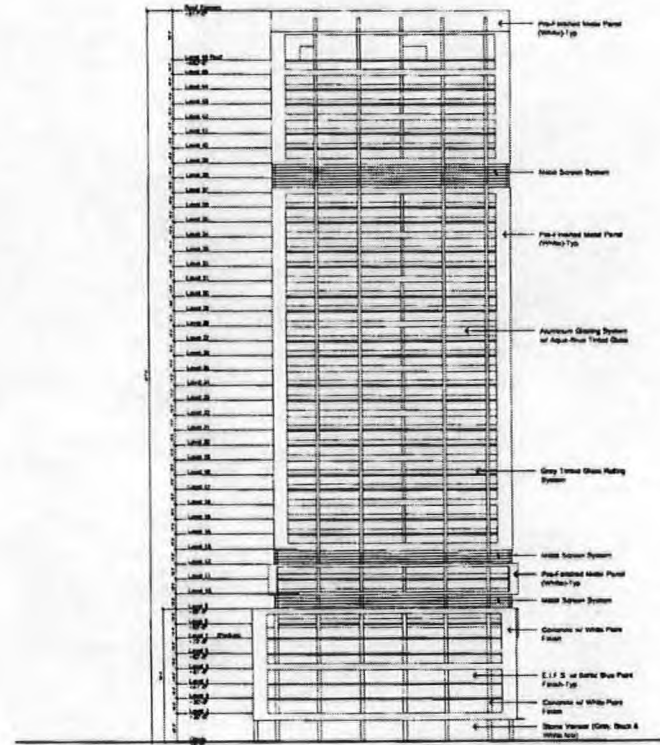
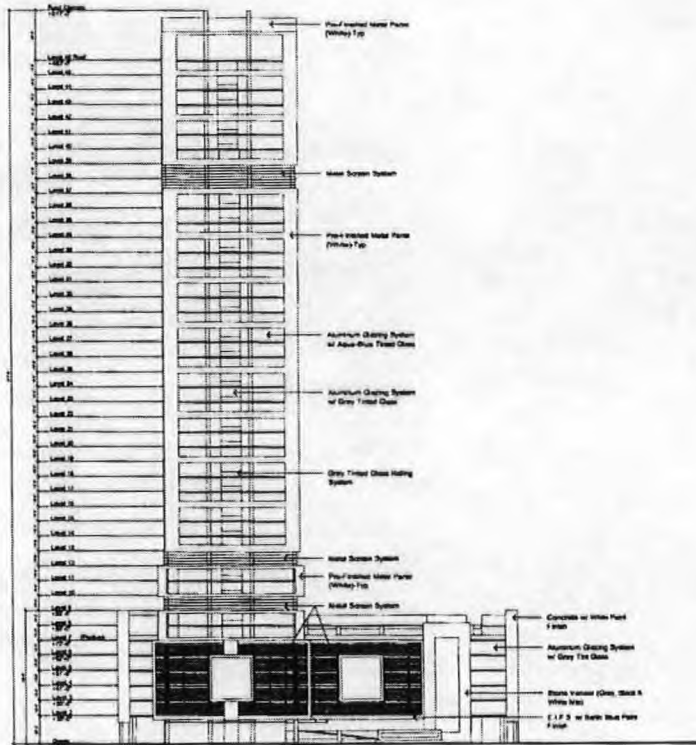
Condominiums at 1431 South Las Vegas Blvd.
Project #2006157
CITY OF LAS VEGAS

Exterior Elevations
08/10/06 PC
SUP-13891
SUP-13897
SDR-13899

SCALE: 1" = 40'-0"

Date: May 26, 2006

A5 - Exterior Elevations



MAY 30 2006



Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

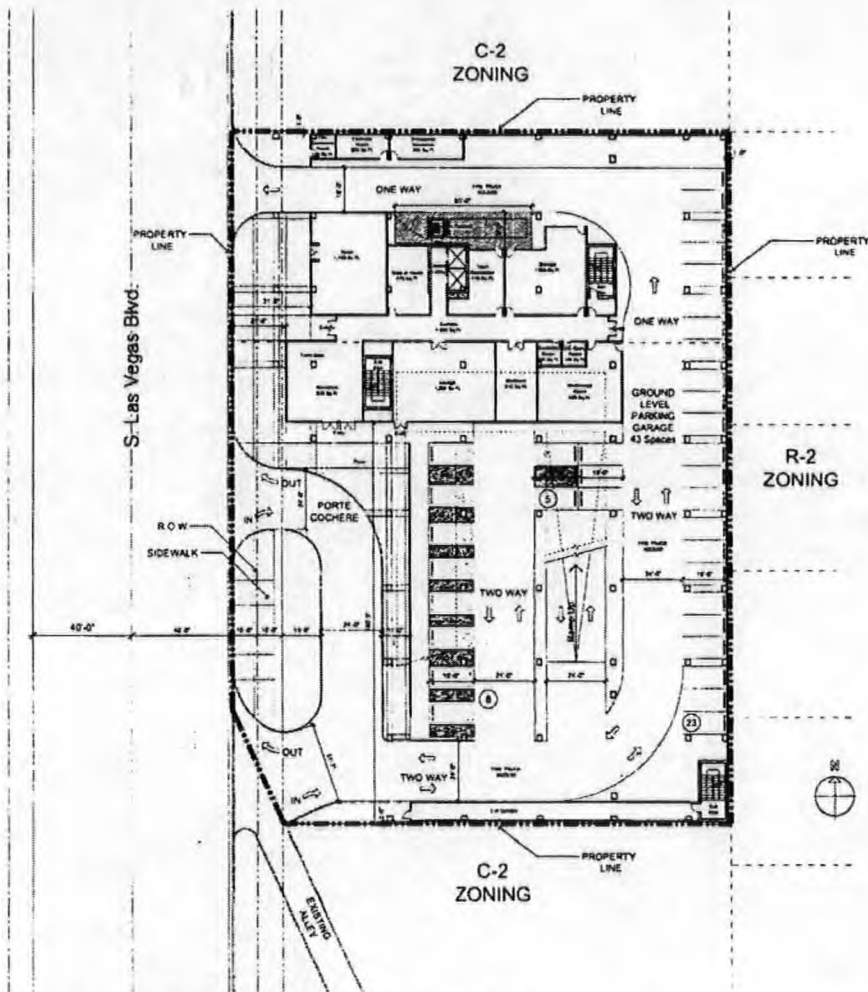
Condominiums at 1431 South Las Vegas Blvd.
Project #2006157
CITY OF LAS VEGAS

Exterior Elevations
08/10/06 PC
SUP-13891
SUP-13897
SDR-13899

SCALE: 1" = 40'-0"

Date: May 26, 2006

A4 - Exterior Elevations

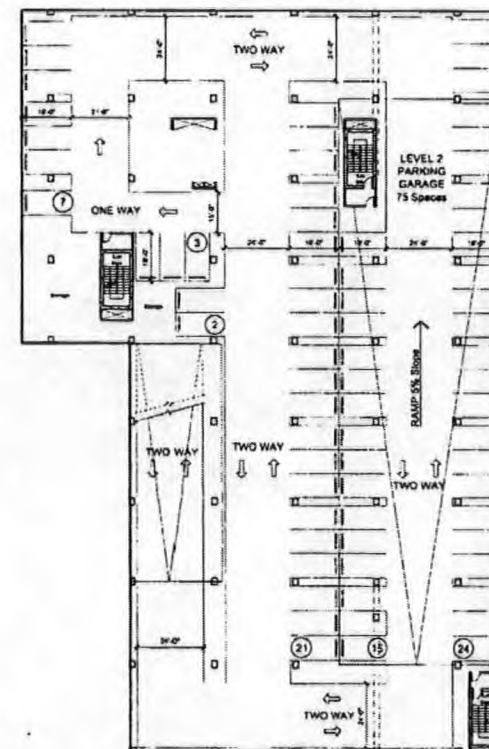


GROUND LEVEL 1 - FLOOR PLAN
SCALE: 1"=20'-0"

CONDOMINIUMS

CITY OF LAS VEGAS
LAS VEGAS, NEVADA

Condominiums at 1431 South Las Vegas Blvd.
Project #200602



GARAGE LEVEL 2 - FLOOR PLAN
SCALE: 1"=20'-0"

RECEIVED
JUN 26 2006

SUP-13681
SUP-13697
SOS-12899
87-12-06 PC REVISED

jma

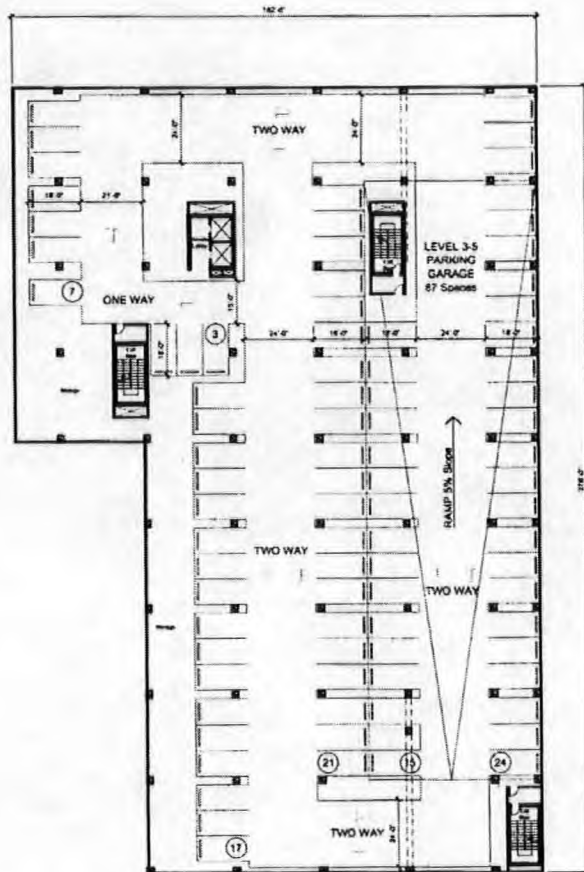
JMA #2006901.157

12130 COVINGTON CROSS DRIVE
LAS VEGAS, NV 89164
PHONE: (702) 731-2033
FAX: (702) 731-2036
WWW.JMARCH.COM

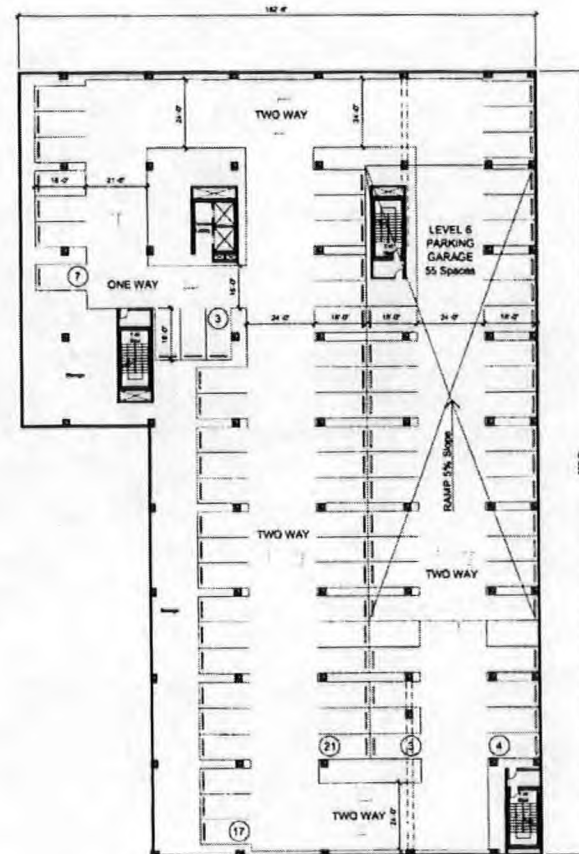
Date: JUNE 26, 2006

A-1 Ground Level 1 & Garage Level 2 - Floor Plans

08/10/06 PC



Garage Level 3-5 Floor Plan



Garage Level 6 Floor Plan



Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

Condominiums at 1431 South Las Vegas Blvd.
Project #2006157

CITY OF LAS VEGAS

SUP-13891

SUP-13897

SDR-13899

08/10/06 PC

Garage Level 3-5 Floor Plan & Garage Level 6 Floor Plan

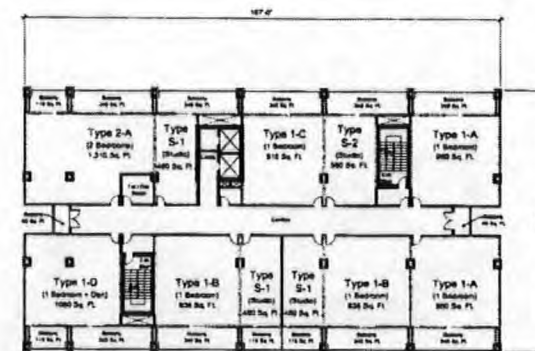
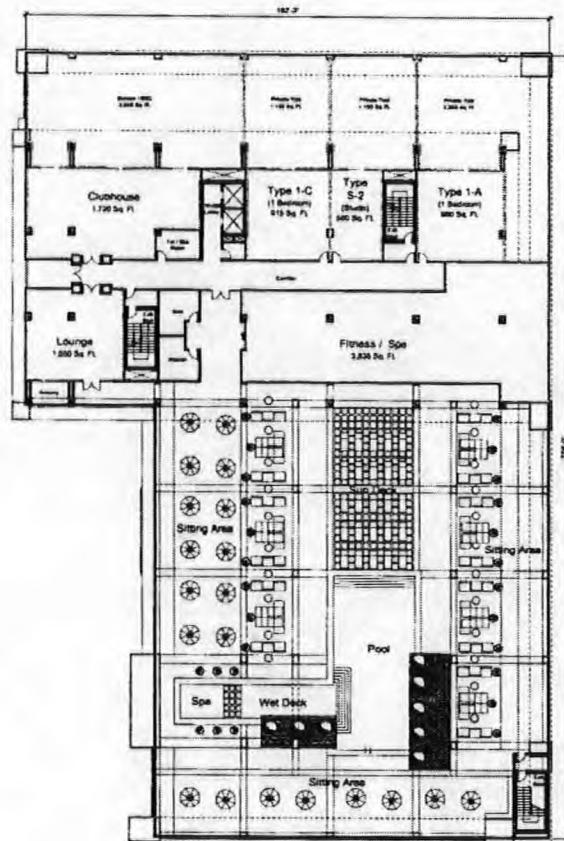


NORTH
SCALE: 1" = 20'-0"

MAY 30 2006

Date: May 26, 2006

A2 - Garage Level 3-5 Floor Plan & Garage Level 6 Floor Plan



Tower Level 8-45 Floor Plan

MAY 30 2006

Date: May 26, 2006

A3 - Podium Level 7 Floor Plan & Tower Level 8-45 Floor Plan



Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

Condominiums at 1431 South Las Vegas Blvd.
Project #2006157
CITY OF LAS VEGAS

Podium Level 7 Floor Plan & Tower Level 8-45 Floor Plan

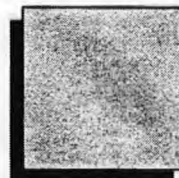
08/10/06 PC
SUP-13891
SUP-13897
SDR-13899



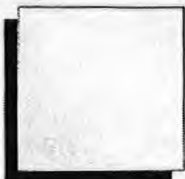
NORTH
SCALE: 1" = 20'-0"



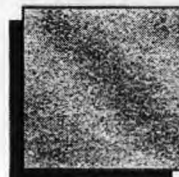
Stone Veneer
Gray/Black/White Color Mix



Glass
Aqua-Blue Tinted Glass



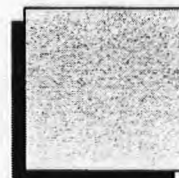
**Pre-Finished Metal
Panel &
Painted Concrete**
White Finish



Glass
Gray Tinted Glass



Painted E.I.F.S.
Baltic Blue Paint Finish



**Metal Screen System &
Aluminum Glazing System**
Anodized Aluminum Finish

MAY 30 2006

jma

Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

Condominiums at 1431 S. Las Vegas Blvd.
Project # 2006901.157

Materials/Colors

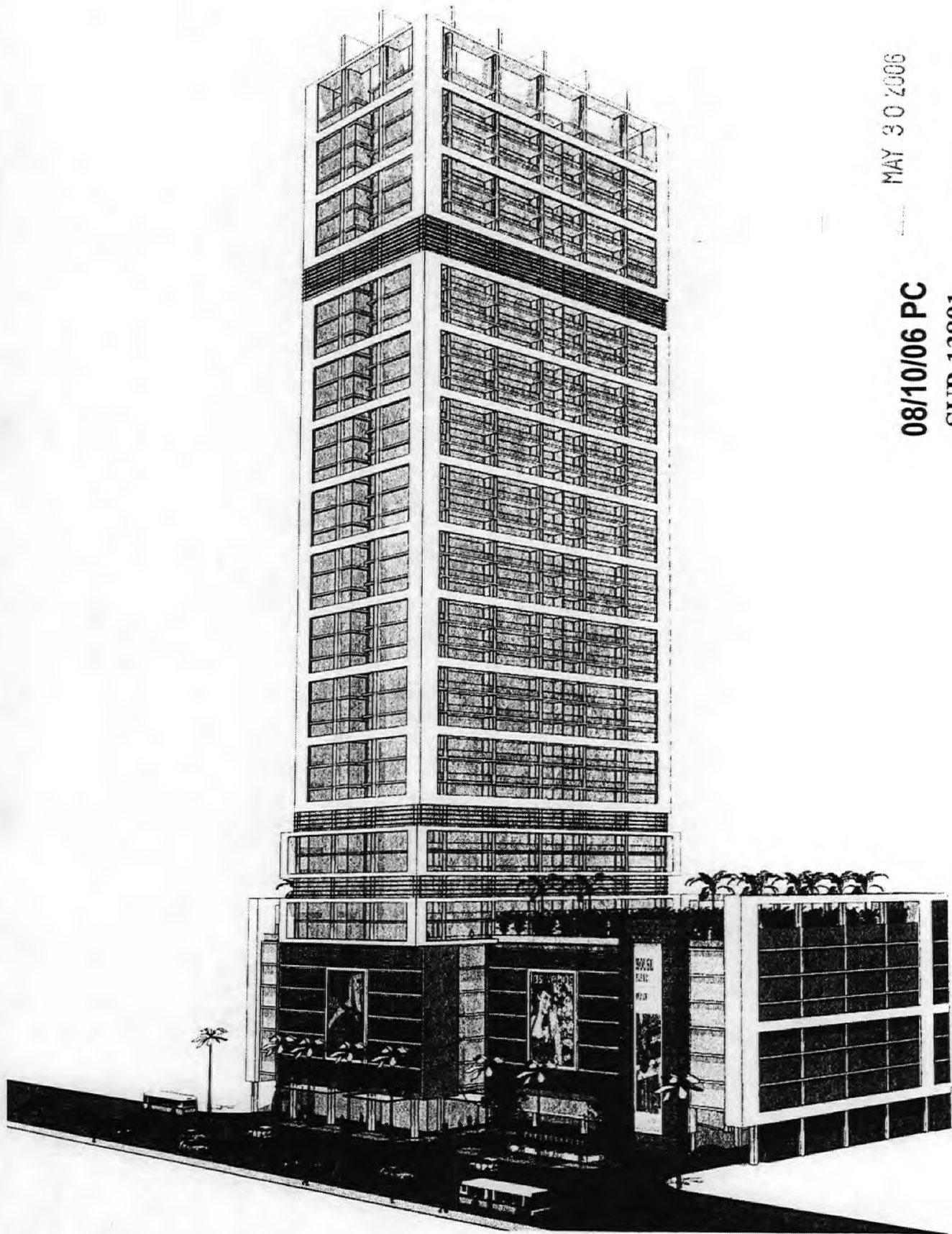
5.26.06

08/10/06 PC

**SUP-13891
SUP-13897
SDR-13899**

MAY 30 2006

08/10/06 PC
SUP-13891
SUP-13897
SDR-13899



jma

Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2003

Condominiums at 1431 S. Las Vegas Blvd.
Project # 2006901.157

South West Perspective

5.24.2006



jma

Design
10150 Cowritten Cross Drive
Las Vegas, NV 89144
702.731.2033

Condominiums at 1431 S. Las Vegas Blvd.
Project # 2006901.157

North West Street Level Perspective

5.24.2006

08/10/06 PC

SUP-13897
SDR-13899

MAY 30 2006

May 30, 2006

Margo Wheeler, Director
City of Las Vegas Planning and Development
731 S. 4th Street
Las Vegas, NV 89101

RE: Special Use Permit for Airport Overlay District; Special Use Permit for Mixed Use; Site Development Plan Review at 1431 South Las Vegas Boulevard APN: 162-03-202-003, 004

Dear Ms. Wheeler:

On behalf of our client, Cambridge Enterprises, we hereby submit the attached applications for a Special Use Permit for the Airport Overlay District; Special Use Permit for Mixed Use and a Site Development Plan review for a proposed 45 story, 517 foot high mixed use project located at 1431 S. Las Vegas Boulevard. The project will consist of 1,190 square feet of ground floor retail with 421 condominium units. The current use of the property is the Chapel of Love Wedding Chapel.

CURRENT LAND USE

The site is designated Commercial (C) on the City of Las Vegas Redevelopment Plan Map. This designation allows those uses permitted in the Office (O), Service Commercial (SC) and General Commercial (GC) land use categories of the General Plan. The parcel is zoned General Commercial (C-2), which conforms to the Plan designation. Mixed Use projects are permitted with the approval of a Special Use Permit.

The site also lies within the boundaries of the City of Las Vegas Downtown Centennial Plan, in the John S. Park Adjacent Area. While lying within this area of the plan, this site does not directly abut the portion of the John S. Park area designated as a Federal Historic Preservation Neighborhood.

It also lies within the Airport Overlay District (A-O), as described in Title 19.06.070.



**SUP-13891
SUP-13897
SDR-13899
08/10/06 PC**

A Planning & Development Services Corporation

1711 Whitney Mesa Drive, Suite 110, Henderson, Nevada 89014-2158
Telephone: 702.435.9909 / Facsimile: 702.435.0457 / E-Mail: ggarcia@gcgarciainc.com

SPECIAL USE PERMIT APPROVAL CRITERIA

Title 19.06.080 (H) establishes the criteria for approval of a Special Use Permit for properties located within the Airport Overlay District. Those are:

- a. The applicant shall notify the FAA regional office and the Clark County Department of Aviation of the application prior to the time of submission.

The notification form sent to the FAA is attached as part of this submittal.

- b. Any approval by the Planning Commission must be referred automatically to the City Council for final disposition.

It is understood that the application will be referred to the City Council.

Title 19.18.060 (L) provides the determinations to be made by the Planning Commission or City Council to approve a Special Use Permit. Those are:

- a. The proposed use can be conducted in a manner that is harmonious and compatible with existing land uses and with future surrounding uses as projected by the General Plan.

All of the properties to the north, south and west of the site are designated Commercial (C), where intense commercial and mixed use projects are anticipated. There is no amendment to the Redevelopment or Downtown Centennial Plan associated with this application. In fact, directly west of this site, the following mixed use towers have been approved:

1) Renzi Tower- SDR-10143

This was approved for 68 stories, with 1,011 units, and 9,260 square feet of retail with a maximum height of 776 feet.

2) Flatiron- SDR-8634

This was approved for 50 stories, , with 320 condominium units, 5,890 square feet of retail, and a 4,765 square foot restaurant with maximum height of 582 feet.

3) Eighty on 4th SDR-6217

This was approved for 40 stories, with 89 condominium units, and 3,257 square feet of retail with a maximum height of 505 feet.

SUP-13891

SUP-13897

SDR-13899

08/10/06 PC

It should be noted that all of the previously approved towers on the west side of Las Vegas Boulevard are of a greater height, density and mass than the project proposed for this site. Therefore in terms of such concerns as visual impacts and shading to the John S. Park neighborhood to the east, this project will have far fewer impacts than those already approved. While this proposed tower will be visible from the neighborhood, the other towers will be more visible even though they are on the other side of the street.

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

The subject site is large enough to accommodate adequate parking, landscaping and amenities needed for this type of project.

- c. Street or highway facilities providing access to the property are, or will be adequate in size to meet the requirements of the proposed land use.

Several other similar projects, at a greater height, number of unit and intensity have already been approved along the Las Vegas Boulevard corridor, where such uses have been encouraged to revitalize the downtown core of the City.

- d. 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 project advances the following objectives of the City of Las Vegas Redevelopment Plan:

The elimination of environmental deficiencies and blight in the Redevelopment Area, which constitute either or both social or economic liabilities and require redevelopment in the interests of the health, safety and general welfare of the people. This includes among others, small and/or irregular lots, obsolete and aged building types, economic and social deficiencies, deteriorated public improvements, inadequate parking facilities, and inadequate utilization of land and public facilities.

The approval and construction of mixed use projects in the downtown core has led to a revitalization of the area. Modern, integrated high-end projects are replacing obsolete and aged buildings and are beginning to establish a new, vibrant downtown core, where people will be able to live, work, shop and play without a heavy reliance on the automobile.

**SUP-13891
SUP-13897
SDR-13899
08/10/06 PC**

The assembly of land into parcels suitable for modern, integrated, development and allowing for improved pedestrian and vehicular circulation in the Redevelopment area.

This project assembles two parcels for the construction of a modern mixed use tower that will provide all of the pedestrian connectivity, landscaping and a visual context envisioned by both the City of Las Vegas Redevelopment Plan and the Downtown Centennial Plan.

The replanning, redesign and development of undeveloped areas which are stagnant or improperly utilized.

This, along with other mixed use towers approved directly to the west of this site and in the Downtown Centennial Plan is re-shaping the future of the downtown core. The area south of Charleston Boulevard, along the Las Vegas Boulevard corridor, is in need of extensive redevelopment, as most of the properties are developed with older, dilapidated buildings that have hindered the redevelopment of this area of the City. The proposal seeks to reverse this long-standing trend and add to the revitalization of this area of downtown Las Vegas.

The strengthening and diversification of the economic base of the Redevelopment Area and the community by the installation of needed site improvements to stimulate new commercial expansion, employment and economic growth.

A key component of transforming the downtown core of the City is economic diversification and attracting new residents. New development brings with it the opportunity for installation and construction of needed site improvements; this mixed use project will provide all necessary improvements required by the City to mitigate impacts created by this development.

SITE PLAN REVIEW APPROVAL CRITERIA

Title 19.18.050 (E) establishes the criteria for Site Development Plan review. They are:

1. The proposed development is compatible with adjacent development and development in the area.

The proposed mixed use tower is less intense in terms of density and intensity of development than those recently approved on the west side of Las Vegas Boulevard. It is recognized that the John S. Park single family neighborhood lies directly to the east, however, in terms of

08/10/06 PC

**SUP-13891
SUP-13897
SDR-13899**

visual, shading and other concerns associated with high rise development in close proximity to single family residential, all of the previously approved projects will have greater impacts to the neighborhood than this proposal.

2. The proposed development is consistent with the General Plan, this Title, the Design Standards manual, the Landscape Wall and Buffer Standards and other duly-adopted city plans, policies and standards.

This project will be in general conformance to the General Plan, Downtown Redevelopment Plan and the Redevelopment Plan of the City of Las Vegas. It implements the overall objective of approving high intensity, mixed use development in the downtown area to redevelop, revitalize and add vitality and economic diversification to the downtown. In terms of meeting all the technical standards of the Downtown Plan, minor waivers will be requested to the build to line and building step back criteria of the Downtown Centennial Plan.

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

All improvements required by the Department of Public Works and Fire Services will be provided. The traffic circulation is such that it will not increase neighborhood traffic into the adjacent single family neighborhood.

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

The building materials depicted on the attached plans are intended to provide a modern, mixed use high rise that is an attractive, vibrant and exciting addition to this area of the City. The landscaping will be in keeping with the standards established in the Downtown Centennial Plan.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance and create an orderly and aesthetically pleasing environment that is harmonious and compatible with development in the area.

The elevations and design of the building are designed to bring excitement and vitality to the downtown area. They will add to the vibrant environment that will be created with this, and other approved projects along the Las Vegas Boulevard corridor.

08/10/06 PC

**SUP-13891
SUP-13897
SDR-13899**

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

There are no uses proposed in this project that would endanger the overall health, safety and public welfare of residents or businesses located in this area of the City.

WAIVERS

The following waivers to the standards of the Downtown Centennial Plan are requested:

1. Section VII, Design Standards per District, Section C (1).

This section of the Plan requires 70% of the first story facade to be aligned along the front property line.

This waiver is requested so that the project can provide an attractive, well landscaped pedestrian pathway to enhance the appearance of the project.

2. Standards requiring the provisions of step back at the 4th, 11th and 18 stories of the building.

The building will provide a step-back at the podium level, which will be at the 7th floor of the structure. This provision is one commonly waived with mixed-use high-rise development; there will be significant articulation and fenestrations provided to off set the additional step backs.

SUMMARY

The overall objectives of the Downtown Centennial Plan and the Redevelopment Plan are to create a vision for the downtown area of the City that results in a vibrant, exciting, economically viable core, where people will want to live, work, shop and play. The downtown area is in the midst of a renaissance, as older, stagnant areas are being replaced by modern, urban, intense mixed-use high rise developments that will bring life and excitement to areas in sore need of redevelopment, such as the Las Vegas corridor south of Charleston Boulevard.

A key component to sustaining the momentum being built to re-invigorate the downtown core of the City is to continue encouraging the development of modern, integrated, very urban mixed use projects of high density and intensity to stimulate growth and investment in the Downtown plan area. These types of projects will continue to strengthen and diversify the economic base of the Redevelopment Area. They will, in time, eliminate the blighted, obsolete and

SUP-13891

SUP-13897

SDR-13899

08/10/06 PC

deteriorating buildings currently in existence with new development that will provide a socially balanced community providing jobs and housing for persons of varying social, economic and ethnic groups as stated in the Redevelopment Plan.

For the reasons stated above, we believe the project associated with these applications is exactly what was envisioned when the Downtown Centennial Plan and Redevelopment Plans were adopted. We respectfully ask for your favorable consideration of this application. If you need any additional information, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "David Clapsaddle", written in a cursive style.

David Clapsaddle
Director of Planning

**SUP-13891
SUP-13897
SDR-13899
08/10/06 PC**



October 31, 2006

RECEIVED
CITY CLERK

2006 OCT 31 A 9:58

Mayor Goodman & Council Members
City of Las Vegas
400 Stewart Ave.
Las Vegas, NV 89101

RE: Las Vegas Blvd & 3rd (SDR-13899, SUP-13897, SUP-13891)

On behalf of my client, GeoSummit, LLC, I am submitting a request to have the above listed applications tabled at the November 1, 2006 City Council meeting. We believe it is appropriate at this time to table the project so that we will be able to continue working with staff and the neighbors.

We respectfully request your consideration in the above listed matter. Please advise us of your decision. If you have any questions please feel free to contact me at (702) 435-9909.

Sincerely,

David Clapsaddle
Planning Director

DWC: mw

CC: City Clerk
Margo Wheeler
GeoSummit, LLC
Cambridge
Susie Martinez
Flinn Fagg



GCGARCIA

Submitted after final agenda

Date 10/31/06 Item 78-80

A Planning & Development Services Corporation

1711 Whitney Mesa Drive, Suite 110, Henderson, Nevada 89014-2158

Telephone: 702 435 9909 Facsimile: 702 435 0457 E-Mail: ggarcia@gcgarciainc.com

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

August 8, 2006

Las Vegas City Planning Commission
City Hall, Tenth Floor
400 Stewart Avenue
Las Vegas, NV 89101

Re: August 10, 2006 Planning Commission Meeting, Agenda Item Nos. 36-38
Application of Stratorise LLC/Aztec International, 1431 Las Vegas Blvd. South

Dear Planning Commission Members,

I am writing in opposition to an application by Stratorise/Aztec International for a Special use Permit and Site Development Plan Review for a proposed 45-story, 517-foot tower at 1431 Las Vegas Boulevard. I offer this opposition as a resident and as Vice-President of the John S. Park Neighborhood Association.

