



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: AUGUST 3, 2022

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: AJB GENERAL CONTRACTOR - OWNER: 3250 SPRING MOUNTAIN TRUST

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0059-SDR1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 338

NOTICES MAILED 29 (by City Clerk)

PROTESTS 1

APPROVALS 0

**** CONDITIONS ****

22-0059-SDR1 CONDITIONS

Planning

1. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-67942) and Site Development Plan Review (SDR-71783) shall be required, except as amended herein.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan and landscape plan date stamped 05/26/22; and building elevations date stamped 03/17/22, except as amended by conditions herein.
4. A Waiver from Title 19 Appendix F Interim Downtown Las Vegas Architectural Development Standards is hereby approved, to allow extensions of more than 10 feet of blank and expressionless walls at the ground floor.
5. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. All utility or mechanical equipment shall comply with the provisions of the Interim Downtown Las Vegas Development Standards, unless approved by a separate Waiver.
8. All new signage shall meet Appendix F Interim Downtown Las Vegas Development Standards and Las Vegas Boulevard Scenic Byway requirements or be approved by the Downtown Design Review Committee prior to installation of such signage.

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9. 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, which shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
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. Prior to the submittal of a building permit application, the applicant shall meet with Department of Planning staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. The sidewalk adjacent to this site shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) on Park Paseo, if any, in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with development of this site. Grant any Pedestrian Access Easement needed to complete this requirement.
14. Connect to Public Sewer at a size, depth, and location acceptable to CLV Public Works Sanitary Sewer Section. There is Public Sewer available for connection in Las Vegas Boulevard and Park Paseo.
15. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-2338 or emailed at ece@lasvegasnevada.gov.
16. Contact the City Engineer's Office at 702-229-6272 to coordinate the development of this project with the on-going Las Vegas Boulevard project (anticipated construction continues through April 2023) and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

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17. Landscape and maintain all unimproved right-of-way adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
18. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits [or the submittal of a map for this site], whichever may occur first. Provide and improve all drainage ways as recommended.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed 3,900 square-foot general retail commercial building at the northeast corner of Park Paseo and Las Vegas Boulevard.

ISSUES

- On February 15th, 2017 a Site Development Plan Review (SDR-67942) was approved for a proposed single-story, 8,660 square-foot retail building on this site, which included additional parking and landscaping.
- No other changes to the site design are proposed as part of this review, except to infill the vacant building pad located on the southwest perimeter of the subject site.

ANALYSIS

The subject site is located within Area 1 of the Downtown Las Vegas Overlay – Gateway District and is subject to Appendix F Interim Downtown Las Vegas Development Standards. The site is zoned C-2 (General Commercial) and is developed with an existing 8,660 square-foot commercial building on the northern perimeter of the site, which is utilized as a non-conforming Sexually Oriented Business (Adult Emporium) use.

On February 15, 2017 the City Council approved a request for Site Development Plan Review (SDR-67942) which proposed to develop a single-story, 8,660 square-foot commercial building on the north perimeter of the subject site that contained an existing 5,517 square-foot commercial building on the southwest perimeter of the site. The 5,517 square-foot structure was being utilized as a non-conforming Sexually Oriented Business (Adult Emporium) use.

On November 14, 2017 the Planning Commission approved Site Development Plan Review (SDR-71783) to allow the relocation of an existing Sexually Oriented Business. The submitted plans indicated that Sexually Oriented Business (Adult Emporium) use located within the existing 5,517 square-foot commercial building would be relocated to a 4,342 square-foot portion of the approved 8,660 square-foot inline retail building, which was approved pursuant to Site Development Plan Review (SDR-67942). The submitted plans also indicated that existing 5,517 square-foot commercial building that previously housed the Sexually Oriented Business (Adult Emporium) use would be demolished.

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Additionally, on January 16, 2019 the City Council approved a Major Amendment (SDR-74296) to previously approved Site Development Plan Reviews (SDR-67942 and SDR-71783) for a proposed a 2,900 square-foot Restaurant with Drive Through with Waivers of the Interim Downtown Las Vegas development standards for setbacks. However, no building permits were issued for the development and the entitlement expired on January 19, 2021.

