



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 2, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-26451 - APPLICANT: MOULIN ROUGE PROPERTIES, LLC - OWNER: MOULIN ROUGE PROPERTIES, LLC, ET AL

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning from R-3 (Medium Density Residential) and C-M (Commercial/Industrial) to C-2 (General Commercial) on 16.38 acres adjacent to the north side of Bonanza Road, approximately 100 feet west of H Street. The site consists of two master condominium parcels (one undeveloped, one developed), a developed multi-family residential parcel, and three developed parcels which contains a multi-family residential and commercial development.

The proposed rezoning to the C-2 (General Commercial) zoning district is consistent with the MXU (Mixed Use) General Plan designation. It is also consistent with the existing higher intensity commercial uses in the vicinity. Approval is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&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.

02/28/08	<p>The Planning Commission recommended approval of companion items VAR-26453, SUP-26452 and SDR-26449 concurrently with this application.</p> <p>The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #36/rts).</p>
<i>Related Building Permits/Business Licenses</i>	
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.

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.
<i>Pre-Application Meeting</i>	
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.
<i>Neighborhood Meeting</i>	
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.

<i>Field Check</i>	
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.

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

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
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)

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

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
G-O (Gaming Enterprise Overlay) District		X	n/a *
A-O (Airport Overlay) District (175)	X		N **
H (Historic Designation)	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment	X		Y ***
Project of Regional Significance	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 companion Special Use Permit (SUP-26452) 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

Existing Zoning	Permitted Density	Units Allowed
C-M (Commercial/Industrial)	n/a	n/a
R-3 (Medium Density Residential)	25 DU/AC	200 Dwelling Units @ ≈ 8.02 Acres
Proposed Zoning	Permitted Density	Units Allowed
C-2 (General Commercial)	n/a	n/a
General Plan	Permitted Density	Units Allowed
MXU (Mixed Use)	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 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.

This Rezoning 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.

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.

This rezoning application has been submitted in conjunction with applications for 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, a Special Use Permit (SUP-26452) to allow a building height of 420 feet in the A-O (Airport Overlay) District, 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.

The proposed rezoning to the C-2 (General Commercial) zoning district is consistent with the existing MXU (Mixed Use) General Plan designation. It would also make it consistent with surrounding land uses to the east and west, which consist of medium intensity commercial activities. For these reasons staff is recommending approval of this item.

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 is consistent with the MXU (Mixed Use) designation as listed under the Southeast Sector Plan of the General Plan. The sites proposed development will be able to accommodate a range of uses compatible with the C-2 (General Commercial) zoning district and is in compliance with the General Plan.

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.

Currently, there are a variety of uses performed on the surrounding properties, including commercial, industrial, and residential. None of these properties should be affected by the possibility of rezoning. The proposed rezoning would be compatible with the commercial, industrial, and residential uses that surround the property.

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 low to medium intensity commercial to locate along the Bonanza Road corridor and in this area. Given the existing General Plan designation of MXU (Mixed Use) on the subject properties, 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 West Bonanza Road, H Street, and McWilliams Street, which are adequate in size to meet the requirements of the proposed C-2 (General Commercial) zoning district.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 172 by Planning Department

APPROVALS 7

PROTESTS 0