The proposed building, if erected today, would be the 6th tallest building in the Las Vegas metropolitan area. The only completed buildings of that height or more are the Stratosphere, Wynn, the Eiffel Tower at Paris, New York New York Hotel & Casino and the Bellagio. It would be more than twice the height of SoHo Lofts. The proposed building would be directly adjacent to single family residential homes that are only a single story, and would be approximately 35 times the height of the adjacent homes.

The John S. Park neighborhood is unique both in its rich and long history and in its location. The historic neighborhood, which is primarily zoned as R-1 residential, directly abuts C-2 commercial property along the City's major thoroughfare. It is not common to have C-2 commercial zoning in such close proximity to R-1 single-family residential zoning. The residents of John S. Park recognize that we live in a unique area and we welcome the prospect of living in an urban environment. Many of us, however, strongly oppose the building of a giant skyscraper within only a few feet of our homes.

Title 19.06.060 currently exempts properties within Downtown Centennial Plan from the automatic application of residential standards, but Title 19.06.060 and 19.08.045 both provide that this exemption does not prohibit imposition of similar or equivalent limitations in connection with approval of a site development plan. Thus, an applicant does not have a claim of right or even a reasonable expectation to build on his property to any height and without regard to neighboring properties.

ITEM NO.: 36, 37, 38
CASE NO. SUP. 13891, SUP. 13897,
PC MEETING: 8-10-06 502-13899

August 8, 2006

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Last year residents of the John S. Park neighborhood fought against a proposed high-rise building at the site of the Viva Las Vegas Wedding Chapel. We appeared numerous times at neighborhood meetings, Planning Commission meetings and City Council meetings. Ultimately we prevailed on our contention that buildings should be limited to 5 stories in order to protect the home values, quality of life, and well-being of near-by residents. The same conclusion should be reached here.

The criteria used for consideration of site development plans illustrate why the height restriction is necessary:

1. Compatibility of adjacent development:

Buildings of several hundred feet or more are not compatible with the adjacent residential zoning. Such buildings would subject neighborhood residents to noise, visual blight, blockage of skyline and invasion of privacy.

The John S. Park neighborhood has defined what we believe to be compatible with the neighborhood and we did that through our neighborhood plan, which was approved by the City Council. In that plan we recognized that we live in an urban environment and that development not only will happen, but we welcome that development. Our neighborhood plan sets forth a compromise for commercial development on Las Vegas Boulevard. We defined that compromise between the neighbors, many of whom would prefer single or two story developments in this area, and the commercial entities, as five stories or 60 feet. Few residents of this city would agree to a 5 story building in their backyard, but we joined together and said that is acceptable to us. The neighboring properties were invited to join in that discussion, and some did join in that discussion and agreed to that limit. We ask you to honor that limit now.

2. Consistency with general plan.

The proposed building is not consistent with the general plan. Title 19.08.020 sets forth the intent of development standards. The first intent of the standards is "to ensure that new development will not negatively impact the use and enjoyment of adjacent and neighboring properties." Other intents of the standards include increasing design compatibility between abutting properties and land uses; to reinforce a sense of community and to preserve the integrity of neighborhoods and places of business; and to reduce unsightly views. A building of this height would not satisfy these standards.

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This is not unlike the Ambling development controversy for property located at Martin Luther King Blvd. and Alta Drive. In that case 10 homes were in the 750 foot notification area; here several hundred homes are within the notification range of the commercial properties at issue. There the project was rejected because of concerns from homeowners who were one and two miles away, here there are homeowners who are less than 20 feet away. This project should be rejected for each of the reasons given on the Ambling property.

3. Site access and traffic issues.

Significant issues exist concerning vehicle traffic that would be created by the erection of this proposed building. Of primary concern is the fact that vehicles wishing to travel south from commercial properties in this area would either be required to quickly cross two lanes of traffic to the left and then make a U-turn at Charleston, or turn left and then travel south on Main Street or another street west of Las Vegas Boulevard, or take a simple right hand turn on Park Paseo and then turn right again on 5th Place or 6th Street. We believe the route through the neighborhood would become the preferred route. Unfortunately, there are no sidewalks on significant portions of these narrow roads, and pedestrian traffic is already hazardous. Additional traffic on these streets will be harmful to residents in this area. We also have concerns based upon the relatively small size of the commercial lots during the construction stage. It would be very difficult for high-rise construction to take place on these lots without closing all or part of Las Vegas Boulevard for significant periods of time, which will have a severely detrimental impact upon neighboring streets.

Several residents met with the developer's representatives for this project and we asked them to complete a questionnaire which addressed many of our concerns. Our 8 page questionnaire is attached. The 4 page response to our 8 page questionnaire is also attached. You will see that the developer was either unable or unwilling to answer most of our questions. We were told that a traffic report has not yet been completed, but we consider such information to be crucial to this Commission's consideration of this project. Likewise, the developer was not able to answer any questions about staging the construction, even though the situs of the staging area is of crucial importance to the neighborhood. Simply stated, we need to know if the developer intends to use any areas within the neighborhood for staging construction, diverting traffic, parking for construction workers, or accessing the site during the construction phase as the presence of large construction vehicles on our residential streets would be highly disruptive to our lives during the lengthy construction process. Given the incredibly small size of the site in relation to the massive building that is proposed, the location and availability of a staging area are critical details which should be known at this stage of the process.

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The developers offered to meet with us regarding these issues after a contractor is selected, but the fact remains that this is our only opportunity to meaningfully participate in the process as there is no further public comment or voting by public officials after the plan is approved.

4. Public safety, health and general welfare Issues.

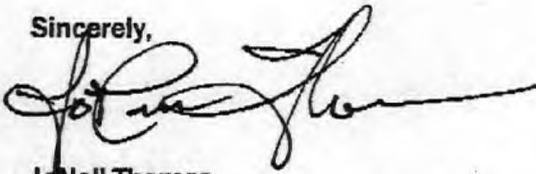
The proposed building does not promote the public safety, health and general welfare of John S. Park neighborhood residents. We do not want to live in any area where we are walled off by huge skyscrapers and cut-off from participating in the redevelopment of the city. We welcome new businesses who will thrive in this area and make this area a better place to live, but this proposed project does not meet those goals. We have concerns about safety, noise, and obstructions that will be caused by the construction. We asked the developer to address those issues, but substantive replies were not provided. We also have concerns about the viability of this project given vacancies in other condominium projects and the lack of any apparent virtue to this project. A primary concern is that because this is a very small lot and there are very few amenities offered, such as a large amount of retail, that the only real virtue of this project will be its views of Las Vegas Boulevard. Those views, however, cannot be guaranteed as properties to the north and south have indicated their intention to build projects of similar size. While living in skyscrapers with no more than 20 feet to the next balcony, with absolutely no view, may be the norm in Manhattan, there are many other alternatives in Las Vegas. Thus, I submit that there is a very real chance that either this project will never be built and that granting entitlements to build will only drive up the price of the land and prohibit a viable project, that would enhance downtown, from actually being built, or it will be built and will eventually turn into a slum building because those with the means to do so will buy elsewhere so that they may enjoy unobstructed views and significant amenities. In either event, the residents of John S. Park would suffer - not only through the construction process but also as a result of a poorly conceptualized project.

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As noted above, we asked a number of basic questions that we believe to be more than fair under the circumstances. A significant number of these questions remain unanswered. Based upon the Site Development Plan Review criteria, and the failure of the proposed developer to fully answer questions posed by neighborhood residents, I respectfully request that you deny the request for the Site Development Plan Review.

Sincerely,



Jonell Thomas

John S. Park Neighborhood Association Vice-President

1509 South 5th Place

Las Vegas, NV 89104

868-9110 - home

471-6565 - office

471-6540 - fax

jonell@jonellthomas.com - e-mail

www.lvdowntownneighbors.org - website

On behalf of the John S. Park Neighborhood Association, I am respectfully requesting that you provide us with the following information in advance of next week's neighborhood meeting concerning property located at 1431 South Las Vegas Boulevard. We appreciate the opportunity to discuss our concerns with you and look forward to hearing more about your project.

Building Details

How many stories:

How tall:

Lot size:

Lot coverage:

Building setback on the north:

Building setback on the south:

Building setback on the east:

Building setback on the west:

Distance from edge of building to closest residential property:

Height of the closest residential property:

Number of studios:

Number of 1 bedroom units:

Number of 2 bedroom units:

Number of units with 3 or more bedrooms:

Anticipated number of total occupants upon completion:

Will condominiums be used as time share units, hotel rooms or other short term rentals?

Number of parking spots for residents:

Number of parking spots for visitors:

Number of parking spots for employees:

Uses (condo, mixed-use, office, hotel, etc):

Percentage of square footage for commercial use:

Percentage of square footage for residential use:

Percentage of square footage for other use:

Will alcohol be served or available for purchase?

Will there be gaming tables or slot machines?

Will reflective materials be used on the outside of the building?

Has a shadow study been performed?

If yes, is it publicly available?

Please attach a copy to this questionnaire.

Construction

When is construction anticipated to begin?

How long is construction anticipated to last?

What are the anticipated hours of construction?

Will construction be limited to activities which do not generate noise beyond the building during the evening hours?

Where will construction workers park?

Where will the construction be staged?

Will it be necessary to close one or more lanes of Las Vegas Boulevard during construction?

If so, how long with the lanes be closed?

What alternative routes have been developed?

How will dust be abated during construction?

What precautions will be made for debris, building materials and trash in windy conditions?

Who will provide insurance for damage to neighboring properties caused during the construction process?

Will the developer and construction property provide a person on-call 24-hours a day to address concerns of neighbors during the construction process?

If so, what is the name of the contact person?

Will union labor be used?

If yes, how much of the construction will be completed by union labor?

Will any flammable materials be kept on site during construction?

Will any hazardous materials be kept on site during construction?

Is a construction company under contact?

If yes, what is the name of the construction company?

If no, when will a construction company be placed under contract?

Safety

What is the distance to the nearest fire hydrant?

Has the fire department certified whether current fire hydrants and equipment are sufficient to meet the needs of the building?

What is the access route for fire trucks and emergency vehicles on the north, south and east sides of the building?

Does the property owner's insurance cover damage to neighboring properties due to fire or other cause at the subject property?

What is the amount of the insurance?

Has the property owner provided proof of insurance to the city?

What assurances do we have that insurance will be maintained?

Are there structural barriers which would prohibit automobiles from hitting the building?

Has an earthquake study been performed?

If yes, is it available to the public?

Please attach a copy of the study to this questionnaire.

Will east facing windows open?

Will there be any balconies that face east?

What precautions will the developer take to ensure that items are not thrown from east facing windows or balconies?

Traffic

Has a traffic study been performed?

If yes, is it available to the public?

Please attach a copy of the study to this questionnaire.

How many automobiles are anticipated at the property per day?

How many entrances for automobiles?

How many exits for automobiles?

What steps have been taken to assure that traffic will not back up and cause traffic delay on Las Vegas Boulevard?

Is it anticipated that limousines will be used by either building owners or occupants?

If so, is the developer aware of the difficulties in property access by limos?

Is the developer aware that limousines are not permitted on 5th Place and 6th Street?

Have alternative routes for limousines been developed?

Is there currently a bus stop in front of the property?

Will there be a bus pull-out lane at the front of the property?

Noise

Where will mechanical equipment, such as air-conditioners, be located?

What is the distance from mechanical equipment to neighboring properties?

What is the decibel level of mechanical equipment?

What are the anticipated hours of operation of mechanical equipment?

Are there outdoor patio or decks?

If so, on which floor are they located?

On which side of the building will they be located?

Hours of operation?

Will there be a nightclub, bar or similar use within the building?

If so, what are the hours of operation?

Utilities

Where will trash be contained?

Distance of trash containers to neighboring properties?

How will garbage trucks access garbage containers?

Will utilities be above ground or under ground?

Does the property owner intend to place neighboring above-ground utilities underground?

Is the current electric grid sufficient to handle the increased load that will be created?

Is the current sewer system sufficient to handle the increased load that will be created?

Will heat be electric, gas, propane or solar?

Will a cellular telephone antenna be erected on the property?

Will the building interfere with access to any existing cellular phone antennas?

Privacy

Will the property have any security cameras, video surveillance or other video equipment located on the east side of the building or which will be capable of filming properties to the east?

Will apartment/condo units have east facing windows?

Amenities

Will animals be allowed within the building?

If so, is a "dog park" or similar amenity planned?

If not, where will pets "exercise"?

Is the developer providing any park space?

Is the developer providing any walking trails?

Is the developer planning to contribute towards park space or open space in the city?

If so, how much?

Will businesses located within the building be open to the public?

What type of landscaping will be provided and where will it be located?

Is there any additional buffer that will be provided between the property and adjacent residential properties?

Disclosures

Will the developer disclose the distance to the nearby topless strip club to buyers?

Will the developer disclose the distance to nearby adult bookstore to buyers?

Will the developer disclose the distance to nearby nude strip club to buyers?

Will the developer disclose the possibility that highrises of similar height may be built on adjacent properties and that there is no guarantee of view.

Helicopters

What is the above mean sea level of the building?

Has approval been obtained from the FAA?

Has approval been obtained from the Clark County Department of Aviation?

Will construction of the building require or result in diversion of helicopter traffic from existing paths?

If so, what is the new proposed path?

Construction Experience and Preparation

Has the developer ever completed a similar project?

If so, in which city or cities?

Has the developer ever built any building over four stories tall?

If yes, please describe the experience of the construction company with construction of high-rises and skyscrapers.

Has any prior high-rise construction by the construction company been in close proximity (less than one block) to existing residential properties?

If so, were any claims, lawsuits or settlements made with neighbors because of safety, debris, nuisance or other issues?

Has the developer or property owner ever filed for bankruptcy?

If so, please provide details.

Does the developer currently own the land?

Who are the real property owners and who are the developers, if different from the real property owners?

If the owners are corporations, please identify the officers and principals.

If the officers are corporations, please indicate whether they are incorporated within the State of Nevada and please identify the principals of the corporations.

What work has been done to develop this project beyond architectural drawings?

Will a principal(s) of the project be present at the Planning Commission and City Council meetings to provide details and to give assurances, under penalty of perjury, as to whether the proposed project is an actual project, whether approval is being used for the purpose of selling the land to another developer, or whether other circumstances apply?

On behalf of the John S. Park Neighborhood Association, we appreciate your willingness to provide us with this information. We believe that prompt disclosure of this information will assist in our understanding of your project and will greatly shorten the time necessary to answer relevant questions at the neighborhood meeting, Planning Commission and City Council.

If you would like a copy of this questionnaire in electronic form, please contact me at jonell@lvcm.com at your earliest convenience. We would like to have this information prior to the neighborhood meeting so we may provide it to those interested in the proposal. Please e-mail your responses to the above e-mail address or fax them to 471-6540. Please contact me if you have any questions.

Thank you,

JoNell Thomas

John S. Park Neighborhood Association Vice President

RESPONSE TO JOHN S. PARK NEIGHBORHOOD ASSOCIATION QUESTIONNAIRE:

BUILDING DETAILS:

How Many Stories:	45	
How Tall:	517	Feet
Lot Size:	1.5	Acres, +/-
Lot Coverage:	About 13.4	
North Building Setback: to Ground Level; from 7 th floor up is 32 feet	0	Feet- 7th
South Building Setback: to Ground Level; from 7 th floor up is 153	0	Feet-7 th Floor
East Building Setback: to Ground Level; from 7 th floor up is 16 feet	0	Feet-7 th Floor
West Building Setback:	10	Feet
Distance to Residential Property:	20	Feet +/-
Height of the closest Residential Building	Unknown	

Pertaining to the type of units, the ratio of studio, one and two bedroom units is not known at this time. The floor plans are typical of downtown condominium towers; the studios range from 460 to 560 square feet; the one bedroom units range from 915 to 1,060 square feet with the two bedroom units at 1,310 Square Feet. All of the units will have a balcony area of approximately 110 to 240 Square feet. At this time, the unit breakdown is 153 Studios; 230 1BR and 38 2BR

The ground floor will have approximately 1,190 square feet of retail, with a café/lounge of approximately 1,300 square feet. Alcohol may be served as part in the lounge, this will require approval of a Special Use Permit, subject to a public hearing.

Residential parking will be provided at a ratio of one space/unit; an additional 12 spaces will be provided. It is anticipated that the lounge/restaurant/café area will only be used by residents of the buildings or walk-through traffic. The City of Las Vegas has standards regarding reflective glass; a shadow study has not been performed at this time.

CONSTRUCTION

Construction time frames are difficult to anticipate at this time. It takes approximately 18 months to have improvement plans approved by the City after rezoning applications are completed. Hours of construction will be set to limit any inconvenience. Standard construction practices will be followed for other construction along the Las Vegas Boulevard corridor. All standards for dust abatement and safety will be followed. A 24 hour contact will be provided to the neighborhood to report any problems or concerns. Hours of construction can be established to limit impacts to the neighborhood.

SAFETY

We have not yet received responses from the Fire Department related to this application. All standards for fire access and emergency vehicle ingress and egress will be met. Structural barriers can be constructed for safety purposes. The building will be constructed in conformance to all building codes, including all necessary earthquake studies.

It is anticipated that there will be no east facing windows with balconies.

TRAFFIC

A traffic study is required by the City of Las Vegas. We will share the results of the traffic study with the neighborhood. We have not received information as of this time pertaining to the need for a bus stop at this particular location.

NOISE

All mechanical and electrical equipment will be located indoors and conform to all standards for noise and operation.

The units will have individual balconies. There is likely to be a bar/lounge/café on the ground level of the building; a nightclub is not anticipated at this time.

UTILITIES

All trash containers will be indoors. Utilities will be placed below ground. The project will operate so as not to interfere with cellular telephone use.

PRIVACY

On-site security will be provided; there will be no equipment that will film properties to the east of this site. There will be no

AMENITIES

We would be pleased to include amenities not only for future residents of this project, but the residents of your neighborhood as well. This includes, but is not necessarily limited to a dog park; retail business such as a place to eat, dry cleaners, fitness facility, indoor pool, clubhouse and lounge, or any other services or business that we could provide for you. This also includes contribution to a neighborhood project, parks or open space that would be of benefit to the neighborhood.

Extensive landscaping and decorative pavers will be provided on-site; there are no waivers requested to the City's landscaping criteria.

DISCLOSURES

Full disclosure pertaining to uses will be provided to buyers pertaining to the questions asked on this part of the questionnaire.

HELICOPTERS

We have filed all required paperwork to the FAA, as required by our Special Use Permit application. Approval by the FAA and Clark County Department of Aviation is decided at a later date.

CONSTRUCTION EXPERIENCE AND PREPARATION

The owners of this property also own the property located at 1801 S. Las Vegas Boulevard, the Monument Tower site.

The Monument Tower site was in close proximity to residential properties; conditions were agreed to ensure the safety of the residences during the construction process.

The owner of the property is GeoSummit; the applicant is Stratorise, of 4465 S. Buffalo, # 2, Las Vegas, NV.

The owners of this property fully intend to develop the site; however market conditions are variable and difficult to predict how market forces will affect the future development of the property.



A Planning & Development Services Corporation

1711 Whitney Mesa Dr., Suite 110

Henderson, NV 89014

(702) 435-9909 Phone (702) 435-0457 Fax

dclapsaddle@gcgarciainc.com e-mail

PLEASE LET US KNOW WHAT YOU THINK

If you could take the time, we would appreciate your feedback on the plan for Las Vegas Blvd & 3rd. Please complete and return to us by mail or fax.

☒ This is a great addition to our neighborhood and will be compatible. *At this time*

☒ This is an acceptable project that I can live with. *At this time*

☐ This is not the type of project that fits into the neighborhood and I would rather see _____.

Feel Free To Give Us Any Additional Comments or Suggestions:

*The project looks good at this time. It can't
will improve the neighborhood.*

Your Name: *Laurie Baker*

Your Street Address: *1606 Rexford Pl.*

Las Vegas, NV. 89102
Signature: *Miss Laurie Baker*

G.C. Garcia, Inc. thanks you for taking the time to look at the plan for Las Vegas Blvd & 3rd and giving us your feedback.

Submitted at Planning Commission

Date *8/10/06* Item *#36-38*



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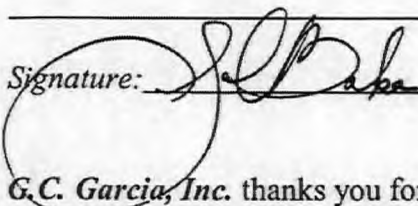
☐ This is not the type of project that fits into the neighborhood and I would rather see _____.

Feel Free To Give Us Any Additional Comments or Suggestions:

LOOKS GOOD AT THIS TIME !

Your Name: John C. Baker

Your Street Address: 1606 Rexford Place L.V. N.V. 89104

Signature: 

G.C. Garcia, Inc. thanks you for taking the time to look at the plan for Las Vegas Blvd & 3rd and giving us your feedback.



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☐ This is not the type of project that fits into the neighborhood and I would rather see _____.

Feel Free To Give Us Any Additional Comments or Suggestions:

*The project looks good at this time. It can't
will improve the neighborhood.*

Your Name: *Laurie Baker*

Your Street Address: *1606 Rexford Pl.*

Las Vegas, NV. 89102

Signature: *Mrs. Laurie Baker*

G.C. Garcia, Inc. thanks you for taking the time to look at the plan for Las Vegas Blvd & 3rd and giving us your feedback.

Submitted at Planning Commission

Date *8/10/06* Item *#36-38*



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Feel Free To Give Us Any Additional Comments or Suggestions:

LOOKS GOOD AT THIS TIME!

Your Name: *John C. Baker*

Your Street Address: *1606 Rexford Place L.V., N.V. 89104*

Signature: *[Handwritten Signature]*

G.C. Garcia, Inc. thanks you for taking the time to look at the plan for Las Vegas Blvd & 3rd and giving us your feedback.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SPECIAL USE PERMIT RELATED TO SUP-13891

SUP-13897 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: STRATORISE LLC/AZTEC INTERNATIONAL - OWNER: GEOSUMMITT LLC - Request for a Special Use Permit FOR A PROPOSED MIXED-USE DEVELOPMENT at 1431 Las Vegas Boulevard South (APNs 162-03-202-003 and 004), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (4-2-1 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

4

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (4-2-1 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting documentation
4. Justification Letter
5. Backup referenced from the 08-10-06 Planning Commission meeting Item 37

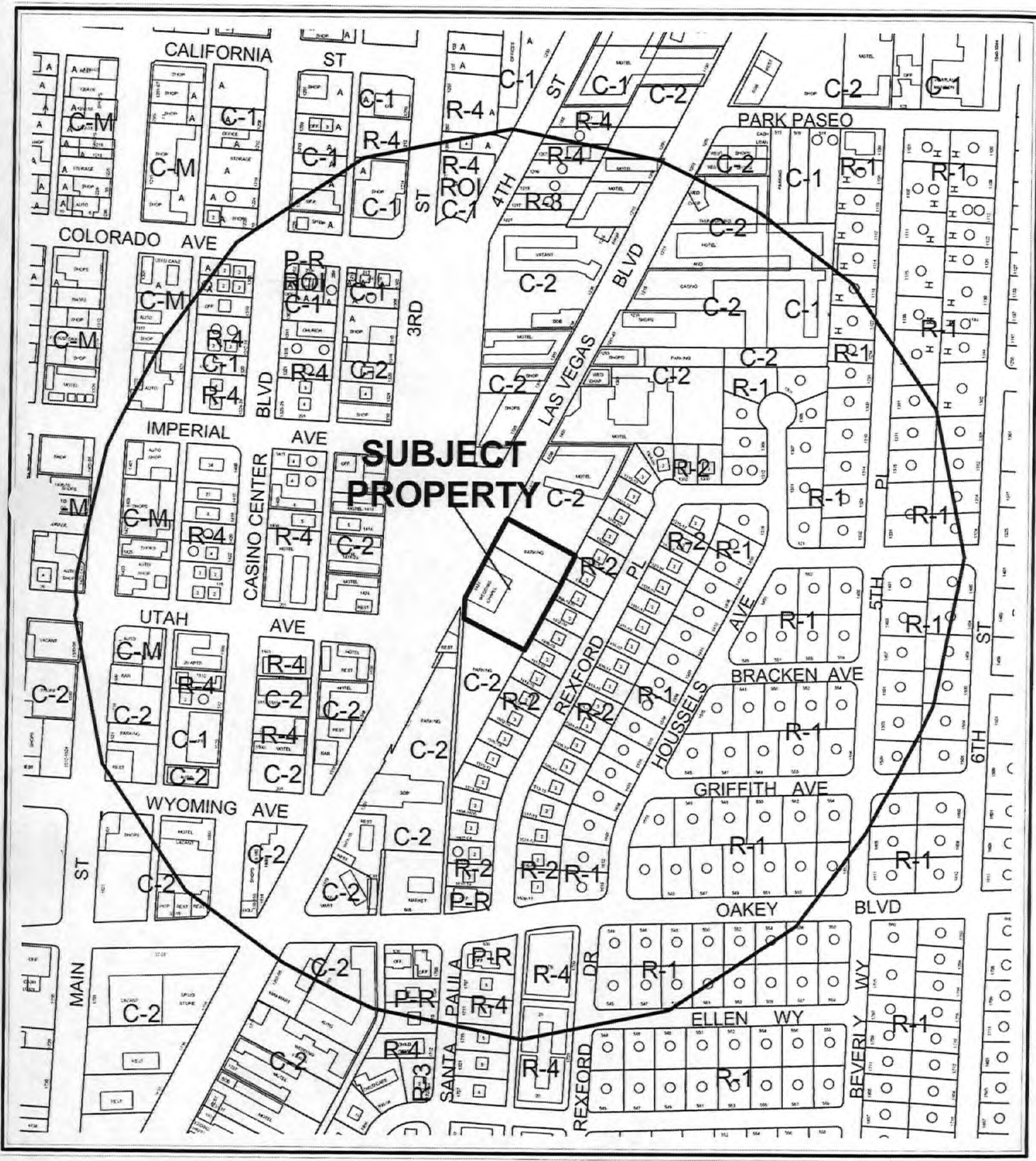
Motion made by GARY REESE to Strike Item 56 [1616 South Las Vegas Boulevard]; WITHDRAW WITHOUT PREJUDICE Item 77 [ARC-13764]; TABLE Item 78 [SUP-13891], Item 79 [SUP-13897] and Item 80 [SDR-13899]; HOLD IN ABEYANCE Item 82 [SUP-15347], Item 98 [ZON-13896], Item 99 [VAR-13900], Item 100 [SUP-13902], Item 101 [SUP-13903], Item 102 [SDR-13904], Item 103 [ZON-15371], Item 104 [VAR-15373] and Item 105 [SDR-15375] to 11/15/2006; Item 64 [EOT-16956], Item 83 [RQR-15420], Item 92 [GPA-16201], Item 93 [ZON-16196], Item 94 [SUP-16198], Item 95 [SUP-16200], Item 96 [SDR-16197], Item 108 [VAR-16144] and Item 109 [SUP-16143] to 12/06/2006

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

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

See Item 78 for related backup.



CASE: SUP-13897

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)



City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - SUP-13897 - APPLICANT:
STRATORISE, LLC/AZTEC INTERNATIONAL - OWNER: GEOSUMMIT, LLC.**

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 6, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (4-2/ds/bg-1/rt vote) recommends DENIAL and staff recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for the mixed-use section.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-13899).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied.

****STAFF REPORT****

APPLICANT REQUEST

This is a request for a Special Use Permit for a Mixed-Use development at 1431 South Las Vegas Boulevard.

EXECUTIVE SUMMARY

This mixed use residential project has a rather unique ground floor design in that the driveway is circular and off set to the right of the tower structure off of Las Vegas Boulevard. This permits two primary entrances into the tower, one directly off of Las Vegas Boulevard and one directly off of the driveway. The retail space is found directly on the Las Vegas Boulevard frontage with its own entrance. This 45-story tower features six levels of parking, an amenity floor and then the residential units on the remaining upper levels.

BACKGROUND INFORMATION

A) Related Actions

- 06/21/06 There is no land use or zoning history on file for this parcel. Records show that the current zoning is C-2 (General Commercial).
- 08/10/06 The Planning Commission recommended denial of companion items SU-13891 and SDR-13899 concurrently with this application.
- 08/10/06 The Planning Commission voted 4-2/ds/bg-1/rt to recommend DENIAL (PC Agenda Item #37/yk).

B) Pre-Application Meeting

- 05/16/06 A pre-application meeting was held where it was discussed that a Site Development Plan Review and two Special Use Permits would be required to move this project forward. The need for three waivers of the Downtown Centennial Plan was also noted.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres:	1.50 acres
Net Acres:	1.30 acres

B) Existing Land Use

Subject Property: Vacant lot/Wedding Chapel
North: Vacant lot
South: Vacant lot
East: Residential duplexes
West: Retail/bar/restaurant

C) Planned Land Use

Subject Property: C (Commercial Use)
North: C (Commercial Use)
South: C (Commercial Use)
East: C (Commercial Use)
West: C (Commercial Use)

D) Existing Zoning

Subject Property: C-2 (General Commercial)
North: C-2 (General Commercial)
South: C-2 (General Commercial)
East: R-2 (Medium Density Residential)
West: C-2 (General Commercial)

E) General Plan Compliance

The Las Vegas Redevelopment Plan designates the parcels C (Commercial), which permits office uses, limited commercial uses, and general commercial uses. The proposed mixed-use development is consistent with the land use designation.

SPECIAL DISTRICTS/ZONES	Yes	No
<i>Special Area Plan</i>	X	
Downtown Centennial Plan	X	
Redevelopment Plan Area	X	
Special Overlay District	X	
Las Vegas Boulevard Scenic Byway	X	
Trails		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Downtown Centennial Plan

The parcel is located within the Downtown South district, which encourages major mixed-use residential projects. Height, setback, parking requirements and other development regulations are not automatically applied to properties within the Downtown Centennial Plan area; however, additional streetscape and architectural requirements are applicable. This proposed project is generally consistent with the goals and objectives of the Downtown Centennial Plan.

Redevelopment Plan Area

This parcel is within the boundaries of the Las Vegas Redevelopment Area, with a Commercial land use designation. The proposed uses are in conformance with the Redevelopment Plan.

Trails

This development is not adjacent to any Transportation, Recreation, or Urban Trails.

Scenic Byway Overlay District

This project is within the Las Vegas Boulevard Scenic Byway Overlay District which requires all signage to have at least 75% exposed neon. No signage is being considered with this application.

INTERAGENCY ISSUES

No issues have been raised to date.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The Downtown Centennial Plan addresses certain site development standards, which are detailed below:

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	1.5 Acres	N/A
Min. Lot Width	N/A	278 Feet	N/A
Min. Setbacks			
• Front (LVB)	0 Feet	18 Feet	Y
• Side	N/A	0 Feet	N/A
• Rear	0 Feet	10 Feet	Y
F.A.R.	N/A	13.4%	N/A
Max. Lot Coverage	Up to 100%	Not indicated	Y
Max. Building Height	N/A	517 Feet	N/A
Trash Enclosure	Walled/roofed	Yes	Y
Loading Zone	1	0	N
Mech. Equipment	Screened	Enclosed	Y

The front setback of the building on Las Vegas Boulevard does not comply with the Downtown Centennial requirement for 70% frontage along the front property line, due to the design of the entry driveway. A trash enclosure is shown near the center

of the building with direct access to the internal driveway. The submitted plans would suggest that mechanical equipment will be screened; a condition has been included to establish compliance with the screening requirements contained in the Code.

A2) Residential Adjacency Standards

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of Residential Adjacency Standards. The site is located approximately 290 feet from the nearest single-family property.

A3) Parking and Traffic Standards

As with other development standards, the property is exempt from the automatic application of parking requirements due to its being located within the boundaries of the Downtown Centennial Plan area. The following table details the parking figures for the development:

Uses	GFA	<i>Provided</i> Parking	
		Regular	Handicap
Multifamily Residential • Residential Parking • Guest Parking	421 Units	421 3	9 0
Commercial • Retail	1,190 SF	10	Not Provided
Total:		434	9

A total of 434 parking spaces will be provided for the development, which allows a minimum of one parking space per residential unit and 13 spaces for the commercial component. A total of 9 handicapped spaces are also provided.

