



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: FEBRUARY 28, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-26452 - APPLICANT: MOULIN ROUGE PROPERTIES, LLC - OWNER: MOULIN ROUGE PROPERTIES, LLC, ET AL**

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

**STAFF RECOMMENDATION:**      **APPROVAL**, subject to:

***Planning and Development***

1. Conformance to all minimum requirements under Title 19.06.080 for a project in the A-O (Airport Overlay) District.
2. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-26451), Variance (VAR-26453), and Site Development Plan Review (SDR-26449) shall be required.
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. 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.
5. 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 420-foot high hotel and gaming establishment development in the A-O (Airport Overlay) District at the northwest corner of Bonanza Road and "H" Street. The overlay district limits height for the subject parcels to a maximum of 175 feet.

The subject proposal meets the provisions of Title 19.06.080 for the approval of a building height in excess of the 175-foot height limitation established for this area. The scale of the proposed development is compatible with the surrounding area and is in keeping with the goals and objectives as outlined in the West Las Vegas Plan and the General Plan; therefore, approval of this request is recommended.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
02/01/67	The City Council approved a Rezoning (Z-0074-66) to C-M (Commercial / Industrial) for a portion of the subject site.
04/20/88	The City Council approved a request for a Special Use Permit (U-0025-88) to allow a 12-foot by 24-foot Off-Premise Advertising (Billboard) Sign at a height of 40 feet.
11/20/91	The City Council approved a request for a Special Use Permit (U-0251-91) to allow non-restrictive gaming in conjunction with an existing hotel.
04/21/93	The City Council approved a request for an Extension of Time for an approved Special Use Permit (U-0251-91) to allow non-restrictive gaming in conjunction with an existing hotel.
05/19/93	The City Council approved the required Five-Year Review of an approved Special Use Permit (U-0025-88) to allow a 12-foot by 24-foot Off-Premise Advertising (Billboard) Sign at a height of 40 feet.
12/15/97	The City Council revised the Zoning Code (Title 19A) to create a Historic Preservation Overlay District. The Moulin Rouge site was included within that district
11/17/99	The City Council approved a request for a Special Use Permit (U-0103-99) for the expansion of a non-restrictive gaming establishment in conjunction with a proposed reopening of the Moulin Rouge Casino. The Planning Commission and staff recommended approval.
02/27/08	The Historic Preservation Commission is scheduled to consider the applications associated with this project.

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02/28/08	Companion items for a Rezoning (ZON-26451), Variance (VAR-26453), and a Site Development Plan Review (SDR-26449) will be heard concurrently with this item.
<b><i>Related Building Permits/Business Licenses</i></b>	
early 1955	A hotel/casino was constructed on this site.
06/01/90	A business license, B05-01776, for a Cosmetological Establishment category license for 820 West Bonanza Road, Suite 170 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 07/12/90 and reissued on 11/28/05 due to a change of owner. *
04/03/91	A business license, H05-01010, for a Hotel - 199 rooms or less category license for 900 West Bonanza Road was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 07/24/91 and reissued on 05/10/06 due to a change of owner. *
04/03/91	A business license, A07-01258, for an Apartment House category license for 920 West Bonanza Road was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 03/26/92 and reissued on 11/17/06 due to a change of management.
12/23/91	A building permit application, plan check M-9381-91, was submitted for the site. This was for a plan check review for a certificate of occupancy for an apartment building at 920 West Bonanza Road. This permit (91130384) was by the Building and Safety Department 12/24/91. This permit received a final inspection on 04/30/92.
07/01/94	A business license, L13-00017, for a Nonprofit Club General category license for 812 West Bonanza Road was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 09/01/94 and reissued on 02/16/06 due to a change of location.
10/09/96	A business license, M01-05354, for a Maintenance Services Janitorial category license for 820 West Bonanza Road, Suite 120 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 10/15/96. *
08/21/00	A building permit application, plan check C-0036-00, was submitted for the site. This was for a plan check review for a non-work certificate of occupancy of an existing restaurant at 900 West Bonanza Road. This permit (00015579) was issued by the Building and Safety Department the same day as submitted. This permit received a final inspection on 08/22/00.
08/20/02	A building permit application, plan check L-6144-02, was submitted for the site. This was for a plan check review for a non-work certificate of occupancy at 900 West Bonanza Road. This permit (02015139) was issued by the Building and Safety Department the same day as submitted. This permit received a final inspection on 08/22/02.