The applicant now proposes to construct a new 3,900 square-foot in-line retail commercial building on the vacant building pad located on southwest portion of the subject parcel. Pursuant to Title 19 Appendix F Downtown Las Vegas Development Standards the newly constructed building onsite requires approval of a Site Development Plan Review. The submitted building elevations indicate the single-story, building façade will include an articulated roofline with a bronze, taupe and gray stucco exterior with dark bronze aluminum accents that border the windows of the building. Also, the building elevations utilize awnings over the storefront windows on the ground floor with architectural details carried on all sides of the building.

However, the north and south building facade elevations do have more than 10 feet of blank and expressionless taupe stucco areas, which does not comply with Appendix F Interim Downtown Las Vegas Architectural Development Standards. The applicant has requested a Waiver to allow extensions of more than 10 feet of blank and expressionless walls at the ground floor of building. Staff finds that the requested Waiver will have minimal negative impact to the surrounding commercial developments as the building elevations comply with all other listed architectural development standards.

The submitted landscape plan indicates the primary tree species being utilized is the 24-inch box Mondel Pine, 24-inch box Desert Museum Palo Verde and 24-inch box Texas Mountain Laurel trees with a variety of five-gallon shrubs. Furthermore, the submitted landscape plan matches the design of previously approved Site Development Plan Reviews (SDR-67942 and SDR-71783).

The Department of Public Works has determined that this project will add approximately 143 trips per day on Park Paseo and Las Vegas Blvd. Currently, Park Paseo is at about 17 percent of capacity and Las Vegas is at about 94 percent of capacity. With this project, Park Paseo is expected to be at about 20 percent of capacity and Las Vegas to be at about 95 percent of capacity.

Staff finds that the proposed commercial building and use of the structures is consistent with the previously approved plans for the subject site. In addition, staff finds that the requested Waiver of architectural development standards will have minimal negative impact to the surrounding commercial developments in the surrounding area; therefore, staff recommends approval of this project subject to conditions.

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FINDINGS (22-0059-SDR1)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

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

The proposed commercial development is located in the Downtown Las Vegas Overlay and will serve as a retail use that is complementary to the other commercial and general retail uses in the neighborhood and is the type of use that is encouraged in the Downtown Overlay District.

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

This project is consistent with the General Plan and the uses allowed in the Downtown Las Vegas Overlay District. However, it is not consistent with Title 19 Appendix F Downtown Las Vegas development standards. The applicant has requested a Waiver, which staff supports.

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

Access to the site will remain as approved by Site Development Plan Review (SDR-67942 and SDR-71783) with one driveway each from Las Vegas Boulevard and Park Paseo.

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

The building will be constructed with an articulated roofline with a bronze, taupe and gray stucco exterior with dark bronze aluminum accents that border the windows of the building which are appropriate for the neighborhood and surrounding area.

- 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;**

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The building elevations and aesthetic features are designed to a pedestrian scale, will create a pleasing environment and will be compatible with other commercial development in the area. All roof mounted mechanical equipment has been screened from view using parapet walls. However, it is not consistent with the building architectural development standards outlined in Appendix F Interim Downtown Las Vegas development standards. The applicant has requested a Waiver to allow extensions of more than 10 feet of blank and expressionless walls at the ground floor of building, which staff supports.

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

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

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
08/22/95	The Board of Zoning Adjustment denied a request for a Special Use Permit (U-0094-95) for the off-premise sale of beer and wine in conjunction with a proposed food market at 1155 South Las Vegas Boulevard. Staff recommended approval.
07/26/99	The City Council denied an appeal of the Zoning Board of Adjustment's decision to deny a request for a Variance (V-0043-99) to allow a zero-foot side yard setback where 10 feet is required, a 12-foot rear yard setback where 20 feet is required, a 10-foot corner side yard setback where 15 feet is required; to allow 52 parking spaces where 67 are required; and to allow the continuation of a nonconforming use of a nonconforming building in conjunction with a proposed 16,780 square-foot commercial center at 1141 South Las Vegas Boulevard. Staff recommended denial.
02/23/06	At the applicant's request, the Planning Commission voted to table a request for a Special Use Permit (SUP-9896) for a proposed Mixed Use Development at 1147 South Las Vegas Boulevard. Staff recommended approval.