Public Works has reviewed the submitted plans for traffic circulation issues, and has not noted any significant concerns.

A4) Landscape and Open Space Standards

The property is subject to the landscape and streetscape standards of the Downtown Centennial Plan as listed below:

Standards	Required		Provided
	Ratio	Trees	
North/South Street Las Vegas Boulevard	1 Palm Tree @ 35' o.c. max. (min. 25' height)	8 Trees	9 Trees
Sidewalk	11' Sidewalk		LVB 20'

The project includes seven palm trees within the amenity zone and an additional two shade trees by the curb-side driveway. There is also a planter with 14 water bamboo with a decorative screening wall behind it to screen the driveway and the ground level of the parking structure.

The provided landscape meets the overall intent of the requirements of the Downtown Centennial Plan.

A5) Sign Standards

No detailed information has been submitted relative to proposed signage for the development. Signage shall be reviewed under a separate application, subject to conformance with the requirements of Title 19.06.140 the Las Vegas Boulevard Scenic Byway Overlay District.

B) General Analysis and Discussion

- Zoning

The commercial use located at the ground floor is permitted in accordance with the requirements of the C-2 (General Commercial) zoning district. This project also requires a Special Use Permit for the McCarran Airport Overlay; Special Use Permit (SUP-13891) has been filed as a companion case.

- Site Plan

This project has a rather unique ground floor design in that a circular driveway is located off of Las Vegas Boulevard with the commercial space being completely separate from the lobby area of the structure on the northwest corner of the building. Two primary entrances are provided, one directly off of Las Vegas Boulevard and the other directly off of the circular driveway to the south. A one-way entrance to the parking garage is located at the south end of the project with a one-way exit on the north end of the project. The circular drive is entered off of the main entrance and then exits directly on to Las Vegas Boulevard.

- Waivers

The development requires waivers from the Downtown Centennial Plan requirement for building setbacks, and 70% frontage requirements. A building setback is provided at the 7th story of the building, but no additional setbacks are provided as required on the 11th and 18th floors. The configuration of the building and the modern sleek façade provides sufficient variation to the appearance of the building, and is consistent with the design goals of the Centennial Plan. The unique design of the driveway sets the bulk of the parking structure back that causes the need for the waiver of the 70% frontage requirement.

- Elevation

Contemporary materials are used on the building exterior, which include Stone veneer, pre-finished metal and painted concrete. Aqua-blue tinted and gray tinted glass will provide the dominate colors of the structure framed within the painted white concrete support columns. There is significant variation in the façade on the lower seven levels that clearly indicates where the commercial and garage levels end and the residential units begin. However, there is enough vertical articulation that extends down to the foundation to unite the building as one entity. The six-levels of the garage are open with steel horizontal bars providing both safety and decorative elements to these levels.

- Floor Plan

The symmetry of the floor plan allows for efficient access from the parking structure to the elevator lobbies, and contributes to the effectiveness of the pedestrian circulation with the structures. The amenities for the residential units will be located atop the parking structure.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 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 location of this project along Las Vegas Boulevard is within the Downtown Centennial Plan that encourages mixed-use commercial/residential projects. The surrounding area is expected to be redevelopment in the near future with similar type of high-intensity projects.

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

This downtown location is ideal for this type of mixed-use development.

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.”**

Las Vegas Boulevard is a main entry street into downtown and provides excellent access to the project. The site also has excellent access to public transportation, which will assist in reducing the number of vehicle trips generated by the development.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of the Special Use Permit is consistent with the General Plan, and will not compromise public health, safety, or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

18

ASSEMBLY DISTRICT

9

SENATE DISTRICT

10

NOTICES MAILED

231 by City Clerk

APPROVALS

0

PROTESTS

0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-13897** APN: 22-03-202-003 000 004

Name of Property Owner: Geo Summit LLC

Name of Applicant: GEO Summit LLC

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

Yes

☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

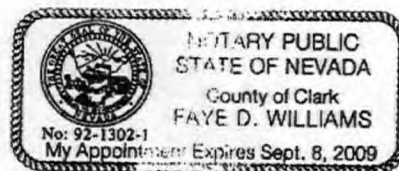
Signature of Property Owner: DAVID SHIRLEY JR. of LLC

Print Name: DAVID SHIRT

Subscribed and sworn before me

This 14th day of May, 20 06

Jaye D Williams
Notary Public in and for said County and State



RECEIVED
MAY 30 2006

SITE DATA

SITE ACREAGE: 1.3 ACRES (NET)
1.5 ACRES (GROSS)

APN#: #162-03-202-003, 004

CURRENT ZONE: C-2

PROPOSED ZONE: C-2
PROPOSED USE: CONDO
PROPOSED DENSITY: 281 du/ac

NUMBER OF UNITS: 421
NUMBER OF STORIES: 45
FLOOR AREA RATIO: 13.4

PARKING ANALYSIS

1 PKNG. SPACE PER UNIT (421 UNITS) 421 SPACES
TOTAL PARKING RECOMMENDED: 421 SPACES
PARKING PROVIDED: 434 SPACES
HANDICAPPED PARKING PROVIDED: 9 SPACES

FLOOR AREA

1. TOTAL RESIDENTIAL FLOOR AREA: 480,489 S.F.
(BALCONY NOT INCLD.)
2. TOTAL PARKING AREA: 287,466 S.F.
3. LOBBY/ MEP/PUBLIC AREA: 8,944 S.F.
4. RESTAURANT AREA: 1,190 S.F.
5. AMENITIES: 7,905 S.F.
6. OUTDOOR PODIUM AREA: 25,855 S.F.

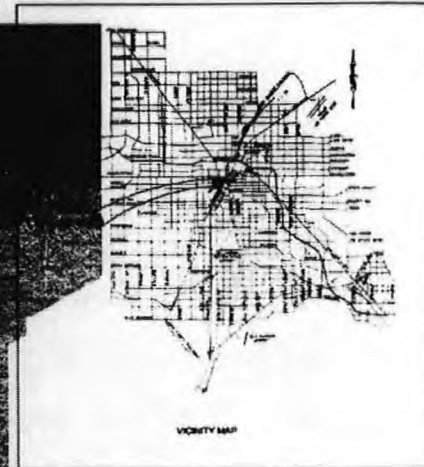
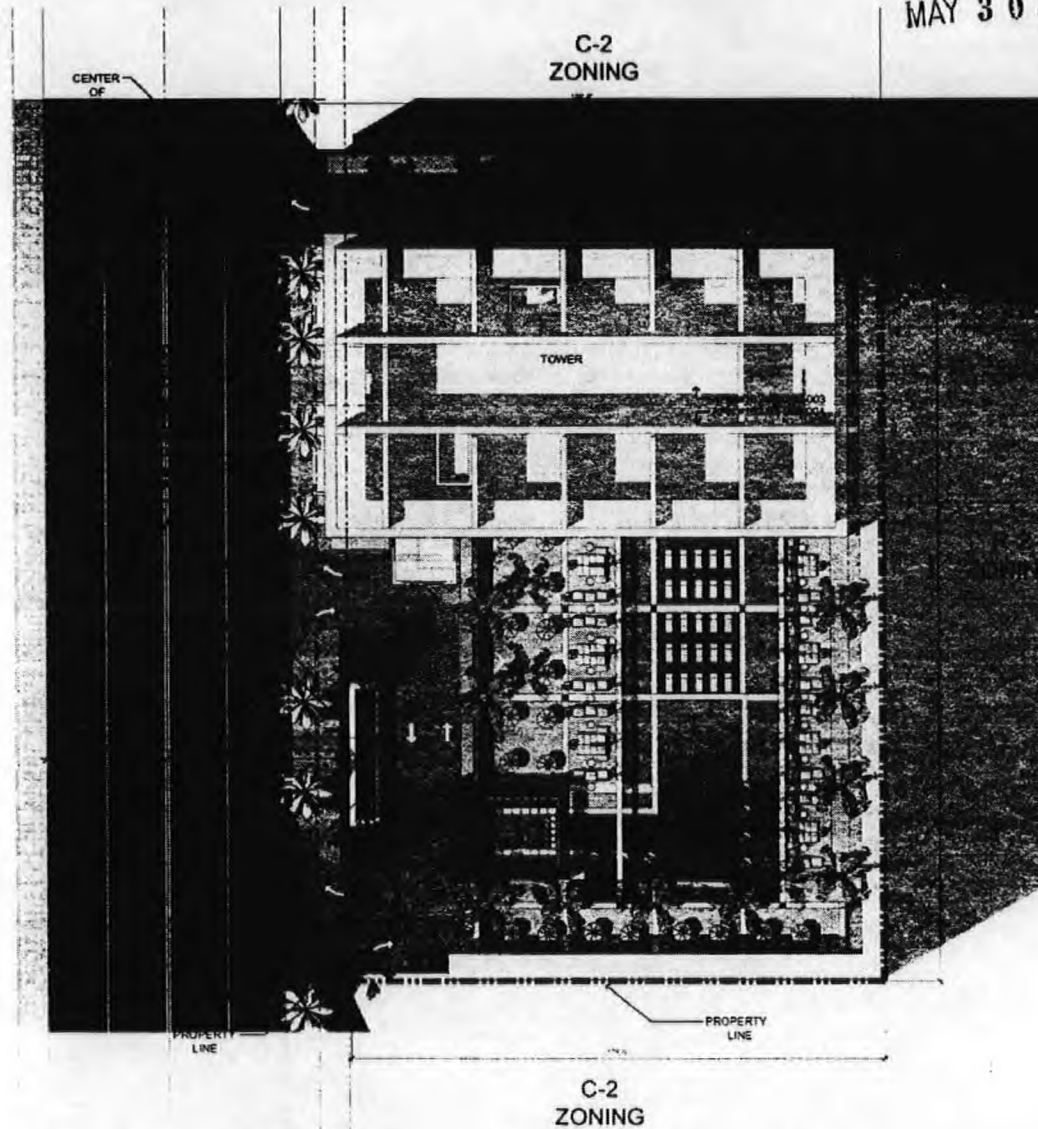
TOTAL GROSS AREA: 677,115 S.F.

LANDSCAPE LEGEND

SIZE QUANTITY

	HERITAGE LIVE OAK - QUERCUS VIRGINIA HERITAGE	24" BOX 2-1/2" C	2
	BANANA MUSA - BASJOO - JAPANESE FIBER BANANA	15' HIGH	16
	WASHINGTONIA ROBUSTA - MEXICAN FAN PALM	30' HIGH	6
	WATER BAMBOO - PHYLLSTACHYS HETEROCLADA	8' HIGH	56
	BIRD OF PARADISE - STRELITZIA REGINAE	4' HIGH	34

*SEE GROUND LEVEL FLOOR PLAN FOR ADDITIONAL INFORMATION



jma

Design

10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

Condominiums at 1431 S. Las Vegas Blvd.
Project # 2006901.157

SITE PLAN - LANDSCAPE PLAN
Scale: 1" = 20'-0"



5.26.06

08/10/06 PC

SUP-13897
SDR-13899

MAY 30 2006

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MAY 30 2006

SITE DATA

SITE ACREAGE: 1.3 ACRES (NET)
1.5 ACRES (GROSS)
APH#: #162-03-202-003, 004
CURRENT ZONE: C-2
PROPOSED ZONE: C-2
PROPOSED USE: CONDO
PROPOSED DENSITY: 281 du/ac
NUMBER OF UNITS: 421
NUMBER OF STORIES: 45
FLOOR AREA RATIO: 13.4

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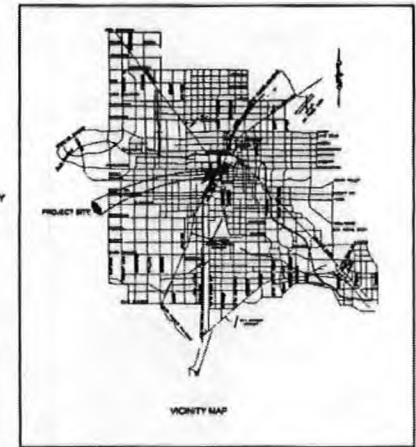
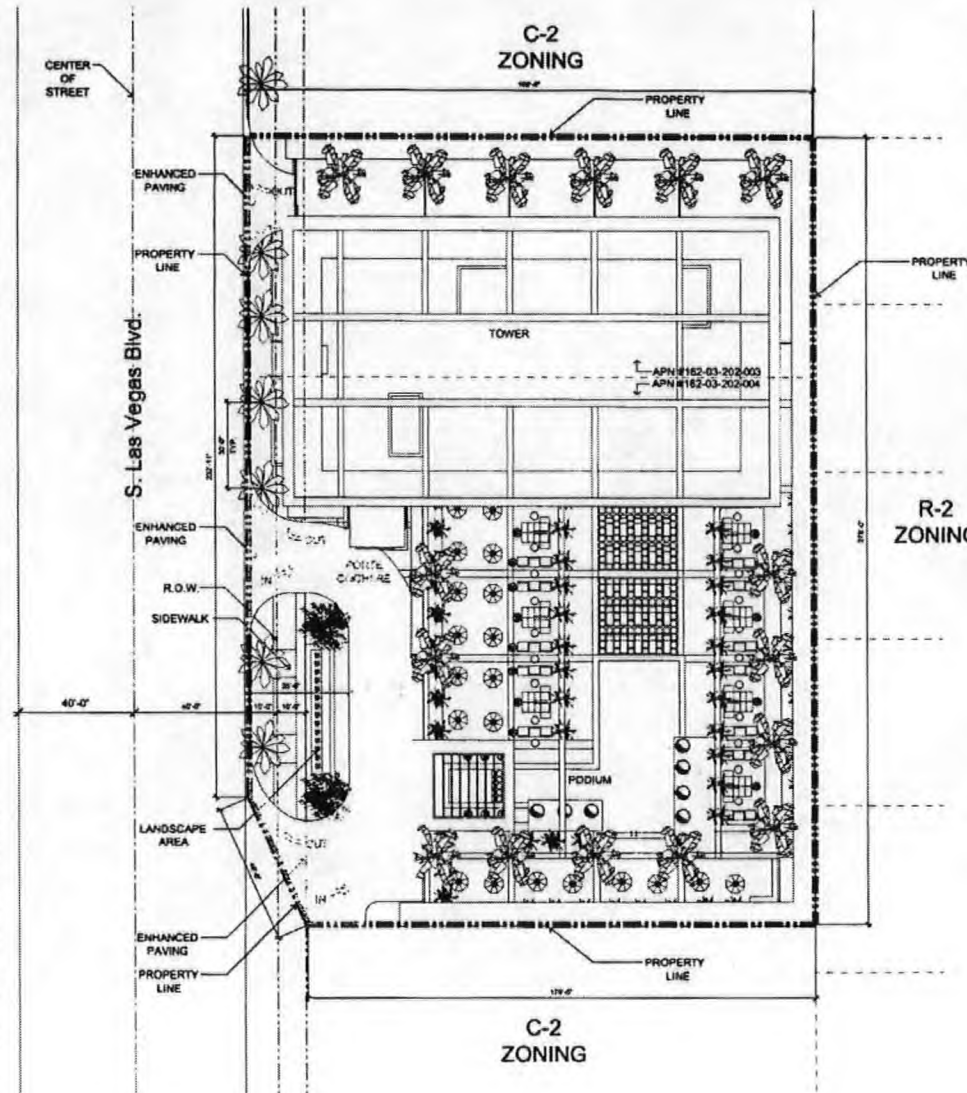
FLOOR AREA

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(BALCONY NOT INCLD.)
2. TOTAL PARKING AREA: 287,466 S.F.
3. LOBBY/ MEP/PUBLIC AREA: 8,944 S.F.
4. RESTAURANT AREA: 1,190 S.F.
5. AMENITIES: 7,905 S.F.
6. OUTDOOR PODIUM AREA: 25,855 S.F.
TOTAL GROSS AREA: 877,115 S.F.

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 WASHINGTONIA ROBUSTA - MEXICAN FAN PALM	30' HIGH	6
 WATER BAMBOO - PHYLOS TACHYS HETEROCLADA	8' HIGH	56
 BIRD OF PARADISE - STRELITZIA REGINAE	4' HIGH	34

SEE GROUND LEVEL FLOOR PLAN FOR ADDITIONAL INFORMATION



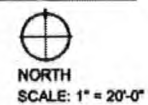
JM

Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

Condominiums at 1431 South Las Vegas Blvd.
Project #2006157

CITY OF LAS VEGAS

Site Plan - Landscape Plan



08/10/06 PC

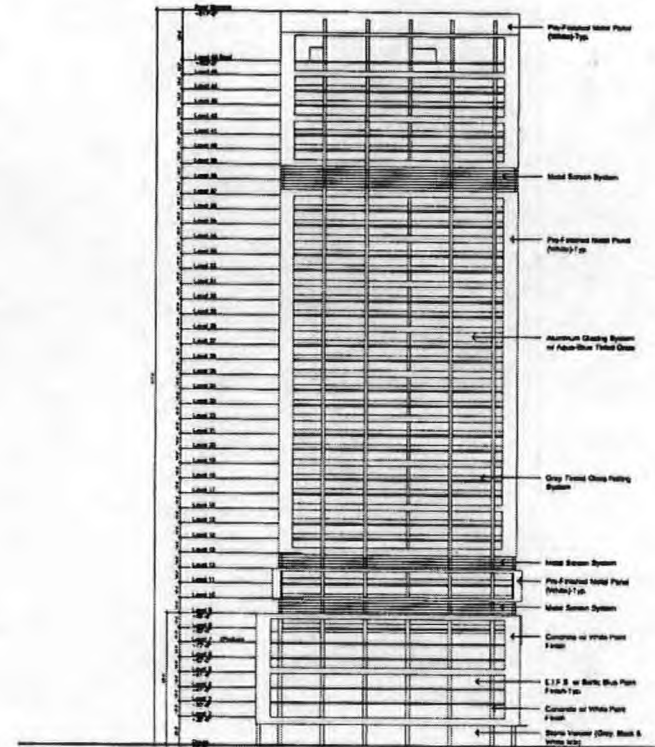
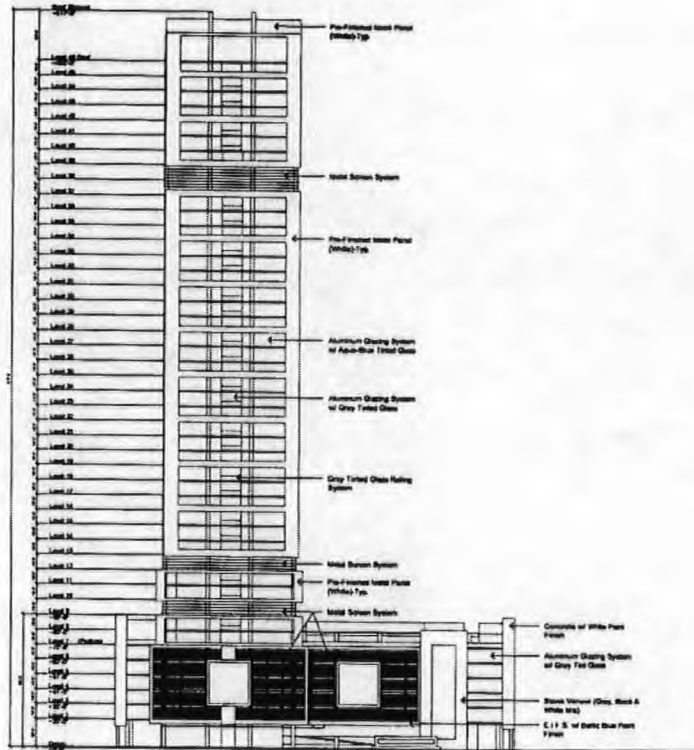
SUP-13891
SUP-13897
SDR-13899

MAY 30 2006

Date: May 26, 2006

AO - Site Plan - Landscape Plan

MAY 30 2006



jm

Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

Condominiums at 1431 South Las Vegas Blvd.
Project #2006157
CITY OF LAS VEGAS

Exterior Elevations

MAY 30 2006

08/10/06 PC

SUP-13891
SUP-13897
SDR-13899

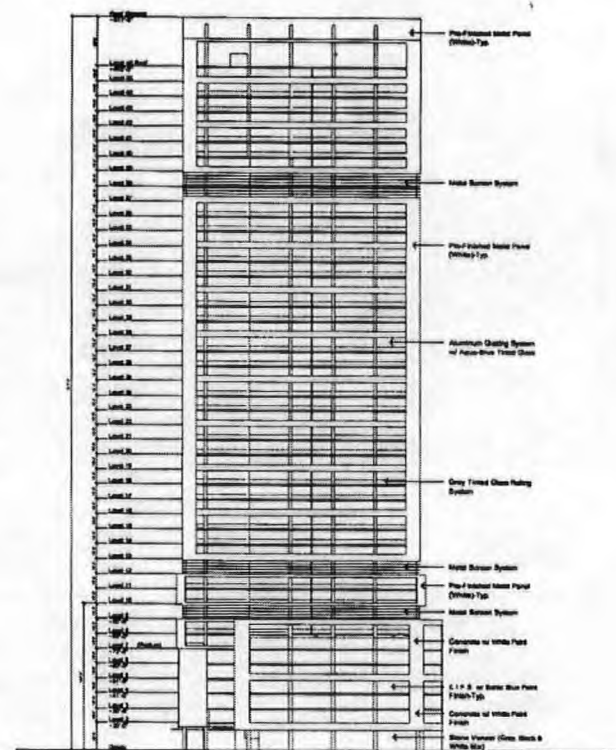
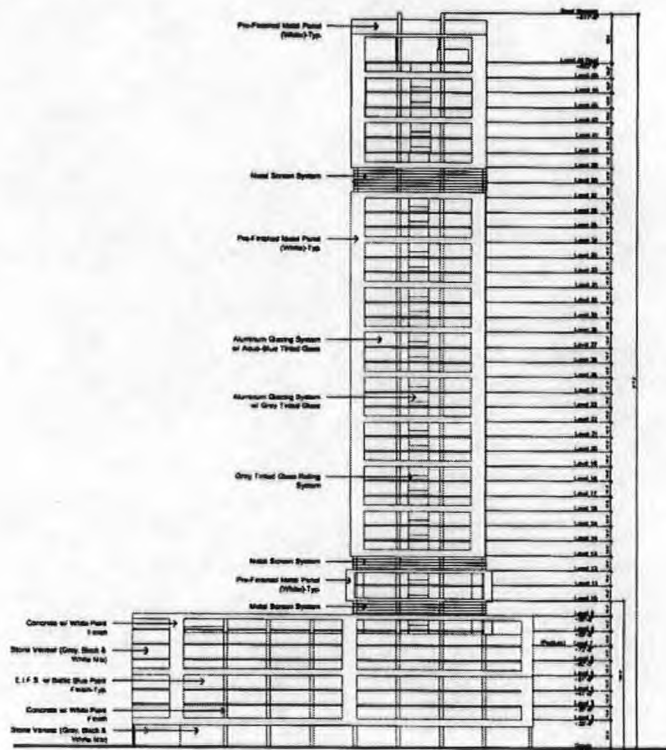
SCALE: 1"=40'-0"

Date: May 26, 2006

A4 - Exterior Elevations

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Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

Condominiums at 1431 South Las Vegas Blvd.
Project #2006157

CITY OF LAS VEGAS

Exterior Elevations

MAY 30 2006

08/10/06 PC

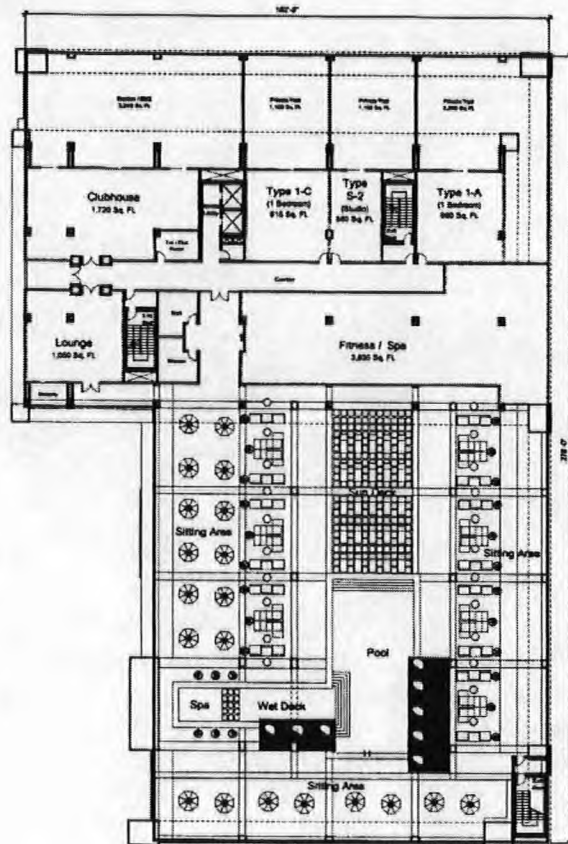
SUP-13891
SUP-13897
SDR-13899

SCALE: 1" = 40'-0"

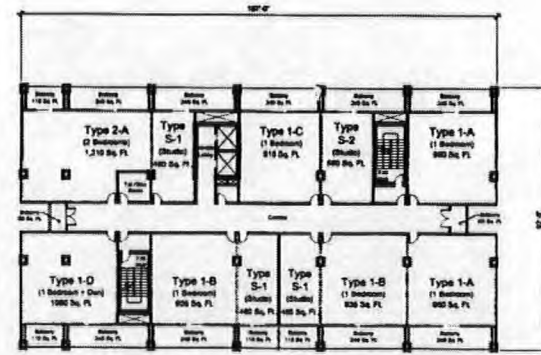
Date: May 28, 2006

A5 - Exterior Elevations

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MAY 30 2006



Podium Level 7 Floor Plan



Tower Level 8-45 Floor Plan

MAY 30 2006



Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

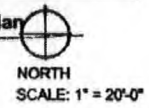
Condominiums at 1431 South Las Vegas Blvd.
Project #2006157

CITY OF LAS VEGAS

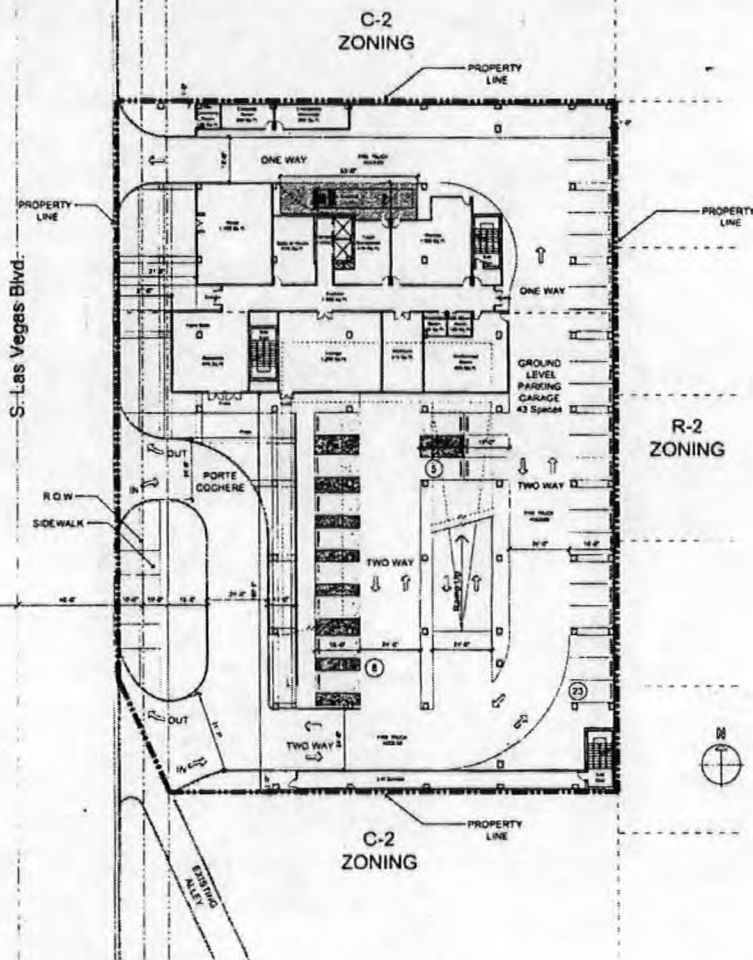
08/10/06 PC

Podium Level 7 Floor Plan & Tower Level 8-45 Floor Plan

SUP-13891
SUP-13897
SDR-13899



Date: May 28, 2006
A3 - Podium Level 7 Floor Plan & Tower Level 8-45 Floor Plan

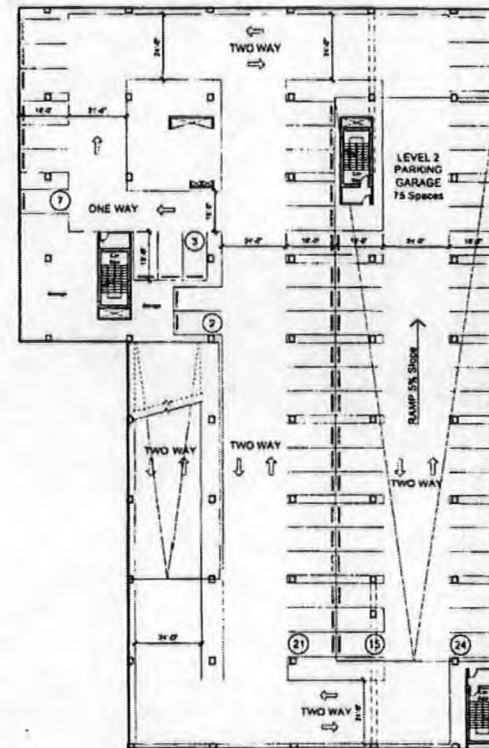


GROUND LEVEL 1 - FLOOR PLAN
SCALE: 1" = 20'-0"

CONDOMINIUMS

CITY OF LAS VEGAS
LAS VEGAS, NEVADA

Condominiums at 1431 South Las Vegas Blvd.
Project #2006901



GARAGE LEVEL 2 - FLOOR PLAN
SCALE: 1" = 20'-0"

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JUN 26 2006

SUP-13891
SUP-13897
SDR-13898
07-13-06 PC REVISED

jma

JMA #2006901.157

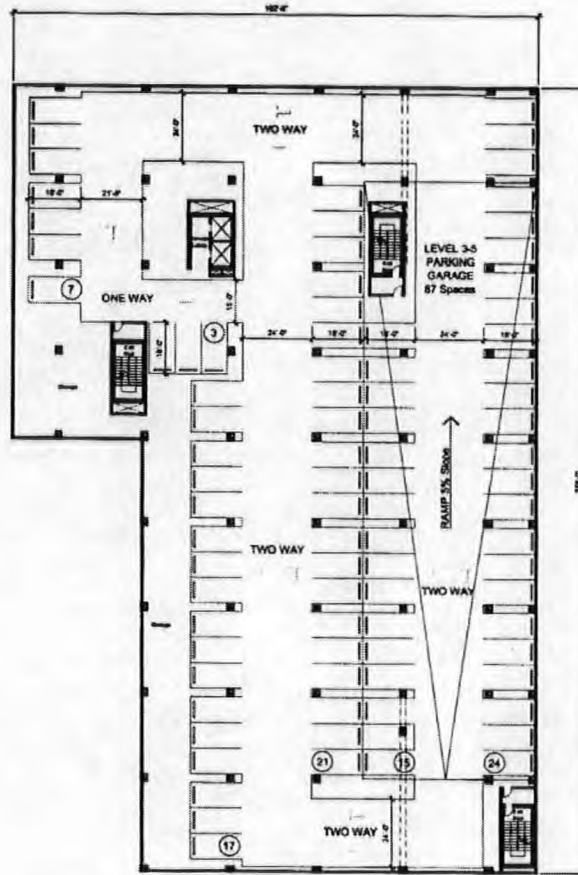
10150 CONVENTION CROSS DRIVE
LAS VEGAS, NV 89144
PHONE: (702) 731-2033
FAX: (702) 731-2039
WWW.JMAARCH.COM

