

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 20, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-26073 - APPLICANT/OWNER: GATEWAY LAS VEGAS, LLC

**** CONDITIONS ****

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

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 6.
2. Approval of and conformance to the conditions of approval for Special Use Permits (SUP-10782), (SUP-26073) and Site Development Plan Reviews (SDR-10785) and (SDR-26013) 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. 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, General Business -related at 401 East Charleston Boulevard.

As companion items to this Special Use Permit, the applicant has requested to amend an approved Site Development Plan Review (SDR-10785) for a proposed 41-story mixed use development including 442 condominium units and 3,370 square feet of commercial uses and a Special Use Permit (SUP-26015) for a proposed Urban Lounge. The proposed establishment meets all Title 6 and Title 19 requirements for gaming. Therefore, the recommendation is for approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/01/06	City Council approved a Site Development Review (SDR-10785) for a 39-story mixed-use development consisting of 236 condominium units, 75 condominium/hotel units, 3,420 square feet of commercial floor space with waivers of the Las Vegas Downtown Centennial Plan building stepback, streetscape, and build-to-line standards and a Special Use Permit (SUP-10782) for a Mixed-Use Development on 0.41 acres at 401 East Charleston Boulevard.
01/24/08	<p>The Planning Commission recommended approval of companion items SUP-26015 and SDR-26013 concurrently with this application.</p> <p>The Planning Commission voted 5-1/sd-1/rt to recommend APPROVAL (PC Agenda Item #56/jm).</p>
<i>Related Building Permits/Business Licenses</i>	
01/01/1951	A business license (A07-00720) was issued for an Apartment Building at 401 East Charleston Boulevard. The license remains active.

<i>Pre-Application Meeting</i>	
12/03/07	A pre-application meeting was held with the applicant. The applicant proposes to amend an approved Site Development Plan Review, which was for a 39-story mixed-use development consisting of 236 condominium units, 75 condominium/hotel units, 3,420 square feet of commercial floor space with Waivers of the Las Vegas Downtown Centennial Plan building setback, streetscape, and build-to-line standards. The applicant was informed that this would require Major Amendment to the previously approved Site Development Plan Review (SDR-10785), as the applicant proposed a 41-story mixed-use development including 442 condominium units and 3,370 square feet of commercial uses. In addition, the applicant is requesting a Special Use Permit (SUP-26015) for an Urban Lounge and a Special Use Permit (SUP-26703) for a Gaming Establishment, General Business Related. Submittal requirements were then discussed.

<i>Field Check</i>	
01/07/08	A field check was made on site. An apartment currently exists on the site with motel uses and convenience stores in the vicinity.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.43

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Multi-family	C (Commercial)	C-2 (General Commercial)
North	Motel	MXU (Mixed Use)	C-2 (General Commercial)
South	General Retail and Service Station	C (Commercial)	C-2 (General Commercial)
East	Motel	C (Commercial)	C-2 (General Commercial)
West	General Retail and Service Station	C (Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Downtown Overlay District (18bLas Vegas Arts District)	X		Y
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Urban Lounge	3,040 SF	N/A	N/A				
Condominium							
• 2 Bedroom	58 Units	1.75/unit	102				
• 1 Bedroom	102 Units	1.25/unit	128				
• Studio	282 Units	1.25/unit	353				
• Guest		1/6 unit	74	9		9	
SubTotal	442 Units		648	9	363	9	
TOTAL			657		372		Y

Per Title 19.06.060, projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table illustrates the requirements of this project in other areas in the City. Parking for Urban Lounges is determined on a case-by-case basis. Parking area onsite is limited; uses at this site will rely heavily on offsite parking and walk-up traffic.

Per Title 19.04.010 and Title 6.40, the following standards apply:

Urban Lounge Requirements	Bar Seats	Lounge Seats (Required: 2 per bar seat)	Ratio Lounge Seats to Bar Seats	Slot Machines (Max. 5 machines)
Urban Lounge	16	32	2	5

ANALYSIS

Title 6.40.140 allows establishments licensed as urban lounges to operate no more than five slot machines, but only if the slot machines have been approved by means of a Special Use Permit for a General Business-Related Gaming Establishment. This term is defined in Title 19 as a building or structure which is primarily used for some business other than gaming but in which restricted gaming is permitted pursuant to Title 6. There are no base requirements for approval of a Special Use Permit; rather, requests are considered on a case-by-case basis.

The gaming establishment that is the subject of this request is a proposed urban lounge within a proposed building. The proposal is for the lounge to operate five slot machines. The proposed Gaming Establishment, General Business-Related use is compatible with the urban lounges proposed within the subject building and with other uses on surrounding properties zoned C-2 (General Commercial). The project is located within the Las Vegas Arts District, where uses such as these are encouraged. The proposed Gaming Establishment, General Business-Related will be subject to regular inspection for licensing purposes and will not compromise the public health, safety and welfare.

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 Gaming Establishment, General Business-Related use is compatible with the urban lounges proposed within the subject building and with other uses on surrounding properties zoned C-2 (General Commercial). The project is located within the Las Vegas Arts District, where uses such as these are encouraged.

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

The existing building will be demolished to make way for a proposed building that will accommodate a 41 story building, including 442 Condominium units and a 3,040 square-foot Urban Lounge.

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.

Vehicular access to the structure will be from Fourth Street; access to the trash area will be from Charleston Boulevard. The Charleston Boulevard access point will need to be approved by NDOT. The intensity of the development will add a significant amount of traffic to the existing network, but initial calculations indicate there is adequate capacity to address the added impacts.

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 proposed Gaming Establishment, General Business-Related will be subject to regular inspection for licensing purposes and will not compromise the public health, safety and welfare.

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

There are no conditions applicable to the Gaming Establishment, General Business-Related use in Title 19.04. The proposed establishment proposes five slot bar-top slot machines, the maximum allowable for urban lounges per Title 6.40.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 543 by City Clerk

APPROVALS 4

PROTESTS 1