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<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
02/23/06	At the applicant's request, the Planning Commission voted to table a request for a Site Development Plan Review (SDR-9897) for a proposed 324-foot tall, 26-story Mixed-Use Development with 178 residential units, 10,980 square feet of retail space and 42,500 square feet of office space, with Waivers of the Downtown Centennial Plan build-to line, upper floor step back and streetscape standards on 1.09 acres at 1147 South Las Vegas Boulevard. Staff recommended denial.
05/10/16	The Planning Commission recommended denial of a request for a Text Amendment (TXT-62199) to amend LVMC 19.12.070 Conditional Use Regulations related to Sexually Oriented Businesses to allow for limited expansion, enlargement or alteration of nonconforming adult emporiums located within the Downtown Centennial Plan area. Staff had no recommendation.
02/15/17	The City Council approved a request for a Site Development Plan Review (SDR-67942) for a proposed single-story, 8,660 square-foot building with a Waiver of Downtown Centennial Plan setback and streetscape standards on 1.09 acres at the northeast corner of Park Paseo and Las Vegas Boulevard. The Planning Commission recommended approval; staff recommended denial.
08/16/17	The City Council adopted Ordinance #6593 as the first amendment to Bill #2017-28, which amended the Unified Development Code to authorize the limited expansion, enlargement or alteration of nonconforming adult emporiums located within the Downtown Centennial Plan area and make conforming changes to Las Vegas Municipal Code (LVMC) Title 6 regarding the licensing of adult emporiums.
11/01/17	The City Council struck Bill 2017-38, which proposed an amendment to the Unified Development Code to allow for the limited expansion, enlargement or alteration of nonconforming adult motion picture arcades located within the Downtown Centennial Plan area.
11/14/17	The Planning Commission approved Site Development Plan Review (SDR-71783) to allow the relocation of an existing Sexually Oriented Business into an approved single-story, 8,660 square-foot building at the northeast corner of Park Paseo and Las Vegas Boulevard. Staff recommended approval of the request.
01/16/19	The City Council approved a Major Amendment (SDR-74296) to previously approved Site Development Plan Review (SDR-71783) for a proposed a 2,900 square-foot Restaurant with Drive Through with a waiver of the Interim Downtown Las Vegas Setback development standards on 1.04 acres at 1141 South Las Vegas Boulevard. The entitlement expired on 01/19/21.

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Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.	
02/11/19	The Planning Department – Code Enforcement Division processed case (#196455) rocks in lieu of approved surface along Las Vegas Boulevard planting strip filled with rocks at 1147 South Las Vegas Boulevard. The case was resolved on 02/26/19.
06/21/22	The Planning Commission (6-0 vote) recommends APPROVAL on a Land Use Entitlement request for a Major Amendment to a previously approved Site Development Plan Review (SDR-67942) FOR A PROPOSED SINGLE-STORY, 3,900 SQUARE-FOOT GENERAL RETAIL BUILDING WITH A WAIVER OF APPENDIX F INTERIM DOWNTOWN LAS VEGAS ARCHITECTURAL DEVELOPMENT STANDARDS on 1.04 acres at the northeast corner of Park Paseo and Las Vegas Boulevard (APN 162-03-112-021), C-2 (General Commercial) Zone, Ward 3 (Diaz).