Date: JUNE 28, 2006

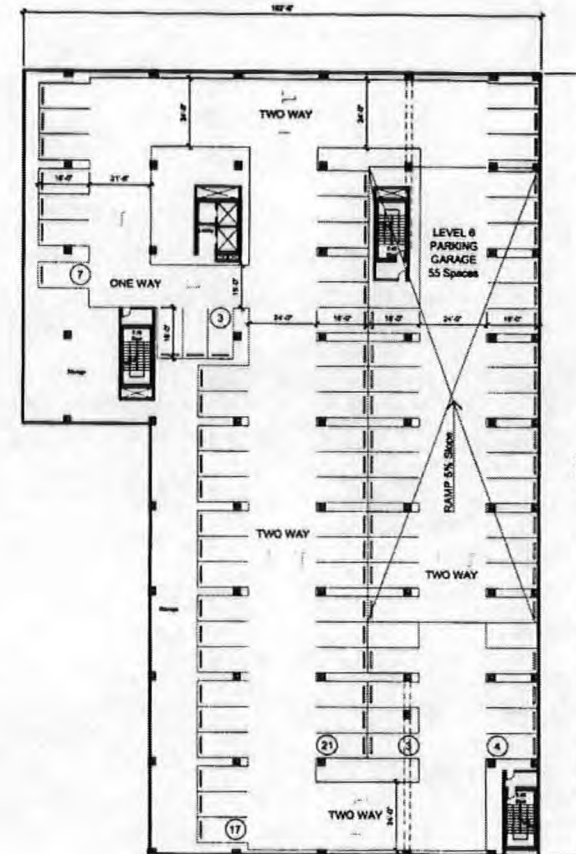
A-1 Ground Level 1 & Garage Level 2 - Floor Plans

08/10/06 PC

RECEIVED
MAY 30 2006



Garage Level 3-5 Floor Plan



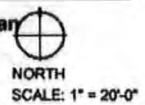
Garage Level 6 Floor Plan

jm

Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

Condominiums at 1431 South Las Vegas Blvd.
Project #2006157
CITY OF LAS VEGAS

Garage Level 3-5 Floor Plan & Garage Level 6 Floor Plan



08/10/06 PC

SUP-13891
SUP-13897
SDR-13899

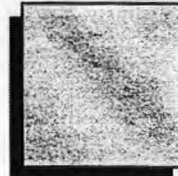
MAY 30 2006

Date: May 28, 2006

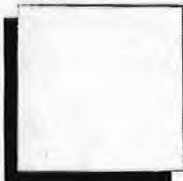
A2 - Garage Level 3-5 Floor Plan & Garage Level 6 Floor Plan



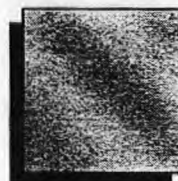
Stone Veneer
Gray/Black/White Color Mix



Glass
Aqua-Blue Tinted Glass



**Pre-Finished Metal
Panel &
Painted Concrete**
White Finish



Glass
Gray Tinted Glass



Painted E.I.F.S.
Baltic Blue Paint Finish



**Metal Screen System &
Aluminum Glazing System**
Anodized Aluminum Finish

MAY 30 2006

jma

Design

Condominiums at 1431 S. Las Vegas Blvd.
Project # SUP-13891

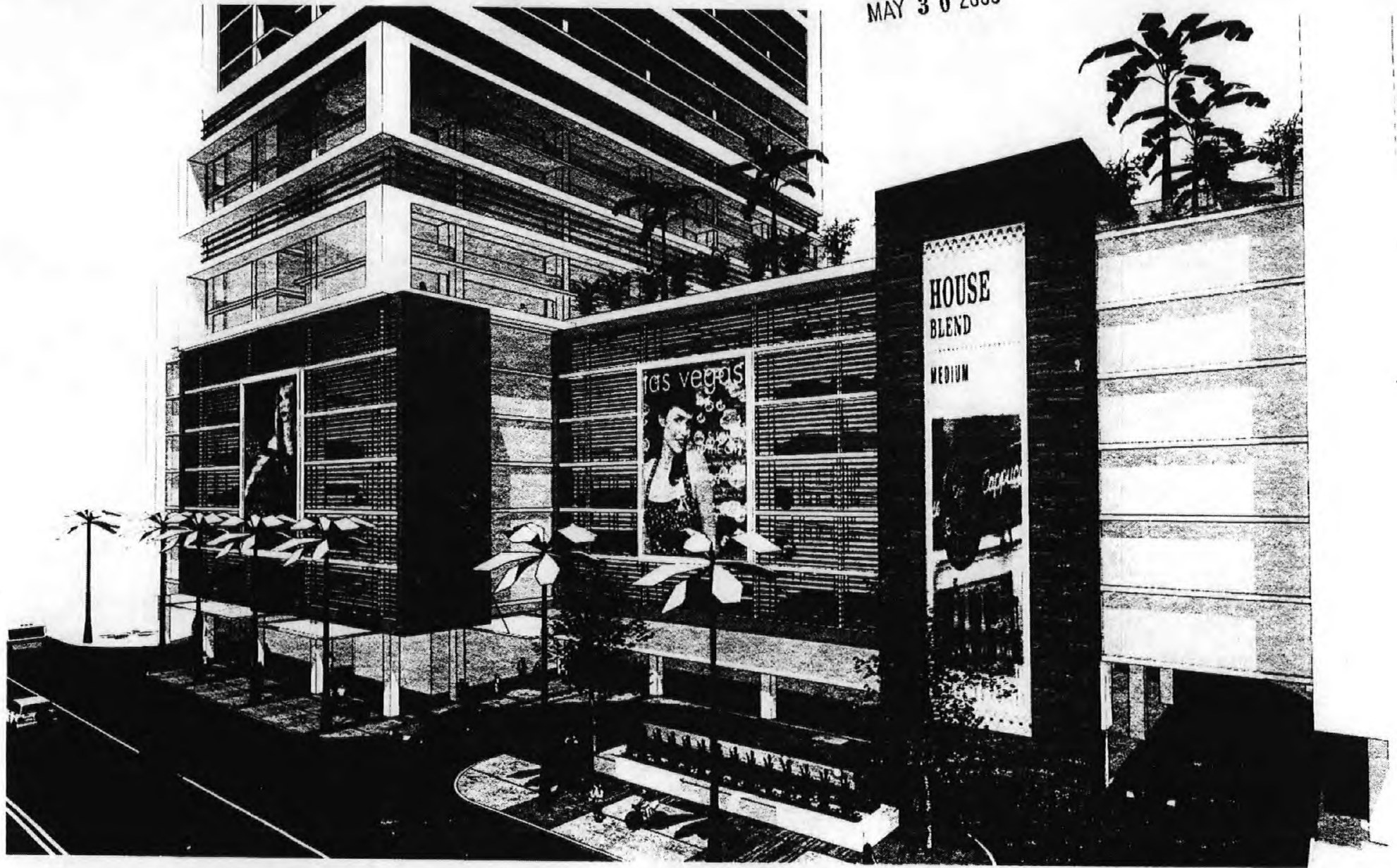
Materials/Colors

5.26.06

08/10/06 PC

SUP-13891
SUP-13897
SDR-13899

MAY 30 2006



jma

Design

10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

Condominiums at 1431 S. Las Vegas Blvd.
Project # 2006901.157

South West Street Level Perspective

5.24.2006

08/10/06 PC

SDP-13899
SDR-13899



MAY 30 2006

SUP-13891
SUP-13897
SDR-13899
08/10/06 PC

jma

Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2003

Condominiums at 1431 S. Las Vegas Blvd.
Project # 2006901.157

South West Perspective

5.24.2006

May 30, 2006

Margo Wheeler, Director
City of Las Vegas Planning and Development
731 S. 4th Street
Las Vegas, NV 89101

RE: Special Use Permit for Airport Overlay District; Special Use Permit for Mixed Use; Site Development Plan Review at 1431 South Las Vegas Boulevard APN: 162-03-202-003, 004

Dear Ms. Wheeler:

On behalf of our client, Cambridge Enterprises, we hereby submit the attached applications for a Special Use Permit for the Airport Overlay District; Special Use Permit for Mixed Use and a Site Development Plan review for a proposed 45 story, 517 foot high mixed use project located at 1431 S. Las Vegas Boulevard. The project will consist of 1,190 square feet of ground floor retail with 421 condominium units. The current use of the property is the Chapel of Love Wedding Chapel.

CURRENT LAND USE

The site is designated Commercial (C) on the City of Las Vegas Redevelopment Plan Map. This designation allows those uses permitted in the Office (O), Service Commercial (SC) and General Commercial (GC) land use categories of the General Plan. The parcel is zoned General Commercial (C-2), which conforms to the Plan designation. Mixed Use projects are permitted with the approval of a Special Use Permit.

The site also lies within the boundaries of the City of Las Vegas Downtown Centennial Plan, in the John S. Park Adjacent Area. While lying within this area of the plan, this site does not directly abut the portion of the John S. Park area designated as a Federal Historic Preservation Neighborhood.

It also lies within the Airport Overlay District (A-O), as described in Title 19.06.070.



**SUP-13891
SUP-13897
SDR-13899
08/10/06 PC**

A Planning & Development Services Corporation

1711 Whitney Mesa Drive, Suite 110, Henderson, Nevada 89014-2158
Telephone: 702.435.9909 / Facsimile: 702.435.0457 / E-Mail: ggarcia@gcgarciainc.com

SPECIAL USE PERMIT APPROVAL CRITERIA

Title 19.06.080 (H) establishes the criteria for approval of a Special Use Permit for properties located within the Airport Overlay District. Those are:

- a. The applicant shall notify the FAA regional office and the Clark County Department of Aviation of the application prior to the time of submission.

The notification form sent to the FAA is attached as part of this submittal.

- b. Any approval by the Planning Commission must be referred automatically to the City Council for final disposition.

It is understood that the application will be referred to the City Council.

Title 19.18.060 (L) provides the determinations to be made by the Planning Commission or City Council to approve a Special Use Permit. Those are:

- a. The proposed use can be conducted in a manner that is harmonious and compatible with existing land uses and with future surrounding uses as projected by the General Plan.

All of the properties to the north, south and west of the site are designated Commercial (C), where intense commercial and mixed use projects are anticipated. There is no amendment to the Redevelopment or Downtown Centennial Plan associated with this application. In fact, directly west of this site, the following mixed use towers have been approved:

1) Renzi Tower- SDR-10143

This was approved for 68 stories, with 1,011 units, and 9,260 square feet of retail with a maximum height of 776 feet.

2) Flatiron- SDR-8634

This was approved for 50 stories, , with 320 condominium units, 5,890 square feet of retail, and a 4,765 square foot restaurant with maximum height of 582 feet.

3) Eighty on 4th SDR-6217

This was approved for 40 stories, with 89 condominium units, and 3,257 square feet of retail with a maximum height of 505 feet.

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It should be noted that all of the previously approved towers on the west side of Las Vegas Boulevard are of a greater height, density and mass than the project proposed for this site. Therefore in terms of such concerns as visual impacts and shading to the John S. Park neighborhood to the east, this project will have far fewer impacts than those already approved. While this proposed tower will be visible from the neighborhood, the other towers will be more visible even though they are on the other side of the street.

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

The subject site is large enough to accommodate adequate parking, landscaping and amenities needed for this type of project.

- c. Street or highway facilities providing access to the property are, or will be adequate in size to meet the requirements of the proposed land use.

Several other similar projects, at a greater height, number of unit and intensity have already been approved along the Las Vegas Boulevard corridor, where such uses have been encouraged to revitalize the downtown core of the City.

- d. 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 project advances the following objectives of the City of Las Vegas Redevelopment Plan:

The elimination of environmental deficiencies and blight in the Redevelopment Area, which constitute either or both social or economic liabilities and require redevelopment in the interests of the health, safety and general welfare of the people. This includes among others, small and/or irregular lots, obsolete and aged building types, economic and social deficiencies, deteriorated public improvements, inadequate parking facilities, and inadequate utilization of land and public facilities.

The approval and construction of mixed use projects in the downtown core has led to a revitalization of the area. Modern, integrated high-end projects are replacing obsolete and aged buildings and are beginning to establish a new, vibrant downtown core, where people will be able to live, work, shop and play without a heavy reliance on the automobile.

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The assembly of land into parcels suitable for modern, integrated, development and allowing for improved pedestrian and vehicular circulation in the Redevelopment area.

This project assembles two parcels for the construction of a modern mixed use tower that will provide all of the pedestrian connectivity, landscaping and a visual context envisioned by both the City of Las Vegas Redevelopment Plan and the Downtown Centennial Plan.

The replanning, redesign and development of undeveloped areas which are stagnant or improperly utilized.

This, along with other mixed use towers approved directly to the west of this site and in the Downtown Centennial Plan is re-shaping the future of the downtown core. The area south of Charleston Boulevard, along the Las Vegas Boulevard corridor, is in need of extensive redevelopment, as most of the properties are developed with older, dilapidated buildings that have hindered the redevelopment of this area of the City. The proposal seeks to reverse this long-standing trend and add to the revitalization of this area of downtown Las Vegas.

The strengthening and diversification of the economic base of the Redevelopment Area and the community by the installation of needed site improvements to stimulate new commercial expansion, employment and economic growth.

A key component of transforming the downtown core of the City is economic diversification and attracting new residents. New development brings with it the opportunity for installation and construction of needed site improvements; this mixed use project will provide all necessary improvements required by the City to mitigate impacts created by this development.

SITE PLAN REVIEW APPROVAL CRITERIA

Title 19.18.050 (E) establishes the criteria for Site Development Plan review. They are:

1. The proposed development is compatible with adjacent development and development in the area.

The proposed mixed use tower is less intense in terms of density and intensity of development than those recently approved on the west side of Las Vegas Boulevard. It is recognized that the John S. Park single family neighborhood lies directly to the east, however, in terms of

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visual, shading and other concerns associated with high rise development in close proximity to single family residential, all of the previously approved projects will have greater impacts to the neighborhood than this proposal.

2. The proposed development is consistent with the General Plan, this Title, the Design Standards manual, the Landscape Wall and Buffer Standards and other duly-adopted city plans, policies and standards.

This project will be in general conformance to the General Plan, Downtown Redevelopment Plan and the Redevelopment Plan of the City of Las Vegas. It implements the overall objective of approving high intensity, mixed use development in the downtown area to redevelop, revitalize and add vitality and economic diversification to the downtown. In terms of meeting all the technical standards of the Downtown Plan, minor waivers will be requested to the build to line and building step back criteria of the Downtown Centennial Plan.

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

All improvements required by the Department of Public Works and Fire Services will be provided. The traffic circulation is such that it will not increase neighborhood traffic into the adjacent single family neighborhood.

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

The building materials depicted on the attached plans are intended to provide a modern, mixed use high rise that is an attractive, vibrant and exciting addition to this area of the City. The landscaping will be in keeping with the standards established in the Downtown Centennial Plan.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance and create an orderly and aesthetically pleasing environment that is harmonious and compatible with development in the area.

The elevations and design of the building are designed to bring excitement and vitality to the downtown area. They will add to the vibrant environment that will be created with this, and other approved projects along the Las Vegas Boulevard corridor.

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

There are no uses proposed in this project that would endanger the overall health, safety and public welfare of residents or businesses located in this area of the City.

WAIVERS

The following waivers to the standards of the Downtown Centennial Plan are requested:

1. Section VII, Design Standards per District, Section C (1).

This section of the Plan requires 70% of the first story facade to be aligned along the front property line.

This waiver is requested so that the project can provide an attractive, well landscaped pedestrian pathway to enhance the appearance of the project.

2. Standards requiring the provisions of step back at the 4th, 11th and 18 stories of the building.

The building will provide a step-back at the podium level, which will be at the 7th floor of the structure. This provision is one commonly waived with mixed-use high-rise development; there will be significant articulation and fenestrations provided to off set the additional step backs.

SUMMARY

The overall objectives of the Downtown Centennial Plan and the Redevelopment Plan are to create a vision for the downtown area of the City that results in a vibrant, exciting, economically viable core, where people will want to live, work, shop and play. The downtown area is in the midst of a renaissance, as older, stagnant areas are being replaced by modern, urban, intense mixed-use high rise developments that will bring life and excitement to areas in sore need of redevelopment, such as the Las Vegas corridor south of Charleston Boulevard.

A key component to sustaining the momentum being built to re-invigorate the downtown core of the City is to continue encouraging the development of modern, integrated, very urban mixed use projects of high density and intensity to stimulate growth and investment in the Downtown plan area. These types of projects will continue to strengthen and diversify the economic base of the Redevelopment Area. They will, in time, eliminate the blighted, obsolete and

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deteriorating buildings currently in existence with new development that will provide a socially balanced community providing jobs and housing for persons of varying social, economic and ethnic groups as stated in the Redevelopment Plan.

For the reasons stated above, we believe the project associated with these applications is exactly what was envisioned when the Downtown Centennial Plan and Redevelopment Plans were adopted. We respectfully ask for your favorable consideration of this application. If you need any additional information, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "David Clapsaddle", written in a cursive style.

David Clapsaddle
Director of Planning

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**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

August 8, 2006

Las Vegas City Planning Commission
City Hall, Tenth Floor
400 Stewart Avenue
Las Vegas, NV 89101

Re: August 10, 2006 Planning Commission Meeting, Agenda Item Nos. 36-38
Application of Stratorise LLC/Aztec International, 1431 Las Vegas Blvd. South

Dear Planning Commission Members,

I am writing in opposition to an application by Stratorise/Aztec International for a Special use Permit and Site Development Plan Review for a proposed 45-story, 517-foot tower at 1431 Las Vegas Boulevard. I offer this opposition as a resident and as Vice-President of the John S. Park Neighborhood Association.

The proposed building, if erected today, would be the 6th tallest building in the Las Vegas metropolitan area. The only completed buildings of that height or more are the Stratosphere, Wynn, the Eiffel Tower at Paris, New York New York Hotel & Casino and the Bellagio. It would be more than twice the height of SoHo Lofts. The proposed building would be directly adjacent to single family residential homes that are only a single story, and would be approximately 35 times the height of the adjacent homes.

The John S. Park neighborhood is unique both in its rich and long history and in its location. The historic neighborhood, which is primarily zoned as R-1 residential, directly abuts C-2 commercial property along the City's major thoroughfare. It is not common to have C-2 commercial zoning in such close proximity to R-1 single-family residential zoning. The residents of John S. Park recognize that we live in a unique area and we welcome the prospect of living in an urban environment. Many of us, however, strongly oppose the building of a giant skyscraper within only a few feet of our homes.

Title 19.06.060 currently exempts properties within Downtown Centennial Plan from the automatic application of residential standards, but Title 19.06.060 and 19.08.045 both provide that this exemption does not prohibit imposition of similar or equivalent limitations in connection with approval of a site development plan. Thus, an applicant does not have a claim of right or even a reasonable expectation to build on his property to any height and without regard to neighboring properties.

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PC MEETING: 8-10-06 502-13899

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Last year residents of the John S. Park neighborhood fought against a proposed high-rise building at the site of the Viva Las Vegas Wedding Chapel. We appeared numerous times at neighborhood meetings, Planning Commission meetings and City Council meetings. Ultimately we prevailed on our contention that buildings should be limited to 5 stories in order to protect the home values, quality of life, and well-being of near-by residents. The same conclusion should be reached here.

The criteria used for consideration of site development plans illustrate why the height restriction is necessary:

1. Compatibility of adjacent development:

Buildings of several hundred feet or more are not compatible with the adjacent residential zoning. Such buildings would subject neighborhood residents to noise, visual blight, blockage of skyline and invasion of privacy.

The John S. Park neighborhood has defined what we believe to be compatible with the neighborhood and we did that through our neighborhood plan, which was approved by the City Council. In that plan we recognized that we live in an urban environment and that development not only will happen, but we welcome that development. Our neighborhood plan sets forth a compromise for commercial development on Las Vegas Boulevard. We defined that compromise between the neighbors, many of whom would prefer single or two story developments in this area, and the commercial entities, as five stories or 60 feet. Few residents of this city would agree to a 5 story building in their backyard, but we joined together and said that is acceptable to us. The neighboring properties were invited to join in that discussion, and some did join in that discussion and agreed to that limit. We ask you to honor that limit now.

2. Consistency with general plan.

The proposed building is not consistent with the general plan. Title 19.08.020 sets forth the intent of development standards. The first intent of the standards is "to ensure that new development will not negatively impact the use and enjoyment of adjacent and neighboring properties." Other intents of the standards include increasing design compatibility between abutting properties and land uses; to reinforce a sense of community and to preserve the integrity of neighborhoods and places of business; and to reduce unsightly views. A building of this height would not satisfy these standards.

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This is not unlike the Ambling development controversy for property located at Martin Luther King Blvd. and Alta Drive. In that case 10 homes were in the 750 foot notification area; here several hundred homes are within the notification range of the commercial properties at issue. There the project was rejected because of concerns from homeowners who were one and two miles away, here there are homeowners who are less than 20 feet away. This project should be rejected for each of the reasons given on the Ambling property.

3. Site access and traffic issues.

Significant issues exist concerning vehicle traffic that would be created by the erection of this proposed building. Of primary concern is the fact that vehicles wishing to travel south from commercial properties in this area would either be required to quickly cross two lanes of traffic to the left and then make a U-turn at Charleston, or turn left and then travel south on Main Street or another street west of Las Vegas Boulevard, or take a simple right hand turn on Park Paseo and then turn right again on 5th Place or 6th Street. We believe the route through the neighborhood would become the preferred route. Unfortunately, there are no sidewalks on significant portions of these narrow roads, and pedestrian traffic is already hazardous. Additional traffic on these streets will be harmful to residents in this area. We also have concerns based upon the relatively small size of the commercial lots during the construction stage. It would be very difficult for high-rise construction to take place on these lots without closing all or part of Las Vegas Boulevard for significant periods of time, which will have a severely detrimental impact upon neighboring streets.

Several residents met with the developer's representatives for this project and we asked them to complete a questionnaire which addressed many of our concerns. Our 8 page questionnaire is attached. The 4 page response to our 8 page questionnaire is also attached. You will see that the developer was either unable or unwilling to answer most of our questions. We were told that a traffic report has not yet been completed, but we consider such information to be crucial to this Commission's consideration of this project. Likewise, the developer was not able to answer any questions about staging the construction, even though the situs of the staging area is of crucial importance to the neighborhood. Simply stated, we need to know if the developer intends to use any areas within the neighborhood for staging construction, diverting traffic, parking for construction workers, or accessing the site during the construction phase as the presence of large construction vehicles on our residential streets would be highly disruptive to our lives during the lengthy construction process. Given the incredibly small size of the site in relation to the massive building that is proposed, the location and availability of a staging area are critical details which should be known at this stage of the process.

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The developers offered to meet with us regarding these issues after a contractor is selected, but the fact remains that this is our only opportunity to meaningfully participate in the process as there is no further public comment or voting by public officials after the plan is approved.

4. Public safety, health and general welfare issues.

The proposed building does not promote the public safety, health and general welfare of John S. Park neighborhood residents. We do not want to live in any area where we are walled off by huge skyscrapers and cut-off from participating in the redevelopment of the city. We welcome new businesses who will thrive in this area and make this area a better place to live, but this proposed project does not meet those goals. We have concerns about safety, noise, and obstructions that will be caused by the construction. We asked the developer to address those issues, but substantive replies were not provided. We also have concerns about the viability of this project given vacancies in other condominium projects and the lack of any apparent virtue to this project. A primary concern is that because this is a very small lot and there are very few amenities offered, such as a large amount of retail, that the only real virtue of this project will be its views of Las Vegas Boulevard. Those views, however, cannot be guaranteed as properties to the north and south have indicated their intention to build projects of similar size. While living in skyscrapers with no more than 20 feet to the next balcony, with absolutely no view, may be the norm in Manhattan, there are many other alternatives in Las Vegas. Thus, I submit that there is a very real chance that either this project will never be built and that granting entitlements to build will only drive up the price of the land and prohibit a viable project, that would enhance downtown, from actually being built, or it will be built and will eventually turn into a slum building because those with the means to do so will buy elsewhere so that they may enjoy unobstructed views and significant amenities. In either event, the residents of John S. Park would suffer - not only through the construction process but also as a result of a poorly conceptualized project.

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As noted above, we asked a number of basic questions that we believe to be more than fair under the circumstances. A significant number of these questions remain unanswered. Based upon the Site Development Plan Review criteria, and the failure of the proposed developer to fully answer questions posed by neighborhood residents, I respectfully request that you deny the request for the Site Development Plan Review.

Sincerely,



Jonell Thomas

John S. Park Neighborhood Association Vice-President

1509 South 5th Place

Las Vegas, NV 89104

868-9110 - home

471-6565 - office

471-6540 - fax

jonell@jonellthomas.com - e-mail

www.lvdowntownneighbors.org - website

On behalf of the John S. Park Neighborhood Association, I am respectfully requesting that you provide us with the following information in advance of next week's neighborhood meeting concerning property located at 1431 South Las Vegas Boulevard. We appreciate the opportunity to discuss our concerns with you and look forward to hearing more about your project.

Building Details

How many stories:

How tall:

Lot size:

Lot coverage:

Building setback on the north:

Building setback on the south:

Building setback on the east:

Building setback on the west:

Distance from edge of building to closest residential property:

Height of the closest residential property:

Number of studios:

Number of 1 bedroom units:

Number of 2 bedroom units:

Number of units with 3 or more bedrooms:

Anticipated number of total occupants upon completion:

Will condominiums be used as time share units, hotel rooms or other short term rentals?

Number of parking spots for residents:

Number of parking spots for visitors:

Number of parking spots for employees:

Uses (condo, mixed-use, office, hotel, etc):

Percentage of square footage for commercial use:

Percentage of square footage for residential use:

Percentage of square footage for other use:

Will alcohol be served or available for purchase?

Will there be gaming tables or slot machines?

Will reflective materials be used on the outside of the building?

Has a shadow study been performed?

If yes, is it publicly available?

Please attach a copy to this questionnaire.

Construction

When is construction anticipated to begin?

How long is construction anticipated to last?

What are the anticipated hours of construction?

Will construction be limited to activities which do not generate noise beyond the building during the evening hours?

Where will construction workers park?

Where will the construction be staged?

Will it be necessary to close one or more lanes of Las Vegas Boulevard during construction?

If so, how long with the lanes be closed?

What alternative routes have been developed?

How will dust be abated during construction?

What precautions will be made for debris, building materials and trash in windy conditions?

Who will provide insurance for damage to neighboring properties caused during the construction process?

Will the developer and construction property provide a person on-call 24-hours a day to address concerns of neighbors during the construction process?

If so, what is the name of the contact person?

Will union labor be used?

If yes, how much of the construction will be completed by union labor?

Will any flammable materials be kept on site during construction?

Will any hazardous materials be kept on site during construction?

Is a construction company under contract?

If yes, what is the name of the construction company?

If no, when will a construction company be placed under contract?

Safety

What is the distance to the nearest fire hydrant?

Has the fire department certified whether current fire hydrants and equipment are sufficient to meet the needs of the building?

What is the access route for fire trucks and emergency vehicles on the north, south and east sides of the building?

Does the property owner's insurance cover damage to neighboring properties due to fire or other cause at the subject property?

What is the amount of the insurance?

Has the property owner provided proof of insurance to the city?

What assurances do we have that insurance will be maintained?

Are there structural barriers which would prohibit automobiles from hitting the building?

Has an earthquake study been performed?

If yes, is it available to the public?

Please attach a copy of the study to this questionnaire.

Will east facing windows open?

Will there be any balconies that face east?

What precautions will the developer take to ensure that items are not thrown from east facing windows or balconies?

Traffic

Has a traffic study been performed?

If yes, is it available to the public?

Please attach a copy of the study to this questionnaire.

How many automobiles are anticipated at the property per day?

How many entrances for automobiles?

How many exits for automobiles?

What steps have been taken to assure that traffic will not back up and cause traffic delay on Las Vegas Boulevard?

Is it anticipated that limousines will be used by either building owners or occupants?

If so, is the developer aware of the difficulties in property access by limos?

Is the developer aware that limousines are not permitted on 5th Place and 6th Street?

Have alternative routes for limousines been developed?

Is there currently a bus stop in front of the property?

Will there be a bus pull-out lane at the front of the property?

Noise

Where will mechanical equipment, such as air-conditioners, be located?

What is the distance from mechanical equipment to neighboring properties?

What is the decibel level of mechanical equipment?

What are the anticipated hours of operation of mechanical equipment?

Are there outdoor patio or decks?

If so, on which floor are they located?

On which side of the building will they be located?

Hours of operation?

Will there be a nightclub, bar or similar use within the building?

If so, what are the hours of operation?

Utilities

Where will trash be contained?

Distance of trash containers to neighboring properties?

How will garbage trucks access garbage containers?

Will utilities be above ground or under ground?

Does the property owner intend to place neighboring above-ground utilities underground?

Is the current electric grid sufficient to handle the increased load that will be created?

Is the current sewer system sufficient to handle the increased load that will be created?

Will heat be electric, gas, propane or solar?

Will a cellular telephone antenna be erected on the property?

Will the building interfere with access to any existing cellular phone antennas?

Privacy

Will the property have any security cameras, video surveillance or other video equipment located on the east side of the building or which will be capable of filming properties to the east?

Will apartment/condo units have east facing windows?

Amenities

Will animals be allowed within the building?

If so, is a "dog park" or similar amenity planned?

If not, where will pets "exercise"?

Is the developer providing any park space?

Is the developer providing any walking trails?

Is the developer planning to contribute towards park space or open space in the city?

If so, how much?

Will businesses located within the building be open to the public?

What type of landscaping will be provided and where will it be located?

Is there any additional buffer that will be provided between the property and adjacent residential properties?

Disclosures

Will the developer disclose the distance to the nearby topless strip club to buyers?

Will the developer disclose the distance to nearby adult bookstore to buyers?

Will the developer disclose the distance to nearby nude strip club to buyers?

Will the developer disclose the possibility that highrises of similar height may be built on adjacent properties and that there is no guarantee of view.

Helicopters

What is the above mean sea level of the building?

Has approval been obtained from the FAA?

Has approval been obtained from the Clark County Department of Aviation?

Will construction of the building require or result in diversion of helicopter traffic from existing paths?

If so, what is the new proposed path?

Construction Experience and Preparation

Has the developer ever completed a similar project?

If so, in which city or cities?

Has the developer ever built any building over four stories tall?

If yes, please describe the experience of the construction company with construction of high-rises and skyscrapers.

Has any prior high-rise construction by the construction company been in close proximity (less than one block) to existing residential properties?

If so, were any claims, lawsuits or settlements made with neighbors because of safety, debris, nuisance or other issues?

Has the developer or property owner ever filed for bankruptcy?

If so, please provide details.

Does the developer currently own the land?

Who are the real property owners and who are the developers, if different from the real property owners?

If the owners are corporations, please identify the officers and principals.

If the officers are corporations, please indicate whether they are incorporated within the State of Nevada and please identify the principals of the corporations.

What work has been done to develop this project beyond architectural drawings?

Will a principal(s) of the project be present at the Planning Commission and City Council meetings to provide details and to give assurances, under penalty of perjury, as to whether the proposed project is an actual project, whether approval is being used for the purpose of selling the land to another developer, or whether other circumstances apply?

On behalf of the John S. Park Neighborhood Association, we appreciate your willingness to provide us with this information. We believe that prompt disclosure of this information will assist in our understanding of your project and will greatly shorten the time necessary to answer relevant questions at the neighborhood meeting, Planning Commission and City Council.

If you would like a copy of this questionnaire in electronic form, please contact me at jonell@lvcm.com at your earliest convenience. We would like to have this information prior to the neighborhood meeting so we may provide it to those interested in the proposal. Please e-mail your responses to the above e-mail address or fax them to 471-6540. Please contact me if you have any questions.

