



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: FEBRUARY 14, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ZON-25295 - APPLICANT/OWNER: SAHARA INVESTMENTS, LLC**

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

**STAFF RECOMMENDATION: APPROVAL.**

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

**PROJECT DESCRIPTION**

This is a request for a Rezoning from C-1 (Limited Commercial) to C-2 (General Commercial) on 0.47 acres adjacent to the north side of Sahara Avenue, approximately 570 feet west of Fairfield Avenue. The project site currently consists of two undeveloped parcels formerly a service station and a portion of vacated right-of-way.

The proposed rezoning to the C-2 (General Commercial) zoning district is consistent with the C (Commercial) General Plan designation. The proposed mixed-use development is appropriate for a C-2 (General Commercial) zoning district with the approval of a Special Use Permit (SUP-25263) and approval of this rezoning request is recommended.

**BACKGROUND INFORMATION**

| <i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</b></i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/22/61                                                                  | The City Council approved a Rezoning (Z-0013-61) on a portion of the subject site from R-3 to C-1.                                                                                                                                                                                                                                                                                                                                                                           |
| 07/26/61                                                                  | The City Council approved a Rezoning (Z-0026-61) on a portion of the subject property from R-3 to C-1.                                                                                                                                                                                                                                                                                                                                                                       |
| 06/24/76                                                                  | The Board of Zoning Adjustment approved a Variance (V-0037-76) in order to permit a Wedding Chapel in a district where the use is not allowed.                                                                                                                                                                                                                                                                                                                               |
| 01/07/87                                                                  | The City Council approved a Rezoning (Z-0099-86) on a portion of the subject property in order to allow a Wedding Chapel use.                                                                                                                                                                                                                                                                                                                                                |
| 02/18/87                                                                  | The City Council approved a Rezoning (Z-0107-86) on the subject property from R-3 and C-1 to C-1 and C-2 in order to permit the development of retail shops, gas sales and a convenience store, and a restaurant.                                                                                                                                                                                                                                                            |
| 06/25/87                                                                  | The Board of Zoning Adjustment approved a Variance (V-0066-87) from parking requirements for a shopping center on the subject property.                                                                                                                                                                                                                                                                                                                                      |
| 03/08/99                                                                  | The City Council approved a Rezoning (Z-0002-99) to C-2 (General Commercial) on a portion of the subject property in order to permit the development of 54,580 square-foot shopping center. A Variance (V-0001-99) for relief from side, rear, and corner side yard setbacks and a Vacation (VAC-0001-99) to vacate an alleyway were also approved in conjunction with the Rezoning request. The Planning Commission and staff recommended approval.                         |
| 06/05/02                                                                  | The City Council approved a Site Development Plan Review [Z-0002-99(1)] for the development of a 200-room hotel and casino on the site. Special Use Permits for a Hotel Lounge Bar (U-0042-02) and Non-Restricted Gaming (U-0043-02), and a Variance (V-0027-02) to allow the construction of a parking garage directly on the north property line and 12-foot high perimeter walls were also approved at that time. The Planning Commission and staff recommended approval. |

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|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| 06/02/04 | The City Council approved an Extension of Time (EOT-4349) for the Variance (V-0027-02) request that allowed a zero-foot setback for the parking structure and 12-foot high perimeter walls. The Planning Commission and staff recommended approval. NOTE: This approval expired June 5, 2006.                                                                                                                                                       |
| 08/04/04 | The City Council approved a Site Development Plan Review (SDR-4534) and a Special Use Permit (SUP-4540) for a Mixed-Use development consisting of 39 stories, 808 residential units and 35,500 square feet of commercial space. The Planning Commission and staff recommended approval.                                                                                                                                                             |
| 12/16/04 | The Planning Commission approved a Tentative Map (TMP-5574) for an 810-unit mixed-use condominium subdivision on 3.90 acres adjacent to the northwest corner of Sahara Avenue and Fairfield Avenue. Staff recommended approval.                                                                                                                                                                                                                     |
| 04/06/05 | The City Council approved a Vacation (VAC-5902) to vacate public utility easements at 200 West Sahara Avenue. The Planning Commission and staff recommended approval.                                                                                                                                                                                                                                                                               |
| 06/29/05 | The Planning and Development Department administratively approved a request for a Final Map Technical Review (FMP-5750) to revert various parcels to remove extraneous lot lines.                                                                                                                                                                                                                                                                   |
| 07/06/05 | The City Council approved a Site Development Plan Review (SDR-6588) for a 41-story mixed-use development including: 900 residential units, 10,200 square-feet of commercial space and waivers from the Downtown Centennial Plan on 3.90 acres located at the northwest corner of Sahara Avenue and Fairfield Avenue. The Planning Commission and staff recommended approval.                                                                        |
| 09/08/05 | The Planning Commission approved a Tentative Map (TMP-5574) for a 902-unit mixed-use condominium subdivision on 3.82 acres adjacent to the northwest corner of Sahara Avenue and Fairfield Avenue. Staff recommended approval.                                                                                                                                                                                                                      |
| 02/01/07 | The Planning and Development Department administratively approved a request for a Final Map Technical Review (FMP-17618) of a one-lot commercial subdivision of 3.86 acres located at northwest corner of Sahara Avenue and Fairfield Avenue.                                                                                                                                                                                                       |
| 06/20/07 | The City Council approved a request for a Vacation (VAC-20805) to vacate a 27-foot 4-inch wide section of public right-of-way generally located between Cincinnati Avenue and Sahara Avenue and a Variance (VAR-20806) to allow a 12-foot tall wall along the west and north property lines where eight feet is the maximum height permitted on property located at 300 West Sahara Avenue. The Planning Commission and staff recommended approval. |
| 12/19/07 | The Planning and Development Department received a request for an administrative approval for a Final Map Technical Review (FMP-26120) to amend a two-lot subdivision of 2.05 acres located at northwest corner of Sahara Avenue and Fairfield Avenue.                                                                                                                                                                                              |
| 02/14/08 | Companion items for Special Use Permits (SUP-25262, SUP-25263, and SUP-25264) and a Site Development Plan Review (SDR-25261) will be heard concurrently with this item.                                                                                                                                                                                                                                                                             |

