



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 19, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-20478 - APPLICANT/OWNER: KYLE ACQUISITION GROUP, LLC, ET AL**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0-1/bg vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Gaming Establishment, Non-restricted use.
2. Conformance to the conditions for Rezoning (ZON-20543), Rezoning (ZON-20475), Rezoning (ZON-22351), and Development Agreement (DIR-21605), if approved.
3. A Site Development Plan Review 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.
4. 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:  
  
Parcel 1 as identified on Parcel Map (PMP-22508) (PM 114 0022)  
125-06-002-003  
125-06-002-005  
125-06-002-006  
125-06-002-007
5. 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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a proposed Gaming Establishment, Non-Restricted use on a portion of 51.37 acres on the west side of Oso Blanca Road, approximately 2,190 feet south of Kyle Canyon Road. Staff finds that the proposal is consistent with the Kyle Canyon Development Standards and Design Guidelines Section 8 and the minimum standards listed in Title 19.04 and recommends approval of this request. The approval is conditioned upon the establishment of the G-O (Gaming Enterprise Overlay) District (ZON-20475) and is limited to those existing parcels of record wholly outside the required separation areas.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
02/05/03	The City Council approved an Annexation Petition (A-0038-02) to annex undeveloped property located in various parts of the city under the provisions of NRS 268.597 No. 1(b) include a portion of the subject site. Planning Commission and staff recommended approval.
12/01/04	The City Council approved a Resolution Adopting Guidelines for Development within the Kyle Canyon Gateway Area (R-176-2004) to provide direction for the future development, subsequent to an anticipated purchased at auction in February 2005, of approximately 1,700 acres of Bureau of Land Management (BLM) managed land.
06/15/05	The City Council approved a Special Use Permit (SUP-6401) and a Site Development Plan Review (SDR-6402) for a proposed 5,843 square-foot tavern to be located on a portion of this site. Planning Commission and staff recommended approval.
09/06/06	The City Council approved a Required Review (RQR-15486) for a one-year review of an approved Site Development Plan Review (SDR-6402) for a proposed 5,843 square foot tavern to be located on a portion of this site.
10/05/06	The Planning Commission approved a Site Development Plan Review (SDR-16166) for a proposed 5,843 square-foot tavern and 6,750 square-foot retail development to be located on a portion of this site. Staff recommended approval.
05/16/07	The City Council approved a Rezoning (ZON-20543) and Development Agreement (DIR-21605) to adopt the Kyle Canyon Development Standards and Design Guidelines and the Development Agreement for the Kyle Canyon Master Plan area. The Planning Commission and staff recommended approval.

07/18/07	The City Council approved a Review of Condition (ROC-22954) to remove extraneous conditions from a Rezoning (ZON-20543) approval. This rezoning action approved the Kyle Canyon Development Standards and Design Guidelines. Staff recommended approval.
07/25/07	Staff administratively approved a Parcel Map (PMP-22508) to merge and re-subdivide two lots that are a part of the subject site. This map was recorded on 07/31/07. The parcel map creates the lots reflected in the Special Use Permit (SUP-20478) and this item for the approvals to meet the NRS 463.3086 requirements for a non-restrictive gaming facility.
08/15/07	The City Council will hear a Major Modification (MOD-22589) to clarify some street cross-sections and a Tentative Map (TMP-22586) to establish the Parent Tentative Map for the Kyle Canyon Master Plan area. Planning Commission and staff have recommended approval.
08/23/07	<p>The Planning Commission recommended approval of companion items GPA-20469, ZON-20475 and ZON-22351 concurrently with this application.</p> <p>The Planning Commission voted 6-0-1/bg to recommend APPROVAL (PC Agenda Item #23/rts).</p>
<b>Related Building Permits/Business Licenses</b>	
There are no building permits or businesses licenses related to this site or action.	
<b>Pre-Application Meeting</b>	
No specific pre-application conference was conducted for this application. As a part of the Kyle Canyon Master Plan meetings between the City and the Master Developer submittal requirements for this application were discussed. A follow-up discussion was performed on 05/23/07 and a checklist was distributed at that time.	
<b>Neighborhood Meeting</b>	
08/07/07	<p>A neighborhood meeting was held at Mountain Crest Community Center, 4701 North Durango Drive. Approximately 75 to 80 members of the public attended. The meeting was held in an open house type format and 37 comment cards were received. The following is a summary of the comments received:</p> <ul style="list-style-type: none"> <li>• Many of the residents who were opposed to the casino expressed that they felt their neighborhood was already served by the Santa Fe Station and they would much prefer that no casino be built at all in the area.</li> <li>• Several said if it was to be approved, theyd like area residents to have input regarding the design and that it should be low key and not an eyesore.</li> <li>• Several residents expressed concerns about the availability of water and a desire to see the entire community not built, while several others suggested that rather than a casino, we construct a water park type of amusement park or an amusement park like Six Flags or Disneyland so that no alcohol use would be permitted.</li> </ul>