Thank you,

JoNell Thomas

John S. Park Neighborhood Association Vice President

RESPONSE TO JOHN S. PARK NEIGHBORHOOD ASSOCIATION QUESTIONNAIRE:

BUILDING DETAILS:

How Many Stories:	45	
How Tall:	517	Feet
Lot Size:	1.5	Acres, +/-
Lot Coverage:	About 13.4	
North Building Setback: to Ground Level; from 7 th floor up is 32 feet	0	Feet- 7 th
South Building Setback: to Ground Level; from 7 th floor up is 153	0	Feet-7 th Floor
East Building Setback: to Ground Level; from 7 th floor up is 16 feet	0	Feet-7 th Floor
West Building Setback:	10	Feet
Distance to Residential Property:	20	Feet +/-
Height of the closest Residential Building	Unknown	

Pertaining to the type of units, the ratio of studio, one and two bedroom units is not known at this time. The floor plans are typical of downtown condominium towers; the studios range from 460 to 560 square feet; the one bedroom units range from 915 to 1,060 square feet with the two bedroom units at 1,310 Square Feet. All of the units will have a balcony area of approximately 110 to 240 Square feet. At this time, the unit breakdown is 153 Studios; 230 1BR and 38 2BR

The ground floor will have approximately 1,190 square feet of retail, with a café/lounge of approximately 1,300 square feet. Alcohol may be served as part in the lounge, this will require approval of a Special Use Permit, subject to a public hearing.

Residential parking will be provided at a ratio of one space/unit; an additional 12 spaces will be provided. It is anticipated that the lounge/restaurant/café area will only be used by residents of the buildings or walk-through traffic. The City of Las Vegas has standards regarding reflective glass; a shadow study has not been performed at this time.

CONSTRUCTION

Construction time frames are difficult to anticipate at this time. It takes approximately 18 months to have improvement plans approved by the City after rezoning applications are completed. Hours of construction will be set to limit any inconvenience. Standard construction practices will be followed for other construction along the Las Vegas Boulevard corridor. All standards for dust abatement and safety will be followed. A 24 hour contact will be provided to the neighborhood to report any problems or concerns. Hours of construction can be established to limit impacts to the neighborhood.

SAFETY

We have not yet received responses from the Fire Department related to this application. All standards for fire access and emergency vehicle ingress and egress will be met. Structural barriers can be constructed for safety purposes. The building will be constructed in conformance to all building codes, including all necessary earthquake studies.

It is anticipated that there will be no east facing windows with balconies.

TRAFFIC

A traffic study is required by the City of Las Vegas. We will share the results of the traffic study with the neighborhood. We have not received information as of this time pertaining to the need for a bus stop at this particular location.

NOISE

All mechanical and electrical equipment will be located indoors and conform to all standards for noise and operation.

The units will have individual balconies. There is likely to be a bar/lounge/café on the ground level of the building; a nightclub is not anticipated at this time.

UTILITIES

All trash containers will be indoors. Utilities will be placed below ground. The project will operate so as not to interfere with cellular telephone use.

PRIVACY

On-site security will be provided; there will be no equipment that will film properties to the east of this site. There will be no

AMENITIES

We would be pleased to include amenities not only for future residents of this project, but the residents of your neighborhood as well. This includes, but is not necessarily limited to a dog park; retail business such as a place to eat, dry cleaners, fitness facility, indoor pool, clubhouse and lounge, or any other services or business that we could provide for you. This also includes contribution to a neighborhood project, parks or open space that would be of benefit to the neighborhood.

Extensive landscaping and decorative pavers will be provided on-site; there are no waivers requested to the City's landscaping criteria.

DISCLOSURES

Full disclosure pertaining to uses will be provided to buyers pertaining to the questions asked on this part of the questionnaire.

HELICOPTERS

We have filed all required paperwork to the FAA, as required by our Special Use Permit application. Approval by the FAA and Clark County Department of Aviation is decided at a later date.

CONSTRUCTION EXPERIENCE AND PREPARATION

The owners of this property also own the property located at 1801 S. Las Vegas Boulevard, the Monument Tower site.

The Monument Tower site was in close proximity to residential properties; conditions were agreed to ensure the safety of the residences during the construction process.

The owner of the property is GeoSummit; the applicant is Stratorise, of 4465 S. Buffalo, # 2, Las Vegas, NV.

The owners of this property fully intend to develop the site; however market conditions are variable and difficult to predict how market forces will affect the future development of the property.



A Planning & Development Services Corporation

1711 Whitney Mesa Dr., Suite 110
Henderson, NV 89014
(702) 435-9909 Phone (702) 435-0457 Fax
dclapsaddle@gcgarciainc.com e-mail

PLEASE LET US KNOW WHAT YOU THINK

If you could take the time, we would appreciate your feedback on the plan for Las Vegas Blvd & 3rd. Please complete and return to us by mail or fax.

☒ This is a great addition to our neighborhood and will be compatible. *At this time*

☒ This is an acceptable project that I can live with. *At this time*

☐ This is not the type of project that fits into the neighborhood and I would rather see _____.

Feel Free To Give Us Any Additional Comments or Suggestions:

*The project looks good at this time. It can't
will improve the neighborhood.*

Your Name: *Laurie Baker*

Your Street Address: *1606 Rexford Pl.*

Las Vegas, NV 89102
Signature: *Mrs. Laurie Baker*

G.C. Garcia, Inc. thanks you for taking the time to look at the plan for Las Vegas Blvd & 3rd and giving us your feedback.

Submitted at Planning Commission

Date *8/10/06* Item # *36-38*



A Planning & Development Services Corporation

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(702) 435-9909 Phone (702) 435-0457 Fax
dclapsaddle@gcgarciainc.com e-mail

PLEASE LET US KNOW WHAT YOU THINK

If you could take the time, we would appreciate your feedback on the plan for Las Vegas Blvd & 3rd. Please complete and return to us by mail or fax.

☒ This is a great addition to our neighborhood and will be compatible. *AT THIS TIME*

☒ This is an acceptable project that I can live with. *AT THIS TIME.*

☐ This is not the type of project that fits into the neighborhood and I would rather see _____.

Feel Free To Give Us Any Additional Comments or Suggestions:

LOOKS GOOD AT THIS TIME !

Your Name: *John C. Baker*

Your Street Address: *1606 Rexford Place L.V. N.V. 89104*

Signature: *[Signature]*

G.C. Garcia, Inc. thanks you for taking the time to look at the plan for Las Vegas Blvd & 3rd and giving us your feedback.



A Planning & Development Services Corporation

1711 Whitney Mesa Dr., Suite 110

Henderson, NV 89014

(702) 435-9909 Phone (702) 435-0457 Fax

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☒ This is an acceptable project that I can live with. *At this time*

☐ This is not the type of project that fits into the neighborhood and I would rather see _____.

Feel Free To Give Us Any Additional Comments or Suggestions:

*The project looks good at this time. It can't
will improve the neighborhood.*

Your Name: *Laurie Baker*

Your Street Address: *1606 Rexford Pl.*

Lds Vegas, Av. 89102
Signature: *Mrs Laurie Baker*

G.C. Garcia, Inc. thanks you for taking the time to look at the plan for Las Vegas Blvd & 3rd and giving us your feedback.

Submitted at Planning Commission

Date *8/10/06* Item *#36-38*



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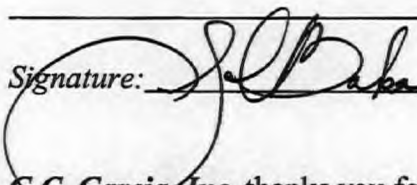
☐ This is not the type of project that fits into the neighborhood and I would rather see _____.

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Your Street Address: 1606 Rexford Place L.V., N.V. 89104

Signature: 

G.C. Garcia, Inc. thanks you for taking the time to look at the plan for Las Vegas Blvd & 3rd and giving us your feedback.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-13891 AND SUP-13897

SDR-13899 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: STRATORISE LLC/AZTEC INTERNATIONAL - OWNER: GEOSUMMITT LLC - Request for a Site Development Plan Review FOR A 45-STORY MIXED-USE DEVELOPMENT CONSISTING OF 421 RESIDENTIAL UNITS AND 1,190 SQUARE FEET OF COMMERCIAL SPACE; AND WAIVERS OF THE STEPBACK, STREETScape AND BUILD-TO-LINE REQUIREMENTS OF THE DOWNTOWN CENTENNIAL PLAN on 1.26 acres at 1431 Las Vegas Boulevard South (APN 162-03-202-003 and 004), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (4-2-1 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

4

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (4-2-1 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting documentation
4. Justification Letter
5. Backup referenced from the 08-10-06 Planning Commission meeting Item 38

Motion made by GARY REESE to Strike Item 56 [1616 South Las Vegas Boulevard]; WITHDRAW WITHOUT PREJUDICE Item 77 [ARC-13764]; TABLE Item 78 [SUP-13891], Item 79 [SUP-13897] and Item 80 [SDR-13899]; HOLD IN ABEYANCE Item 82 [SUP-15347], Item 98 [ZON-13896], Item 99 [VAR-13900], Item 100 [SUP-13902], Item 101 [SUP-13903], Item 102 [SDR-13904], Item 103 [ZON-15371], Item 104 [VAR-15373] and Item 105 [SDR-15375] to 11/15/2006; Item 64 [EOT-16956], Item 83 [RQR-15420], Item 92 [GPA-16201], Item 93 [ZON-16196], Item 94 [SUP-16198], Item 95 [SUP-16200], Item 96 [SDR-16197], Item 108 [VAR-16144] and Item 109 [SUP-16143] to 12/06/2006

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

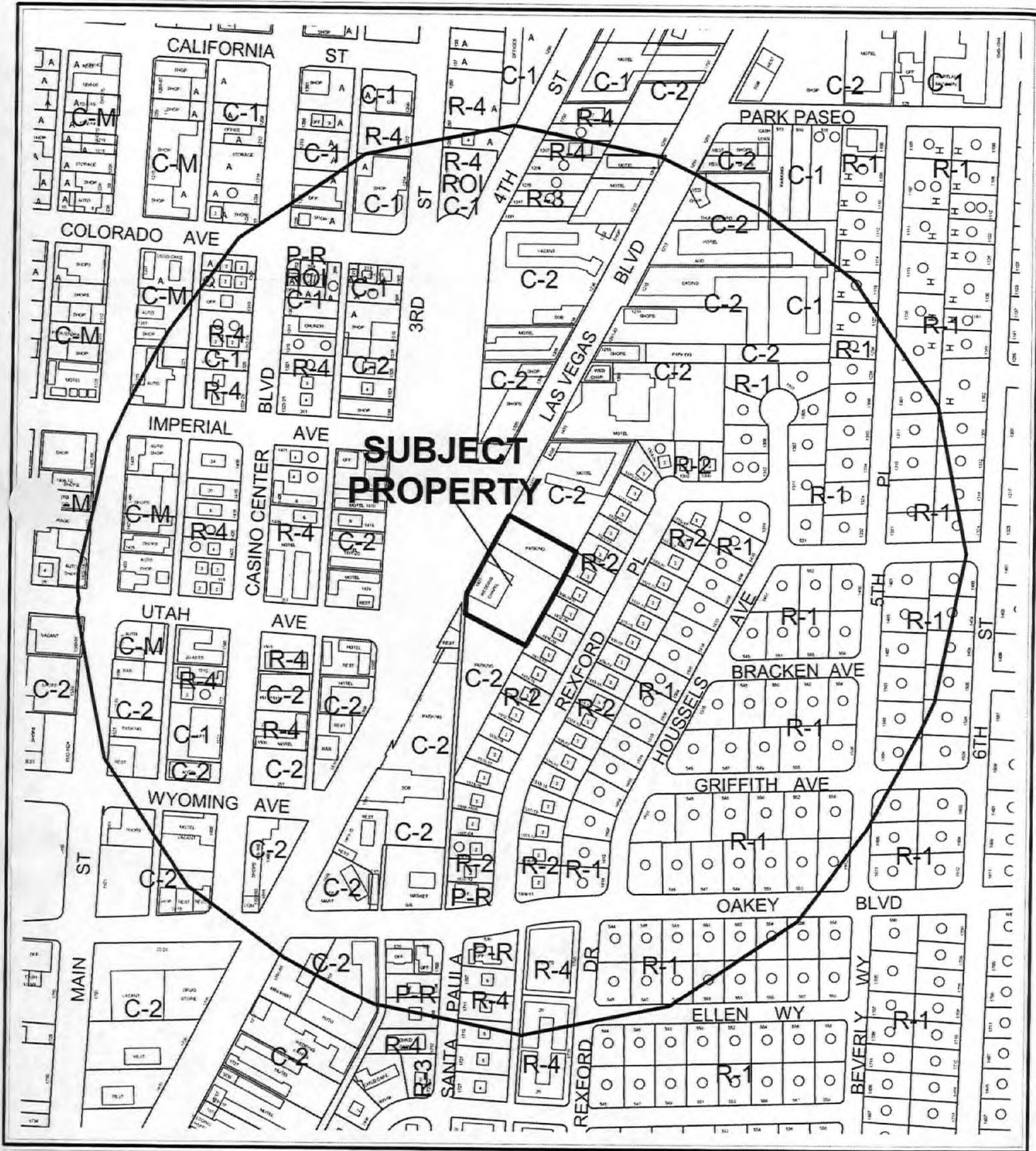
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:

See Item 78 for related backup.





CASE: SDR-13899

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SDR-13899 – APPLICANT: STRATORISE, LLC/OWNER: GEOSUMMIT, LLC.

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 6, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (4-2/ds/bg-1/rt vote) recommends DENIAL and staff recommends APPROVAL, subject to:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All City Code requirements and design standards of all City departments must be satisfied.
3. All development shall be in conformance with the site plan and building elevations, date stamped 05/30/06 and 06/26/06 except as amended by conditions herein.
4. A waiver from the Downtown Centennial Plan requirement for building setbacks is hereby approved, based on the level of façade articulation detailed in the submitted elevations.
5. A waiver from the 70% frontage requirement for building placement is hereby approved, based on the pedestrian amenity areas provided at the base of the building.
6. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department 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.
7. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.
8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting.
9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

10. 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.
11. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
12. A comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of material staging area; street closures; and the location and design of parking for all construction workers.
13. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
14. Prospective buyers shall be informed that views may be obscured by future adjacent development and this information shall be included in project CC & R's.
15. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
16. All signage must meet the requirements of the Las Vegas Boulevard Scenic Byway Overlay District.
17. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or service panel location. Utilities and power service lines in alleys shall be located underground; the property owner shall be required to provide for their proportionate share of the utility relocation and alleyway treatment pursuant to a schedule as adopted by City Council.
18. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

19. Dedicate an additional 10 feet of right-of-way for a total half-street width of 50 feet on Las Vegas Boulevard South adjacent to this site.

20. Coordinate the sewer connection of this site with the Collection System Planning Section of the Department of Public Works.
21. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Downtown Centennial Design Standards concurrent with development of this site.
22. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
23. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping 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.
24. Meet with the Clark County School District to discuss the impact this site plan has on the District's schools, and to identify possible methods to mitigate the impacts.
25. Coordinate with the Collection Systems Planning Section of the Department of Public Works for assistance with determining an appropriate sewer connection point to provide service to this site. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
26. 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. 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. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. 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.

27. 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 or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.
28. Landscape and maintain all unimproved rights-of-way, if any, adjacent to this site.
29. Submit an Encroachment Agreement for all landscaping, if any, located in the public right-of-way adjacent to this site prior to occupancy of this site.
30. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
31. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Site Development Plan Review for a proposed 45-story mixed use development including; 421 residential units, 1,190 square-feet of commercial space and waivers from Downtown Centennial Plan section DS5.1a to allow no wall alignment where 70 percent of the building street wall is require to align along the edge of the sidewalk or the median setback of existing buildings within the same block or street frontage, and from section DS5.1i to allow no building stepbacks where building stepbacks are required on the 4th, 11th, and 18th floors on 1.3 acres located at 1431 South Las Vegas Boulevard. Two companion Special Use Permit applications (SUP-13891) and (SUP-13897) will be heard with this item.

EXECUTIVE SUMMARY

This project has a rather unique ground floor design in that the driveway is circular and off set to the right of the tower structure off of Las Vegas Boulevard. This permits two primary entrances into the tower, one directly off of Las Vegas Boulevard and one directly off of the driveway. The retail space is found directly on the Las Vegas Boulevard frontage with its own entrance. This tower features six levels of parking, an amenity floor and then the residential units on the upper levels.

BACKGROUND INFORMATION

A) *Related Actions*

- 06/21/06 There is no land use or zoning history on file for this parcel. Records show that the current zoning is C-2 (General Commercial).
- 08/10/06 The Planning Commission recommended denial of companion items SUP-13897 and SUP-13891 concurrently with this application.
- 08/10/06 The Planning Commission voted 4-2/ds/bg-1/rt to recommend DENIAL (PC Agenda Item #38/yk).

B) *Pre-Application Meeting*

- 05/16/06 A pre-application meeting was held where it was discussed that a Site Development Plan Review and two Special Use Permits would be required to move this project forward. The need for two waivers of the Downtown Centennial Plan was also noted.

C) *Neighborhood Meetings*

A neighborhood meeting is not required as part of this application, nor was one held. However, the applicant has met with the President of the Historic John S. Park Neighborhood regarding this project.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 1.50 acres
Net Acres: 1.30 acres

B) *Existing Land Use*

Subject Property: Vacant lot/Wedding Chapel
North: Vacant lot
South: Vacant lot
East: Residential duplexes
West: Retail/bar/restaurant

C) *Planned Land Use*

Subject Property: C (Commercial Use)
North: C (Commercial Use)
South: C (Commercial Use)
East: C (Commercial Use)
West: C (Commercial Use)

D) *Existing Zoning*

Subject Property: C-2 (General Commercial)
North: C-2 (General Commercial)
South: C-2 (General Commercial)
East: R-2 (Medium Density Residential)
West: C-2 (General Commercial)

E) *General Plan Compliance*

The Las Vegas Redevelopment Plan designates the parcels C (Commercial), which permits office uses, limited commercial uses, and general commercial uses. The proposed mixed-use development is consistent with the land use designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Downtown Centennial Plan	X	
Redevelopment Plan Area	X	
Special Overlay District	X	
Las Vegas Boulevard Scenic Byway	X	
Trails		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Downtown Centennial Plan

The parcel is located within the Downtown South district of the Downtown Centennial Plan, which encourages major mixed-use residential projects. Height, setback, parking requirements and other development regulations are not automatically applied to properties within the Downtown Centennial Plan area; however, additional streetscape and architectural requirements are applicable. This proposed project is generally consistent with the goals and objectives of the Downtown Centennial Plan.

Redevelopment Plan Area

This parcel is within the boundaries of the Las Vegas Redevelopment Area, with a Commercial land use designation. The proposed uses are in conformance with the Redevelopment Plan.

Trails

This development is not adjacent to any Transportation, Recreation, or Urban Trails.

Scenic Byway Overlay District

This project is within the Las Vegas Boulevard Scenic Byway Overlay District which requires all signage to have at least 75% exposed neon. No signage is being considered with this application.

INTERAGENCY ISSUES

No issues have been raised to date.

PROJECT DESCRIPTION

This residential tower will front on Las Vegas Boulevard with the primary tower being located above a six-story parking garage. The amenity deck is located on the 7th floor and features a spa, outside pool and deck, a clubhouse and lounge for residents use. An 1,190 square foot retail/restaurant space will be available with direct access off of Las Vegas Boulevard.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The Downtown Centennial Plan addresses certain site development standards, which are detailed below:

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	1.5 Acres	N/A
Min. Lot Width	N/A	278 Feet	N/A
Min. Setbacks			
• Front (LVB)	0 Feet	18 Feet	Y
• Side	N/A	0 Feet	N/A
• Rear	0 Feet	10 Feet	Y
F.A.R.	N/A	13.4%	N/A
Max. Lot Coverage	Up to 100%	Not indicated	Y
Max. Building Height	N/A	517 Feet	N/A
Trash Enclosure	Walled/roofed	Yes	Y
Loading Zone	1	0	N
Mech. Equipment	Screened	Enclosed	Y

The front setback of the building on Las Vegas Boulevard does not comply with the Downtown Centennial requirement for 70% frontage along the front property line, due to the design of the entry driveway. A trash enclosure is shown near the center of the building with direct access to the internal driveway. The submitted plans would suggest that mechanical equipment will be screened; a condition has been included to establish compliance with the screening requirements contained in the Code.

A2) Residential Adjacency Standards

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of Residential Adjacency Standards. The site is located approximately 290 feet from the nearest single-family property. A shadow study was conducted and indicates that the proposed tower will have a minimum effect on the adjacent neighborhood, primarily during the afternoon of the winter months.

A3) Parking and Traffic Standards

As with other development standards, the property is exempt from the automatic application of parking requirements due to its being located within the boundaries of the Downtown Centennial Plan area. The following table details the parking figures for the development:

Uses	GFA	Provided Parking	
		Regular	Handicap
Multifamily Residential - Residential Parking - Guest Parking	421 Units	421 3	9 0
Commercial Retail	1,190 SF	10	Not Provided
Total:		434	9

A total of 434 parking spaces will be provided for the development, which allows a minimum of one parking space per residential unit and 13 spaces for the commercial component. A total of 9 handicapped spaces are also provided.

Public Works has reviewed the submitted plans for traffic circulation issues, and has not noted any significant concerns.

A4) Landscape and Open Space Standards

The property is subject to the landscape and streetscape standards of the Downtown Centennial Plan as listed below:

Standards	Required		Provided
	Ratio	Trees	
North/South Street Las Vegas Boulevard	1 Palm Tree @ 35' o.c. max. (min. 25' height)	8 Trees	9 Trees
Sidewalk	11' Sidewalk		LVB 20'

The project includes seven palm trees within the amenity zone and an additional two shade trees by the curb-side driveway. There is also a planter with 14 water bamboo plants with a decorative screening wall behind it to screen the driveway and the ground level of the parking structure.

The provided landscape meets the overall intent of the requirements of the Downtown Centennial Plan.

A5) Sign Standards

No detailed information has been submitted relative to proposed signage for the development. Signage shall be reviewed under a separate application, subject to conformance with the requirements of Title 19.06.140 the Las Vegas Boulevard Scenic Byway Overlay District.

B) General Analysis and Discussion

- Zoning

The commercial use located at the ground floor is permitted in accordance with the requirements of the C-2 (General Commercial) zoning district. The residential units are only permitted upon approval of a Special Use Permit; Special Use Permit (SUP-13897) has been filed as a companion case. The Special Use Permit for a Mixed-Use structure requires non-residential uses on the ground floor and architectural features that distinguish the separate uses within the building; the proposed development is in conformance with these requirements. This project also requires a Special Use Permit for the McCarren Airport Overlay; Special Use Permit (SUP-13891) has been filed as a companion case.

- Site Plan

This project has a rather unique ground floor design in that a circular driveway is located off of Las Vegas Boulevard with the commercial space being completely separate from the lobby area of the structure on the northwest corner of the building. Two primary entrances are provided, one directly off of Las Vegas Boulevard and the other directly off of the circular driveway to the south. A one-way entrance to the parking garage is located at the south end of the project with a one-way exit on the north end of the project. The circular drive is entered off of the main entrance and then exits directly on to Las Vegas Boulevard. A loading zone is located within the ground floor of the building off of the primary driveway and is large enough to accommodate a large 18-wheeled truck.

- Waivers

The development requires waivers from the Downtown Centennial Plan requirement for building setbacks, and 70% frontage requirements. A building setback is provided at the 7th story of the building, but no additional setbacks are provided as required on the 11th and 18th floors. The configuration of the building and the modern sleek façade provides sufficient variation to the appearance of the building, and is consistent with the design goals of the Centennial Plan. The unique design of the driveway sets the bulk of the parking structure back that causes the need for the waiver of the 70% frontage requirement.

- Elevation

Contemporary materials are used on the building exterior, which include Stone veneer, pre-finished metal and painted concrete. Aqua-blue tinted and gray tinted glass will provide the dominate colors of the structure framed within the painted white concrete support columns. There is significant variation in the façade on the lower seven levels that clearly indicates where the commercial and garage levels end and the residential units begin. However, there is enough vertical articulation that extends down to the foundation to unite the building as one entity. The six-levels of the garage are open with steel horizontal bars providing both safety and decorative elements to these levels.

- Floor Plan

The symmetry of the floor plan allows for efficient access from the parking structure to the elevator lobbies, and contributes to the effectiveness of the pedestrian circulation with the structures. The amenities for the residential units will be located atop the parking structure. A loading zone is located off of the elevator on the ground level.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 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 development will be compatible with adjacent development, and will assist in improving the jobs/housing balance in the area.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

The proposed development is consistent with the General Plan, and is generally consistent with the requirements of Title 19 and the Downtown Centennial Plan. Waivers have been requested for elements of the development that do not strictly conform to the Centennial Plan requirements.

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

The traffic circulation for the site has been designed so as to reduce impacts to Las Vegas Boulevard and the surrounding neighborhood with the circular driveway and one-way entrance and exit to the garage.

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

The proposed landscape materials are appropriate for the area and conforms closely to the Downtown Centennial Plan requirements. The proposed building materials are appropriate for the area and the City.

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;"

Adequate care has been exercised in detailing the building facade in order to create an orderly and harmonious appearance between the tower and the attached parking structure. At the same time there are vertical architectural elements that unite the structure as a whole.

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

The development will be subject to ongoing inspections and therefore will not compromise the public health, safety, and welfare or the overall objectives of the General Plan.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

18

ASSEMBLY DISTRICT

9

SENATE DISTRICT

10

NOTICES MAILED

231 by Planning Department

APPROVALS

0

PROTESTS

0



SITE DATA

SITE ACREAGE: 1.3 ACRES (NET)
1.5 ACRES (GROSS)

APN# #162-03-202-003.004

CURRENT ZONE: C - 2

PROPOSED ZONE: C - 2
PROPOSED USE: CONDO
PROPOSED DENSITY: 281 du/ac

NUMBER OF UNITS: 421
NUMBER OF STORIES: 45
FLOOR AREA RATIO: 13.4

PARKING ANALYSIS

1 PKNG. SPACE PER UNIT (421 UNITS) 421 SPACES
TOTAL PARKING RECOMMENDED: 421 SPACES
PARKING PROVIDED: 434 SPACES
HANDICAPPED PARKING PROVIDED: 9 SPACES

FLOOR AREA

1. TOTAL RESIDENTIAL FLOOR AREA: 480,489 S.F.
(BALCONY NOT INCLD.)
2. TOTAL PARKING AREA: 287,466 S.F.
3. LOBBY/ MEP/PUBLIC AREA: 8,944 S.F.
4. RESTAURANT AREA: 1,190 S.F.
5. AMENITIES: 7,905 S.F.
6. OUTDOOR PODIUM AREA: 25,855 S.F.

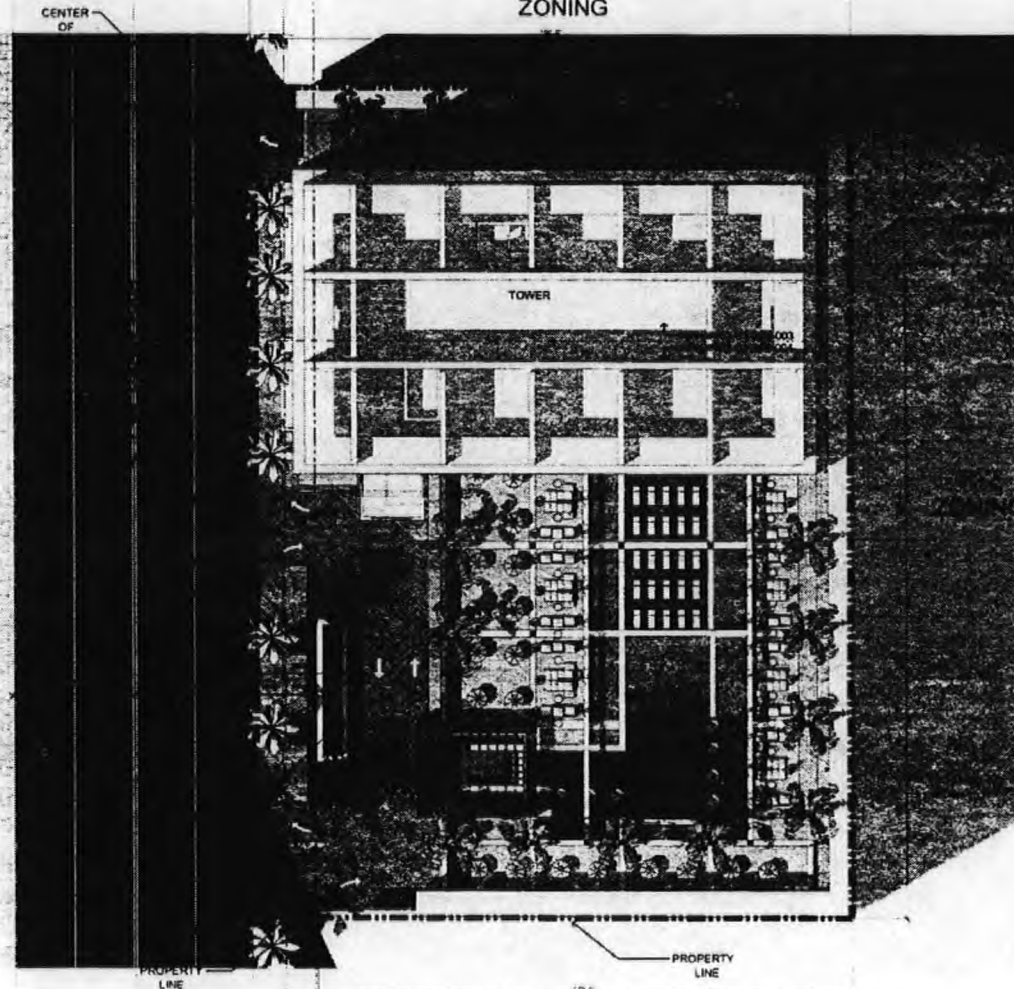
TOTAL GROSS AREA: 877,115 S.F.

