



AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-21166 - APPLICANT: REI NEON, LLC - OWNER: BLUE DAYDREAMS, LLC

**** CONDITIONS ****

The Planning Commission (5-0-1/rt vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. A General Plan Amendment (GPA-20227) to an MXU (Mixed-Use) land use designation approved by the City Council.
2. A Site Development Plan Review (SDR-21175) 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.
3. The expansion of the Gaming Enterprise Overlay District shall be limited to the following parcels that are wholly outside the required buffer radii for Non-Restricted Gaming uses:

162-04-507-005	162-04-608-006
162-04-608-002	162-04-607-008
162-04-507-011	162-04-607-016
162-04-607-015	162-04-608-017
162-04-608-001	162-04-607-004
162-04-607-002	162-04-607-013
162-04-607-012	162-04-607-018
162-04-607-017	162-04-608-003
162-04-607-021	162-04-608-005
162-04-607-007	162-04-608-007
162-04-608-004	162-04-607-019
162-04-608-010	162-04-607-010
162-04-607-003	162-04-507-004
162-04-607-006	
162-04-607-011	
162-04-607-014	
162-04-608-016	
162-04-607-001	
162-04-507-003	

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning to expand the Gaming Enterprise Overlay District for a mixed-use development and to establish a G-O (Gaming Overlay) District for a portion of 44.49 acres at the southwest corner of Charleston Boulevard and Main Street. Staff finds that the proposal is generally consistent with Nevada Revised Statutes (NRS) and the General Plan; however, the expansion of the Gaming Enterprise Overlay District will be limited to those existing parcels of record wholly outside the required separation areas.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/06/86	The City Council adopted by Ordinance #3218 the Redevelopment Plan for the Downtown Las Vegas Redevelopment Area.
07/05/00	The City Council adopted by Ordinance #5238 the Downtown Centennial Plan.
05/17/06	The City Council adopted by #5830 the amended Redevelopment Plan for the Downtown Las Vegas Redevelopment Area.
01/03/07	The City Council adopted by Ordinance #5874 the amended Downtown Centennial Plan.
05/24/07	The Planning Commission recommended approval of companion items GPA-20227, ZON-21165, SUP-21168, SUP-21169, SUP-21171, SUP-21172, VAC-21173 and SDR-21175 concurrently with this application. The Planning Commission voted 5-0-1 to recommend APPROVAL (PC Agenda Item #18/jm).
<i>Pre-Application Meeting</i>	
04/05/07	A pre-application meeting was held with the applicant. The following items were discussed with the applicant: • General Plan Amendment to MXU (Mixed Use) • Rezoning from M (Industrial) and C-M (Commercial/Industrial) to C-2 (General Commercial) • Downtown Centennial Plan Standards utilities underground, streetscape standards, setbacks, service areas, parking structures, architectural standards such as reflective material, articulated roofline, no blank expressionless walls, detail main entry from street, no reflective glass (22% max). • Parking study required • Traffic study required

<i>Neighborhood Meeting</i>	
4/24/07	A neighborhood meeting will be held on Tuesday, April 24, 2007 at 5:30 p.m. at Artistic Iron Works, 105 W. Charleston Blvd. 38 members of the public attended the meeting. The following questions and concerns were raised by members of the public: * Concern about traffic on Main Street, and whether or not Main Street would be widened. * General questions were raised about other traffic mitigation measures that would be required because of the project. * Concern about the height and appearance of the parking structures. * Concern about how the project might change if the applicant isn't awarded the RFP for the arena. * Concern about whether there would be any public art components associated with the project, and how the project will compliment the Arts District. * Questions were raised about REI's financial issues, funding, and profits. * Concern about whether the project will accommodate the gateway project planned for Charleston Boulevard. * Concern about whether the arena would conflict with the Performing Arts Center. * A resident expressed a desire that the businesses and buildings on the west side of Main Street be retained, and that the new development be limited to the west side of Commerce Street. * Questions were raised about the construction timeframe for the project. * A question was raised about whether there was a valid sales contract with every property owner. * A question was asked as to whether the applicant would be "flipping" the property. * The applicant was asked if they had the financing to complete the project.

<i>Field Check</i>	
04/23/07	The 73.5 acre area is an array of commercial and industrial uses such as offices, retail shops, auto body shops, used car sales, warehouses, motel, and a bus depot. The area is bordered by Charleston Boulevard to the north, Wyoming Avenue to the south, the Union Pacific Railroad to the west, and Main Street to the east.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	73.50