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05/27/03	A business license, N31-00132, for a Nonprofit Community Service category license for 800 West Bonanza Road was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 06/04/03. This license was marked out of business as of 10/03/06.
02/07/06	A business license, C30-01015, for a Convention Hall Gaming Tax category license for 900 West Bonanza Road was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 06/28/06. This license was marked out of business as of 06/29/06. *
02/07/06	A business license, G08-00070, for a Gaming/Nonrestricted category license for 900 West Bonanza Road was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 06/28/06. This license was marked out of business as of 08/08/06. *
11/17/06	A business license, A01-01327, for an Administrative Office Space category license for 800 West Bonanza Road was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 12/01/06.
<b><i>Pre-Application Meeting</i></b>	
01/04/08	A pre-application meeting was held, where submittal requirements and elements of this application were discussed. Specifically, the preservation of the historic places designation and the need to retain the vested gaming parcel were addressed. As of the conclusion of the meeting additional discussions with the Building Department, City Survey and the applicant were still needed to work through the retention of the gaming parcels.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held for this application.	

\* 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>	
01/28/08	The Department of Planning and Development conducted a site visit that found that the portions of the site are developed with offices, a social club (Elks Lodge), and other commercial activity. The apartment building at 920 West Bonanza Road is boarded up and most of the project area is fenced off.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	16.38 - Area of Rezoning (17.44 - Total Project Area)

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<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Office, Other Than Listed	MXU (Mixed Use)	C-2 (General Commercial)
	Commercial Center, Hotel, Multi-family Residential, and House of Worship	MXU (Mixed Use)	C-M (Commercial / Industrial) [Proposed: C-2 (General Commercial)]
	Undeveloped and Multi-family Residential	MXU (Mixed Use)	R-3 (Medium Density Residential) [Proposed: C-2 (General Commercial)]
North	Multi-family Residential	MXU (Mixed Use)	R-2 (Medium-Low Density Residential)
South	Office, Other Than Listed, Building & Landscape Material / Lumber Yard, Outdoor Storage, and Printing & Publication	Light Industrial / Research	M (Industrial)
East	House of Worship and Retail, Other Than Listed	MXU (Mixed Use)	R-3 (Medium Density Residential)
	Retail, Other Than Listed and Undeveloped	MXU (Mixed Use)	C-1 (Limited Commercial)
	Undeveloped	MXU (Mixed Use)	C-2 (General Commercial)
West	Office, Other Than Listed and Warehouse	MXU (Mixed Use)	C-M (Commercial / Industrial)
	Warehouse	MXU (Mixed Use)	R-3 (Medium Density Residential)
	Truck Rental	MXU (Mixed Use)	C-2 (General Commercial)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>			
Redevelopment Plan Area	X		Y
West Las Vegas Plan	X		Y

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<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	n/a *
A-O (Airport Overlay) District (175)	X		N **
H (Historic Designation)	X		Y
<b>Trails</b>	X		Y
<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 ***

\* While not within an existing or proposed G-O (Gaming Enterprise Overlay) District, a portion of the site qualifies to maintain the existing Gaming Establishment, Non-restricted use within the area and to the extent authorized by local ordinance on December 31, 1996. This location is exempted from Gaming Enterprise Requirements per LVMC.6.40.150.

\*\* The proposed height of the hotel tower, 420 feet, exceeds the height limitation of 175 feet for this area established by the North Las Vegas Airport Overlay Map portion of A-O (Airport Overlay) District. A this request 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 designated for tourist accommodations. The applicant has prepared and submitted, as part of the overall project submittal, an impact report as required by the Ordinance for referral to affected agencies. As of 02/13/08, no comments have been received from noticed agencies.

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08, the following development standards apply:*

<i>Overall Project Site</i>			
<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	n/a	744,876 SF	n/a
Min. Lot Width	100 Feet	> 100 Feet	Y
Min. Setbacks			
• Front	20 Feet	30 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	15 Feet	Y
• Rear	20 Feet	20 Feet	Y

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Max. Lot Coverage	50%	57.7%	N *
Max. Building Height	n/a	420 Feet (41-Stories)	n/a
Trash Enclosure	Gated and Screened	Enclosure (A part of the building, access from north service drive)	Y
Mech. Equipment	Screened	Screened	Y

\* The companion Variance (VAR-26453), if approved will grant relief from the city standard. Staff has recommended approval of the ultimate deviation (7.7 percent over the allowed developable site area) as the relief, if granted, will not create any substantial detriment to the public good, substantial impairment of affected natural resources or substantially impair the intent and purpose of any ordinance or resolution while furthering the goals and objectives of the West Las Vegas Plan and the General Plan.

