

## AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 19, 2008  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: SUP-25264 - APPLICANT/OWNER: SAHARA INVESTMENTS, LLC

---

### **\*\* CONDITIONS \*\***

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

#### **Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Gaming Establishment, Non-restricted use and all applicable LVMC Title 6 requirements.
2. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-25295), Special Use Permits (SUP-25262 and SUP-25263) and Site Development Plan Review (SDR-25261) 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, Non-Restricted use on a portion of 2.39 acres adjacent to the north side of Sahara Avenue, approximately 375 feet west of Fairfield Avenue. The proposed Gaming Establishment, Non-Restricted use will be located within the established G-O (Gaming Enterprise Overlay) district and is consistent Title 6 and Title 19 requirements; therefore, staff recommends approval of this request.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</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.
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	The Planning Commission recommended approval of companion items ZON-25295, SUP-25262, SUP-25263 and SDR-25261 concurrently with this application.  The Planning Commission voted 6-0-1/rt to recommend APPROVAL (PC Agenda Item #40/rs).

<b>Related Building Permits/Business Licenses</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>Pre-Application Meeting</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>Neighborhood Meeting</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>Field Check</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>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	2.39
Net Acres	2.23

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	C (Commercial)	C-1 (Limited Commercial) [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)

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)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
Downtown Centennial Plan	X		N *
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<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:

- 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.

## 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.

There is a Rezoning (ZON-25295) proposed to change the zoning of a portion of the project site where two of the parcels are zoned C-1 (Limited Commercial). This would bring the entire project area into a single 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 this approval and that of the companion Special Use Permits (SUP-25262 and SUP25263) and would then be consistent with the C-2 (General Commercial) zoning district and 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.

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. This district is 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.

Pursuant to Title 19.06.060 properties within the Downtown Centennial Plan area are exempt from the automatic application of development standards for building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The proposed development generally conforms to the applicable setbacks and lot coverage requirements specified by the Downtown Centennial Plan; height limits and

parking requirements are not automatically applied. There is a waiver requested as a part of the companion Site Development Plan Review (SDR-25261) to allow the building to be setback fully from the front property line where the build-to line standard would require at least 70 percent of the front façade to be at the front property line.

The project site encompasses three parcels with the proposed building 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.

Minimum Requirements of Approval for a Gaming Establishment, Non-restricted use in the proposed/existing C-1 (Limited Commercial) zoning district are:

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 project site is entirely within the established G-O (Gaming Enterprise Overlay) District as described in Title 19.06.070.
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.

This special use permit has been submitted in conjunction with a Rezoning (ZON-25295) to change the western portion of the project site to a C-2 (General Commercial) zoning district, a 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, 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 Gaming Establishment, Non-restricted use meets the minimum requirements of approval per Title 19.06.070. Due to the compatibility of this use 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 Downtown Centennial Plan notes that the North Strip District is an anchoring district meant to service as an entertainment and activities center. Further, the proposed Gaming Establishment, Non-restricted use is consistent with the existing G-O (Gaming Enterprise Overlay) District requirements.

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

The subject site is physically suitable for the uses and scale of development proposed for the site. The Downtown Centennial Plan specifically calls for development of this type and intensity in this area.

**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 Sahara Avenue, a 100-foot primary arterial street, will be the principal vehicular access point for the development with additional access via Cincinnati Avenue, a 50-foot local access street. Further, the frontage along West Sahara Avenue will be used by pedestrians patronizing the casino and commercial businesses and has access to public transportation, which may assist in reducing the number of vehicle trips generated by the development. The project is approximately 0.5 miles from a major interstate and is situated just west of the intersection of two primary arterial streets which should be adequate in size to provide access to the site.

**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. Additionally, 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.**

This application has been filed in accordance with City regulations and the use is consistent with the applicable conditions listed in Title 19.04.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 12

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 171 by City Clerk

**APPROVALS** 0

**PROTESTS** 0