- Traffic was another concern, with residents suggesting that US 95 is already too congested and others expressing concern with increased traffic on Horse.
- Police protection problems were cited by several residents as concerns as well as environmental impacts.
- One commenter did not live in the surrounding neighborhood but expressed that he has hiked on this land for 22 years and would have preferred it stay in federal ownership he was not aware that it had been purchased by a private company and expressed concern of the hiking community.
- Of those expressing positive response to the proposal, comments centered around the positive economic impact of the project as a whole and the availability of jobs in the area.
- Some expressed a belief that their property values would be enhanced by the casino and other development.
- Those commenting expressed that theyd like the hotel to be upscale and to incorporate the beauty of the area.
- Keeping the height at 160 feet was important to several responders
- Some expressed great enthusiasm and anticipation of a resort hotel casino many comments were suggestive of the kinds of amenities residents would like to see at such a place bowling, movie theaters, buffet, spa, concerts, and family oriented entertainment options.
- There was a preference for an upscale operator
- There was an expression of a desire for outside dining, and an excitement about the walkability of the community.
- One commenter expressed that this is a good location because it doesnt interfere with existing homes, and that if someone did not want to live near it, they know it exists now and wouldnt have to purchase a home in that community.
- There was a suggestion that the hotel casino could provide a horseback area, hayrides or some kind of a water park.
- A number of residents commented that the resort should resemble Green Valley Ranch or a JW Marriot and have an open, airy feel.
- Comments common to many had to do with specific traffic issues and specific requests related to the interchanges on US 95.

<b>Field Check</b>	
06/08/07	The Department of Planning and Development conducted a site visit that found that the site was an unimproved desert with a few subdivision directional signs for area subdivisions. Additionally, there are some abandoned structures and trash dumped in scattered places. There are dispersed homes in the general area but not within the 2,500-foot separation area.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	51.37

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	TND (Traditional Neighborhood Development)	T-D (Traditional Development) [TC (Town Center Mixed Use) Kyle Canyon Special Land Use Designation]
	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
	Undeveloped	PCD (Planned Community Development)	U(PCD) [Undeveloped (Planned Community Development) General Plan Designation]
	Undeveloped	PCD (Planned Community Development)	C-1 (Limited Commercial)
	Undeveloped	PCD (Planned Community Development)	C-2 (General Commercial)
North	Undeveloped	SC (Service Commercial)	U(SC) [Undeveloped (Service Commercial General Plan Designation)]
	Undeveloped	PCD (Planned Community Development)	U(PCD) [Undeveloped (Planned Community Development) General Plan Designation]
	ROW (US 95)	ROW (US 95)	ROW (US 95)
South	Undeveloped	TND (Traditional Neighborhood Development)	T-D (Traditional Development)
East	ROW (US 95)	ROW (US 95)	ROW (US 95)

West	Undeveloped	SC (Service Commercial)	U(SC) [Undeveloped (Service Commercial) General Plan Designation]
	Undeveloped	PCD (Planned Community Development)	U(PCD) [Undeveloped (Planned Community Development) General Plan Designation]
	Undeveloped	TND (Traditional Neighborhood Development)	T-D (Traditional Development)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
Kyle Canyon	X		Y *
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
G-O Gaming Enterprise Overlay District	X		Y **
T-D Traditional Development District	X		Y *
<b>Trails</b>		X	n/a
<b>Rural Preservation Overlay District</b>		X	n/a
<b>Development Impact Notification Assessment</b>	X		Y ***
<b>Project of Regional Significance</b>	X		Y ***

\* A companion Rezoning (ZON-22351), if approved, would change the zoning category for a portion of the subject site to T-D (Traditional Development) and would include this area in the Kyle Canyon Master Plan Area.

\*\* A companion Rezoning (ZON-20475), if approved, will establish the G-O (Gaming Enterprise Overlay) District designation at this site. This is one of the necessary steps to approve this special use permit for a gaming facility, non-restricted use and an eventual Site Development Plan Review for the siting of a future non-restricted gaming facility, hotel, and retail development.

\*\*\* The siting of a future non-restricted gaming facility, hotel, and retail development will meet the thresholds for both the Development Impact Notice Assessment (DINA) and Project of Regional Significance reporting requirements as it is providing greater than 300-units of tourist accommodations within the future hotel. The assessment and the corresponding comments for the entire Kyle Canyon Master Plan area were incorporated into the Development Agreement (DIR-21605) and this application should not further impacted those conclusions. Should an updated assessment be necessary, it will be require at the time of submission for the Site Development Plan Review.