**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 MXU (Mixed Use). The MXU (Mixed Use) designation allows for a mix of uses that are normally allowed within the L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), 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.

There is a Rezoning (ZON-26451) which proposes to change the zoning of most of the project site where the parcels are zoned C-M (Commercial/Industrial) and R-3 (Medium Density Residential) to a C-2 (General Commercial) zoning district. The uses proposed for this location are permissible in the proposed/existing C-2 (General Commercial) zoning district with the approval of the companion Special Use Permit (SUP-26452) and would then be consistent with the C-2 (General Commercial) zoning district and the MXU (Mixed Use) General Plan designation.

As previously noted, the parcels are within the boundaries of the Las Vegas Redevelopment Area, with a MXU (Mixed Use) 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 MXU (Mixed Use) designation.

The site is within the North Las Vegas Airport Overlay Map portion of the A-O (Airport Overlay) District. The proposed height of the towers, 420 feet and 300 feet, exceeds the height limitation of 175 feet for this area. A Special Use Permit (SUP-26452) has been submitted pursuant to Title 19.06.080 and if approved would grant relief from the height limitation.

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Further, the site is within the West Las Vegas Plan area at the southeastern edge of the plan boundaries. The area plan is intended to meet the General Plan Policy 2.3.2 requirement that a West Las Vegas Plan provide direction for West Las Vegas and adjacent areas. This policy is meant to achieve Goal 2 of the General Plan which is to ensure that mature neighborhoods will be sustained and improved through appropriate and selective high quality redevelopment and preservation.

While not within an existing or proposed G-O (Gaming Enterprise Overlay) District, a portion of the site qualifies to maintain an establishment with a valid non-restricted license that is outside a designated gaming enterprise district provided that there is no increase in the number of games or slot machines operated at the establishment beyond the number of games or slot machines authorized by local ordinance on December 31, 1996.

Pursuant to Title 19.06.080, the provisions for a Special Use Permit to exceed the height limitation in the 175-foot limitation zone of the A-O (Airport Overlay) District are:

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 subchapter 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 Subchapter 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 subchapter, no Special Use Permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this subchapter or any amendment thereto

This special use permit has been submitted in conjunction with a Rezoning (ZON-26451) to change a portion of the project site to a C-2 (General Commercial) zoning district, a Variance (VAR-26453) to allow a lot coverage greater than the 50 percent maximum allowed and to reduce the setbacks required for the lots created by the development, and a Site Development Plan Review (SDR-26449) to site a proposed hotel/casino development that consists principally of two hotel towers, 41 stories and 30 stories, that includes a total of 1,727 rooms, a 72,596 square-foot non-restricted gaming facility, and 381,734 square feet of commercial uses.

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The request to exceed the A-O (Airport Overlay) District height of 175 feet is appropriate in this area provided all necessary approvals from the Federal Aviation Administration and Clark County Department of Aviation are obtained per Title 19.06.080. Due to the compatibility of this development with the surrounding present and future area development, the sites historical significance and the furthering of the neighborhood plan for the area, 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 hotel, gaming establishment, non restricted, and ancillary commercial uses can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses, and those future uses as projected by the General Plan.

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

The subject site is physically suitable for the type and intensity of uses proposed by the applicant.

- 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.**

West Bonanza Road, a 100-foot primary arterial street, will be the principal vehicular access point for the development with additional access via McWilliams Street, a 60-foot local street, and H Street, an 80-foot secondary collector street. These streets will be adequate in size to meet the requirements of the proposed uses.

- 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.**

Provided that there are no impacts to existing flight routes and patterns, approval of this special use permit will not compromise public health, safety or welfare.

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

This special use permit is required as a provision of Title 19.06.080 and has no applicable conditions under Title 19.04. Pursuant to Title 19.06.080, a Directors Permit application must be approved by the Clark County Department of Aviation prior to the issuance of a building permit.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17**

**ASSEMBLY DISTRICT 6**

**SENATE DISTRICT 4**

**NOTICES MAILED 172**

**APPROVALS 7**

**PROTESTS 0**