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| <b><i>Related Building Permits/Business Licenses</i></b>                       |                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/11/07                                                                       | A building permit application, plan check L-1146-07, was submitted for the site. This was for a plan check review for the demolishon of an existing service station at 300 West Sahara Avenue. This permit (07001894) was reviewed and approved by the Planning and Development Department and issued by the Building and Safety Department on the day as submitted. This permit received a final inspection on 06/15/07. |
| <b><i>Pre-Application Meeting</i></b>                                          |                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 10/08/07                                                                       | A pre-application meeting was held, where submittal requirements and elements of this application were discussed. Specifically, the applicant was informed that the proposed project may necessitate a major amendment to the approvals for the adjacent (previously companion) site.                                                                                                                                     |
| <b><i>Neighborhood Meeting</i></b>                                             |                                                                                                                                                                                                                                                                                                                                                                                                                           |
| A neighborhood meeting is not required for this application, nor was one held. |                                                                                                                                                                                                                                                                                                                                                                                                                           |

- \* This business license has been issued with no indication that it was reviewed or approved by the Planning and Development Department.

| <b><i>Field Check</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/07/07                  | The Department of Planning and Development conducted a site visit that found that this is an undeveloped site that has previously had improvements that have been removed. The site is being used as the staging area for equipment and materials for the development to the east of the site. There is also an off-premises (billboard) sign on-site. Around the site there is temporary, screened chain link fencing. |

| <b><i>Details of Application Request</i></b> |                                                     |
|----------------------------------------------|-----------------------------------------------------|
| <b><i>Site Area</i></b>                      |                                                     |
| Gross Acres                                  | 0.47 - Area of Rezoning (2.39 - Total Project Area) |

| <b>Surrounding Property</b> | <b>Existing Land Use</b> | <b>Planned Land Use</b> | <b>Existing Zoning</b>                                           |
|-----------------------------|--------------------------|-------------------------|------------------------------------------------------------------|
| Subject Property            | Undeveloped              | C (Commercial)          | C-1 (Limited Commercial)<br>[Proposed: C-2 (General Commercial)] |
|                             | Undeveloped              | C (Commercial)          | C-2 ( General Commercial)                                        |
| North                       | Undeveloped              | MXU (Mixed Use)         | R-4 (High Density Residential)                                   |
|                             | Multi-Family Residential | MXU (Mixed Use)         | R-4 (High Density Residential)                                   |

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|       |                            |                |                           |
|-------|----------------------------|----------------|---------------------------|
| South | Undeveloped                | Clark County   | Clark County              |
| East  | Mixed-Use Development      | C (Commercial) | C-2 ( General Commercial) |
| West  | Commercial Shopping Center | C (Commercial) | C-1 (Limited Commercial)  |

| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---------------------------------------------------|-------------------|------------------|--------------------------|
| <b>Special Area Plan</b>                          |                   |                  |                          |
| Downtown Centennial Plan                          | X                 |                  | N *                      |
| Redevelopment Plan Area                           | X                 |                  | Y                        |
| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
| <b>Special Purpose and Overlay Districts</b>      |                   |                  |                          |
| Downtown Overlay District                         | X                 |                  | N *                      |
| G-O Gaming Enterprise Overlay District            | X                 |                  | Y                        |
| A-O Airport Overlay District (175 Feet)           | X                 |                  | N **                     |
| <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 ****                   |

\* The proposed development requires a waiver from the Northern Strip Gateway District standards as identified in the Downtown Centennial Plan. The waiver is addressed in the companion Site Development Plan Review (SDR-25261) and if approved will grant relief from City standards.

\*\* The proposed height of the hotel/condo tower, 795 feet, exceeds the height limitation of 175 feet for this area established by the McCarran International Airport Overlay Map portion of A-O (Airport Overlay) District. A companion Special Use Permit (SUP-25262) has been submitted pursuant to Title 19.06.080 and if approved would grant relief from the height limitation.