## **DEVELOPMENT STANDARDS**

Projects located within the Kyle Canyon Master Plan area are subject to the Kyle Canyon Development Standards and Design Guidelines and Development Agreement. Pursuant to the Master Plan the hotel may not be more than 160 feet high. Further, development standards for the Town Center Mixed Use Special Land Use designation have not yet been established and must be approved prior to the approval any future site development plan review for this area including the development reflected in this application.

## **ANALYSIS**

The subject site is located on the Centennial Hill Sector Map of the General Plan. There is a proposed General Plan Amendment (GPA-20469) for a portion of the site that, if approved, would designate the entire subject site as TND (Traditional Neighborhood Development). This category allows for development that is characterized as a mixed-use development type that allows for a balanced mix of housing, commercial, and civic uses. It is intended to be organized as a series of pedestrian-oriented neighborhoods with a mixture of housing types, with the uses of daily living within proximity of dwellings. The TND (Traditional Neighborhood Development) category differs from other designations by focusing on pedestrian-oriented neighborhoods that de-emphasizes gated, private streets, cul-de-sacs and perimeter walls along the roadways. Further, there is a proposed Rezoning (ZON-22351) that, if approved, would bring the entire subject site into the T-D (Traditional Development) zoning district and under the Kyle Canyon Development Standards and Design Guidelines and Master Development Agreement.

Gaming Establishment, Non-restricted uses are allowed within the TC (Town Center Mixed Use) special land use designation under the T-D (Traditional Development) zoning district with approval of a Special Use Permit. The proposed use is appropriate for the area and will be part of a proposed future non-restricted gaming facility, hotel, and retail development.

Minimum Requirements of Approval for a Gaming Establishment, Non-restricted use in a TC (Town Center Mixed Use) special land use designation pursuant to the Kyle Canyon Development Standards and Design Guidelines are:

Obtain a Special Use Permit (SUP) pursuant to the Las Vegas Municipal Code.

Gaming Establishment, Non-restricted uses must conform to the following minimum standards listed in Title 19.04:

Gaming Establishment, Non-restricted

- \*1. Except as otherwise exempted by State law, non-restricted gaming establishments must be located within the Gaming Enterprise Overlay District described in Subchapter 19.06.070.

- \*2 A Special Use Permit is required for:
  - a. Any new non-restricted gaming establishment.
  - b. Any increase in the amount, variety or magnitude of gaming to be offered within an existing non-restricted gaming establishment whether or not the existing gaming was approved by means of a Special Use Permit.
  
- \*3 The Special Use Permit requirement in Paragraph 2 above:
  - a. Applies to all property in the City, wherever located and whether or not it is located in the Gaming Enterprise Overlay District;
  - b. Applies to existing non-restricted gaming establishments whether or not they have applied for an increase in the amount, variety or magnitude of gaming to be offered;
  - c. Applies to any property or establishment irrespective of any rights or purported rights established by prior adjudication, to the extent such rights have not become vested by the exercise thereof; and
  - d. Supersedes and prevails over every other provision of the Municipal Code to the contrary, or that might be deemed to be interpreted to the contrary.

Please note the following relative to the requirements listed above:

1. The applicant has filed an application (ZON-20475) to expand the G-O (Gaming Enterprise Overlay) District to permit a non-restricted gaming facility on the subject development site. This Special Use Permit application cannot be approved unless the expansion of the Gaming Overlay is also approved.
2. This Special Use Permit application has been filed to allow a new non-restricted gaming facility on the subject site.
3. This application has been filed in accordance with City regulations.

The proposed Gaming Establishment, Non-restricted use meets the minimum requirements of approval per the Kyle Canyon Development Standards and Design Guidelines and Development Agreement. As noted above, approval of this application is dependent upon the approval of the associated request (ZON-20475) to establish the G-O (Gaming Enterprise Overlay) District to the subject development site. Due to the regulations listed in Nevada Revised Statutes (NRS 463.3086), the expansion of the overlay is limited to those parcels completely outside of the

minimum separation radius from any protected uses. Consequently, this Special Use Permit will be limited to those parcels outside the separation radii; the Rezoning (ZON-20475) includes an exhibit showing the estimated parcels to which this approval may be applied, and the parcel numbers have been listed in the conditions of approval for this special use permit. Due to the compatibility of this use within the Kyle Canyon Master Plan area and with the surrounding present and future land use designations, staff is recommending approval of this special use permit.