LANDSCAPE LEGEND

LANDSCAPE LEGEND	SIZE	QUANTITY
 HERITAGE LIVE OAK - QUERCUS VIRGINIA HERITAGE	24" BOX 2-1/2" C	2
 BANANA MUSA - BASJOO - JAPANESE FIBER BANANA	18" HIGH	16
 WASHINGTONIA ROBUSTA - MEXICAN FAN PALM	30" HIGH	6
 WATER BAMBOO - PHYLLOSTACHYS HETEROCLADA	8" HIGH	56
 BIRD OF PARADISE - STRELITZIA REGINAE	4" HIGH	34

*SEE GROUND LEVEL FLOOR PLAN FOR ADDITIONAL INFORMATION

C-2
ZONING



VICINITY MAP

C-2
ZONING

jma

Design
10150 Cowington Cross Drive
Las Vegas, NV 89144
702.731.2033

Condominiums at 1431 S. Las Vegas Blvd.
Project # 2006901.157

SITE PLAN - LANDSCAPE PLAN
Scale: 1" = 20'-0"



5.26.06

SUP-13897
SUP-13897
SDR-13899

08/10/06 PC

SITE DATA

SITE ACREAGE: 1.3 ACRES (NET)
1.5 ACRES (GROSS)

APN: #162-03-202-003, 004

CURRENT ZONE: C-2

PROPOSED ZONE: C-2

PROPOSED USE: CONDO

PROPOSED DENSITY: 281 du/ac

NUMBER OF UNITS: 421

NUMBER OF STORIES: 45

FLOOR AREA RATIO: 13.4

PARKING ANALYSIS

1 PARKING SPACE PER UNIT (421 UNITS) 421 SPACES

TOTAL PARKING RECOMMENDED: 421 SPACES

PARKING PROVIDED: 434 SPACES

HANDICAPPED PARKING PROVIDED: 9 SPACES

FLOOR AREA

1. TOTAL RESIDENTIAL FLOOR AREA: 480,489 S.F.
(BALCONY NOT INCLD.)

2. TOTAL PARKING AREA: 287,465 S.F.

3. LOBBY/MEP/PUBLIC AREA: 8,944 S.F.

4. RESTAURANT AREA: 1,190 S.F.

5. AMENITIES: 7,905 S.F.

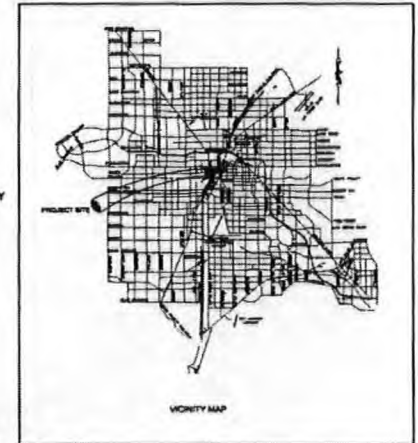
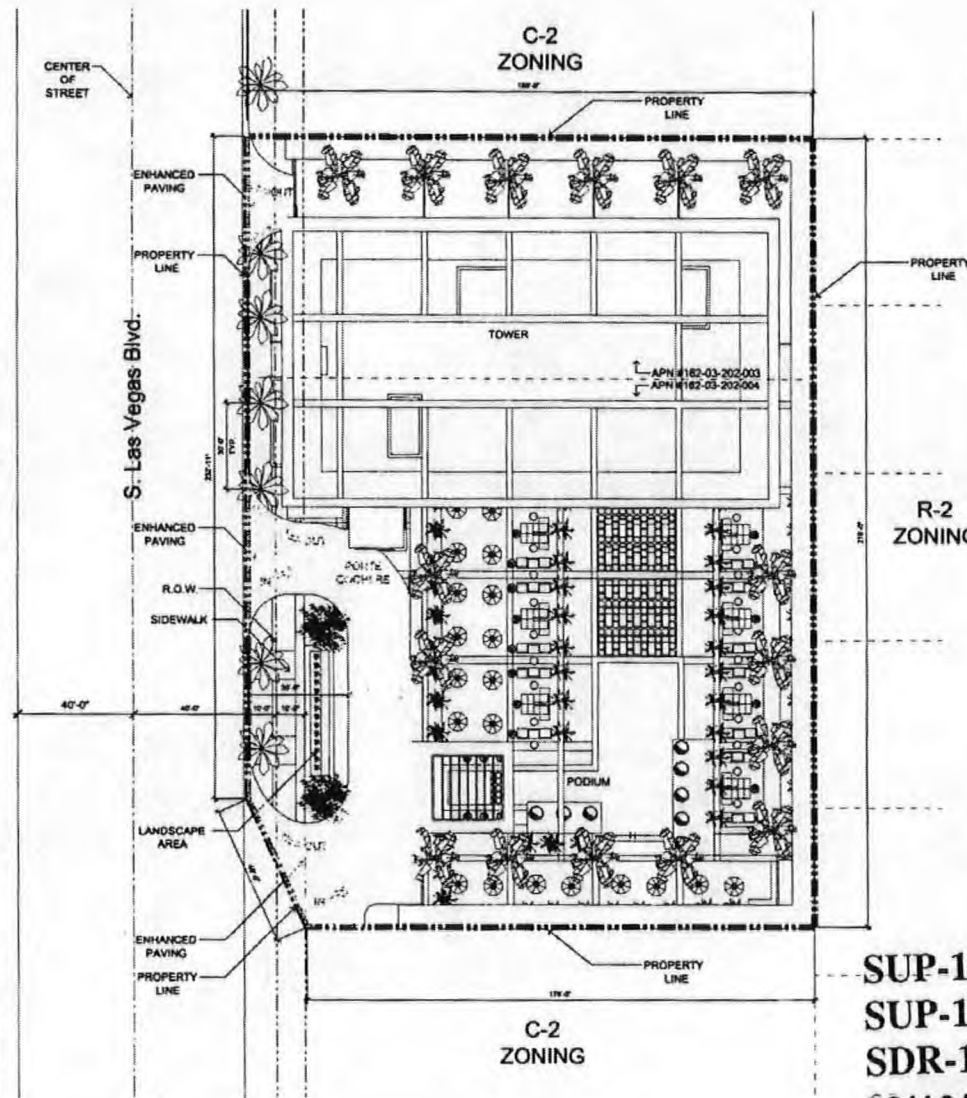
6. OUTDOOR PODIUM AREA: 25,855 S.F.

TOTAL GROSS AREA: 877,115 S.F.

LANDSCAPE LEGEND

	SIZE	QUANTITY
 HERITAGE LIVE OAK - QUERCUS VIRGINIA HERITAGE	24" BOX 2-1/2" C	2
 BANANA MUSA - BASJOO - JAPANESE FIBER BANANA	18" HIGH	16
 WASHINGTONIA ROBUSTA - MEXICAN FAN PALM	30" HIGH	6
 WATER BAMBOO - PHYLLSTACHYS HETEROCLODA	8" HIGH	56
 BIRD OF PARADISE - STRELITZIA REGINAE	4" HIGH	34

SEE GROUND LEVEL FLOOR PLAN FOR ADDITIONAL INFORMATION



MAY 3 11 2006

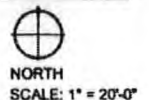
SUP-13891
SUP-13897
SDR-13899
08/10/06 PC



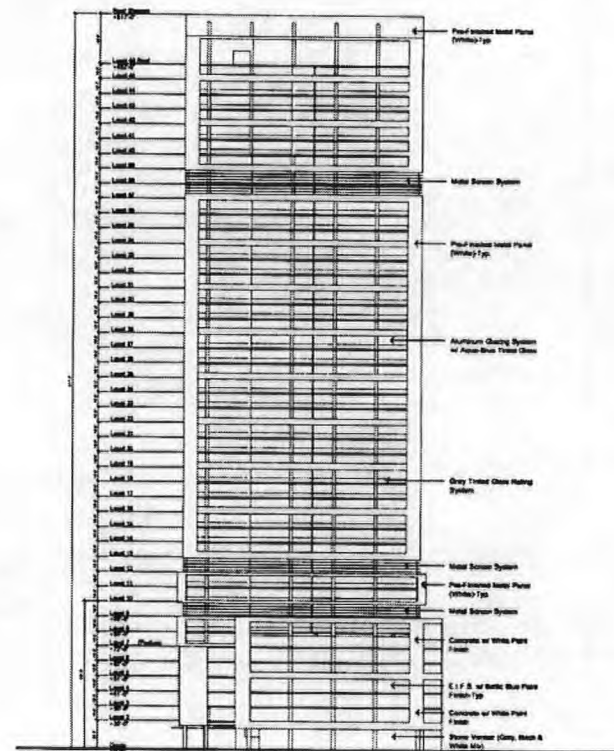
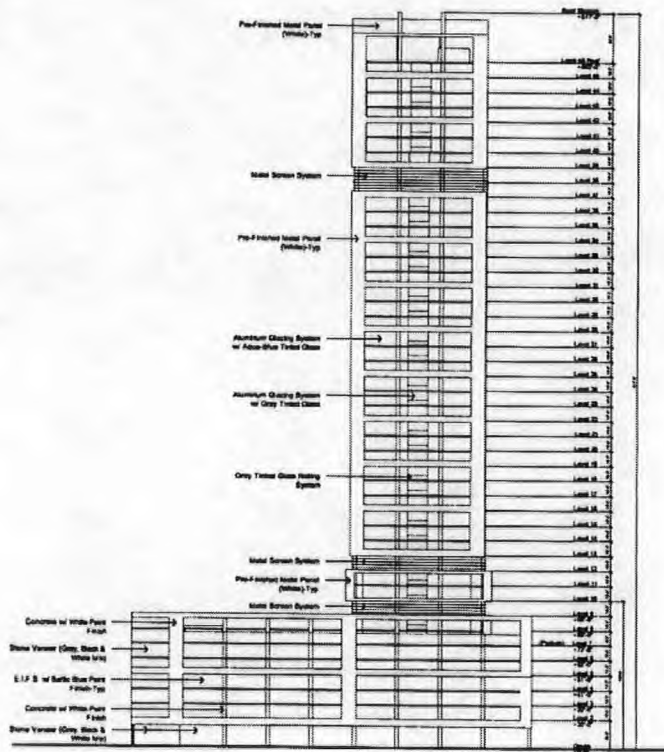
Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

Condominiums at 1431 South Las Vegas Blvd.
Project #2006157
CITY OF LAS VEGAS

Site Plan - Landscape Plan



Date: May 26, 2006
A0 - Site Plan - Landscape Plan



MAY 8 2006



Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

Condominiums at 1431 South Las Vegas Blvd.
Project #2006157

CITY OF LAS VEGAS

Exterior Elevations

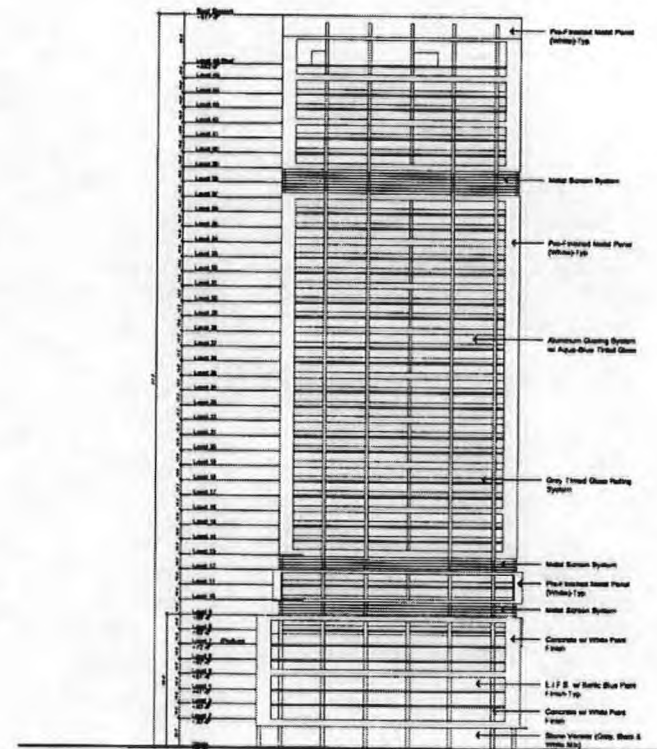
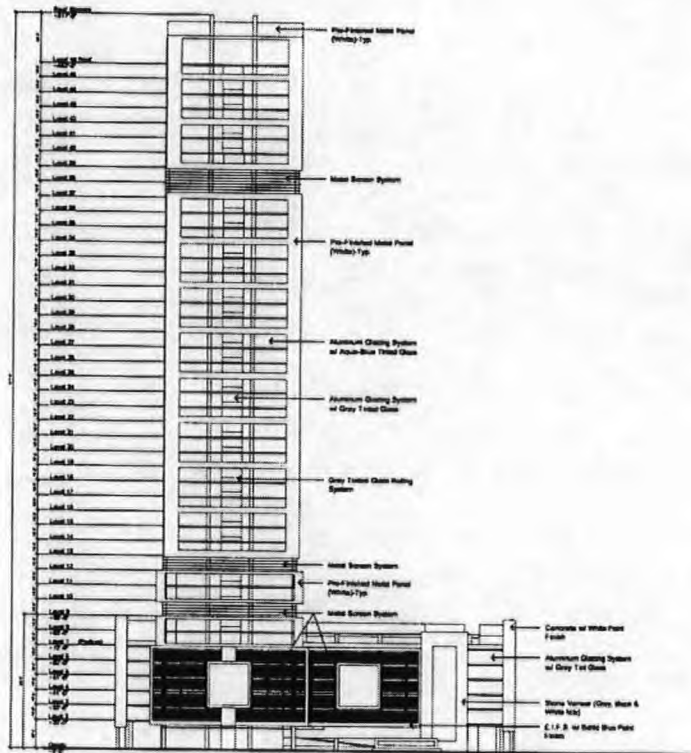
08/10/06 PC

**SUP-13891
SUP-13897
SDR-13899**

SCALE: 1" = 40'-0"

Date: May 26, 2006

AS - Exterior Elevations



MAY 8 2006

jm

Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

Condominiums at 1431 South Las Vegas Blvd.
Project #2006157

CITY OF LAS VEGAS

08/10/06 PC

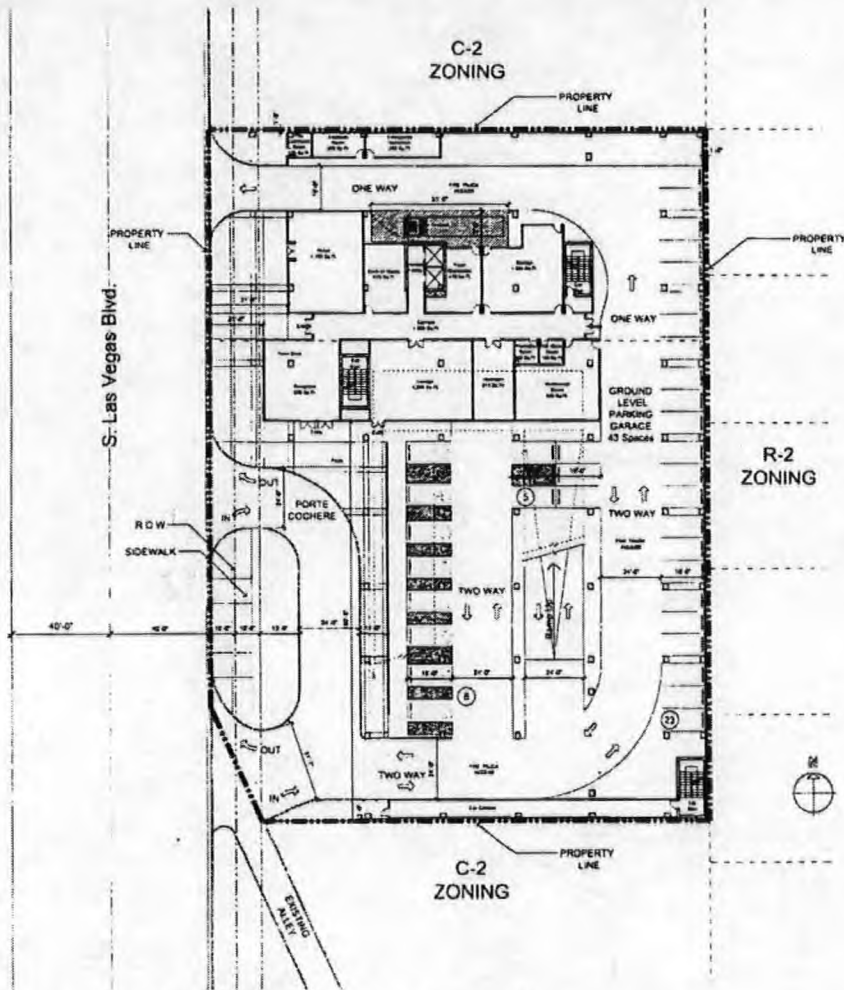
SUP-13891
SUP-13897
SDR-13899

Exterior Elevations

SCALE: 1" = 40'-0"

Date: May 26, 2006

A4 - Exterior Elevations

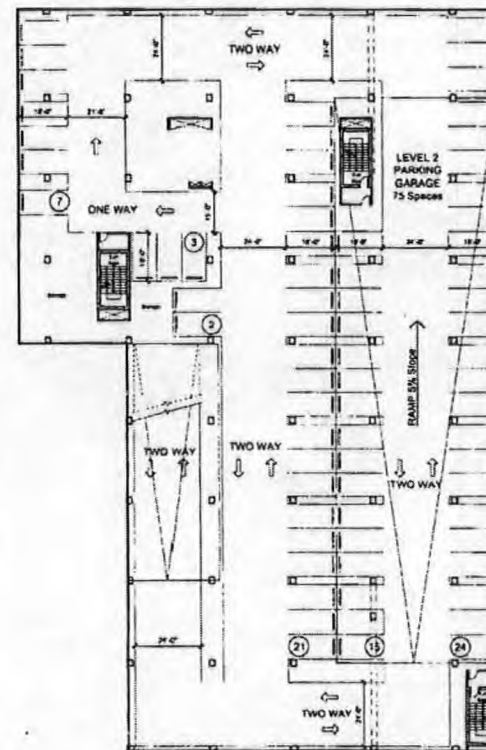


GROUND LEVEL 1 - FLOOR PLAN
SCALE 1"=20'-0"

CONDOMINIUMS

CITY OF LAS VEGAS
LAS VEGAS, NEVADA

Condominiums at 1431 South Las Vegas Blvd.
Project #200601



GARAGE LEVEL 2 - FLOOR PLAN
SCALE 1"=20'-0"

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JUN 28 2006

SUP-13891
SUP-13897
SDB-13899
87-13-06 PC REVISED

jma

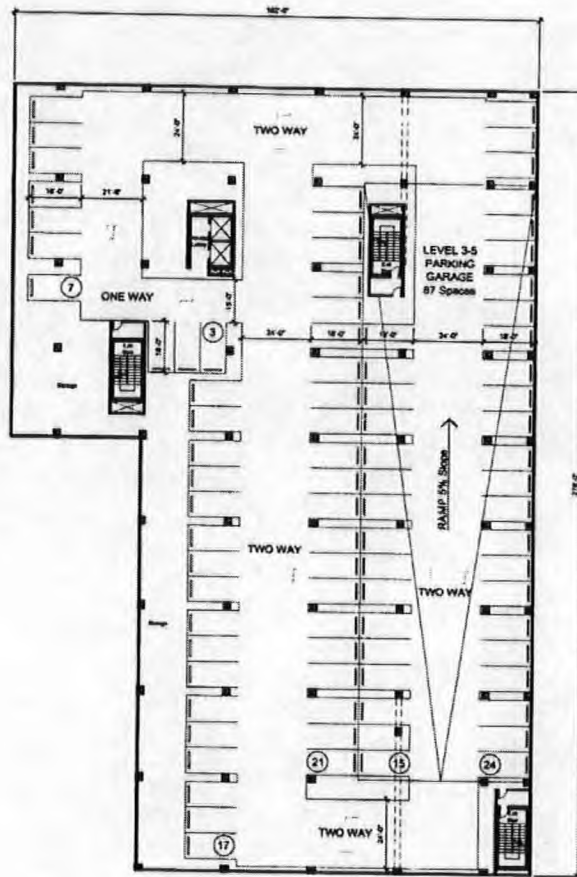
JMA #2006901.157

10150 CONVENTION CROSS DRIVE
LAS VEGAS, NV 89144
PHONE: (702) 731-7033
FAX: (702) 731-7037
WWW.JMAARCH.COM

Date: JUNE 28, 2006

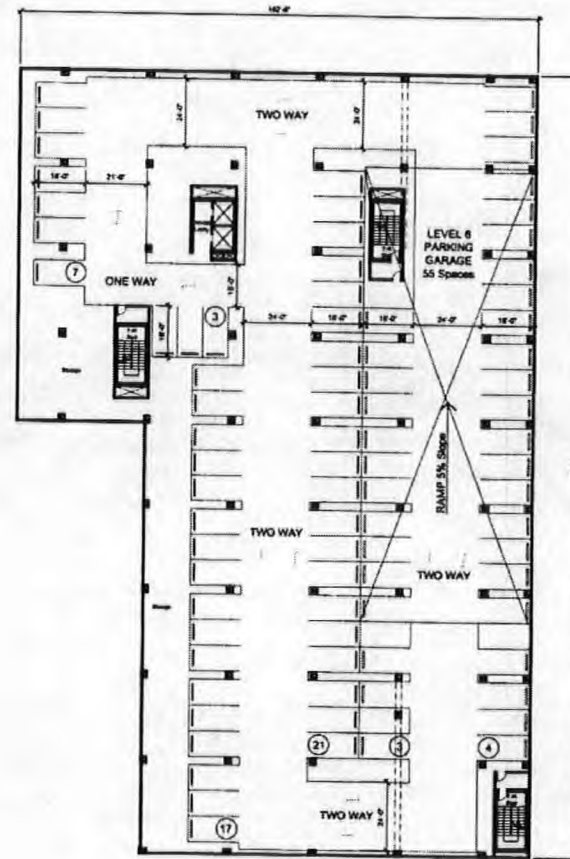
A-1 Ground Level 1 & Garage Level 2 - Floor Plans

08/10/06 PC



Garage Level 3-5 Floor Plan

MAY 24 2006



Garage Level 6 Floor Plan

jm

Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

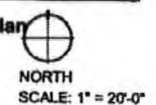
Condominiums at 1431 South Las Vegas Blvd.
Project #2006157

CITY OF LAS VEGAS

08/10/06 PC

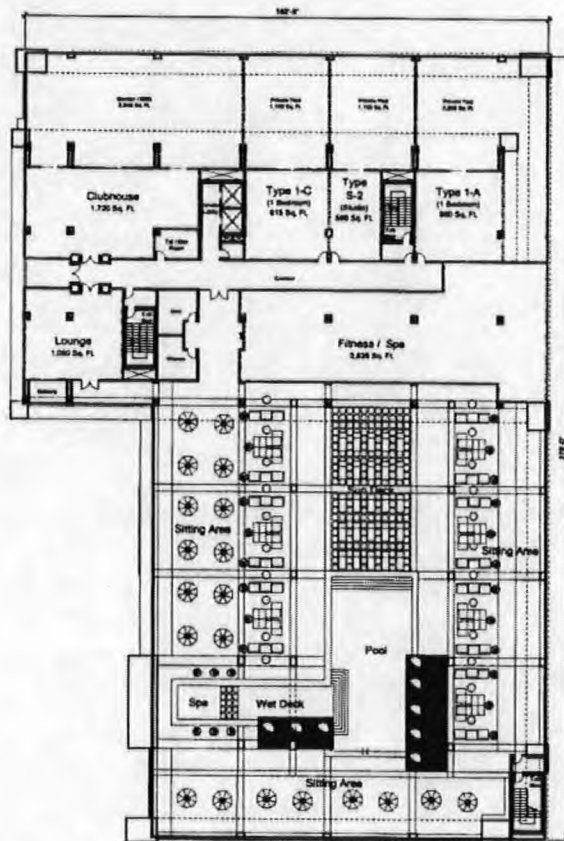
SUP-13891
SUP-13897
SDR-13899

Garage Level 3-5 Floor Plan & Garage Level 6 Floor Plan

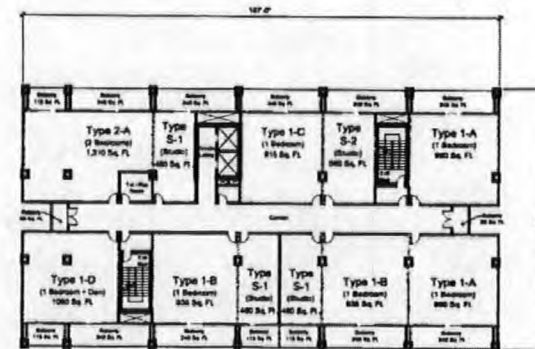


Date: May 28, 2006

A2 - Garage Level 3-5 Floor Plan & Garage Level 6 Floor Plan



Podium Level 7 Floor Plan



Tower Level 8-45 Floor Plan

APR 30 2006



Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

Condominiums at 1431 South Las Vegas Blvd.
Project #2006157

CITY OF LAS VEGAS

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SUP-13891
SUP-13897
SDR-13899

Podium Level 7 Floor Plan & Tower Level 8-45 Floor Plan



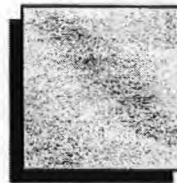
NORTH
SCALE: 1" = 20'-0"

Date: May 26, 2006

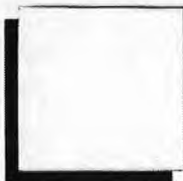
A3 - Podium Level 7 Floor Plan & Tower Level 8-45 Floor Plan



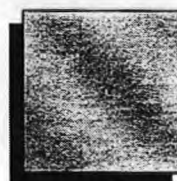
Stone Veneer
Gray/Black/White Color Mix



Glass
Aqua-Blue Tinted Glass



**Pre-Finished Metal
Panel &
Painted Concrete**
White Finish



Glass
Gray Tinted Glass



Painted E.I.F.S.
Baltic Blue Paint Finish



**Metal Screen System &
Aluminum Glazing System**
Anodized Aluminum Finish

jma

Design
Project: 13897
Date: 08/10/06

Condominiums at 1431 S. Las Vegas Blvd.
Project: 13897

Materials/Colors

5.26.06

08/10/06 PC

SUP-13897
SDR-13899



08/10/06

SUP-13891
SUP-13897
SDR-13899
08/10/06 PC

jma

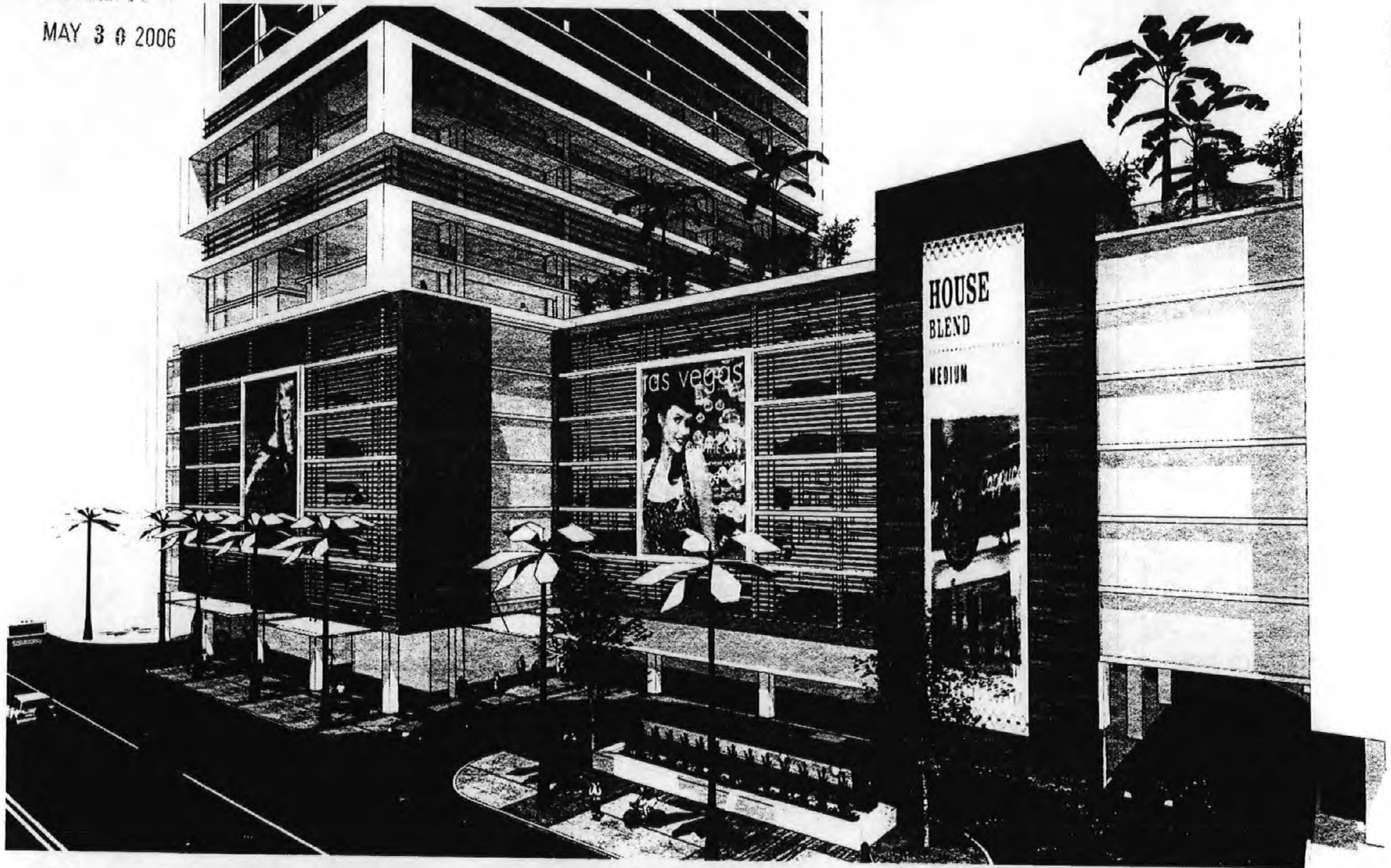
Design
10150 Covington Cross Drive
Las Vegas, NV 89144
702.731.2033

Condominiums at 1431 S. Las Vegas Blvd.
Project # 2006901.157

South West Perspective

5.24.2006

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MAY 30 2006



jma

Design

10150 Cowington Cross Drive
Las Vegas, NV 89144
702.731.2033

Condominiums at 1431 S. Las Vegas Blvd.
Project # 2006901.157

South West Street Level Perspective

5.24.2006

08/10/06 PC

SDR-13899

Winter

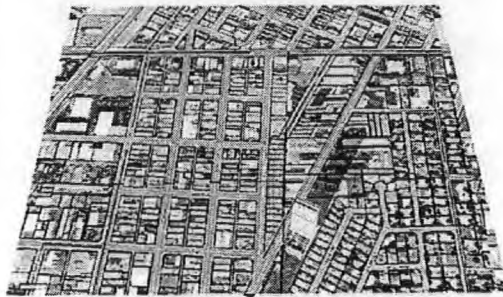
Spring/Fall

Summer

Morning



Noon



Afternoon



jma

Design
10150 Galloway Circle Drive
Las Vegas, NV 89144
702.731.2000

Condominiums at 1431 S. Las Vegas Blvd.
Project # 2006901.157

Exterior Elevations
Scale: 1" = 30'-0"

5.24.2006

SUP-13891
SDR-13899

SUP-13897
07/13/06 PC

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JUN 28 2006

SDR 13899				
Stratorise LLC				
1431 Las Vegas Boulevard				
Proposed 421 unit condominium development.				
Traffic produced by proposed development:				
New Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	RES. CONDO/TOWNHOUSE [DWELL]	421	5.86	2,467
AM Peak Hour			0.44	185
PM Peak Hour			0.52	219
(heaviest 60 minutes)				
Original Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	SHOPPING CENTER [1000 SF]	1.19	42.94	51
AM Peak Hour			1.03	1
PM Peak Hour			3.75	4
(heaviest 60 minutes)				
Net Change	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	RES. CONDO/TOWNHOUSE [DWELL]	421		2,518
AM Peak Hour				186
PM Peak Hour				223
(heaviest 60 minutes)				
Existing traffic on all nearby streets:				
Las Vegas Boulevard				
Average Daily Traffic (ADT)	25,950			
PM Peak Hour	2076			
(heaviest 60 minutes)				
4th Street				
Average Daily Traffic (ADT)	4,275			
PM Peak Hour	342			
(heaviest 60 minutes)				
Traffic Capacity of adjacent streets:				

	Adjacent street ADT			
	Capacity			
Arville Street	32600			
Casino Center Boulevard	29400			
This project will add approximately 2,518 trips per day on Las Vegas and 4th. This will increase expected volumes by about 10 percent on Las Vegas and about 59 percent on 4th. Las Vegas is at about 80 percent of capacity and 4th is at about 15 percent of capacity.				
Based on Peak Hour use, this development will add roughly 223 additional cars into the area; which works out to about four every minute.				
Note that this report assumes all traffic from this development uses all named streets.				