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

Related Building Permits/Business Licenses	
1954	The existing building on this site was constructed.
05/21/91	A building permit (#91107091) was issued for an interior remodel of an existing adult bookstore at 1147 and 1149 South Las Vegas Boulevard. A final inspection was approved 06/18/91.
06/11/91	A business license (A32-00007) was issued for adult book and video sales at 1147 South Las Vegas Boulevard. The license remains active.
	A business license (V06-00008) was issued for an adult video center at 1147 South Las Vegas Boulevard. The license remains active.
	A business license (C08-01394) was issued for coin operated amusement machines at 1147 South Las Vegas Boulevard. The license remains active.
02/26/13	A building permit (#226909) was issued for a tenant improvement at 1155 South Las Vegas Boulevard to provide interior access into the adjoining suite. A final inspection was approved 06/26/13
09/06/16	A building permit (#325559) was issued for a demolition permit for a portion of an existing building and foundation at 1141 South Las Vegas Boulevard. A final inspection has not been completed. An extension on the permit was granted 03/06/17.
03/28/18	A building permit (#C18-01222) was issued for tenant improvements (Adult Superstore) at 1141 South Las Vegas Boulevard, Suite #110. The permit was finalized on 02/07/19.
02/11/19	A business license (G67-00934) was issued for an adult book store at 1147 South Las Vegas Boulevard, Suite #110. The license remains active

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Pre-Application Meeting	
02/02/22	A pre-application meeting was held with the applicant, where submittal requirements for a Site Development Plan Review were discussed.

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

Field Check	
05/12/22	Staff conducted a routine field check and found a partially developed lot with an existing Sexually Oriented Business (Adult Emporium) use within retail building at the northern perimeter of the property; and a vacant building pad on the southwest corner of the site along Las Vegas Boulevard. The site was well maintained and free of trash and debris.

Details of Application Request	
Site Area	
Net Acres	1.04

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

Master and Neighborhood Plan Areas	Compliance
Master Plan 2050 Area: Downtown	Y
John S. Park Neighborhood Plan	Y
Special Area and Overlay Districts	Compliance
DTLV-O (Downtown Las Vegas Overlay) Gateway District – Area 1	Y
SB-O (Las Vegas Boulevard Scenic Byway Overlay) District	Y

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<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan (Area 1)	Y

<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Site Development Plan Review (SDR-67942), (SDR-71783) and Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	45,302 SF	Y
Min. Lot Width	100 Feet	216 Feet	Y
Min. Setbacks			
• Front	70% alignment	100% alignment	Y
• Side	0 Feet	130 Feet	Y
• Corner	70% alignment	0% alignment	*Y
• Rear	0 Feet	228 Feet	Y
Max. Lot Coverage	N/A	28%	Y
Max. Building Height	N/A	24 Feet, 8 Inches	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof	Y
Mech. Equipment	Screened	Parapet screened	Y
Wall Height	6 to 8 Feet Adjacent to Residential	8-Foot wall adjacent to east PL (not residential)	Y

*A Waiver of the 70% build-to line requirement was approved through Site Development Plan Review (SDR-67942).

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Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Las Vegas Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	Y
Park Paseo	Local Street	Title 13	50	Y

Pursuant to approved Site Development Plan Review (SDR-67942) and (SDR-71783)

Streetscape Standards	Required	Provided	Compliance
Major North-South Streets (Las Vegas Boulevard)	10-foot sidewalk	10-foot existing sidewalk	Y
	5-foot amenity zone	Proposed 5-foot amenity zone	Y
	25' BTH date palms in 30-foot increments (2 trees required)	(2) 36" box Chilean Mesquite trees	Y
East-West Streets (Park Paseo)	10-foot sidewalk	5-foot sidewalk	Y
	5-foot amenity zone	5-foot amenity zone	Y
	36" shade trees at 15-20 intervals (10 trees required)	25-foot BTH date palms in 30-foot increments	Y

Pursuant to approved Site Development Plan Review (SDR-67942) and (SDR-71783) and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail	8,660 SF (Existing)	1:175	72				
	3,900 SF (Proposed)						
	12,560 SF						
TOTAL SPACES REQUIRED			72		44		*Y
Regular and Handicap Spaces Required			69	3	42	2	*Y
Loading Spaces	12,560 SF	10,000 – 29,999 SF	2		0		*Y

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*Projects located within the Downtown Las Vegas Overlay - Area 1 are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City.

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
The use of expression lines and expression zones utilizing materials, colors, and/or relief shall be required.	To allow extensions of more than 10 feet of blank and expressionless walls at the ground floor	Approval