## **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 proposed non-restricted gaming use can be conducted in a harmonious manner and is generally compatible with the surrounding uses and with future surrounding land uses as projected by the General Plan. Specifically, the Centennial Hills Sector Plan of the General Plan calls for a Village Center to be located in this general vicinity to provide commercial services to the local area. The Las Vegas 2020 Master Plan, Objective 3.1 directs newly developing areas such as this to develop more walkable communities and reduce auto trips for convenience shopping and recreation. The confluence of uses associated with the proposed Gaming Establishment, Non-restricted use and future higher density residential development in the TC (Town Center Mixed-Use) special land use designation supports this objective. Further, the proposed Gaming Establishment, Non-restricted use is consistent with the proposed G-O (Gaming Enterprise Overlay) District as the separation requirements of NRS 263.3086 have been complied with. There is adequate buffering between the proposed district and existing residential and educational uses, which are greater than 1,500 feet away from the borders of this proposed district. Title 19.06.160 (A) (2) (i) affirms the placement of a center focus within the T-D (Traditional Development) district that combines multiple use types such as commercial and recreational uses as are proposed for the subject site. Additionally, the Kyle Canyon Development Standards and Design Guidelines outline future uses applicable to the TC (Town Center Mixed-Use) special land use designation which are generally compatible with a Gaming Establishment, Non-restricted use.

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

The subject site is 51.37 acres in size, and is physically suitable for the uses and scale of

development proposed for the site. The Kyle Canyon Development Standards and Design Guidelines specifically calls for development of this intensity in this area. The proximity to the U.S. 95 and high capacity roadways planned adjacent to this site further enhance the sites suitability for the intensity of the proposed uses.

**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.**

A Master Traffic Study has been conditionally approved for the Kyle Canyon Master Plan area and incorporated into the Development Agreement (DIR-21605). Section 7 of the agreement spells out specific criteria for how and when improvements and mitigation measures must be performed. Pursuant to the Kyle Canyon Development Standards and Design Guidelines Figure 6-1, the street network adjacent to the subject project site on the west (Hualapai Way), north (Oso Blanca Road), and south (Iron Mountain Road) includes Arterial Streets and Frontage Roads. This category of roadways is designed to handle high volume and is generally found at the community's perimeter. The street cross sections include shared travel lanes widened to accommodate cyclists and enhanced landscaping, sidewalks, and/or multi-use trails to buffer vehicular traffic from any potential adjoining residential uses. The traffic study included vehicular traffic calculations for the inclusion of a Gaming Establishment, Non-restricted (hotel/casino) use when evaluation of the roadway capacity was completed. The applicant is continuing to work with the City as necessary updates are required for the Master Traffic Study. Additionally, the Development Agreement Section 5.03 makes provisions for a 2.5 acre Regional Transportation Commission (RTC) Transit Center site within the TC (Town Center Mixed-Use) special land use designated area. This RTC Transit Center will offer additional transportation options to this area.

**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 approval of this special use permit will not compromise public health, safety or welfare. Further, it will not compromise the objectives of the General Plan. The subject site is buffered from existing residential and educational uses to the east by the U.S. 95 and more than 1,500 feet of undeveloped land. To the north and south the Kyle Canyon Master Plan calls for similar intensity mixed-use development. To the west the zoning has yet to be established but the General Plan calls for these undeveloped parcels to be a mix of SC (Service Commercial) and PCD (Planned Community Development) which should not be impacted with regard to the health, safety or general welfare by this request. The use is consistent with the provisions of the Resolution Adopting Guidelines for Development within the Kyle Canyon Gateway Area (R-176-2004); the TND (Traditional Neighborhood Development) General Plan designation; the T-D (Traditional Development) zoning district; the Kyle Canyon Development Standards and Design Guidelines; and Master Development Agreement. Further, the Gaming Establishment, Non-restricted use is subject to regular inspections to verify compliance with various state and local regulations to continuously safeguard the health, safety or welfare of the community.

**5. The use meets all of the applicable conditions per Title 19.04.**

The use is consistent with the applicable conditions listed in Title 19.04, subject to the approval to establish the associated G-O (Gaming Enterprise Overlay) District (ZON-20475). Specifically, the applicant has filed an application (ZON-20475) to establish the G-O (Gaming Enterprise Overlay) District which would permit a non-restricted gaming facility on the subject development site. This Special Use Permit application cannot be approved unless the expansion of the Gaming Overlay is also approved. This Special Use Permit application has been filed to allow a new non-restricted gaming facility on the subject site. This application has been filed in accordance with City regulations.

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 45 by City Clerk

**APPROVALS** 0

**PROTESTS** 0