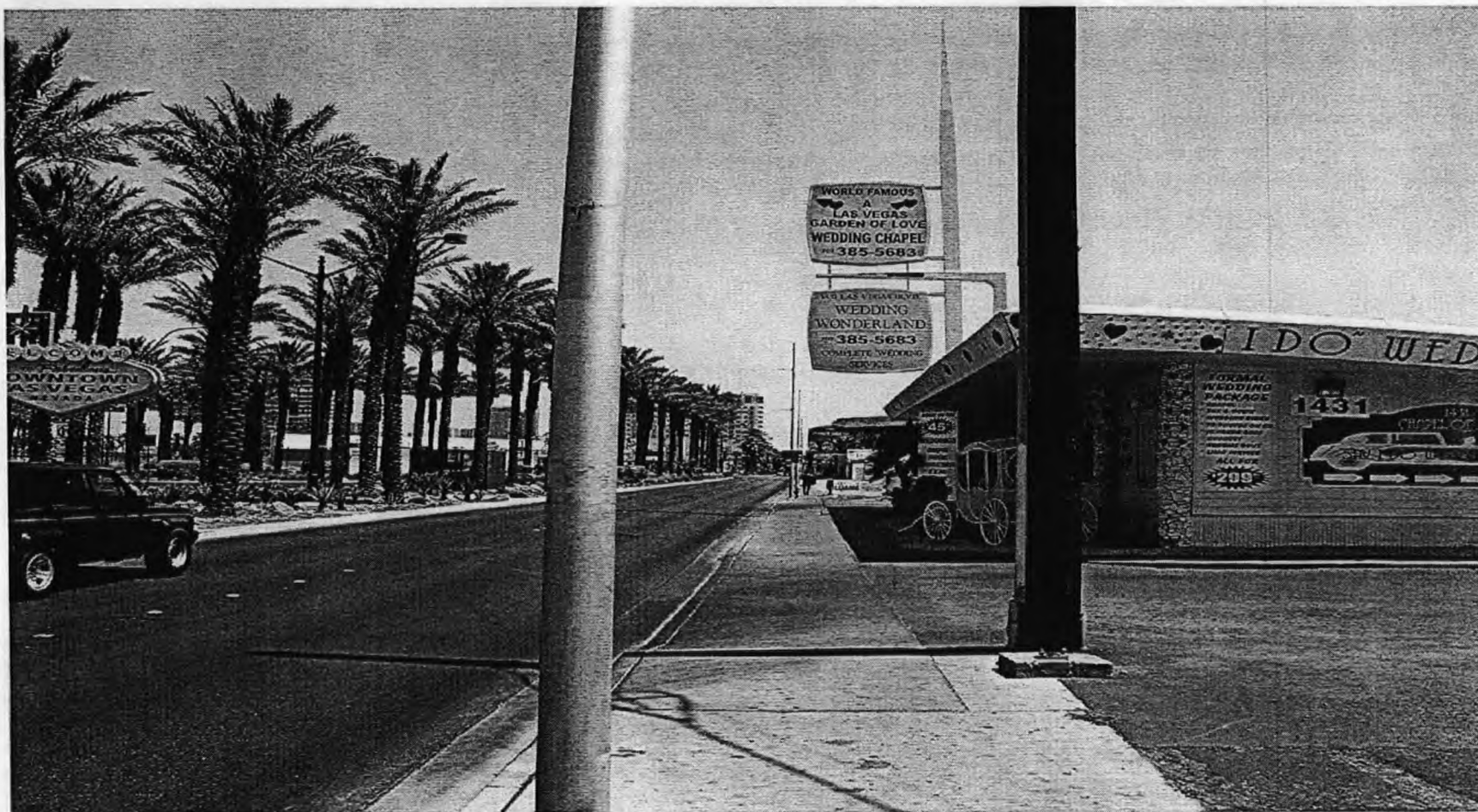
SUP-13891 - APPLICANT: STRATORISE LLC/AZTEC INTERNATIONAL - OWNER: GEOSUMMITT LLC
1431 LAS VEGAS BOULEVARD SOUTH
AUGUST 10, 2006 PLANNING COMMISSION

06/20/06



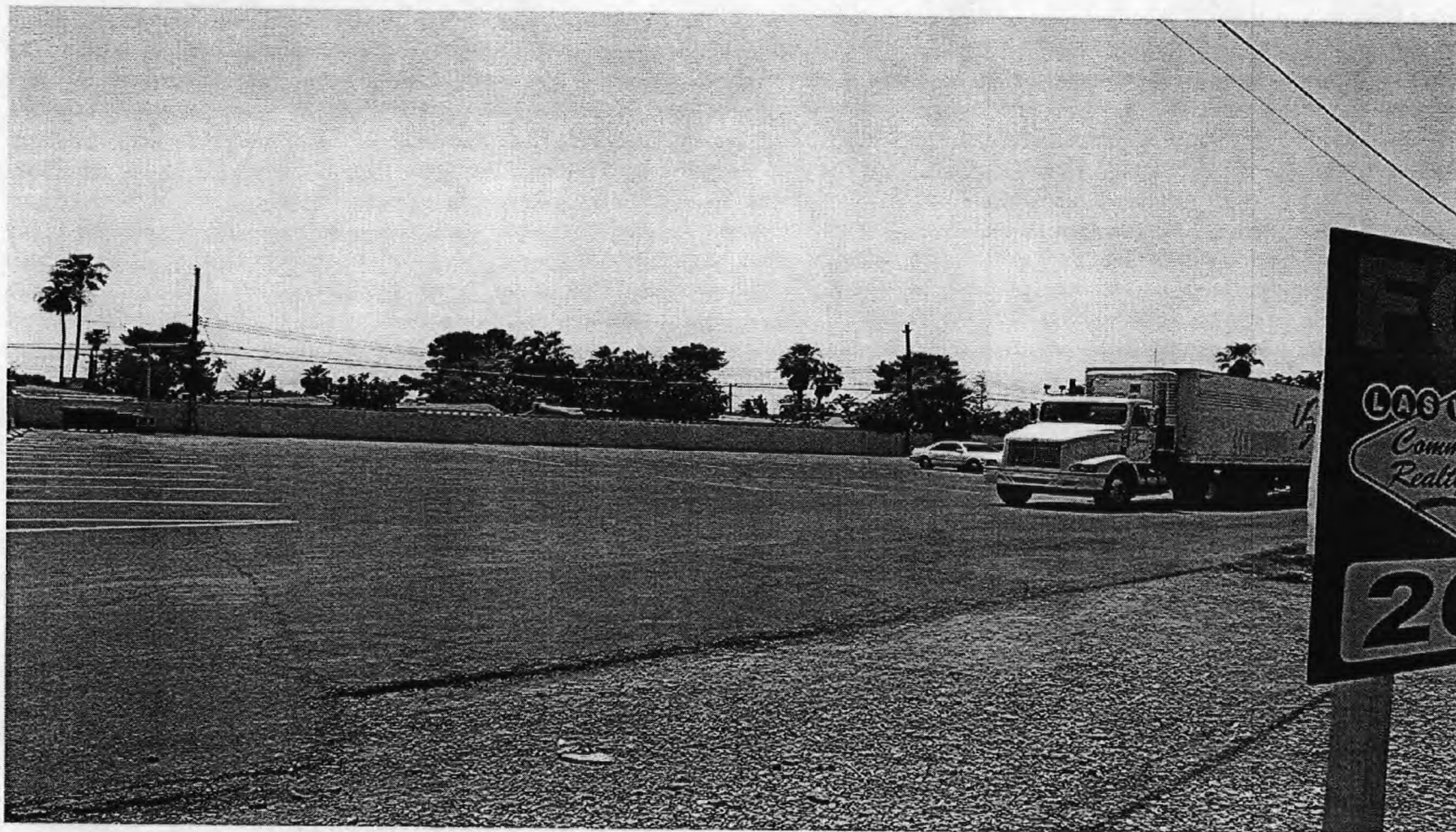
SUP-13891 - APPLICANT: STRATORISE LLC/AZTEC INTERNATIONAL - OWNER: GEOSUMMITT LLC
1431 LAS VEGAS BOULEVARD SOUTH
AUGUST 10, 2006 PLANNING COMMISSION

06/20/06



SUP-13891 - APPLICANT: STRATORISE LLC/AZTEC INTERNATIONAL - OWNER: GEOSUMMITT LLC
1431 LAS VEGAS BOULEVARD SOUTH
AUGUST 10, 2006 PLANNING COMMISSION

06/20/06



SUP-13891 - APPLICANT: STRATORISE LLC/AZTEC INTERNATIONAL - OWNER: GEOSUMMITT LLC
1431 LAS VEGAS BOULEVARD SOUTH
AUGUST 10, 2006 PLANNING COMMISSION

06/20/06

May 30, 2006

Margo Wheeler, Director
City of Las Vegas Planning and Development
731 S. 4th Street
Las Vegas, NV 89101

RE: Special Use Permit for Airport Overlay District; Special Use Permit for Mixed Use; Site Development Plan Review at 1431 South Las Vegas Boulevard APN: 162-03-202-003, 004

Dear Ms. Wheeler:

On behalf of our client, Cambridge Enterprises, we hereby submit the attached applications for a Special Use Permit for the Airport Overlay District; Special Use Permit for Mixed Use and a Site Development Plan review for a proposed 45 story, 517 foot high mixed use project located at 1431 S. Las Vegas Boulevard. The project will consist of 1,190 square feet of ground floor retail with 421 condominium units. The current use of the property is the Chapel of Love Wedding Chapel.

CURRENT LAND USE

The site is designated Commercial (C) on the City of Las Vegas Redevelopment Plan Map. This designation allows those uses permitted in the Office (O), Service Commercial (SC) and General Commercial (GC) land use categories of the General Plan. The parcel is zoned General Commercial (C-2), which conforms to the Plan designation. Mixed Use projects are permitted with the approval of a Special Use Permit.

The site also lies within the boundaries of the City of Las Vegas Downtown Centennial Plan, in the John S. Park Adjacent Area. While lying within this area of the plan, this site does not directly abut the portion of the John S. Park area designated as a Federal Historic Preservation Neighborhood.

It also lies within the Airport Overlay District (A-O), as described in Title 19.06.070.



SUP-13891
SUP-13897
SDR-13899
08/10/06 PC

A Planning & Development Services Corporation

1711 Whitney Mesa Drive, Suite 110, Henderson, Nevada 89014-2158

Telephone: 702.435.9909 Facsimile: 702.435.0457 E-Mail: ggarcia@gcgarciainc.com

SPECIAL USE PERMIT APPROVAL CRITERIA

Title 19.06.080 (H) establishes the criteria for approval of a Special Use Permit for properties located within the Airport Overlay District. Those are:

- a. The applicant shall notify the FAA regional office and the Clark County Department of Aviation of the application prior to the time of submission.

The notification form sent to the FAA is attached as part of this submittal.

- b. Any approval by the Planning Commission must be referred automatically to the City Council for final disposition.

It is understood that the application will be referred to the City Council.

Title 19.18.060 (L) provides the determinations to be made by the Planning Commission or City Council to approve a Special Use Permit. Those are:

- a. The proposed use can be conducted in a manner that is harmonious and compatible with existing land uses and with future surrounding uses as projected by the General Plan.

All of the properties to the north, south and west of the site are designated Commercial (C), where intense commercial and mixed use projects are anticipated. There is no amendment to the Redevelopment or Downtown Centennial Plan associated with this application. In fact, directly west of this site, the following mixed use towers have been approved:

1) Renzi Tower- SDR-10143

This was approved for 68 stories, with 1,011 units, and 9,260 square feet of retail with a maximum height of 776 feet.

2) Flatiron- SDR-8634

This was approved for 50 stories, , with 320 condominium units, 5,890 square feet of retail, and a 4,765 square foot restaurant with maximum height of 582 feet.

3) Eighty on 4th SDR-6217

This was approved for 40 stories, with 89 condominium units, and 3,257 square feet of retail with a maximum height of 505 feet.

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It should be noted that all of the previously approved towers on the west side of Las Vegas Boulevard are of a greater height, density and mass than the project proposed for this site. Therefore in terms of such concerns as visual impacts and shading to the John S. Park neighborhood to the east, this project will have far fewer impacts than those already approved. While this proposed tower will be visible from the neighborhood, the other towers will be more visible even though they are on the other side of the street.

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

The subject site is large enough to accommodate adequate parking, landscaping and amenities needed for this type of project.

- c. Street or highway facilities providing access to the property are, or will be adequate in size to meet the requirements of the proposed land use.

Several other similar projects, at a greater height, number of unit and intensity have already been approved along the Las Vegas Boulevard corridor, where such uses have been encouraged to revitalize the downtown core of the City.

- d. 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 project advances the following objectives of the City of Las Vegas Redevelopment Plan:

The elimination of environmental deficiencies and blight in the Redevelopment Area, which constitute either or both social or economic liabilities and require redevelopment in the interests of the health, safety and general welfare of the people. This includes among others, small and/or irregular lots, obsolete and aged building types, economic and social deficiencies, deteriorated public improvements, inadequate parking facilities, and inadequate utilization of land and public facilities.

The approval and construction of mixed use projects in the downtown core has led to a revitalization of the area. Modern, integrated high-end projects are replacing obsolete and aged buildings and are beginning to establish a new, vibrant downtown core, where people will be able to live, work, shop and play without a heavy reliance on the automobile.

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SUP-13897
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The assembly of land into parcels suitable for modern, integrated, development and allowing for improved pedestrian and vehicular circulation in the Redevelopment area.

This project assembles two parcels for the construction of a modern mixed use tower that will provide all of the pedestrian connectivity, landscaping and a visual context envisioned by both the City of Las Vegas Redevelopment Plan and the Downtown Centennial Plan.

The replanning, redesign and development of undeveloped areas which are stagnant or improperly utilized.

This, along with other mixed use towers approved directly to the west of this site and in the Downtown Centennial Plan is re-shaping the future of the downtown core. The area south of Charleston Boulevard, along the Las Vegas Boulevard corridor, is in need of extensive redevelopment, as most of the properties are developed with older, dilapidated buildings that have hindered the redevelopment of this area of the City. The proposal seeks to reverse this long-standing trend and add to the revitalization of this area of downtown Las Vegas.

The strengthening and diversification of the economic base of the Redevelopment Area and the community by the installation of needed site improvements to stimulate new commercial expansion, employment and economic growth.

A key component of transforming the downtown core of the City is economic diversification and attracting new residents. New development brings with it the opportunity for installation and construction of needed site improvements; this mixed use project will provide all necessary improvements required by the City to mitigate impacts created by this development.

SITE PLAN REVIEW APPROVAL CRITERIA

Title 19.18.050 (E) establishes the criteria for Site Development Plan review. They are:

1. The proposed development is compatible with adjacent development and development in the area.

The proposed mixed use tower is less intense in terms of density and intensity of development than those recently approved on the west side of Las Vegas Boulevard. It is recognized that the John S. Park single family neighborhood lies directly to the east, however, in terms of

08/10/06 PC

**SUP-13891
SUP-13897
SDR-13899**

visual, shading and other concerns associated with high rise development in close proximity to single family residential, all of the previously approved projects will have greater impacts to the neighborhood than this proposal.

2. The proposed development is consistent with the General Plan, this Title, the Design Standards manual, the Landscape Wall and Buffer Standards and other duly-adopted city plans, policies and standards.

This project will be in general conformance to the General Plan, Downtown Redevelopment Plan and the Redevelopment Plan of the City of Las Vegas. It implements the overall objective of approving high intensity, mixed use development in the downtown area to redevelop, revitalize and add vitality and economic diversification to the downtown. In terms of meeting all the technical standards of the Downtown Plan, minor waivers will be requested to the build to line and building step back criteria of the Downtown Centennial Plan.

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

All improvements required by the Department of Public Works and Fire Services will be provided. The traffic circulation is such that it will not increase neighborhood traffic into the adjacent single family neighborhood.

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

The building materials depicted on the attached plans are intended to provide a modern, mixed use high rise that is an attractive, vibrant and exciting addition to this area of the City. The landscaping will be in keeping with the standards established in the Downtown Centennial Plan.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance and create an orderly and aesthetically pleasing environment that is harmonious and compatible with development in the area.

The elevations and design of the building are designed to bring excitement and vitality to the downtown area. They will add to the vibrant environment that will be created with this, and other approved projects along the Las Vegas Boulevard corridor.

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**SUP-13891
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SDR-13899**

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

There are no uses proposed in this project that would endanger the overall health, safety and public welfare of residents or businesses located in this area of the City.

WAIVERS

The following waivers to the standards of the Downtown Centennial Plan are requested:

1. Section VII, Design Standards per District, Section C (1).

This section of the Plan requires 70% of the first story facade to be aligned along the front property line.

This waiver is requested so that the project can provide an attractive, well landscaped pedestrian pathway to enhance the appearance of the project.

2. Standards requiring the provisions of step back at the 4th, 11th and 18 stories of the building.

The building will provide a step-back at the podium level, which will be at the 7th floor of the structure. This provision is one commonly waived with mixed-use high-rise development; there will be significant articulation and fenestrations provided to off set the additional step backs.

SUMMARY

The overall objectives of the Downtown Centennial Plan and the Redevelopment Plan are to create a vision for the downtown area of the City that results in a vibrant, exciting, economically viable core, where people will want to live, work, shop and play. The downtown area is in the midst of a renaissance, as older, stagnant areas are being replaced by modern, urban, intense mixed-use high rise developments that will bring life and excitement to areas in sore need of redevelopment, such as the Las Vegas corridor south of Charleston Boulevard.

A key component to sustaining the momentum being built to re-invigorate the downtown core of the City is to continue encouraging the development of modern, integrated, very urban mixed use projects of high density and intensity to stimulate growth and investment in the Downtown plan area. These types of projects will continue to strengthen and diversify the economic base of the Redevelopment Area. They will, in time, eliminate the blighted, obsolete and

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08/10/06 PC

deteriorating buildings currently in existence with new development that will provide a socially balanced community providing jobs and housing for persons of varying social, economic and ethnic groups as stated in the Redevelopment Plan.

For the reasons stated above, we believe the project associated with these applications is exactly what was envisioned when the Downtown Centennial Plan and Redevelopment Plans were adopted. We respectfully ask for your favorable consideration of this application. If you need any additional information, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "David Clapsaddle", written in a cursive style.

David Clapsaddle
Director of Planning

**SUP-13891
SUP-13897
SDR-13899
08/10/06 PC**

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

August 8, 2006

Las Vegas City Planning Commission
City Hall, Tenth Floor
400 Stewart Avenue
Las Vegas, NV 89101

Re: August 10, 2006 Planning Commission Meeting, Agenda Item Nos. 36-38
Application of Stratorise LLC/Aztec International, 1431 Las Vegas Blvd. South

Dear Planning Commission Members,

I am writing in opposition to an application by Stratorise/Aztec International for a Special use Permit and Site Development Plan Review for a proposed 45-story, 517-foot tower at 1431 Las Vegas Boulevard. I offer this opposition as a resident and as Vice-President of the John S. Park Neighborhood Association.

The proposed building, if erected today, would be the 6th tallest building in the Las Vegas metropolitan area. The only completed buildings of that height or more are the Stratosphere, Wynn, the Eiffel Tower at Paris, New York New York Hotel & Casino and the Bellagio. It would be more than twice the height of SoHo Lofts. The proposed building would be directly adjacent to single family residential homes that are only a single story, and would be approximately 35 times the height of the adjacent homes.

The John S. Park neighborhood is unique both in its rich and long history and in its location. The historic neighborhood, which is primarily zoned as R-1 residential, directly abuts C-2 commercial property along the City's major thoroughfare. It is not common to have C-2 commercial zoning in such close proximity to R-1 single-family residential zoning. The residents of John S. Park recognize that we live in a unique area and we welcome the prospect of living in an urban environment. Many of us, however, strongly oppose the building of a giant skyscraper within only a few feet of our homes.

Title 19.06.060 currently exempts properties within Downtown Centennial Plan from the automatic application of residential standards, but Title 19.06.060 and 19.08.045 both provide that this exemption does not prohibit imposition of similar or equivalent limitations in connection with approval of a site development plan. Thus, an applicant does not have a claim of right or even a reasonable expectation to build on his property to any height and without regard to neighboring properties.

ITEM NO.: 36, 37, 38
CASE NO. SUP. 13891, SUP. 13897,
PC MEETING: 8-10-06 S02-13899
P

August 8, 2006

Page 2

Last year residents of the John S. Park neighborhood fought against a proposed high-rise building at the site of the Viva Las Vegas Wedding Chapel. We appeared numerous times at neighborhood meetings, Planning Commission meetings and City Council meetings. Ultimately we prevailed on our contention that buildings should be limited to 5 stories in order to protect the home values, quality of life, and well-being of near-by residents. The same conclusion should be reached here.

The criteria used for consideration of site development plans illustrate why the height restriction is necessary:

1. Compatibility of adjacent development:

Buildings of several hundred feet or more are not compatible with the adjacent residential zoning. Such buildings would subject neighborhood residents to noise, visual blight, blockage of skyline and invasion of privacy.

The John S. Park neighborhood has defined what we believe to be compatible with the neighborhood and we did that through our neighborhood plan, which was approved by the City Council. In that plan we recognized that we live in an urban environment and that development not only will happen, but we welcome that development. Our neighborhood plan sets forth a compromise for commercial development on Las Vegas Boulevard. We defined that compromise between the neighbors, many of whom would prefer single or two story developments in this area, and the commercial entities, as five stories or 60 feet. Few residents of this city would agree to a 5 story building in their backyard; but we joined together and said that is acceptable to us. The neighboring properties were invited to join in that discussion, and some did join in that discussion and agreed to that limit. We ask you to honor that limit now.

2. Consistency with general plan.

The proposed building is not consistent with the general plan. Title 19.08.020 sets forth the intent of development standards. The first intent of the standards is "to ensure that new development will not negatively impact the use and enjoyment of adjacent and neighboring properties." Other intents of the standards include increasing design compatibility between abutting properties and land uses; to reinforce a sense of community and to preserve the integrity of neighborhoods and places of business; and to reduce unsightly views. A building of this height would not satisfy these standards.

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This is not unlike the Ambling development controversy for property located at Martin Luther King Blvd. and Alta Drive. In that case 10 homes were in the 750 foot notification area; here several hundred homes are within the notification range of the commercial properties at issue. There the project was rejected because of concerns from homeowners who were one and two miles away, here there are homeowners who are less than 20 feet away. This project should be rejected for each of the reasons given on the Ambling property.

3. Site access and traffic issues.

Significant issues exist concerning vehicle traffic that would be created by the erection of this proposed building. Of primary concern is the fact that vehicles wishing to travel south from commercial properties in this area would either be required to quickly cross two lanes of traffic to the left and then make a U-turn at Charleston, or turn left and then travel south on Main Street or another street west of Las Vegas Boulevard, or take a simple right hand turn on Park Paseo and then turn right again on 5th Place of 6th Street. We believe the route through the neighborhood would become the preferred route. Unfortunately, there are no sidewalks on significant portions of these narrow roads, and pedestrian traffic is already hazardous. Additional traffic on these streets will be harmful to residents in this area. We also have concerns based upon the relatively small size of the commercial lots during the construction stage. It would be very difficult for high-rise construction to take place on these lots without closing all or part of Las Vegas Boulevard for significant periods of time, which will have a severely detrimental impact upon neighboring streets.

Several residents met with the developer's representatives for this project and we asked them to complete a questionnaire which addressed many of our concerns. Our 8 page questionnaire is attached. The 4 page response to our 8 page questionnaire is also attached. You will see that the developer was either unable or unwilling to answer most of our questions. We were told that a traffic report has not yet been completed, but we consider such information to be crucial to this Commission's consideration of this project. Likewise, the developer was not able to answer any questions about staging the construction, even though the situs of the staging area is of crucial importance to the neighborhood. Simply stated, we need to know if the developer intends to use any areas within the neighborhood for staging construction, diverting traffic, parking for construction workers, or accessing the site during the construction phase as the presence of large construction vehicles on our residential streets would be highly disruptive to our lives during the lengthy construction process. Given the incredibly small size of the site in relation to the massive building that is proposed, the location and availability of a staging area are critical details which should be known at this stage of the process.

August 8, 2006

Page 4

The developers offered to meet with us regarding these issues after a contractor is selected, but the fact remains that this is our only opportunity to meaningfully participate in the process as there is no further public comment or voting by public officials after the plan is approved.

4. Public safety, health and general welfare Issues.

The proposed building does not promote the public safety, health and general welfare of John S. Park neighborhood residents. We do not want to live in any area where we are walled off by huge skyscrapers and cut-off from participating in the redevelopment of the city. We welcome new businesses who will thrive in this area and make this area a better place to live, but this proposed project does not meet those goals. We have concerns about safety, noise, and obstructions that will be caused by the construction. We asked the developer to address those issues, but substantive replies were not provided. We also have concerns about the viability of this project given vacancies in other condominium projects and the lack of any apparent virtue to this project. A primary concern is that because this is a very small lot and there are very few amenities offered, such as a large amount of retail, that the only real virtue of this project will be its views of Las Vegas Boulevard. Those views, however, cannot be guaranteed as properties to the north and south have indicated their intention to build projects of similar size. While living in skyscrapers with no more than 20 feet to the next balcony, with absolutely no view, may be the norm in Manhattan, there are many other alternatives in Las Vegas. Thus, I submit that there is a very real chance that either this project will never be built and that granting entitlements to build will only drive up the price of the land and prohibit a viable project, that would enhance downtown, from actually being built, or it will be built and will eventually turn into a slum building because those with the means to do so will buy elsewhere so that they may enjoy unobstructed views and significant amenities. In either event, the residents of John S. Park would suffer - not only through the construction process but also as a result of a poorly conceptualized project.

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Page 5

As noted above, we asked a number of basic questions that we believe to be more than fair under the circumstances. A significant number of these questions remain unanswered. Based upon the Site Development Plan Review criteria, and the failure of the proposed developer to fully answer questions posed by neighborhood residents, I respectfully request that you deny the request for the Site Development Plan Review.

Sincerely,



Jonell Thomas

John S. Park Neighborhood Association Vice-President

1509 South 5th Place

Las Vegas, NV 89104

868-9110 - home

471-6565 - office

471-6540 - fax

jonell@jonellthomas.com - e-mail

www.lvdowntownneighbors.org - website

On behalf of the John S. Park Neighborhood Association, I am respectfully requesting that you provide us with the following information in advance of next week's neighborhood meeting concerning property located at 1431 South Las Vegas Boulevard. We appreciate the opportunity to discuss our concerns with you and look forward to hearing more about your project.

Building Details

How many stories:

How tall:

Lot size:

Lot coverage:

Building setback on the north:

Building setback on the south:

Building setback on the east:

Building setback on the west:

Distance from edge of building to closest residential property:

Height of the closest residential property:

Number of studios:

Number of 1 bedroom units:

Number of 2 bedroom units:

Number of units with 3 or more bedrooms:

Anticipated number of total occupants upon completion:

Will condominiums be used as time share units, hotel rooms or other short term rentals?

Number of parking spots for residents:

Number of parking spots for visitors:

Number of parking spots for employees:

Uses (condo, mixed-use, office, hotel, etc):

Percentage of square footage for commercial use:

Percentage of square footage for residential use:

Percentage of square footage for other use:

Will alcohol be served or available for purchase?

Will there be gaming tables or slot machines?

Will reflective materials be used on the outside of the building?

Has a shadow study been performed?

If yes, is it publicly available?

Please attach a copy to this questionnaire.

Construction

When is construction anticipated to begin?

How long is construction anticipated to last?

What are the anticipated hours of construction?

Will construction be limited to activities which do not generate noise beyond the building during the evening hours?

Where will construction workers park?

Where will the construction be staged?

Will it be necessary to close one or more lanes of Las Vegas Boulevard during construction?

If so, how long with the lanes be closed?

What alternative routes have been developed?

How will dust be abated during construction?

What precautions will be made for debris, building materials and trash in windy conditions?

Who will provide insurance for damage to neighboring properties caused during the construction process?

Will the developer and construction property provide a person on-call 24-hours a day to address concerns of neighbors during the construction process?

If so, what is the name of the contact person?

Will union labor be used?

If yes, how much of the construction will be completed by union labor?

Will any flammable materials be kept on site during construction?

Will any hazardous materials be kept on site during construction?

Is a construction company under contact?

If yes, what is the name of the construction company?

If no, when will a construction company be placed under contract?

Safety

What is the distance to the nearest fire hydrant?

Has the fire department certified whether current fire hydrants and equipment are sufficient to meet the needs of the building?

What is the access route for fire trucks and emergency vehicles on the north, south and east sides of the building?

Does the property owner's insurance cover damage to neighboring properties due to fire or other cause at the subject property?

What is the amount of the insurance?

Has the property owner provided proof of insurance to the city?

What assurances do we have that insurance will be maintained?

Are there structural barriers which would prohibit automobiles from hitting the building?

Has an earthquake study been performed?

If yes, is it available to the public?

Please attach a copy of the study to this questionnaire.

Will east facing windows open?

Will there be any balconies that face east?

What precautions will the developer take to ensure that items are not thrown from east facing windows or balconies?

Traffic

Has a traffic study been performed?

If yes, is it available to the public?

Please attach a copy of the study to this questionnaire.

How many automobiles are anticipated at the property per day?

How many entrances for automobiles?

How many exits for automobiles?

What steps have been taken to assure that traffic will not back up and cause traffic delay on Las Vegas Boulevard?

Is it anticipated that limousines will be used by either building owners or occupants?

If so, is the developer aware of the difficulties in property access by limos?

Is the developer aware that limousines are not permitted on 5th Place and 6th Street?

Have alternative routes for limousines been developed?

Is there currently a bus stop in front of the property?

Will there be a bus pull-out lane at the front of the property?

Noise

Where will mechanical equipment, such as air-conditioners, be located?

What is the distance from mechanical equipment to neighboring properties?

What is the decibel level of mechanical equipment?

What are the anticipated hours of operation of mechanical equipment?

Are there outdoor patio or decks?

If so, on which floor are they located?

On which side of the building will they be located?

Hours of operation?

Will there be a nightclub, bar or similar use within the building?

If so, what are the hours of operation?

Utilities

Where will trash be contained?

Distance of trash containers to neighboring properties?

How will garbage trucks access garbage containers?

Will utilities be above ground or under ground?

Does the property owner intend to place neighboring above-ground utilities underground?

Is the current electric grid sufficient to handle the increased load that will be created?

Is the current sewer system sufficient to handle the increased load that will be created?

Will heat be electric, gas, propane or solar?

Will a cellular telephone antenna be erected on the property?

Will the building interfere with access to any existing cellular phone antennas?

Privacy

Will the property have any security cameras, video surveillance or other video equipment located on the east side of the building or which will be capable of filming properties to the east?

Will apartment/condo units have east facing windows?

Amenities

Will animals be allowed within the building?

If so, is a "dog park" or similar amenity planned?

If not, where will pets "exercise"?

Is the developer providing any park space?

Is the developer providing any walking trails?

Is the developer planning to contribute towards park space or open space in the city?

If so, how much?

Will businesses located within the building be open to the public?

What type of landscaping will be provided and where will it be located?

Is there any additional buffer that will be provided between the property and adjacent residential properties?

Disclosures

Will the developer disclose the distance to the nearby topless strip club to buyers?

Will the developer disclose the distance to nearby adult bookstore to buyers?

Will the developer disclose the distance to nearby nude strip club to buyers?

Will the developer disclose the possibility that highrises of similar height may be built on adjacent properties and that there is no guarantee of view.

Helicopters

What is the above mean sea level of the building?

Has approval been obtained from the FAA?

Has approval been obtained from the Clark County Department of Aviation?

Will construction of the building require or result in diversion of helicopter traffic from existing paths?

If so, what is the new proposed path?

Construction Experience and Preparation

Has the developer ever completed a similar project?

If so, in which city or cities?

Has the developer ever built any building over four stories tall?

If yes, please describe the experience of the construction company with construction of high-rises and skyscrapers.

Has any prior high-rise construction by the construction company been in close proximity (less than one block) to existing residential properties?

If so, were any claims, lawsuits or settlements made with neighbors because of safety, debris, nuisance or other issues?

Has the developer or property owner ever filed for bankruptcy?

If so, please provide details.

Does the developer currently own the land?

Who are the real property owners and who are the developers, if different from the real property owners?

If the owners are corporations, please identify the officers and principals.

If the officers are corporations, please indicate whether they are incorporated within the State of Nevada and please identify the principals of the corporations.

What work has been done to develop this project beyond architectural drawings?

Will a principal(s) of the project be present at the Planning Commission and City Council meetings to provide details and to give assurances, under penalty of perjury, as to whether the proposed project is an actual project, whether approval is being used for the purpose of selling the land to another developer, or whether other circumstances apply?

On behalf of the John S. Park Neighborhood Association, we appreciate your willingness to provide us with this information. We believe that prompt disclosure of this information will assist in our understanding of your project and will greatly shorten the time necessary to answer relevant questions at the neighborhood meeting, Planning Commission and City Council.