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Body Shops, Bus Depot, Offices, Motel, Truck Storage, Retail Shops, Used Car Sales, Warehouses.	LI/R (Light Industrial), C (Commercial)	M (Industrial), C-M (Commercial/Industrial), C-2 (General Commercial)
North	Warehouses, Convenience Store	C (Commercial), LI/R (Light Industrial)	M (Industrial), C-M (Commercial/Industrial), C-2 (General Commercial)
South	Auto Body Shops, Shops, Open Storage, Parking Lot,	C (Commercial), LI/R (Light Industrial)	C-M (Commercial/Industrial), C-2 (General Commercial)
East	Auto Body Shops, Storage, Shops, Offices, Tavern, Restaurant	C (Commercial)	C-M (Commercial/Industrial), C-2 (General Commercial)
West	Shops, Offices, Warehouses, Service Station, Car Wash	C (Commercial), LI/R (Light Industrial), MXU (Mixed Use)	M (Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		N ¹
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Overlay District (<i>Downtown South, Arts District</i>)	X		N
A-O (Airport Overlay) District (200 feet)	X		N ²
Trails³	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment	X		Y
Project of Regional Significance	X		Y

1. A Waiver of Downtown Centennial Plan (Downtown South) Design Standards has been requested by the applicant.

2. A Special Use Permit (SUP-21175) has been requested for a proposed high rise mixed-use development in the Airport Overlay District.

3. Multi-Use Trail designated along railroad. In addition a pedestrian path is designated on Wyoming Avenue. Per Map 9 of the Downtown Centennial Plan, a Proposed Bus Rapid Transit Route is designated as proposed travel route on Main Street.

ANALYSIS

The applicant has submitted a request to expand the Gaming Enterprise Overlay District to permit the establishment of three non-restricted gaming facilities on the subject development site. The non-restricted gaming facilities will total 300,000 square feet, and will be part of a mixed-use development to include hotels, residential units, retail space, office space, a trade-show facility, and an arena.

Nevada Revised Statutes (NRS) 463.3086 establishes the requirements to allow non-restricted gaming outside of the Las Vegas Boulevard Gaming Corridor or an existing Gaming Enterprise District. The applicant must prove the following upon requesting to extend or establish a Gaming Enterprise District:

1. The roads, water, sanitation, utilities and related services to the location are adequate;
2. The proposed establishment will not unduly impact public services, consumption of natural resources and the quality of life enjoyed by residents of the surrounding neighborhoods;
3. The proposed establishment will enhance, expand and stabilize employment and the local economy;
4. The proposed establishment will be located in an area planned or zoned for that purpose pursuant to NRS 278.010 to 278.630, inclusive;
5. The proposed establishment will not be detrimental to the health, safety or general welfare of the community or be incompatible with the surrounding area.

Please note the following relative to the requirements listed above:

1. Water, sanitation, utilities and related services are generally adequate to support the proposed development. Expansion of the existing services may be required of the applicant as the development is constructed. The existing street network will be impacted by the proposed development; the applicant will be expected to mitigate these impacts as determined in the review of the Traffic Impact Analysis.

2. The proposed development will not impact public services or the quality of life enjoyed residents of the surrounding neighborhoods, but will enhance the appearance and economic well-being of the area.
3. The proposed development will bring additional jobs, commercial facilities and residential units to the city of Las Vegas, and expand the local economy.
4. Applications have been filed to allow the proposed uses (GPA-20227 and ZON-21165) on the subject development site. The applications have been filed in accordance with NRS 278 and City of Las Vegas requirements.
5. The proposed development will not be a detriment to the health, safety or general welfare of the community.

In addition to the above requirements, NRS 263.3086 states that the boundary of the site, defined as the property line, must meet the following separation requirements on the date that the petition is filed:

1. 500 feet from the property line of a developed residential district; and
2. 1,500 feet from the property line of a public school, private school or structure used primarily for religious services or worship; and
3. The proposed establishment will not impact a residential district, school or religious facility.

The applicant has submitted an exhibit prepared by their engineer, showing the appropriate separation distance from all protected uses listed in NRS 463.3086. Based on the separation requirements, a substantial portion of the interior of the site would be eligible for non-restricted gaming. The applicant proposes to do a merger and re-subdivision of the development site so that new property lines will be created coterminous with the separation boundaries.

In reviewing the NRS requirements, the City Attorney has opined that the property line must be an existing property line upon the filing date of the petition, rather than a proposed property line. Based on that direction, the expansion of the Gaming Enterprise District must be limited to existing parcels that are wholly outside of the separation distance from protected uses. An exhibit prepared by Planning and Development staff has been attached to this report showing the estimated parcels that are outside of the separation radii, and the parcel numbers have been listed in the conditions of approval.

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.

With the approval of the General Plan Amendment (GPA-20227), the proposed application will be consistent 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 proposed uses are consistent with Gaming Enterprise District expansion and are generally compatible with surrounding uses and districts.

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

The proposed development will enhance the existing neighborhood and provide a positive economic impact to the surrounding 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.

The development will be subject to traffic mitigation improvements, which may result in the dedication of additional right-of-way to accommodate the proposed intensity of use. A Traffic Impact Analysis is required as a condition of approval of the associated Site Development Plan (SDR-21175) application.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 1424 by Planning Department

APPROVALS 0

PROTESTS 0