\*\*\*\* Pursuant to Ordinance No. 5227, the project under review outlines a project that meets the threshold that defines a Project of Significant Impact as outlined in the ordinance for a development in excess of 300 units intended for tourist accommodations. Further, pursuant to Ordinance No. 5477, the proposed project is deemed to be a Project of Regional Significance, as there are requests for Special Use Permits within 500 feet of the City's boundary with unincorporated Clark County. Three Special Use Permits are requested in conjunction with this project. The applicant has prepared and submitted, as part of the overall project submittal, an impact report as required by the Ordinances for referral to affected agencies. As of 12/26/07, comments have only been received from the following agencies:

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- The Metropolitan Police Department has determined that the proposed project has the potential to increase calls for service and increase response times in the Downtown Area Command.

## **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. Therefore, code compliance with regard to the development standards for a project within the Downtown Centennial Plan boundaries and the proposed C-2 (General Commercial) zoning district will be examined as a part of the Site Development Plan Review (SDR-25261).

| <i><b>Existing Zoning</b></i> | <i><b>Permitted Density</b></i> | <i><b>Units Allowed</b></i> |
|-------------------------------|---------------------------------|-----------------------------|
| C-1 (Limited Commercial)      | n/a                             | n/a                         |
| <i><b>Proposed Zoning</b></i> | <i><b>Permitted Density</b></i> | <i><b>Units Allowed</b></i> |
| C-2 (General Commercial)      | n/a                             | n/a                         |
| <i><b>General Plan</b></i>    | <i><b>Permitted Density</b></i> | <i><b>Units Allowed</b></i> |
| C (Commercial)                | n/a                             | n/a                         |

## **ANALYSIS**

The subject site is located within the boundaries of the Las Vegas Redevelopment District of the Southeast Sector Plan of the General Plan, and is designated as C (Commercial). The C (Commercial) designation allows for commercial uses that are normally allowed within the O (Office), SC (Service Commercial), and GC (General Commercial) General Plan land use categories. The proposed use is compatible with this land use designation and the neighboring zoning districts, which are intended for higher intensity commercial uses.

This Rezoning proposes to change the zoning of a portion of the project site where two of the parcels are zoned C-1 (Limited Commercial). The proposed uses for this location are permissible in the proposed C-2 (General Commercial) zoning district which is compatible with the C (Commercial) General Plan designation.

As previously noted, the parcels are within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The proposed uses are in conformance with Redevelopment Plan policies that encourage innovative, mixed use projects in this area of the City. The proposed development is in compliance with the C (Commercial) designation.

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The site is within the McCarran International Airport Overlay Map portion of the A-O (Airport Overlay) District. The proposed height of the tower, 795 feet, exceeds the height limitation of 175 feet for this area. A Special Use Permit (SUP-25262) has been submitted pursuant to Title 19.06.080 and if approved would grant relief from the height limitation.

The subject parcels are within the Las Vegas Downtown Centennial Plan boundaries, and are located in the Northern Strip Gateway District, which is centered by the Stratosphere Tower Hotel and Casino and intended as one of two entertainment and activity anchor districts that provide a distinct area of landmark status. The proposed project is consistent with the goals and objectives of the Downtown Centennial Plan.

The project site encompasses three parcels, including the two parcels that are the subject of this review, with proposed buildings built across the lot lines. As it is the stated intention of the applicant to create a mixed-use subdivision, there will need to be a tentative map review and final map technical review prior to any building permits being issued. Recordation of any necessary maps may be required prior to the issuance of certain other permits.

This rezoning has been submitted in conjunction with applications for a proposed Special Use Permit (SUP-25262) to allow a building height of 795 feet in the A-O (Airport Overlay) district where the height limitation is 175 feet, a Special Use Permit (SUP-25263) to allow a mixed-use development with residential uses in the existing/proposed C-2 (General Commercial) zoning district, a Special Use Permit (SUP-25264) to allow a proposed non-restricted gaming facility use, and a Site Development Plan Review (SDR-25261) to site a proposed 72-story mixed-use development that includes 1,300 hotel rooms, 67,800 square feet of non-restricted gaming facility, 254,240 square feet of commercial space and 40 residential condominium units.

The proposed rezoning is in conformance with the sites General Plan designation and is appropriate for the development as proposed. This rezoning is required to solidify the entire project site as C-2 (General Commercial); therefore, staff is in support of this rezoning request.

## **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 proposed rezoning would unify the zoning for the project area into one designation that conforms to the General Plan. The sites proposed building can accommodate the range of uses identified and are in compliance with the C (Commercial) General Plan category.

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- 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 rezoning will be compatible with the mixed use, residential and commercial developments in this area.

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

Growth and development factors indicate a need for housing options and services such as will be provided to locate in this area. Given the General Plan designation of C (Commercial) on the subject site, the rezoning to the C-2 (General Commercial) zoning district is appropriate for 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.**

The site will receive access from Cincinnati Avenue and West Sahara Avenue, which are adequate in size to meet the requirements of the proposed C-2 (General Commercial) zoning district. Further, the site has access to public transportation, which may assist in reducing the number of vehicle trips generated by the developments.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 90

**APPROVALS** 0

**PROTESTS** 0