If you would like a copy of this questionnaire in electronic form, please contact me at jonell@lvcm.com at your earliest convenience. We would like to have this information prior to the neighborhood meeting so we may provide it to those interested in the proposal. Please e-mail your responses to the above e-mail address or fax them to 471-6540. Please contact me if you have any questions.

Thank you,

JoNell Thomas

John S. Park Neighborhood Association Vice President

RESPONSE TO JOHN S. PARK NEIGHBORHOOD ASSOCIATION QUESTIONNAIRE:

BUILDING DETAILS:

How Many Stories:	45	
How Tall:	517	Feet
Lot Size:	1.5	Acres, +/-
Lot Coverage:	About 13.4	
North Building Setback: to Ground Level; from 7 th floor up is 32 feet	0	Feet- 7 th
South Building Setback: to Ground Level; from 7 th floor up is 153	0	Feet-7 th Floor
East Building Setback: to Ground Level; from 7 th floor up is 16 feet	0	Feet-7 th Floor
West Building Setback:	10	Feet
Distance to Residential Property:	20	Feet +/-
Height of the closest Residential Building	Unknown	

Pertaining to the type of units, the ratio of studio, one and two bedroom units is not known at this time. The floor plans are typical of downtown condominium towers; the studios range from 460 to 560 square feet; the one bedroom units range from 915 to 1,060 square feet with the two bedroom units at 1,310 Square Feet. All of the units will have a balcony area of approximately 110 to 240 Square feet. At this time, the unit breakdown is 153 Studios; 230 1BR and 38 2BR

The ground floor will have approximately 1,190 square feet of retail, with a café/lounge of approximately 1,300 square feet. Alcohol may be served as part in the lounge, this will require approval of a Special Use Permit, subject to a public hearing.

Residential parking will be provided at a ratio of one space/unit; an additional 12 spaces will be provided. It is anticipated that the lounge/restaurant/café area will only be used by residents of the buildings or walk-through traffic. The City of Las Vegas has standards regarding reflective glass; a shadow study has not been performed at this time.

CONSTRUCTION

Construction time frames are difficult to anticipate at this time. It takes approximately 18 months to have improvement plans approved by the City after rezoning applications are completed. Hours of construction will be set to limit any inconvenience. Standard construction practices will be followed for other construction along the Las Vegas Boulevard corridor. All standards for dust abatement and safety will be followed. A 24 hour contact will be provided to the neighborhood to report any problems or concerns. Hours of construction can be established to limit impacts to the neighborhood.

SAFETY

We have not yet received responses from the Fire Department related to this application. All standards for fire access and emergency vehicle ingress and egress will be met. Structural barriers can be constructed for safety purposes. The building will be constructed in conformance to all building codes, including all necessary earthquake studies.

It is anticipated that there will be no east facing windows with balconies.

TRAFFIC

A traffic study is required by the City of Las Vegas. We will share the results of the traffic study with the neighborhood. We have not received information as of this time pertaining to the need for a bus stop at this particular location.

NOISE

All mechanical and electrical equipment will be located indoors and conform to all standards for noise and operation.

The units will have individual balconies. There is likely to be a bar/lounge/café on the ground level of the building; a nightclub is not anticipated at this time.

UTILITIES

All trash containers will be indoors. Utilities will be placed below ground. The project will operate so as not to interfere with cellular telephone use.

PRIVACY

On-site security will be provided; there will be no equipment that will film properties to the east of this site. There will be no

AMENITIES

We would be pleased to include amenities not only for future residents of this project, but the residents of your neighborhood as well. This includes, but is not necessarily limited to a dog park; retail business such as a place to eat, dry cleaners, fitness facility, indoor pool, clubhouse and lounge, or any other services or business that we could provide for you. This also includes contribution to a neighborhood project, parks or open space that would be of benefit to the neighborhood.

Extensive landscaping and decorative pavers will be provided on-site; there are no waivers requested to the City's landscaping criteria.

DISCLOSURES

Full disclosure pertaining to uses will be provided to buyers pertaining to the questions asked on this part of the questionnaire.

HELICOPTERS

We have filed all required paperwork to the FAA, as required by our Special Use Permit application. Approval by the FAA and Clark County Department of Aviation is decided at a later date.

CONSTRUCTION EXPERIENCE AND PREPARATION

The owners of this property also own the property located at 1801 S. Las Vegas Boulevard, the Monument Tower site.

The Monument Tower site was in close proximity to residential properties; conditions were agreed to ensure the safety of the residences during the construction process.

The owner of the property is GeoSummit; the applicant is Stratorise, of 4465 S. Buffalo, # 2, Las Vegas, NV.

The owners of this property fully intend to develop the site; however market conditions are variable and difficult to predict how market forces will affect the future development of the property.



A Planning & Development Services Corporation

1711 Whitney Mesa Dr., Suite 110
Henderson, NV 89014
(702) 435-9909 Phone (702) 435-0457 Fax
dclapsaddle@gcgarciainc.com e-mail

PLEASE LET US KNOW WHAT YOU THINK

If you could take the time, we would appreciate your feedback on the plan for Las Vegas Blvd & 3rd. Please complete and return to us by mail or fax.

☒ This is a great addition to our neighborhood and will be compatible. *At this time*

☒ This is an acceptable project that I can live with. *At this time*

☐ This is not the type of project that fits into the neighborhood and I would rather see _____.

Feel Free To Give Us Any Additional Comments or Suggestions:

*The project looks good at this time. It can't
will improve the neighborhood.*

Your Name: *Laurie Baker*

Your Street Address: *1606 Rexford Pl.*

Las Vegas, NV 89104
Signature: *Mrs. Laurie Baker*

G.C. Garcia, Inc. thanks you for taking the time to look at the plan for Las Vegas Blvd & 3rd and giving us your feedback.

Submitted at Planning Commission

Date *8/10/06* Item *#36-38*



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☒ This is a great addition to our neighborhood and will be compatible. *AT THIS TIME*

☒ This is an acceptable project that I can live with. *AT THIS TIME.*

☐ This is not the type of project that fits into the neighborhood and I would rather see _____.

Feel Free To Give Us Any Additional Comments or Suggestions:

LOOKS GOOD AT THIS TIME!

Your Name: *John C. Baker*

Your Street Address: *1606 Rexford Place L.V. N.V. 89104*

Signature: *[Signature]*

G.C. Garcia, Inc. thanks you for taking the time to look at the plan for Las Vegas Blvd & 3rd and giving us your feedback.



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☒ This is a great addition to our neighborhood and will be compatible. *At this time*

☒ This is an acceptable project that I can live with. *At this time*

☐ This is not the type of project that fits into the neighborhood and I would rather see _____.

Feel Free To Give Us Any Additional Comments or Suggestions:

*The project looks good at this time. It can't
will improve the neighborhood.*

Your Name: *Laurie Baker*

Your Street Address: *1606 Rexford Pl.*

Lds Vegas, Av. 89104
Signature: *Mrs Laurie Baker*

G.C. Garcia, Inc. thanks you for taking the time to look at the plan for Las Vegas Blvd & 3rd and giving us your feedback.

Submitted at Planning Commission

Date *8/10/06* Item *#36-38*



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☒ This is a great addition to our neighborhood and will be compatible. *AT THIS TIME*

☒ This is an acceptable project that I can live with. *AT THIS TIME.*

☐ This is not the type of project that fits into the neighborhood and I would rather see _____.

Feel Free To Give Us Any Additional Comments or Suggestions:

LOOKS GOOD AT THIS TIME!

Your Name: *John C. Baker*

Your Street Address: *1606 Rexford Place L.V., N.V. 89104*

Signature: *[Handwritten Signature]*

G.C. Garcia, Inc. thanks you for taking the time to look at the plan for Las Vegas Blvd & 3rd and giving us your feedback.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SPECIAL USE PERMIT

SUP-14687 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: SENIP CVS, L.L.C. DBA CVS PHARMACY 2990 - OWNER: CVS 2990 LAS VEGAS, L.L.C. - Request for a Special Use Permit FOR A RETAIL ESTABLISHMENT WITH ACCESSORY PACKAGE LIQUOR OFF-SALE on 1.55 acres at 6391 West Lake Mead Boulevard (APN 138-23-720-005), C-1 (Limited Commercial), Ward 6 (Ross). NOTE: As of August 6, 2006 this item is located in Ward 5 (Weekly). NOTE: To be heard in conjunction with Morning Session Item 45. The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting documentation
4. Justification Letter
5. Backup referenced from the 08-10-06 Planning Commission meeting Item 9

Motion made by LAWRENCE WEEKLY to Hold in Abeyance to 11/15/06

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

LAWRENCE WEEKLY, OSCAR B. GOODMAN, STEVE WOLFSON, STEVEN D. ROSS, LOIS TARKANIAN, LARRY BROWN, GARY REESE; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

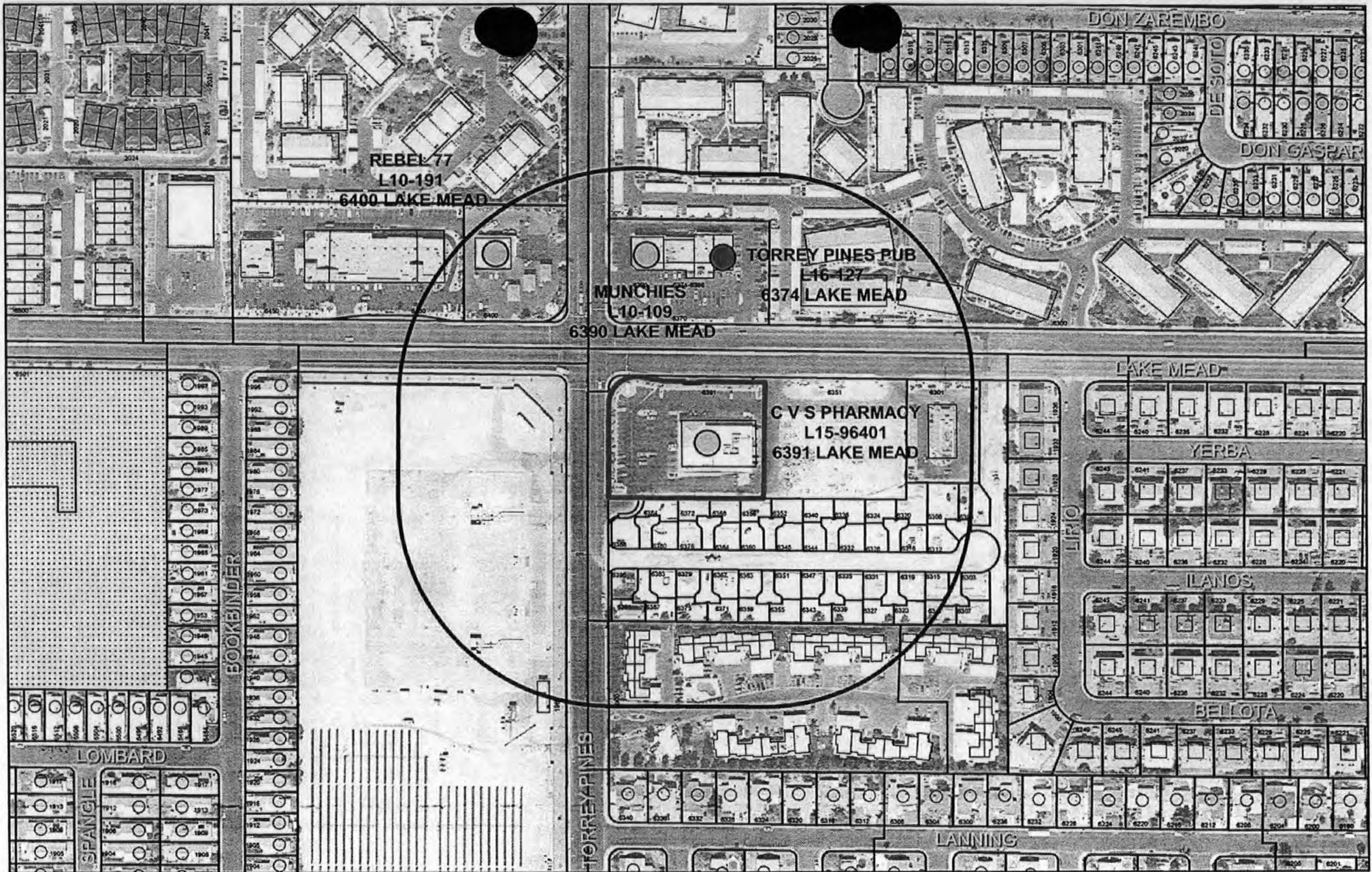
COUNCILMAN WEEKLY announced the applicant's request to hold Item 84 and 45 in abeyance for two weeks to the 11/15/2006 City Council meeting.

RADIUS: 1500 FT

CASE: SUP-14687

0	300	600	Feet
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SUP-14687

Package Liquor Sales

Business Licenses

- Child Care/Children Facility
- Supper Club/Restaurant Service Bar
- Tavern
- Liquor on/off Sales

- RELIGIOUS
- CITY PARKS
- SCHOOLS

- Subject Property
- 400 foot buffer



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - SUP-14687 - APPLICANT: SENIP CVS, L.L.C.
DBA CVS PHARMACY 2990 - OWNER: CVS 2990 LAS VEGAS, L.L.C.**

THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 8, 2006 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN ROSS.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Retail Establishment With Accessory Package Liquor Off-Sale use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. The space used for the sale of package liquor shall be limited to 10% of the overall floor area of the building.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale on 1.55 acres at 6391 West Lake Mead Boulevard.

EXECUTIVE SUMMARY

This request will not alter the characteristics of the existing site. Rather, it will add an accessory use to a CVS pharmacy. All of the conditions of Title 19.04 are met, along with parking standards. Staff supports the request.

BACKGROUND INFORMATION

A) *Related Actions*

- 06/08/98 The City Council approved a request for a General Plan Amendment (GPA-13-98) from ML (Medium-Low Density Residential) to SC (Service Commercial and a Rezoning (Z-25-98) from R-E (Residence Estates) to C-1 (Limited Commercial) for a proposed 100,436 square foot shopping center.
- 06/14/99 The City Council approved a request for a Site Development Plan Review [Z-25-98(1)] to allow a 66,195 square foot commercial retail center; a request for a Special Use Permit (U-40-99) for a minor auto repair facility; a request for a Special Use Permit (U-41-99) for off-premise sales of beer and wine in conjunction with at proposed convenience store; and a request for a Special Use Permit (U-42-99) for gasoline sales in conjunction with a proposed convenience store.
- 06/24/99 The Planning Commission approved a request for a Tentative Map on this site (TM-29-99).
- 08/10/06 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #9/ng).

B) *Pre-Application Meeting*

- 05/25/06 A pre-application meeting with the applicant was held and the following items were discussed:
- Staff informed the applicant of the conditions that are automatically applicable to this type of use.

- Staff informed the applicant of the parking requirements for retail establishments with accessory package liquor off-sale.

C) *Neighborhood Meetings*

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 1.55

B) *Existing Land Use*

Subject Property: CVS
North: Commercial Center
South: Single-Family Residential
East: Vacant Lot
West: Water District Facility

C) *Planned Land Use*

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: MLA (Medium Low Attached Density Residential)
East: SC (Service Commercial)
West: PF (Public Facilities)

D) *Existing Zoning*

Subject Property: C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: R-E (Residence Estates)
East: R-E (Residence Estates)
West: U (Undeveloped) Zone [PF (Public Facilities) General Plan Designation]

E) *General Plan Compliance*

The subject site is located in the Southwest Sector of the General Plan. Within that Sector, it has a land use designation of SC (Service Commercial). This designation allows for a variety of commercial uses that serve primarily local area patrons. The underlying zoning of C-1 (Limited Commercial) is in compliance with the General Plan designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District	X	
Airport Overlay District	X	
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Airport Overlay District

The subject site is located in the North Las Vegas Airport Overlay District that restricts the height of buildings to 140 feet. The subject site is well under this maximum height allowed.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
General Retail	11,987 SF.	1 Space / 175 SF GFA	69	3	85	5
TOTAL			69 (including handicap accessible)	3	85 (including handicap accessible)	5

The subject proposal has sufficient parking per Title 19.10. The addition of accessory package liquor off-sale will not add to the number of parking spaces required.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Liquor Establishment (Off-premise)	400 Feet of a church , synagogue, school, child care facility licensed form more than 12 children, or City park	Greater than 400 Feet

The subject proposal meets all distance separation requirements as contained in Title 19.04.

B) General Analysis and Discussion

- Zoning

The subject proposal meets all current standards per Title 19 for developments in a C-1 (Limited Commercial) zone. Adequate parking is provided and the subject site is not located within the minimum separation distance area from protected properties. Because the structure currently exists, no additional development standards apply.

- Use

All conditions for Retail Establishments with Accessory Package Liquor Off-Sale are met by this request. As it is located at a major intersection (Lake Mead Boulevard and Torrey Pines Drive), this use is appropriate for the area and will be compatible with surrounding uses. It should be noted that a condition has been added above that will limit the floor area to be used for the sale of package liquor to 10% of the total floor area. The floor plans indicate that 60 square feet of 9,682 square of retail space shall be used for package liquor sales. This represents less than 1% of the overall floor area.

- Conditions

The following conditions apply to the proposed use:

1. Except as otherwise provided in this Chapter, no retail establishment with accessory package liquor off-sale (hereinafter "establishment") shall be located within four hundred feet of any church, synagogue, child care facility licensed for more than twelve children, or City park.
2. Except as otherwise provided in Paragraph 3 below, the distances referred to in Paragraph 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 purpose 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 on-site parking and which has been created so as to avoid the distance limitation described in Paragraph 1.
- 3. In the case of an establishment property to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Paragraph 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 lines of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
- 4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Paragraph 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
- 5. The minimum distance requirements in Paragraph 1 do not apply to:
 - a. An establishment which has a nonrestricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992; or
 - b. A proposed establishment having more than fifty thousand square feet of retail floor space.
- 6. All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.
- 7. The minimum distance requirements set forth in paragraph 1, which are otherwise nonwaivable under the provisions of this subdivision, maybe be waived:
 - a. In accordance with the provisions of Section 19.040.050(A)(4) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;
 - b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan; or
 - c. In connection with a retail establishment having less than twenty thousand square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or right-of-way with a width of at least one hundred feet.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 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 subject proposal is compatible with the General Plan and with the surrounding land uses.

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

The existing CVS site can accommodate accessory package liquor off-sale.

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."**

The subject site is served by West Lake Mead Boulevard (a 100-foot primary arterial) and North Torrey Pines Drive (an 80-foot secondary collector). These thoroughfares are capable of accommodating traffic that will generated by the subject proposal.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

The subject request will not compromise the public health, safety or general welfare of the surrounding neighborhood nor compromise the objectives of the General Plan.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

3

ASSEMBLY DISTRICT 6

SENATE DISTRICT 3

NOTICES MAILED 955 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SOP 14687 APN: 138-23-720-005

Name of Property Owner: CVS 2990 Las Vegas, L.L.C.

Name of Applicant: Senip CVS, L.L.C. dba CVS Pharmacy #2990

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes

☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

SCP 2002A-18 LLC By LeVeque Tower LLC, Sole Member,
By LEV LLC, Sole Member

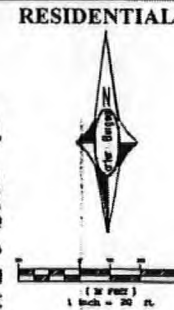
Signature of Property Owner: By Katherine S. LeVeque
Katherine S. LeVeque, President and Sole Member

Print Name: Katherine S. LeVeque

Subscribed and sworn before me

This 15 day of June, 2006
Roderick H. Willcox, Attorney At Law
NOTARY PUBLIC, STATE OF OHIO
My Comm. Expires June 15, 2008
Subscribed and sworn before me in and for said County and State on this 15 day of June, 2006.
Section 147.03 R.C.

WATER DISTRICT



RECEIVED
JUN 23 2006

SIGNAGE AND STRIPING NOTES

- ① INSTALL R1-8 (30"x30") SIGN.
- ② INSTALL R7-8 (17"x12") AND "VAN ACCESSIBLE" SIGN.
- ③ INSTALL R2-8 SIGN.
- ④ INSTALL WHITE PAINTED PARADING STALL (TYP.).
- ⑤ PAINT CURB RED (TIRE LANE).
- ⑥ CONTRACTOR TO STUPE 15'x25' AREA FOR TRUCK LOADING.
- ⑦ INSTALL WHITE PAINTED ADA ACCESS STRIPING.
- ⑧ CONTRACTOR TO INSTALL WHITE PAINTED "SLOW TRAFFIC" AND ARROW AS SHOWN.
- ⑨ CONTRACTOR TO INSTALL WHITE PAINTED ARROW AS SHOWN.

CVS SIGNAGE (BY OTHERS)

- (A) CD 48' CYS/PHARMACY SIGN 13.88 SQ. FT.
 (B) CD 18' DRUG-TRILL/PHARMACY SIGN 25.25 SQ. FT.
 (C) CD 18' FOG SHOPPE SIGN 14.3 SQ. FT.
 (D) CD 18' ONE HOUR PHOTO SIGN 15.25 SQ. FT.
 (E) CD 8' ENTER DRUG-TRILL/PHARMACY SIGN 7.46 SQ. FT.
 (F) CD 8' EXIT DRUG-TRILL/PHARMACY SIGN 3.28 SQ. FT.
 (G) CD 8' DRUG-TRILL/PHARMACY SIGN 6.36 SQ. FT.
 (H) CD 4' X 8' INFORMATION SIGN 12 SQ. FT.
 (I) CD DRUG-TRILL PHARMACY W/ DIRECTIONAL ARROWS SIGN 3.11 SQ. FT.
 (J) LARGE FILDS SIGN W/ 3 APPROXIMATES (35' DIA) 123 SQ. FT.

NOTES:

1. CVC SIGNAGE TO BE DONE BY OTHERS.
2. CVC SIGN INFORMATION OBTAINED FROM COLLINGS
SIGNS DATED 8/5/01 AND 8/14/01.
3. SEE ARCHITECTURAL PLANS FOR ATTACHED
BUILDING SIGNAGE.

Vicinity Map



TOTAL SQ. FT. 11,887 S.F.	NETAL. SQ. 8,807 S.F.
STOCK SQ. FT. 700 SQ. FT.	IN SQ. FT.
TOTAL OPEN: 867 S.F.	875 S.F.
MIZZANINE 1,821 S.F.	BASEMENT N/A
DATE 5/6/14/01	SECTOR A/R 860 S.F.
PLANNING MGR: SPF	LAYOUT CD 100



CONSUMER VALUE STORE
CVS CORPORATION

STORE NUMBER:
2990

Store 2990
Parking Calculation:
 Required: 4 spaces/1,000 s.f.
 11,987 s.f.
 85 parking spaces
 (48 spaces required)

SUP-14687
08/10/06 PC



SUP-14687 - APPLICANT: SENIP CVS, L.L.C. DBA CVS PHARMACY 2990 - OWNER: CVS 2990 LAS VEGAS, L.L.C.

6391 WEST LAKE MEAD BOULEVARD

AUGUST 10, 2006 PLANNING COMMISSION

07/18/06



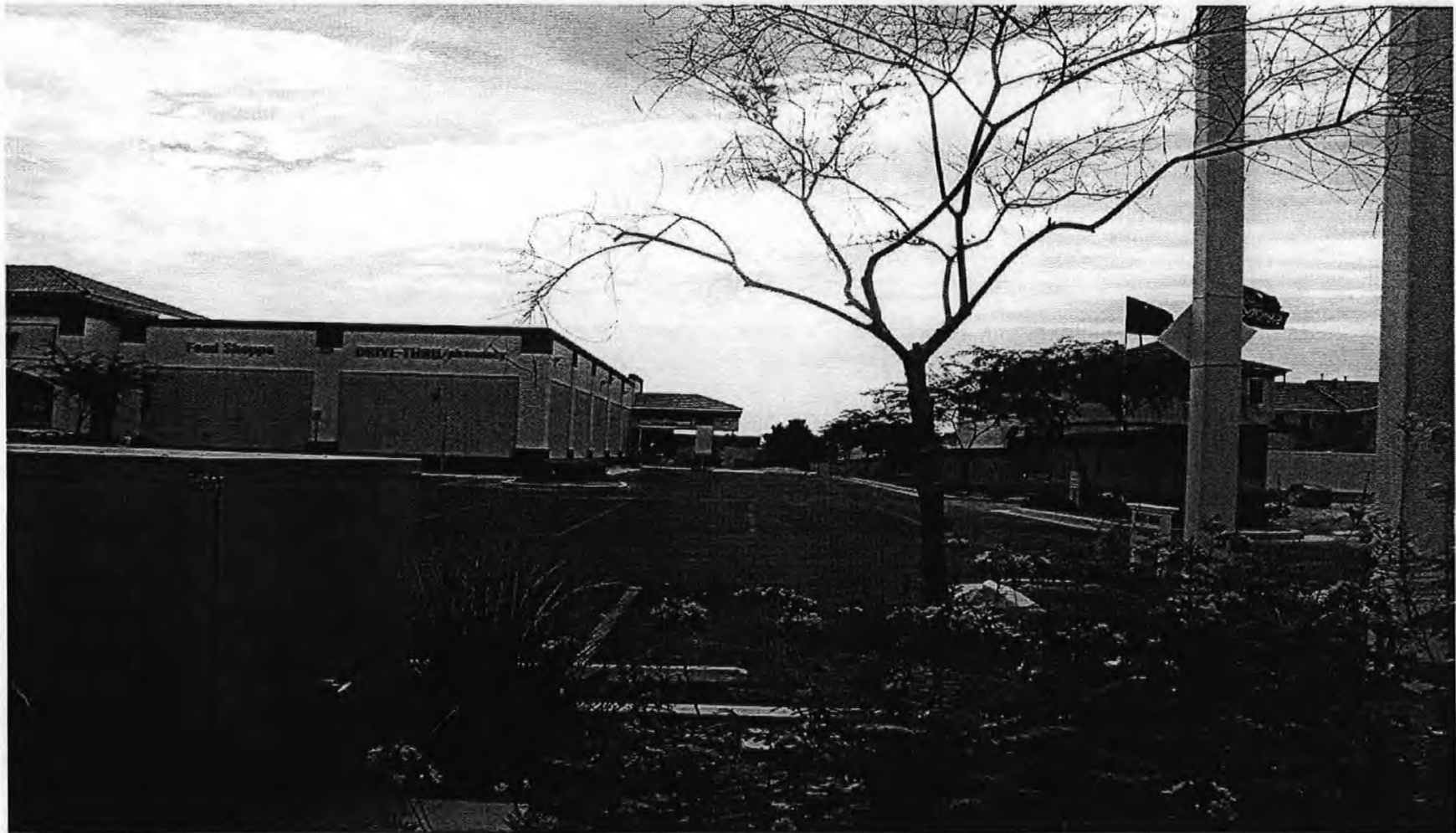
SUP-14687 - APPLICANT: SENIP CVS, L.L.C. DBA CVS PHARMACY 2990 - OWNER: CVS 2990 LAS VEGAS, L.L.C.
6391 WEST LAKE MEAD BOULEVARD
AUGUST 10, 2006 PLANNING COMMISSION

07/18/06



SUP-14687 - APPLICANT: SENIP CVS, L.L.C. DBA CVS PHARMACY 2990 - OWNER: CVS 2990 LAS
VEGAS, L.L.C.
6391 WEST LAKE MEAD BOULEVARD
AUGUST 10, 2006 PLANNING COMMISSION

07/18/06



SUP-14687 - APPLICANT: SENIP CVS, L.L.C. DBA CVS PHARMACY 2990 - OWNER: CVS 2990 LAS VEGAS, L.L.C.

6391 WEST LAKE MEAD BOULEVARD

AUGUST 10, 2006 PLANNING COMMISSION

07/18/06

MATTHEW D. SALTZMAN

LAW OFFICES
KOLESAR & LEATHAM, CHTD.
WELLS FARGO FINANCIAL CENTER
3320 WEST SAHARA AVENUE
SUITE 380
LAS VEGAS, NEVADA 89102

TELEPHONE
702/362-7800
TELECOPIER
702/362-9472

June 22, 2006

Via Hand-Delivery

City of Las Vegas
Planning & /Development Department
731 South 4th Street
Las Vegas, Nevada 89101

Re: Business: Senip CVS, L.L.C.
dba CVS Pharmacy 2990
Location: 6391 W. Lake Mead Blvd., Las Vegas, NV
APN: 138-23-720-005

To Whom It May Concern:

This firm represents CVS Corporation and certain affiliates, including Senip CVS, L.L.C. (the "Operating Entity"). The Operating Entity owns the CVS/Pharmacy #2990 store located at 6391 W. Lake Mead Blvd. ("CVS #2990"), which has operated as a drug store/pharmacy since November 2001. The Operating Entity wishes to now include package liquor/beer/wine/ spirits ("package liquor") within its sales inventory. Our client understands that the City of Las Vegas Zoning code, Chapter 19.04, Ord 5795 'Retail Establishment with Accessory Package Liquor Off-Sale' requires a Special Use Permit for the sale of package liquor at CVS #2990.

CVS Corporation ("CVS"), the ultimate parent of the Operating Entity, recently acquired all free-standing Sav-on Drugs stores in Nevada, and, as such, has continued the sale of package liquor in the drug stores under appropriate licenses. To demonstrate a uniform presence in the community, CVS wishes to now offer the sale of package liquor in the original 'CVS' stores so both the former Sav-on Drugs stores, (which will ultimately be branded CVS/Pharmacy stores) and the original CVS/Pharmacy stores, may offer similar goods to all customers. The introduction of package liquor to CVS #2990 will not affect the environment or character of the immediate community, nor will it have a detrimental impact on adjacent properties, and such business activity will provide a benefit to the CVS customer. Most, if not all, large drugstores in the city also sell alcoholic beverages. No additional public services, utilities, parking or waivers should be necessary to accommodate the sale of liquor at this store.

Please do not hesitate to contact me if I can provide any further information to you in connection with this application for a Special Use Permit for the sale of package liquor at

SUP-14687
08/10/06 PC

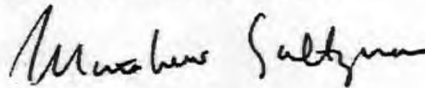
City of Las Vegas
Planning & Development Department
Page 2
June 22, 2006

KOLESAR & LEATHAM, CHTD.
ATTORNEYS AT LAW

Please do not hesitate to contact me if I can provide any further information to you in connection with this application for a Special Use Permit for the sale of package liquor at CVS/Pharmacy #2990. On behalf of myself and my client, thank you in advance for your assistance with this matter.

Very truly yours,

KOLESAR & LEATHAM, CHTD.



Matthew D. Saltzman, Esq.

MDS:jjb

cc: Diane Glass, Esq.

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

CITY OF LAS VEGAS

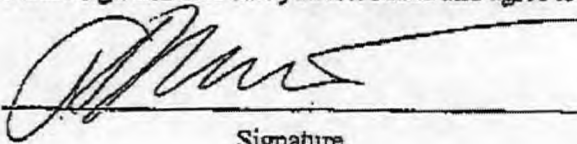
Planning and Development Department
Current Planning Division
731 South Fourth Street
Las Vegas, Nevada 89101
(702) 229-6301 Phone (702) 385-7268 Fax

SUBJECT: SUP-14687 - APPLICANT: SENIP CVS, L.L.C. DBA CVS PHARMACY 2990 - OWNER: CVS 2990
LAS VEGAS, L.L.C.

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the **August 10, 2006** Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

Enclosed please find the proposed conditions of approval. If you agree to these conditions, please sign this form and fax it to Dorothy Marsili at 385-7268. If there is no one present at the Planning Commission meeting who wants to discuss this item, you will not be called to the podium to discuss the case. However, you must be present in case any Planning Commissioner or member of the public wants to discuss the item. If you have any questions, please contact my office at (702) 229-6301.

Please sign and date that you have read and agree to the conditions.


Signature

8/8/06

Date

Thomas S. Moffatt

Please print name

Senip CVS L.L.C.

Company Name

Sincerely,

Doug Rankin
Planning Supervisor
Current Planning Division